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# SENATE—*Wednesday, November 7, 2007*

The Senate met at 10:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our God, how great You are. You are robed with honor and majesty. Today, lead our lawmakers in their work. May they be messengers of unity and hope in a world of derision and despair. Make them productive servants who live lives that honor You. Remind them to act with justice, to love mercy, and to walk with humility. May they speak Your words that lead to life and find a firm footing by living with integrity. Because You are merciful, guide them away from crooked roads where they might slip and fall. Sovereign Lord, strengthen our Senators to seize opportunities that bring peace, hope, and freedom.

We pray in Your wise Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, November 7, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, the Senate will recess shortly for a joint meeting to hear an address from the President of France, Nicolas Sarkozy.

### ORDER OF PROCEDURE

I ask unanimous consent that the recess order be changed—it now has us reconvening at 12:15 p.m.—to subject to the call of the Chair. That way, if it doesn't work out exactly at 12:15 p.m., no one will be disadvantaged.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, when we reconvene, we will go right to work on the Labor-HHS-VA appropriations conference report under the parameters of the agreement entered last night. In addition, the Senate also may consider the WRDA conference report after disposition of the Labor-HHS conference report. Members can expect rollcall votes during the day. We will also, of course, be on the farm bill, interspersed through all the other work we are doing. Hopefully, at the end of the day, we can work something out.

I had a conversation with the distinguished Republican leader last night. There may be something we can work out on the amendments. I note for the record, as I explained to my Republican counterpart last night, there was conversation on the floor yesterday that the last time the farm bill came up, Senator Daschle was the leader. At that time, there were 16 or 19 amendments, but they were all relevant amendments, with the exception of one from Senator KYL of Arizona which was a sense-of-the-Senate amendment dealing with the estate tax. Other than that, they were all relevant to the farm bill. That is the way it has been. We went back and checked, and that is the way it has been for very many farm bills. That is what we should do on this farm bill, as I have suggested. But we can work something out with the minority and come up with a list of amendments. I will be happy to do that if that is something which will make them happy.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The leadership time is reserved.

## JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF FRANCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate recess subject to the call of the Chair, as indicated in the previous unanimous consent agreement.

There being no objection, the Senate, at 10:35 a.m., recessed, subject to the call of the Chair, and the Senate, preceded by the Secretary of the Senate, Nancy Erickson, and the Deputy Sergeant at Arms, Drew Willison, proceeded to the Hall of the House of Representatives to hear the address of the President of the Republic of France, Nicolas Sarkozy.

(The address delivered by the President of the Republic of France to a joint meeting of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

Thereupon, at 12:23 p.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. MENENDEZ).

The PRESIDING OFFICER. The majority leader is recognized.

## ADDRESS OF THE PRESIDENT OF FRANCE

Mr. REID. Mr. President, Senator SPECTER and I are on the floor. We had the pleasure—the entire Senate did—of listening to a joint session presentation by the President of France. It was stunningly good. I have been to a lot of those over the last quarter of a century, and I would put his right up near the top. He was so good.

He spoke about the deep and historic friendship between our two countries. After the speech, I heard Senator JOE LIEBERMAN say to him: President Sarkozy, sometimes we need to be reminded by others of how good we are as a country, how good we have been, and how bright our future can be. That, in effect, is what the President of France told us all as we assembled there.

One thing I wish to mention is one symbol of that friendship is the Legion of Honor Award the President of France presented to seven World War II veterans who are in a category of their own. To be a World War II veteran, a combat veteran, says it all, but to be awarded the Legion of Honor by the French Government puts them in a special category.

One of the presentations was to our own Senator DAN INOUYE, a Congressional Medal of Honor winner—well, you don't win one, it was presented to him. Senator INOUYE is one of the brave men who served our country during World War II. Senator INOUYE, in 1945, was a 20-year-old lieutenant who was grievously injured. He lost one limb and had many other injuries as he was leading an attack in Italy. The President of France recognized the heroism of DAN INOUYE, as we do every day.

Senator INOUYE was the leader of the 442nd Regimental Combat Team, composed of only Japanese Americans. So for Senator INOUYE and for the Senate, this is a wonderful day, and I am so thankful to the President of France and the people of France for recognizing Senator INOUYE.

### FLOOR SCHEDULE

Mr. President, today, we continue to debate the farm bill. This debate is going well. We had good debate yesterday. I wish they had been more directed toward amendments, but it was a good debate—people for and against the bill. That is what Senate debates are supposed to be about. I am confident the bipartisan cooperation that brought this bill to the floor will continue and result in final passage.

There has been some concern over the amendment process. I have made it clear this bill will not fall victim to nonrelevant amendments, and there was a discussion on the floor with me and a number of other Republican Senators yesterday saying this isn't the way it should be done and we have never done it this way before. But we went back and checked the record and that is the way it is always done. In the last several decades, the farm bill does not have nonrelevant amendments.

On the last farm bill, when Senator Daschle was the leader—he had my job—there was one nonrelevant amendment, and that was a sense-of-the-Senate resolution offered by Senator KYL on the estate tax. We had one of our so-called side by sides, and that was it. All other 18 amendments were all relevant. That is the way it has to be on this bill. It has been recognized for decades that is the only way you can get one done.

I had a productive conversation with Senator McCONNELL last evening about the process, and I hope we can work something out on the amendments. It is something we need to do, and ultimately that is what we will do. The sooner we do it, the better off we are.

Tomorrow, I am confident and hopeful the Committee on Justice, State, and Housing and Urban Development will meet and confer in conference and come up with proposals so we can bring this to the floor and work out whatever we can do with the remaining bills. Most all the work has been done. I have spoken to Senator MIKULSKI. She has talked to her counterpart in the House, Chairman MOLLOHAN, and they have worked with their Republican counterparts, and so it is something we should get done as quickly as possible.

These bills are extremely important to America's safety and well-being. The Commerce-State-Justice bill deals with, among other things, the FBI and the Drug Enforcement Administration, so it is an important bill and I hope we can move forward on that very quickly.

Today, we turn to the Veterans, Labor, Health, and Education conference report. It is an important bill. The labor aspect of it is chaired by Senator HARKIN and Ranking Member Senator SPECTER. I feel about them—about HARKIN and SPECTER—as I have for a long time about the Energy and Water Appropriations Subcommittee. Senator DOMENICI and I were the chair and ranking member of that for as long as a lot of people can remember, and for Senator DOMENICI and I, who was chair and I was ranking member, it didn't matter that much because we knew the bill and I think we did a fair job of working that bill. I feel the same way about this Labor-HHS bill. It doesn't matter who is the chair, whether it is HARKIN or SPECTER, because we always get a good product. They have done wonderful things and come up with new proposals.

We hear a lot about stem cell research. That idea, legislatively, originated in that subcommittee. They were the first ones who got us focused on that.

I appreciate their hard work. I think they have done a tremendously good job. There is no reason this package should not enjoy the same overwhelming bipartisan support the individual bill received; that is, the Labor-HHS bill passed here, and I will talk about it here in a minute. The Military Construction-VA got 90-some-odd votes. Both the Veterans and Labor, Health, and Education parts of this bill are just as important as the VA part. The original VA bill passed the Senate overwhelmingly. Democrats and Republicans joined to support this legislation that will address the critical funding shortages that have left tens of thousands—not hundreds, not thousands—tens of thousands of our veterans without the care they have earned and left them without it for far too long.

I am sorry to say the Bush administration has underfunded the VA for years, but no more dramatically has it been underfunded than the request by the President this year. The result of this short shrift and mismanagement has been made so very clear, painfully clear, by the crisis at Walter Reed. The scandal at Walter Reed Medical Center merely highlighted the problem. The wars in Iraq and Afghanistan have stretched the VA to a breaking point. The number of uninsured veterans has skyrocketed. The personal data of millions of vets has been lost or destroyed. Thousands of American veterans we call heroes wait endlessly for treatment because their claims are caught in a bureaucratic nightmare. You can't say you support the troops but leave them high and dry when they return home.

That is why this legislation includes the largest increase in funding for veterans care in the history of our country. We provide almost $4 billion more than the President's request, funds that will go straight to the core of the problem, making right the awful conditions at Walter Reed and other veterans military facilities, yet will ensure that veterans' personal data is safeguarded. We will make sure that research in post-traumatic stress disorder, traumatic brain injury, and other all-too-common illnesses our returning troops face is dealt with quickly and, most importantly, greatly expand the number of claims managers and health care workers to provide our heroes with the efficient, high-quality care they have so bravely earned.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, at the outset, I thank the majority leader for his kind words about the cooperation between Senator HARKIN and myself in structuring the appropriations bill for the Departments of Labor, Health and Human Services, and Education. As I have said, when the gavel has changed hands, it has been a seamless exchange.

## SPEECH OF THE PRESIDENT OF FRANCE

Before commenting on the conference report on Labor, Health and Human Services, and Education, just a word or two about the speech of the President of France which we just heard in a joint meeting of Congress. It was truly inspirational. They applauded the United States for our values and urged close cooperation, alliance, and friendship between the United States and France.

He touched some very important subjects, committing France to expanded participation in NATO, to have Europe take over more of its own defense—which is good news for the taxpayers in the United States since our Nation has undertaken more than its proportionate share. He spoke in emphatic terms about the unacceptability of Iran having a nuclear weapon and the pledge of cooperation from France to engage in negotiations and dialog, to see that does not happen.

There were important words about the Mideast peace process, the need to take risks for peace, the need for a secure Israel, the need for release of intervention in Lebanon by Syria, about the importance of having Israel and the Palestinians come to agreement.

It was a very impressive speech. I think it bodes very well for United States-French relations and for greater participation of France in international matters. He also spoke about global warming—received a standing ovation—about the need for U.S. participation with other nations in environmental protection.

## LABOR-HHS CONFERENCE REPORT

Mr. SPECTER. Now on to the discussion about the legislation, the conference report. This bill does not contain excessive funding. What we are looking at is a bill which has a cost-of-living adjustment to what the figure was last year. The President has come in with a figure which is $3 billion less than last year. When you add the cost of living adjustment, and some very modest increases in very important programs, this is a modest bill.

The National Institutes of Health, which have been increased under the stewardship of Senator HARKIN and myself, has been increased from 12, now to $30 billion. Last year it was $29 billion. The extra billion dollars does not even keep up with inflation costs.

We have mine safety, which is a major item. It was pared back as much as can be done consistent with the mine accidents most recently in Utah.

Community health centers are still underfunded. Community health services, as has been noted by the President, are very important programs. GEAR UP, a program to deal with at-risk youth, very modestly financed. Very important to my State, Pennsylvania, and Philadelphia, which had 406 homicides last year and a real effort to add mentoring to try to take at-risk youth and try to deal with this issue.

It is my hope we can negotiate with the President and come to an acceptable term. The President has stated his willingness to negotiate on SCHIP where there is a significant difference between what the President wants and what the Congress has legislated. As the facts suggest negotiations ought to be undertaken on SCHIP, they do as well on Labor, Health and Human Services, and Education.

It is my suggestion these bills not be considered together. They violate the rules in their joinder. There will be a point of order raised, and I believe they ought to be separated in accordance with regular Senate rules.

If we combine the Veterans bill with the Labor, Health and Human Services, and Education bill, we have already been advised there will be a veto of both bills. The veterans financing is too important to be delayed. I chaired the Committee on Veterans' Affairs for some 6 years. The additional funds are necessary, and there would be undue delay if they are joined together.

So it would be my hope they will be separated so the veterans funding can go forward, and we can send this bill to the President with a view to negotiating terms. I have been in touch with the White House, talking about the possibility of coming to an agreed settlement so we can move the appropriations process forward and serve the needs of the American people.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NICOLAS SARKOZY'S VISIT TO THE UNITED STATES

Mr. McCONNELL. Mr. President, nearly two centuries ago, the Congress welcomed back to America a great Frenchman whose bravery during the Revolutionary War still illuminates the pages of our Nation's early history.

The Marquis de Lafayette wanted to come back to thank his Revolutionary companions and to see the effects of the freedom he and other veterans of 1776 had risked their lives to secure.

His 1824 speech at the Capitol was the first ever by a foreign dignitary before a joint session of Congress, and he was introduced by a Kentuckian. Henry Clay happened to be the Speaker of the House at the time, and he said he could not have had a more gratifying duty than to congratulate the Marquis on his return and, as he put it: To assure him of the satisfaction which his presence afforded this early theatre of his glory and renown.

Mr. President, I ask unanimous consent that Henry Clay's remarks on that important occasion be reintroduced and printed in the RECORD, 183 years after they were first recorded there.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. SPEAKER then rose, and, in behalf of the House, addressed the Nation's Guest, in the following eloquent strain, adorned by those graces of oratory for which he is distinguished:

"General: The House of Representatives of the United States, impelled alike by its own feelings, and by those of the whole American People, could not have assigned to me a more gratifying duty than that of being its organ to present to you cordial congratulations upon the occasion of your recent arrival in the United States, in compliance with the wishes of Congress, and to assure you of the very high satification which your presence affords on this early theatre of your glory and renown. Although but few of the members who compose this body, shared with you in the war of our Revolution, all have a knowledge, from impartial history, or from faithful tradition, of the perils, the sufferings, and the sacrifices, which you voluntarily encountered, and the signal services in America and in Europe, which you performed, for an infant, a distant, and an alien people; and all feel and own the very great extent of the obligations under which you have placed our country. But the relations in which you have ever stood to the United States, interesting and important as they have been, do not consititue the only motive of the respect and admiration which this House entertains for you. Your consistency of character, your uniform devotion to regulated liberty, in all the vicissitudes of a long and arduous life, also command its highest admiration. During all the recent convulsions of Europe, amidst, as after, the dispersion of every political storm, the people of the United States have ever beheld you true to your old principles, firm and erect, cheering and animating with your well-known voice, the votaries of Liberty, its faithful and fearless champion, ready to shed the last drop of that blood which, here, you so freely and nobly split in the same holy cause.

"The vain wish has been sometimes indulged, that Providence would allow the Patriot, after death, to return to his country, and to contemplate the intermediate changes which had taken place—to view the forests felled, the cities built, the mountains levelled, the canals cut, the highways constructed, the progress of the arts, the advancement of learning, and the increase of population. General, your present visit to the United States is the realization of the consoling object of that wish. You are in the midst of posterity! Every where you must have been struck with the great changes, physical and moral, which have occurred since you lift us. Even this very city, bearing a venerated name, alike endeared to you and to us, has since emerged from the forest which then covered its site. In one respect, you behold us unaltered, and that is in the sentiment of continued devotion to liberty, and of ardent affection and profound gratitude to your departed friend, the Father of his Country, and to your illustrious associates in the field and in the Cabinet, for the multiplied blessings which surround us, and for the very privilege of addressing you, which I now exercise. This sentiment, now fondly cherished by-more than ten millions

> of people, will be transmitted, with unabated vigor, down the tide of time, through the countless millions who are destined to inhabit this continent, to their latest posterity."

Mr. MCCONNELL. Mr. President, historians tell us Members of the Senate almost missed the Marquis de Lafayette's speech. Clay and the other House Members did not tell them it was happening until the very last minute, and relations between the two Chambers have not been the same since.

But America's friendship with France has endured. As French President Charles de Gaulle put it in his own 1960 address before a joint session of Congress:

> Our common past is filled with efforts and sacrifices. [And] it is great because at all times we have served together for freedom.

Similar to Henry Clay, I consider it an honor today to welcome another great Frenchman to the American Capitol. When French President Nicolas Sarkozy addressed the Congress this morning, he stood beside a painting of the Marquis de Lafayette. Similar to that great Frenchman, President Sarkozy sees much to admire in America. He spoke eloquently about that admiration today. I think there is an important lesson in his words and in his election for the 110th Congress.

President Sarkozy admires America's openness to new ideas and to new people. He admires our work ethic, and he has already begun to implement policies that will make hard work pay in France. In an effort to lure back the so-called fiscal exiles who have left Paris for London or Geneva, he has cut the top tax rate from 60 percent to 50 percent.

He plans to replace two-thirds of retiring Government workers to shrink the size of Government, and to end the right of some Government workers to retire at age 50 with a pension. He is starting to take away the tools French labor unions routinely use to cripple France. To encourage work, he has significantly cut taxes on overtime work.

A lot of people on this side of the Atlantic, and I am one of them, were skeptical about whether President Sarkozy could actually get some of these sensible ideas past his Parliament. We hoped he would. We want France to be strong. He told us today he is deeply committed to carrying his mission through. But the cultural forces opposed to change seemed even stronger.

Yet it turned out his election signaled a deep sense of urgency among the French people, an urgency about their future. Sarkozy put it this way in his book, "Testimony":

> I am convinced that no country in the world can get by without effort, and that France, notwithstanding its undeniable merits and prestigious past, will become a thing of the past if it doesn't take the steps necessary to adapt to the changes taking place in the world.

The French people surprised us by electing a free-market reformer. Then they surprised us again by electing a center-right Parliament that could get his ideas through. Some of those ideas, such as cutting the top tax rate, have gone through. The winds of change are clearly blowing through France.

And not just France. Over the past few years, the "Old Europe" model of big government and bloated entitlements has shown signs of cracking. Germany elected a reformist chancellor from the Christian Democratic Party. Canadian conservatives rebounded under Stephen Harper after near extinction.

Even the Socialists are admitting their mistakes. The Socialist former Prime Minister of France, Lionel Jospin, shocked his countrymen when he blasphemously declared that: The State cannot do everything.

In Italy, center-left Italian Premier Romano Prodi announced in July he would raise Italy's retirement age from 57 to 61. Much of Europe, it seems, is trying to steer itself away from an economic model that has left it with double-digit unemployment and anemic growth. After scoffing at the Reagan Revolution two decades ago, many of them are now taking our 40th President's economic principles to heart.

Meanwhile, in the United States, the new Democratic Congress has turned away from the ideas that righted our own economic ship after the crisis of the 1970s. They are proposing higher taxes on everything from the size of our houses to the gas we put in our cars. They are handing out favors to big labor by proposing to end the secret ballot union elections and by working to defund the Federal office that was created to shine a light on how unions spend members' dues.

The Democratic Presidential candidates are practically tripping over each other to propose newer, bigger entitlements to anybody in Iowa or New Hampshire who will listen. In short, some Democrats in Congress and out on the campaign trial would like to turn America into France, when even the French themselves are obviously having second thoughts.

The effects of the Socialist model in France and other Western European countries are perfectly clear. President Sarkozy recently assumed control of a government that consumes more than 50 percent of France's gross national product. In Germany and in Italy, the percentage of GDP spent by the Government is above 45 percent. Compare that to about 30 percent in the United States. As one economist recently put it:

> Europe's economy is so bad because government is so big.

So we congratulate President Sarkozy on his recent victory and his courage in attempting to restore France's economic vitality. America welcomes him. We are hopeful he will help lead the people of France into a new era of prosperity and economic freedom and strengthen the noble tradition of our two countries serving together for freedom.

I urge my Democratic colleagues to heed his message.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the conference report to accompany H.R. 3043, which the clerk will report.

The bill clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and do the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of November 5, 2007.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, as I understand the order, we now have 1 hour; is that correct? Am I correct we have 1 hour divided up in 15-minute blocks?

The PRESIDING OFFICER. The Senator would be advised there is a total of 3 hours, of which the Senator controls 15 minutes.

Mr. HARKIN. Mr. President, I yield myself my 15 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HARKIN. Mr. President, I urge all Senators to support the Labor-Health and Human Services appropriations conference report. The Senate version of this bill passed, as we all know, a couple weeks ago. We had 75 votes in favor of it. We would have had 80 votes if all Senators had been here. So it was a strong bipartisan endorsement of a bill that reflected priorities on both sides of the aisle.

I am here today to say I am pleased the conference report we are considering is even stronger than the bill the Senate approved 2 weeks ago. Much has been added to the bill. I thought what I might do, for the benefit of other Senators, is sort of run through the priorities in this bill and what our appropriations bill does compared to the President's budget. I think it will give everyone a good idea of how strong this bill is, why we garnered so much support in the first place and why I hope we will garner even more support with the conference report.

Right now, the conference report invests about $8.2 billion more than last year in education, health, and labor programs. The President's budget cut $3.5 billion—cut $3.5 billion—from these programs. I will run through those now, and I will give you a good idea what those are.

Let's take home energy assistance. This is the Low-Income Home Energy Assistance Program. At a time when we have record high energy prices, the conference report boosts it by $250 million. The President's budget cut the LIHEAP program by $379 million. It is a clear contrast between the President's budget and where we are.

Student aid. Since this covers education, what we did is have the biggest increase ever in support for Pell grants for kids who are at the lowest rung on the economic ladder who need these grants in order to even go to college. So what we did in our bill is we boosted the maximum award to $4,925. The President's budget limited it to $4,550, which is far short of the amount needed to even begin to pay for higher tuition.

Strengthening the poor. Now, here again, in the conference report, we have provided $2.4 billion in the block grants for the Social Services Block Grant Program and the Community Services Block Grant Program. These are the things that go for housing for the poor. It goes for things such as Head Start Programs, all that helps to shore up our social services system and also community systems—as I said, whether it is housing, homeless aid, things such as that for the country.

We have provided $2.4 billion for that. The President's budget cut both of these. In fact, it cut the community services block grants to zero. They absolutely zeroed it out. Then they cut the social services block grants by about a third. So when you add them together, he cut them both by about 50 percent—at a time when we have more poor people in this country than we had in the last several years, when, again, the cost of housing is up, all the other things are up for poor people to pay. Yet he wants to cut it by 50 percent. Unconscionable. Well, we met our obligations. We put in $2.4 billion for that.

The next one is medical research. Now, again, this Senate has been on record time and time again supporting healthy, good increases for the National Institutes of Health for the research needed for overcoming Alzheimer's and Parkinson's and for the research that is being done at the National Cancer Institute and all the basic research that is funded that goes out to all our colleges and universities and other entities around the country.

We made such great progress in breaking the genetic code. We are making such great progress in understanding a lot of the illnesses. We are on the threshold with stem cell research and others of entering into a whole new era of uncovering the causes and the therapeutic treatments and cures for a lot of these illnesses. So we are right on that threshold.

The President's budget cut the National Institutes of Health by $279 million—actually cut it. Our conference report has added $1.1 billion for the National Institutes of Health. Actually, it is slightly more than what we had in the Senate when we passed the bill a couple weeks ago.

On special education, this Congress, about 40 years ago, said we were going to provide up to 40 percent of the difference in the cost of educating kids with disabilities when they were mainstreamed in our schools. We wanted to put behind us the dark history of the segregation and isolation of kids with disabilities who were taken away from their homes, taken away from their neighborhoods, and sent away across the State to schools for the deaf, schools for the blind or maybe a lot of times were not even given an education.

So about 40 years ago, this Congress decided we were going to meet our constitutional requirements and make sure kids with disabilities had equal and appropriate education. But in doing so, we were going to help the States by providing up to 40 percent of the additional costs of special education.

Well, the high mark has been about 18 percent. That was about 3 or 4 years ago, if I am not mistaken—3 or 4 years ago. Since then, we have gone backward. We are now down, under the Bush budget, to 16 percent. So we are going in the wrong direction. So what President Bush's budget did is slashed $291 million for special education. What we have done is add $509 million to State grants to help our beleaguered property taxpayers in New Jersey and Iowa and all across this country, to help them meet the educational needs of our kids with disabilities. So we met our obligations there. The President did not.

On Social Security, we now know people are waiting as much as 15 months to get their cases heard. There is a backlog of several hundred thousand right now. If we do not add the necessary personnel, people are not going to get it, and maybe some of them will die in the meantime. I don't know. People keep getting more and more backlogged and get frustrated by this system. They should not have to do that. People paid in all their lives to Social Security. They ought to get their cases heard in a timely manner. So what we did is we added enough to cut down on the delays. The President's budget would not do that.

On community health centers, again, the President, when he became President, said he wanted to have a community health center in every poor area in the country. I applauded loudly for that. I thought at least here is something the President and we could agree on.

Well, what does the President's budget do? There is no increase at all for community health centers, not a dime. So we put in $225 million more to increase funding new community health centers in some of our poorer areas of this country. So we met our obligation there, also, in terms of meeting health care needs of people who do not have anywhere else to go.

The Head Start Program, which has proven its worth clear back to the Great Society. It is one of the Great Society programs. The President's budget cut Head Start by $100 million—cut it by $100 million—leaving thousands of kids behind. In our conference report, we have increased it by $153 million—not nearly what we need to meet the needs of all the kids who want to get into Head Start, but at least under our tight budget requirements, we were able to increase it substantially. So we met our obligations there in Head Start.

So these are some parts of the budget I want Senators to know about. There is a lot of other stuff, too, but these items kind of highlight the difference between where we are in this conference report and where the President's budget is.

Again, I thank Senator SPECTER for the close working relationship we have had. This has been a bipartisan effort from the beginning to right now. Again, that is why I urge all Senators to support this conference report.

Now, the President said he is going to veto it because he said our bill had too much social spending. I would like to ask him to define what he means by "social spending." The way he said it was almost like we were funding ice cream socials or something like that in this bill. Again, this is out of bounds, out of touch. It shows how isolated President Bush has become. Every additional dime we have put in goes to bedrock, essential programs and services this Congress and this President and other Presidents have always supported.

It is interesting that in the last 5, 6 years, the President has not vetoed any appropriations bills. When the Republicans were in charge, the President did not veto an appropriations bill, even though they were over what his budget requests were.

Lo and behold, the Democrats, because of the last election, now control the House and the Senate, and the President said he is going to veto every one of them, except Defense, I guess, maybe Military Construction-VA. All the other ones he is going to veto. He is going to veto the Labor, Health and Human Services, and Education appropriations bill because it has "too much social spending." Yet he signed all the other bills before this year.

I find that more than passing strange that the President, this year, says he is going to veto it. Well, it all adds up to politics. Evidently, the President and his advisers think somehow they are going to get some kind of political gain—some kind of political gain—by vetoing our bill for Education, Health and Human Services, and Labor.

Well, I do not know what kind of calculus goes into that, but it is bad calculus. It is bad calculus if the President thinks he might make some political gain by cutting Head Start Programs or by cutting special education or by cutting funding for the National Institutes of Health because it is over his budget, it is "too much." Well, he never said that before. He never said that before to any Republican appropriations bill that passed in the last 5 years. I guess only because the Democrats are in charge he wants to veto it.

I would say to the President: This is not a Democratic bill. Yes, we may be in charge because of the election last year, but I still point out that this bill passed the Senate with 75 votes. As I said earlier, there were five missing who would have voted for it. It would have been 80 to 20. You cannot get much more bipartisan than that. It is not a Democratic bill.

Senator SPECTER and I and other people worked very hard on this bill. So I do not see where the President comes across in saying he is going to veto it. I think the President is so isolated, so out of touch that someone said: Well, this is over your budget, so you have to veto it. And he said: OK. Fine, I will do it.

Well, again, the other thing is, when the President sent down his first veto message on this bill, he said he was going to veto it because of two things. He was going to veto it because we had included a provision dealing with stem cell research, which he was opposed to and because it was over his budget.

Well, both Senator SPECTER and I agreed in the beginning—even though we both feel very strongly about overcoming the President's dictates on stopping funding for stem cell research—even though we feel strongly about that, we were willing to go halfway to meet the President. We said: OK, we will take the stem cell portion out of here. So we would like to meet you halfway. Well, what we heard from the White House was: That is not enough. It has to be all his way, all the President's way.

Well, that is not the way we do things around here. We compromise. The art of democratic rule is to make our compromises. So I figured, if we gave up on our stem cell, then he might give up a little bit on his. But that is not the way the President sees it. It has to be all his way or no way.

Again, we do not do business like that around here. As I said, we have a farm bill on the floor this year that I am also chairing, and it is not all I want, it is not all anybody wants. In the farm bill, we have to make our compromises and agreements to get the job done.

But this President is unwilling—unwilling—to compromise, unwilling to sit down with us and hammer out some kind of a reasonable compromise. So we are left with only one course of action. We have to fulfill our constitutional responsibilities as appropriators to fund the Government, to fund that which Senators and Congresspeople think are priorities and, yes, that the administration also thinks are priorities. So our constitutional obligation is to work these things out and get the best bill we can that people agree upon. As I said, with 75 votes, you can't get much better than that. So I guess we are left with only one course of action: Pass our bill and get it to the President, and I guess he will veto it. It doesn't make sense to me. It makes no sense for the President to veto this bill. As I said, I can't figure out what he—and then to veto it without saying: Let's sit down and work and maybe we can get some agreement. That has not happened. So, again, we are left with only one course of action: Pass the bill, the conference report. I hope Senators will support it as strongly, if not more strongly, than they supported the original bill that passed in the Senate.

Finally, let me say this: Even with this conference report, we have met all of our pay-go requirements. This bill does not add a single dime to the deficit of this country—not a dime. But by cutting a little bit here and adding there to certain priorities, we were able to get a bill that we basically all agree upon. Would I have liked to have had more in NIH? You bet I would. Would I have liked to have had more in the Head Start Program? Yes, I would have. Would I have liked to have had more for special education? Yes. The President wanted less than that, so we tried to meet him halfway. Yet the President says no, he wants it all his way.

So I hope Senators will support this conference report on Education, Health and Human Services, and Labor overwhelmingly, send it to the President, and hopefully he will change his mind. Hopefully, between now and then, he will think: Well, you know, maybe I should sign it, after all. Hope springs eternal. We will just have to wait and see. If he signs it, God bless him. That is good. We will be done with it, and we will move on to next year. If he vetoes it, well, we will just have to come back and hopefully, with the 75 or 80 votes we have had for it, we will override the veto. It is just not a good way to do things, and it causes the kind of confrontation and it causes the kind of bad things happening in Washington that the people of this country want us to end. They want us to work things out and move things along. We have done it here in the Senate. We have done it in the House with Republicans and Democrats. Now it is up to the President to also sit down and negotiate in good faith.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I am pleased this afternoon to recommend the Military Construction, Veterans Affairs, and related agencies division of this conference report to the Senate. This is an extremely important and time-sensitive funding measure, and I urge my colleagues to adopt it without delay as part of the Labor and Health and Human Services conference report and send it to the President to be signed into law.

I am particularly honored to be presenting this measure to the Senate on behalf of the chairman of the subcommittee, Senator TIM JOHNSON. We have worked closely throughout the entire appropriations process, and the Military Construction and Veterans Affairs provisions before the Senate today are the product of a thoroughly collaborative and a cooperative effort, but the leadership was provided by Senator JOHNSON. I appreciate Senator JOHNSON's graciousness in allowing me to offer this conference report on his behalf.

I would also like to thank the ranking member of our subcommittee, Senator HUTCHISON, for her excellent work and cooperation in developing this conference report and the chairman and ranking member of the full committee, Chairman BYRD and Senator COCHRAN, for their strong support and guidance in shepherding this legislation to the floor.

The Military Construction and Veterans Affairs conference report before the Senate today is fair, balanced, and a bipartisan piece of legislation that deserves the full support of the Senate.

The Military Construction and Veterans Affairs portion of this conference report is critically important to our Nation's military forces and to our veterans. It includes $64.7 billion in total discretionary funding—$3.7 billion over the President's budget request for the Department of Veterans Affairs. This level of funding includes $37.2 billion for veterans health care, a high-water mark in the history of the Department—the largest sum of money ever appropriated for veterans health care.

Indeed, it is consistent with the independent budget the veterans organizations have proposed year after year. This is the first time we could match their goal with our appropriation. We have provided $2.6 billion more than the President requested for veterans health care and $373 million more than the veterans service organizations sought in the independent budget. We have, in fact, gone beyond what the independent veterans organizations have suggested in their budget. This level of funding is a clear demonstration of the importance this Congress places on the health and welfare of our Nation's veterans.

The funding included in this conference report supports a myriad of programs crucial to America's veterans, including funding the veterans hospitals, clinics, and veterans centers, as well as cutting-edge research into critical areas of health care such as traumatic brain injury and post-traumatic stress disorder. As a result of the asymmetric combat we are witnessing in Iraq and Afghanistan, this Nation is producing a new generation of veterans, and they have markedly different service-related injuries than were experienced in previous wars. Thankfully, more service men and women are surviving their war wounds, but many are surviving with catastrophic physical and mental injuries.

The nature of veterans health care for new veterans is changing dramatically, while the demand for short-term and long-term health care for veterans of previous wars is rapidly increasing as the veteran population ages. We have two currents rushing together: veterans of World War II and Korea who are now in their seventies and eighties requiring more care simply because of their age, and a new generation of veterans coming out of Afghanistan and Iraq, many of whom are sustaining neurological injuries such as traumatic brain injury or post-traumatic stress disorder. This other stream of veterans is flooding into our system, and we have to care for all of these veterans. That is why this legislation is particularly timely and particularly important.

All of the challenges to the Department of Veterans Affairs are enormous. The conference report before the Senate today addresses those challenges. With this funding, we are providing the resources for the Department to meet the needs of both aging veterans from yesterday's wars and emerging veterans from today's conflict.

The conference report also includes critically needed funding for military construction. It provides a total of $21.5 billion for military construction and an $8.4 billion increase over last year's funding level, with most of the increase directed toward implementing the 2005 Base Realignment and Closure Program.

I am particularly pleased that the conference report includes $1.1 billion for the Nation's Guard and Reserve forces—a 34.5-percent increase over the President's budget request. The wars in Iraq and Afghanistan have placed an unprecedented demand on the Nation's Guard and Reserve Forces. Yet the President's budget slashed construction funding for several of the Guard and Reserve components. This conference report corrects that inequity. For example, it increases funding for the Army National Guard 25 percent over the President's budget request, and for the Air Guard, the conference report more than triples the President's budget request.

Military construction may not have the glamour of the Defense Department's sophisticated weapons and other programs, but it is, nevertheless, the bedrock of the Nation's military. Our troops must have sufficient funding to provide barracks, facilities for training and maintaining their equipment, and adequate housing for their families. Without the resources provided in this legislation, these crucial facilities could not be constructed. This legislation provides funding for an impressive array of military construction projects, the vast majority of which were requested by the President. All of the major construction projects added to the President's budget by the Senate have been fully vetted, are included in the authorization bill, and are encompassed within the service's Future Years Defense Plan.

Some have complained that the Military Construction and Veterans Affairs conference report should not be coupled with the Labor and Health and Human Services conference report. I will have more to say about that later, but I would like to make the point now that these two bills complement each other in many respects, and it makes perfectly good sense to link them together.

There are more than a few crossover items between the Military Construction and Veterans Affairs appropriations bill and the Labor and Health and Human Services appropriations bill. These include, to name a few, the Labor Department's Veterans Employment and Training Program, which includes the Homeless Veterans Reintegration Program; the Department of Education's Impact Aid Program, which assists school districts whose student population is swelled by military dependents; and the Traumatic Brain Injury Program directed by the Department of Health and Human Services and the Centers for Disease Control. There are numerous programs that provide benefits to veterans and their families that are included in the Health and Human Services program. Veterans are not simply veterans. They are members of communities. They have children. They have spouses. They require the services that are included not only in the Veterans' Administration bill but particularly their families in other legislation and other appropriations included in the Health and Human Services bill.

Something else, too, I think is important to stress, and I will do that in greater detail, these veterans as young men and women committed themselves to this country, not because they anticipated collecting veterans' benefits but because they wanted to make a difference. They wanted to ensure that—mercifully and hopefully—the next generation of Americans wouldn't have to go into combat, but beyond that, that all Americans would have a chance. It was not about ensuring elaborate tax loopholes or sophisticated financial transactions; they were fighting—and, sadly, being injured and too many dying—to give people a chance in this country, an opportunity to go to school, for children to get immunizations, and for bright, talented young people to go to college. That is why I think it is also essential that these two bills are being considered together, because if we provide for our veterans, they have earned it—and we should and we must and we will—but if we neglect the rest of the country, have we truly fulfilled and measured up to what they served and sacrificed for? I don't think so.

The Senate has before it a comprehensive and vitally important conference report for funding both Departments, both areas—the Department of Labor and Health and Human Services, the Education Department, and Military Construction and Veterans Affairs. We have the opportunity—I would argue, the obligation—to send a signal to the President of this country and to the Nation that we are not willing to play favorites among appropriations bills. Funding for health care for our veterans is clearly a priority, but it does not trump our commitment to fund health care services for all Americans or education programs or job training for those who need it, including veterans who participate in many of the Department of Labor programs.

I urge my colleagues to support this conference report in its entirety and send it to the President today.

Mr. President, I yield the floor and reserve the remainder of whatever time I may have.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise as the ranking member of the Subcommittee on Military Construction and Veterans Affairs, and I appreciate the opportunity to speak on the conference report. I am following my chairman of his subcommittee. I hope very much that we will be able to take up this bill, which is our subcommittee, Military Construction and

Veterans Affairs, separately, as everyone, I believe, knows in their heart is the right thing to do.

This bill is a bill that has been agreed to. We have worked on a bipartisan basis. We very quickly came to a conclusion in the conference on the Military Construction and Veterans' Administration bill. In fact, the President said right out that he would sign the bill, even though it is almost $4 billion more than he had requested, because he understands the urgency of both bills—Veterans' Administration and the Military Construction—and he knows that it is important to do it right away. So he said right up front that he would sign our bill. But he also said right up front that he would not sign the Labor and Health and Human Services bill. So there would be no reason—no common sense or substantive reason—to combine these two bills.

It is incomprehensible to me that the leadership in the House decided to do this. In fact, they also put the Defense appropriations bill as a part of the Labor and Health and Human Services bill, but the Democratic chairman of the Defense bill agreed with the Republican ranking member, and they were able to take the Defense bill out.

For the very same reason, we should be taking the Veterans-Military Construction bill out from under the bill the President has said he will veto. The President will sign the Defense bill and the Military Construction-Veterans bill. Why not have this Congress come together and accomplish something? Two major parts of our Government—it happens that it is the two parts that fund our warriors who are in the field, in harm's way right now—those could be signed right away. Why not do it? I hope the Congress will come to its senses and move in a bipartisan way, swiftly, to do this very thing.

Let me talk about the bills themselves. Military construction: With the impending return of troops resulting from the current overseas rebasing effort through BRAC and the global war on terror, our service men and women are in a time of great transformation. The military construction section of our bill provides $21 billion for construction projects to support these moves and bring our troops home. I cannot emphasize enough that we must stay on schedule. It is important that the military services receive the facilities they need to bring our troops home, where they have better training facilities, a better quality of life for themselves and their families. From operational building to many childcare centers, we have necessary facilities in the bill to do that. Servicemembers, families, and local communities across our country are counting on us.

Now, Congress set a deadline of 2011 for BRAC to be implemented. Yet we see Congress is dragging its feet in the funding requirements to implement the BRAC. We have given the Department their mandate. We must follow through with the money needed. Many of us have visited bases in Europe, Korea, and throughout the world. We know there are training constraints in many of those bases; that our service men and women are not able to stay in training. Sometimes it is a constraint in airspace. Sometimes it is an environmental problem. Sometimes it is a constraint in ground space and artillery space, so that we can be fully trained when we go into harm's way.

The reason the Department of Defense made the announcement after our Congress passed the overseas basing commission amendment to the Defense authorization bill—the reason the Department of Defense announced that 70,000 troops would be brought home from Germany and Korea is because they agreed that the training constraints would make it impossible for us to keep our troops fully trained for the combat into which they will be going. So it is important that we fund this, that we do it on a timely basis, and that we move swiftly on the military construction part of the bill.

The Department of Veterans Affairs is the other part of this unit. I know there is a concern over total discretionary spending in all of the appropriations bills. But the President has said he will sign this bill. With the money appropriated, the Department of Veterans Affairs will be able to address the needs of over 7 million veterans who count on us to provide the funds necessary for medical care, medical facilities, research, extended care facilities, and even cemeteries. The appropriations increases in the bill are in areas I support.

We will always do what is necessary to take care of our veterans and their health care needs. The research of the Veterans' Administration into prosthetics, severe trauma, and traumatic brain injury is cutting edge. Increasing resources in these programs is a good investment for our Nation's veterans and our Nation's future. We are asking the VA to expand research in several areas, including post-traumatic stress syndrome, gulf war illness, prosthetics, and geriatric care. These are the types of injuries the warriors of today are sustaining. These are the warriors in the war on terror. These are the injuries we should be looking for the very best ways to treat, and also the way to rehabilitate our injured warriors with better prostheses, better artificial arms and legs, so they can have a more normal life because they have given so much for our country.

I think every Member of Congress shares the desire to fairly compensate, medically treat, and honor our veterans. The Veterans' Administration provides the health care to address the illnesses or disabilities, physical or mental, including those illnesses that might manifest themselves decades after military service, which is something we also see happening. We always have, and always will, take care of our Nation's veterans. Every veteran should know we are committed to nothing less.

Mr. President, this Congress has shown its resolve time and again to care for our men and women in uniform, as well as the more than 7 million veterans. We owe them our gratitude. We will do our part to take care of them. I ask that we work together to put our servicemembers and veterans first, to do what is best for them and our country.

Mr. President, I will make the point of order at the appropriate time to separate these two distinct bills. The Veterans-Military Construction bill and the Labor-Health and Human Services bill are separate bills. We have separate committees, and we have dealt with the two committees separately. There is no reason to put them together, particularly when the President has said he will sign the Veterans-Military Construction bill, and he will veto the Labor-Health and Human Services bill.

Why do we delay and put our military service men and women and their families and our veterans in a situation where they are in limbo? Why not pass the bill separately because the bill is ready to go? We have worked in a bipartisan way to assure that it is.

There is no common sense nor substantive reason to put these bills together. So I will leave it up to others to determine why the leadership in the House would have lumped these bills together. I will also say that I respect the Defense Appropriations Committee chairman and ranking member for coming together on a bipartisan basis to take their bill out because that is exactly what should have happened. I hope we will do the same thing for our military veterans and our service men and women who rely on the construction projects and military construction to provide the housing, training facilities, childcare centers, and health care centers, which are necessary for them and their families to have the quality care they so richly deserve for what they are doing for our country right now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that it be in order to make the rule XXVIII point of order at this time and for Senator HARKIN to make the motion to waive, but that all debate time under the previous order be preserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I raise a point of order under Senate rule

XXVIII, paragraph 3, that the text of the Military Construction, Veterans Affairs, and related agencies bill, H.R. 2642, which constitutes division B of the conference report for H.R. 3043, is new matter as it was not contained in either the House- or Senate-passed bills.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I move to waive the point of order and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, is there controlled time now? I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The majority leader controls 54 minutes. The Senator from Massachusetts will be using that time.

Mr. KENNEDY. I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. KENNEDY. Mr. President, first, I wish to express my strong appreciation to the Senator from Iowa, Mr. HARKIN, and the Senator from Pennsylvania, Mr. SPECTER, for the work they have done on the Labor-HHS conference report. This appropriations bill is of enormous importance. Our national security gets attention, but so much of what makes a difference in the strength of our Nation is our investment in our people. When we talk about investment in our people, we are talking about education, we are talking about health care, we are talking about job safety, job training programs which have been tested and tried, examined and evaluated. The Appropriations Committee has done just a splendid job in allocating resources to these priorities. They have done it in a bipartisan way.

Now as we see this whole process on appropriations moving forward, we know this will ultimately be decided this evening with a Senate vote. It will then go over to the House of Representatives and down to the White House to the President where he has indicated he is going to veto this legislation.

I wish to take a few minutes to go over this legislation so the American people and our colleagues, as we are looking at a variety of proposals that are coming at us at a furious pace in the Senate, have a very clear understanding and awareness as to exactly what this legislation is about and its importance to American families. This is family legislation, it is children's legislation, it is health care legislation. It is about our ability to compete in the future.

We hear much talk about the challenges we are facing globally, and we are facing serious challenges globally. This legislation deals with making sure American workers are going to have the kinds of skills which are necessary so they are able to compete.

Global competition is going to be a knowledge-based competition. That is why it is so important we invest in education. That is why it is so important we have a healthy population, and why it is so important we have individuals who have the skills so we can have a knowledge-based economy and be able to compete internationally. This legislation is the heart and soul of that effort in the Congress of the United States.

Again, I thank old friends and individuals who, for a long period of time, have been strongly committed to these issues on education, health, and training.

When we look over these particular items, it is important to know, since we are talking about priorities, a billion dollars—and a billion dollars is real money, that is true—we are talking about a total budget of over $2.8 trillion. The amounts we are talking about certainly are very modest, indeed, particularly when one looks at the total scope of our budget. And particularly when one looks at what we are spending in Iraq, the amounts we are spending in this bill are basically trivial. That is why it is so discouraging, I find, that the President of the United States believes we have to effectively pay for the war in Iraq by vetoing programs that make a difference in the quality of education, health care, and training of American workers.

Let's look at these items in some detail. How can we take this President seriously when he says he will leave no child behind, when he vetoes funding for education? How can we take the President seriously when he says he is for children's health, when he vetoes funding for children's health care? How can we take this President seriously when he announces a new food safety initiative such as he did yesterday and says he will veto funding for food safety? The President may have the wrong priorities, but in Congress, we have worked together, Democrats and Republicans, to pass responsible new investments in our schools, the health care systems, and our jobs.

Here is what is at stake if the President vetoes this important legislation, and the American people deserve to know which of their priorities will fall to the cutting room floor when he rejects this bill.

First and foremost, this bill before us today provides long overdue funding for education. Over the past few years, the White House and the Republican leadership in the Congress have neglected the urgently needed new investments for better teachers, stronger schools, and college affordability. In fact, under the Republican-controlled Congress, funding for the education of our children has actually gone down.

This chart goes back to the last time we had Democratic appropriations bills and we passed No Child Left Behind. One can see the dramatic falloff rather than an increase in commitment to children all over this country. We saw the reductions. This reflects the final results of these battles. We can see the gradual reductions in funding. The red lines are what the administration actually requested. Here is President Bush's request, a reduction of $2.2 billion; and in 2008, a reduction of $1.5 billion. This is the difference between a Democratic resolution and a Democratic conference report, $3.2 billion. We are coming back in terms of increases. It provides $3.2 billion in new funding for education compared to last year.

The core Federal education initiative for helping schoolchildren who fall behind is called the title I program. Despite all the hype from the administration about leaving no child behind, title I funding has languished since passage of that legislation. The education funding before us today changes all that. It includes the largest increase in the title I program since the No Child Left Behind Act was passed.

Again, these are the annual increases in title I, part A funding, 2003. It was going down. In 2006, it was flat, 250. And now with this proposal, there is a significant increase, $1.85 billion, an indication of the Nation's priority of increased funding for title I.

Title I, as we all remember, goes back to 1965 when this country said we as a nation are going to make a priority the poorest children and neediest children in our society. We are going to give attention as a nation to do something about the poorest and neediest children in this country. That is what title I is all about.

We will have a chance to get into those in greater detail. We are all familiar with the challenges we are facing with school dropout and increased poverty among the neediest of children. We know money is not the answer to everything, but it is a pretty clear indication of a nation's priorities. And included in this legislation is title I funding.

Shamefully, we have seen the Pell grant stagnate as well. In the past 5 years, students and families have struggled as college costs have skyrocketed. What we have also stated as a country—there was a great debate actually going back to 1960, and was passed in 1965 in the Higher Education Act, that we as a nation say that any young person in this country who has the skill and the ability to be admitted to a college, that they will not be denied that opportunity. If they do not have financial assistance, they will have at least some assistance from a Pell grant, named after our former colleague in the Senate, Claiborne Pell. With the explosion of the cost of education, we still saw flat funding for the Pell Grant Program, and now we are seeing a gradual increase. In this particular appropriations bill, we have an increase in the Pell grant that will be effectively eliminated if this bill is vetoed.

The President should recognize that this bill finally delivers on many of the promises we made some 6 years ago. He should embrace the progress and sign the bill. Instead, the President has threatened to veto the bill and deny the help our schools so desperately need.

The President rejected this bill because it includes an increase of $4.5 billion for education funding over what he included in his budget. He has requested $158 billion for the war in Iraq this year—that is $433 million today—$158 billion for the war in Iraq. All we are talking about is a $4.5 billion increase for education. Mr. President, $4.5 billion for education gets a veto; $158 billion for the war in Iraq gets his signature.

Let's look at the choices and compare the choices of American families which are reflected in the legislation before us.

This chart reflects trying to help struggling schools turn around. American families want to use these funds to help the 9,000 schools most in need of improvement, to strengthen education for all of the children in these title I schools. This represents 1 day of the war in Iraq, and the President says no.

The most important ingredient is the education of our teachers. Having good teachers, well-trained teachers, knowledgeable teachers, committed teachers who will serve in our public school system is one of the highest aspirations that we see reflected on our fellow citizens. We need to have good teachers in many of the underserved communities, and we need to provide help for those teachers. We need to give assistance to those teachers.

We have some $3 billion for the high-quality teachers. This would hire 30,000 teachers to help reduce class size and provide high-quality induction for 100,000 new teachers. This induction is assisting and familiarizing teachers in their classroom and in their homerooms. It has been enormously successful in the retention of high-quality teachers, these kinds of programs being included in this legislation. It provides high-quality professional development for 200,000 more teachers. Teachers want and need to have some time for their development, and this provides that help for their professional development.

Every other industrialized nation in the world provides this kind of assistance. Teachers need this kind of support. So we are providing important assistance to them. But, oh no, the President says, no, that will be vetoed.

We have $7 billion to help provide the high-quality early education through the Head Start Programs, which equals 16 days of failed policy in Iraq. We all know the importance of early intervention. Everyone should read "From Neurons to Neighborhoods," the great book by Jack Shonkoff, who has done such an extraordinary amount of work pulling together these three great studies from the National Institutes of Health, which shows a snapshot of the child's early development, from birth to the very earliest years, and the difference in terms of cognitive skills and also social behavior. The earlier the investment we have in these programs, the better the results are.

We are not taking the time to reflect all that, but it is so. We have demonstrated it time and time again. But that $7 billion is going to be subject to the veto.

I wish to mention two very important areas. We are going through these areas quickly, but I wish to mention the area of health priorities. We have mentioned early education and education, but we strongly believe in the $4.9 billion in cancer research which would fund over 6,800 grants.

We are living in the life science century, with the extraordinary progress that has been made in DNA research and sequencing of the genes. The breakthroughs we have seen are absolutely mind-boggling. Over the recent years, we have effectively doubled the NIH research and the results coming through are extraordinary. At the same time, we are now finding that instead of taking advantage of these breakthroughs, we are beginning to cut back and cut back and cut back in terms of the opportunities in the areas of cancer and cancer research.

When you talk to families across this Nation about their priorities, No. 1 in the area of health care will be in the areas of cancer research. We have 550,000 who die every year from cancer. It touches every family in America either directly or indirectly. We know the challenges we are facing now with diabetes and the challenges with obesity. There is an explosion across the country in terms of diabetes.

We have $700 million for pandemic flu, to strengthen our health defenses. We know there are a variety of different strains that have been out there, both chemical and biologics, that could be enormously dangerous falling into the hands of the wrong groups and threatening American populations in a very significant and important way. We cannot be seeing a reduction in terms of our commitments to pandemic flu.

The Centers for Disease Control. Whenever we have a problem, look at the television news over the period of the last couple of weeks, what did we see when we had the problems over in the Far East and China? It is always the CDC that takes on the responsibility to go over and try to detect and find out what is happening in these areas. This is an enormously important health agency that has enormous capability and skill in terms of its personnel and commitment. We have all these various challenges—the increased amount of asthma that has effectively doubled over the period of the last 15 years, increasing obesity, and childhood immunizations. It is interesting there is a higher percentage of children in Iraq who are getting immunized for diseases like measles than there are in the United States of America. How do we justify that? Now we are seeing a reduction in terms of childhood immunizations.

The community health centers, which are the lifeline for some 15 million low-income Americans, we are cutting back on those at a time when we are seeing increasing numbers of Americans losing their health insurance. These are all programs that are tried, tested, evaluated and all extremely effective and programs the American people support. Immunization, the challenges of research in terms of cancer and diabetes and obesity, the challenges we are facing in those areas, the importance of investing in terms of education, all of these are extremely important.

Finally, I wish to mention worker safety and health spending, which is a fraction of the Iraq cost. One week in Iraq, $3 billion. These are the total expenditures for protecting the $500 million in terms of OSHA. Since the passage of OSHA, we have reduced deaths in the workplace by more than half. We have increasing complexity for OSHA, because with new techniques and new toxins being used in the workplace, there are new challenges for OSHA. We need to make sure that in the United States of America we are going to have safe workplaces as well as workplaces where individuals can be demonstrating increased productivity.

We all know the challenges that mine health safety has faced, whether it has been out in Utah or West Virginia, this past year. We have $340 million to try to ensure safety in the mines. But that is going to be vetoed. To demonstrate this isn't out-of-control spending, we have OSHA last year and OSHA this year, which is a 2.8-percent increase over the President's request and some 12 percent in the area of mine safety. These are basic and reasonable kinds of expressions by the Congress in areas of public concern. Nonetheless, we are hearing this administration is going to veto it.

Let me also say we have seen an administration that is, over the past years, increasing the reductions in terms of training programs under the Workforce Investment Act. The Workforce Investment Act was bipartisan legislation. Senator Kassebaum, myself, and others were involved in the development and shaping of that, coordinating a variety of different job training programs. We had strong bipartisan support, and we had support from the workers and from the business community. It has made an important difference. In my State of Massachusetts, at the end of last year, we had over 92,000 jobs that are out there waiting for people to be able to take them. Yet we had more than 178,000 people who are unemployed. You would think it would make some sense to get the skills to those individuals who can work, who want to work, so they can fill those jobs, become taxpayers and productive members of our society. That is what we are talking about in terms of workforce investment. That is what happens when we have good programs such as this.

Nonetheless, we are finding out that even though this legislation restores some $500 million to the cuts we have had these last several years, this President is now committed toward vetoing.

So these are some of the items that are front and center in terms of this appropriations bill. As I mentioned at the outset, this is an extremely important piece of legislation. It is basically about the sole well-being of our fellow citizens. It is about educating our young, ensuring the health and well-being of our fellow citizens, about ensuring we are going to be able to have the kind of skills necessary so we can have a productive, expanding economy to be able to offer the hope and opportunity that good jobs, with good wages and good benefits, means to working families. That is what this legislation is about.

The numbers that have been included represent the best judgment of Democrats and Republicans together. Compared to where we are in terms of the expenditures we have over in Iraq, all Americans, I believe, say: Why aren't we investing in Americans? Why aren't we investing in our children, in our families, in education, in health care, in training? Why aren't we doing the things which are going to make this Nation stronger in the future? Why are we going to face a veto by this President on these important priorities?

Make no mistake, it is a major mistake for this President to do so. I hope he will reconsider his position.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the quorum call the time in the quorum be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I support the motion to waive rule XXVIII. If the motion to waive is defeated, the Military Construction-Veterans Affairs bill will be stricken from this conference report.

Frankly, I am a little bit tired of the political games the administration plays with the health care of our veterans. It is the President's veto threats that necessitated the combining of the Labor, HHS, and Education bill and the Military Construction-Veterans Affairs bill. The President has threatened to veto 10 of the 12 appropriations bills—10. This President is insisting that Congress strip $22 billion for homeland security, for educating our children, for NIH, and for fighting violent crime from the 12 bills. President Bush's budget request simply did not meet the needs of a veterans population that is suffering from the pressures of war.

The number of disabled veterans, the type of injuries, and the mental health services needs produced by this horrendous Iraq war are well beyond the President's shortsighted budget request. Congress, on a bipartisan basis, recognized that the President's request for veterans programs was out of touch with reality, and we increased funding above that inadequate request by $3.7 billion. The President's own bipartisan study found that the veterans health care system is in need of dramatic reform. Yet President Bush, our President, has not requested one thin dime, not one thin additional dime for veterans health care to implement much-needed reforms. When faced with the dire political consequences of this bad budget decision, the President, our President, President Bush, did a political dance and finally agreed to the additional spending approved by Congress for our veterans. But—the conjunction "but"—the President insisted that Congress find $3.7 billion of savings to pay for it in other bills.

Did the President—our President—cut his request for a 12-percent increase in foreign aid to pay for it? No.

Did the President, our President—your President, my President—did the President reduce his—the President's—request for a 10-percent increase for the Department of Defense to pay for it? Did he? No.

Did President Bush identify $3.7 billion of savings from his meager and inadequate budget for education or the National Institutes of Health to pay for it? No.

President Bush, our President, brandishes his veto pen and refuses to participate in any attempt to correct his failed budget. Meanwhile, veterans health care, our children's education, vital health research, and other programs important to our citizens are at risk. As long as the President—our President, President Bush—as long as the President links veterans funding to his demand for cuts in other vital domestic programs, Congress has no choice—none—but to bundle these bills together.

His plan, the President's plan, to veto the Labor-HHS and Education bill, and sign the Military Construction-VA bill would force Congress to make dramatic reductions in such areas as education funding, funding for the National Institutes of Health, and funding for low-income home energy assistance.

Those decisions would be very bad decisions, and every Member of the Senate knows it or ought to know it. The Labor-HHS and Education bill passed the Senate by a vote of 75 to 19. The Military Construction-Veterans Affairs bill passed the Senate by a vote of 92 to 1.

Bundling these bills is not an effort to jam the Senate with controversial legislation. These bills were fully debated. Any Senator could have come to the floor to offer amendments to reduce funding in the bill. Any Senator who votes "no" on the motion to waive has a responsibility to come down to the floor and show down on the $3.7 billion of cuts that Senator would propose for such programs.

This bill could be on the President's desk tomorrow. Any Senator who votes "no" on the motion to waive rule XXVIII has a responsibility to explain to veterans why that Senator refused to tell the President of the United States that he needs to sign this legislation. I urge a "yea" vote on the motion to waive rule XXVIII.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very proud that this afternoon we are considering a very important bill that will fund not only the important investments in health, education, and the workforce but also historic increases in spending for our veterans and for their families.

Chairman HARKIN and Ranking Member SPECTER have put together a great Labor-HHS bill. I am very proud to support it. But this afternoon I want to take a little bit of time to speak directly to the importance of the Military Construction-Veterans Affairs portion of this package, because today it is in grave danger of being blocked by bipartisan gamesmanship.

Our servicemembers in Iraq and Afghanistan and from so many conflicts before have done absolutely everything we have asked of them. They have answered the President's call to war with the honor and sense of duty we have come to expect from our Nation's bravest men and women. They have performed under enormous pressure in the middle of a civil war. They have left loved ones behind who count on them. They continue to put their own lives on the line every single day.

Now, unfortunately here at home, this administration has not been committed to care for them when they come home. From poor conditions at VA facilities around the country to a lack of PTSD counselors, to a benefits claims backlog that keeps our veterans waiting for months and sometimes amazingly even years, this administration has failed to account for our Nation's veterans as a part of the cost of this war. It is unacceptable that servicemembers who return from fighting overseas are being forced to fight their own Government for the care and the services we have promised them.

Democrats today on this floor are working to reverse the Bush administration's failure to care for those heroes. We have produced a funding bill for our veterans that includes $3.6 billion more than the President asked. After years of Bush Republicans cutting corners on our veterans, we have, with this bill, offered an honest assessment of what these men and women need.

This bill takes into account the extra strains that have been put on our VA system from our simultaneous wars and the new battlefield realities that are present today. It includes nearly all of the "independent budget," a recommendation that has been compiled by our veteran service organizations. It makes investments that will improve health care and expand mental health services and allow construction for vitally needed new facilities.

It is going to mean more qualified health care workers, better prosthetics, and more accessible veterans facilities. It is going to ensure our veterans get their earned benefits, see improved conditions at VA facilities, and get better treatment for PTSD, traumatic brain injury, and catastrophic injury.

Most of all, though, this bill means that after years of neglect, our Government, the United States of America, will again honor the sacrifice of our veterans with the care they deserve.

We are also making sure our troops are ready and that they receive the training they need. That is why I was so pleased about the military construction investment this bill makes across the country and especially in my home State. My home State of Washington's military facilities play an important role in our nation's security, from Fort Lewis in Tacoma, which is training the Stryker brigades—they are at the center of the fight in Iraq—to Fairchild Air Force Base in Spokane, which plays a major role in our air defense; to Naval Air Station Whidbey Island, which patrols our Pacific shores.

This bill ensures they are going to get funding they need, like all of our military facilities nationwide. In Washington State, it means more than $635 million in improvement for Washington's military installations.

One of the best things about this bill is it won such huge bipartisan support when it passed the Senate on a vote of 92 to 1—92 to 1 it passed the Senate. It does not get much better than that for a bipartisan, strongly supported piece of legislation.

Unfortunately, today Republicans seem to be willing to jeopardize all the good, critical, important matters that have been put into this bill which they said they supported, in order to play a procedural game that is designed to stop this important bill in its tracks. I think that is a shame.

Now they are going to say, and the President will echo them, that the bill before the Senate is too expensive. They will say we should have not joined the spending for veterans with spending for health care, education, and job training.

In the same breath, they are going to say this money for veterans is critically important and should be sent to the President before Sunday. Well, I agree with my 91 colleagues who supported this bill the first time we voted on it, and I agree we need to get it signed into law as soon as possible, and we can do that very easily by voting for it today, along with this package. It will go to the President by dinnertime.

Most importantly, veterans would go to sleep tonight knowing that the vital projects in this bill are on the way. But I fear that is not going to happen. Instead, now we have Republicans who are going to make a cynical political move and block this money for our veterans because we have combined it with the Labor, Health and Education spending bill.

The President objects, apparently, to combining those bills. So I guess the Republicans are going to put their allegiances behind President Bush ahead of our veterans and say "no" to a bill that almost all of those Senators supported a few short weeks ago. I think that is wrong.

The Labor, Health and Education bill is a good one. It won the support of 75 Senators a few weeks ago here on the Senate floor. We are joining the two because both make critical investments in a broad range of urgent priorities. We need to stop playing political games with both of these bills and we need the President to sign them now. The Republicans and the President are complaining about this move today. But it is the American people and our veterans and their families, in particular, who will be hurt if this political move is made today to separate these bills. They will pay the price, those veterans and their families, for this roadblock.

Our goal is simple. We want to make up for something President Bush has failed to do while he has tried to build up our military. We want to be sure our veterans are getting the care they need.

As I told my friends before, George Washington was the one who famously observed that:

> The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their country.

Today we want to reverse President Bush's failure and reaffirm this commitment. This bill keeps our military strong by honoring the sacrifices of our heroes and meeting their needs. When those men and women put on a uniform, they earn the right to a government that cares for them on their return. When we approve this bill, we will assure them they will get finally the care they need.

Veterans Day is just a few days away. I am confident every Senator on this floor will head home to acknowledge the veterans in their State, and rightfully tell them "thank you" for the tremendous service they have given to our country. I can think of no better time than this for us to forget the politics and do something positive for our veterans, for their families, and for our country.

I have listened to the other side and the President tell us time and again: We need to get the bills to the President. We need to get the appropriations bills to the President. That is what we are trying to do today, to get two of these critical bills to the President in a timely manner. I urge our colleagues to think twice about a procedural move that will not send to the President the critical funding we need for our veterans and our military facilities across this country. With one vote we can send those to the President, and by dinner tonight know we are doing our job for the country.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I have mixed feelings about the conference report now before the Senate. The chairman and ranking member of the Labor, Health and Human Services Subcommittee and the Military Construction-Veterans Affairs Subcommittee have done excellent work in crafting their respective bills. These bills represent a reasonable blending of House and Senate priorities. They support critical national priorities in medical research, veterans' care, K-12 education, and military infrastructure. But the fact these two bills have been joined into a single conference report is unfortunate. The President has stated unequivocally he will veto the Labor-Health and Human Services bill in its current form.

By attaching the Military Construction-Veterans Affairs bill, the Democratic leadership has done nothing to change his mind. The bill will still be vetoed, and the veto will probably be sustained. Through the duration of that process, we will needlessly delay the availability of critical funding for veterans' care, and for the facilities necessary to support our Armed Forces.

There is no procedural reason that the Military Construction-Veterans Affairs conference committee could not meet this evening to approve the conference agreement under their jurisdiction. The House and Senate could then approve that conference report and get it to the President's desk for signature by Veterans Day.

That would be the right thing to do. The Labor-Health and Human Services bill could also be sent to the President, and both the Congress and the President would have been allowed to argue their respective fiscal priorities. Instead, we are being compelled to go through this procedural dance that adds nothing to the debate over fiscal policy and serves only to compound Congress's abysmal failure to get appropriations bills to the President.

I am acutely aware of past failures to enact appropriations bills in a timely fashion. I was chairman of that committee, and I remember how upset and frustrated I was when the Republican leadership wouldn't call up the bills. I couldn't believe it, an abdication of very important responsibilities of the Congress, a fundamental right and responsibility of the Congress to set the appropriations priorities. No one was more frustrated with the Senate's failure to consider these bills last year. I was particularly exasperated by our inability to get what appeared to be a noncontroversial Military Construction-Veterans Affairs bill to conference. That was as inexcusable then as it is now. But past failures don't make the current failure any more acceptable to me. The President has a right to veto bills. There is no way around that. This President has strong opinions about his responsibility to be involved in holding down Federal spending, keeping the budget under control. Why are we compounding our failure to present him appropriations bills by wrapping into Labor-Health and Human Services another bill that we all agree is important and that the President has said he will sign?

This procedure does nothing to change the substance of the debate, and it only serves to further delay the appropriations process. There may come a point when vetoes of appropriations bills require us to go back to the drawing board and rewrite some of the bills at lower spending levels. There may also come a point in that process where I believe the funding levels advocated by the President are not appropriate or sustainable in certain cases. We have the right to disagree. Somewhere along the way, I remain hopeful we will reach an accommodation that will allow for enactment of individual appropriations bills at an aggregate funding level that is lower than the amount contemplated in the budget resolution. But to get to that point, we have to send the President some appropriations bills.

It is November 7. We have failed to send a single one to his desk. I hope the Senate will support the Hutchison motion so we can put two bills on the President's desk in short order and start to demonstrate to the American people that we are responsible, that we are acting on one of our most fundamental responsibilities, the passage of appropriations bills for the operation of the Federal Government.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I also ask unanimous consent that I be given 10 minutes from the majority leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, we are here today at this juncture to talk about the point of order raised against combining the MILCON bill and the Health and Human Services appropriations bill. There is a large point I will try to make, which is that these bills are complementary in many real ways. Veterans, for example, do not live alone with other veterans. They have families who require education, Pell grants, Head Start funds, and all of that is within the purview of the Health and Human Services appropriations bill. Also, they are individuals, our veterans, who have earned their rights. But I don't believe they engaged in battles for this country and wore the uniform of this country to get a pension or to get a health benefit; they did it for a broader, much larger, much more noble purpose, and that was to build a decent and just America. Part of that is making sure children have immunizations, making sure children can go to good schools and disadvantaged children can enjoy health through the title I program; making sure talented young people can go to college with a Pell grant or a Stafford loan; the CDC can protect all of us from disease, and the NIH can use their resources to research breakthroughs in medicine and health care to benefit all of us. It is that vision of a decent, humane, and just America that ultimately compelled millions of Americans to wear the uniform of this country and defend it.

So the notion that we can arbitrarily or not arbitrarily separate these bills, I don't think it accords with one of the major functions of all of us as citizens, as soldiers, as Senators—to serve the greater good—and we are doing that, I think, with these two appropriations bills.

There is another point I think which is interesting to me. These bills have passed the Senate overwhelmingly. They would, I think, if they were separated, pass overwhelmingly. But it seems to me we are now in a situation where we can't combine them because the President has said: Don't put them together because I will sign one and veto the other, which presents my colleagues in the Senate a very interesting situation: After voting for the underlying bills overwhelmingly, do they support the President's veto? I hope we can avoid that.

I think we should send these bills together to the President today. We can do that. We can expedite the funding of the VA at record levels. We can fulfill our obligations to citizens across this country in many different ways by supporting this procedural approach of combining the bills, voting for the bills, and sending them to the President.

But the premise I think is we will separate them if this point of order is sustained, and then we will see the VA bill probably signed but then have to come back and negotiate a way for a bill we all support—the Health and Human Services bill. I don't think that is the right approach. The fastest way to get this legislation, with respect to veterans, to the President is to vote against this point of order, send it to the President, he can sign it, and next week we can celebrate Veterans Day with the largest veterans appropriations bill that we have ever passed. I think that is the route we should pursue. I don't think we should allow the President to dictate the terms.

One of the interesting things about the President's approach—particularly as we have talked time and time again about Iraq—is that: Well, the Congress can't tell me how to run policy; all they can do is fund or not fund the war.

Well, here we are making a very bold, very assertive statement about funding the Veterans' administration, Military Construction, and Health and Human Services. But he says: Well, you can't do that. You can't tell me that either because I will veto one and I would not accept a package, even though it is a package of funding. Again, I think we have to—and we should—assert our will, particularly when it comes to the underlying legislation that passed this body with extraordinary—extraordinary margins. This would be, I think, a different debate if we had taken a bill that was popular and combined it with a bill that could not pass this body, or barely pass this body. Both of these bills have commanded I think strong support, and they should go forward and be signed by the President.

But there is another issue here, too, and it goes back to the initial point I made about there is a complementarity between these two bills, and it is a very direct and, I believe, powerful one. We have, for example, within the Health and Human Services bill, $228 million for the Veterans Employment and Training Program. It is in the Department of Labor. But if you are a veteran and you are looking for the training you need and employment opportunities because you have served your country honorably and well—and if we don't pass that Health and Human Services bill, that money will not be there. We have in the Department of Labor $23.6 million for the Homeless Veterans Reintegration Program. In fact, I dare say, there is too little attention being paid to homeless veterans. There was a report today that one in four homeless individuals are veterans of the military. That is a shocking and shameful statistic for this country. We have in this bill one of several programs—very small, but they help veterans. That is in the labor portion of the bill; that is not in the veterans' portion of the bill. Funding for the Department of Education, $1.26 billion to impact aid payments. Those payments are targeted to school systems that serve military installations, large populations not only of veterans, but of Active-Duty soldiers, sailors, airmen and marines. So we are saying: Great, we are going to give the veterans what they deserve, but for those veterans and Active-Duty personnel, we can't vote in this bill for $1.26 billion in impact aid. We can't provide their children the kind of school systems in adjoining neighborhoods to military posts that we think is adequate—not only adequate but we hope excellent.

So these bills are not distinguished in some respects. They serve the veteran population and the military population, and to suggest they are totally opposed and diametric is, I think, wrong.

In the area of health care funding, we went a long way in the Veterans' Administration bill to put significant resources into the veterans health care program.

In fact, for the first time, it exceeds the independent budget which veterans organizations present to us each year, when it comes to veterans health care, the largest increase in veterans health care, the largest appropriation we have ever given.

One of the areas we asked them to look at is traumatic brain injury, post-traumatic stress. We understand now because of the nature of combat and conflict in Afghanistan and Iraq, there are thousands of young men and women coming back with traumatic brain injuries. They did surveys of returning brigades of some of our Army units and estimated that perhaps 20 percent of the troops might have some indication of traumatic brain injury—slight to moderate. Over time, this is an increasingly more difficult problem for the VA system. Of course, we have asked them to treat these individuals. But in the Health Resources and Service Administration—in the other appropriations bill, we have $9.5 million for the traumatic brain injury program.

We have billions of dollars for the National Institutes of Health, for their research, which will be extremely important if we want to understand the phenomenon of traumatic brain injury. Of course, if we don't move that bill today, this bill, along with the Veterans' Administration bill, at least temporarily we lose these funds.

So I think there is a synergy between the two bills. I think it goes back to not just the complementary programs; it goes back to what our veterans and our soldiers today are serving for—not self-aggrandizement, not a pension, or to get the benefits they have earned alone but for something bigger. Those men and women are not out there putting time in so when they get to be 40 or have 20-plus years of military service they get the pension. They are risking their lives so this country lives up to its highest ideals. If we cannot provide and pass a robust appropriations bill and get it signed by the President on Health and Human Services, we are not living up to our obligations and our ideals.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to speak against the waiver of the point of order—the waiver being the motion from the Senator from Iowa. I agree in part and disagree in part with the acting chairman of the Military Construction-Veterans Affairs Subcommittee.

Mr. President, two bills were passed by the Senate—one for Labor-Health and Human Services and one for Military Construction-Veterans Affairs. They are two separate bills because they are very different in nature. They cover very different areas. There was nothing in the bills that was the same. They are separate subjects, and they should be passed in the regular order.

I have heard criticism on the Senate floor and also in the conference committee of the President of the United States, as if he had told Congress not to combine these bills. The President never said any such thing. The President did exactly what I would expect a President to do in his relations with Congress and its understanding of the role of our two different branches of government—executive and legislative. The fact is, Congress chose to take two separate bills and put them together. All the President did was exactly what he should have done. He advised Congress that he was going to veto the Labor-Health and Human Services bill because it was nearly $12 billion over his budget request. When Congress said: OK, Mr. President, we are going to combine the bill that you have notified us you are going to veto with a bill that you have notified us you will sign, which is the Military Construction-Veterans Affairs bill, the President merely said: I have said I am going to veto the Labor-Health and Human Services bill, and I am putting Congress on notice. Congress can make the decision about how it wants to send the bills forward. The President can inform Congress of what he is going to do, which I think, frankly, is an advantage in that he has told us. The worst thing would be if he didn't tell us, if he just surprised us after we had worked in good faith on these bills. But he is not surprising us. He is telling us this is what he is going to do, and if we decide to play a game by putting two bills together, when he has told us he is going to veto one of them, the consequence will be that both bills are vetoed instead of just one.

Let's not put the President in this debate. The President is doing exactly what he should do. The Congress should do what is right. Congress knows the funding for military construction and the veterans is crucial, that there are new things in this bill that are not currently able to be funded. And the sooner we get this bill to the President, the sooner he can sign it, and we can provide these new priorities.

Where I agree with my distinguished acting chairman of the committee is that the bill is a good bill. We have come together in a very bipartisan way. We have worked out our differences, and we didn't have differences on the Senate side. We worked together on a very solid bill. We worked out our differences with the House on a bipartisan basis. The President agreed with us that it is a good bill. We all recognize that some of the best parts of the bill would be lost if there were another continuing resolution for Fiscal Year 2008.

Delaying base-closing commission implementation: As a Congress, we have required the Department of Defense to complete the implementation of the Base Realignment and Closure Commission report by 2011. Every day, every week, every month that we delay the BRAC funding is going to delay that implementation process. It is very important that we give our troops who are going to be coming back from bases in Germany and Korea the housing, the health care facilities, and the childcare centers that will provide a quality of life for our military personnel and their families. We owe them that, Mr. President.

We could send this bill to the President before the end of the week and make sure they have that funding. It is our responsibility to do it. It is our responsibility to do it in the regular order, when the regular order will give us a Presidential signature. It will also provide new research, new treatments, and added facilities for our veterans. We know our veterans are suffering from different kinds of injuries than in previous wars. We know we are saving more lives, but a higher percentage of our wounded veterans are returning home with burns, loss of limbs, traumatic brain injuries, and mental health problems. We know that. So we provide for that in this bill. We have done it in a bipartisan way. We have provided more treatment, more facilities, more emphasis, and more research on post-traumatic stress syndrome, traumatic brain injuries, better prosthetics, artificial legs and arms that are lost by the bombs being used by the insurgents. All of that is in this bill, which could go through on its own in the regular order and be signed by the President.

One of the things we have heard from our veterans month after month after month is how long it is taking them to get through the system from when they leave military service to begin receiving their benefits and even to enter into the VA health care system. It is ridiculous for them to wait months and months when we should have a seamless transition. What our bill provides is more employees to cut that backlog and give these new veterans who are coming into the system the opportunity to have a seamless transition. That is in the bill.

If we pass a CR, this year's priorities would not be in it. The bill contains funds to implement the recommendations of the Dole-Shalala Commission. The Dole-Shalala Commission is the Commission that was appointed by the President to look at the best way to improve the care and service we provide to Active Duty Military and veterans who have returned from battle. They made recommendations. They did a thorough study. These are two great Americans: Donna Shalala and Robert Dole. They came up with recommendations, and we begin to fund them in this bill.

Mr. President, why wouldn't we pass this bill as a stand-alone measure when we know it is going to be vetoed if it is combined with the Labor-Health and Human Services bill? It does not pass the smell test to combine these bills when there is no reason to. In the original House action, they combined Health and Human Services with Defense and Military Construction and Veterans. The Defense bill was separated out because the chairman and the ranking member agreed that it had no business under Labor-Health and Human Services. That bill, by agreement, was separated out. We didn't get that agreement on Military Construction. So now we are faced with having a point of order, under the newly passed rule by the Democratic majority, that says you cannot put something in a conference report that has not passed either House in that bill.

So the point of order is going to succeed. We all know it is going to succeed. Why do we play this game? It is a game that is going to affect veterans and military personnel and their quality of life. There is no reason, there is no substantive reason, and there is no logical reason.

I urge my colleagues, let's vote unanimously to separate these bills, send the MILCON and Veterans bill to the House and ask them to quickly appoint conferees. The bill is agreed to. We have hashed out the differences. We can still get this bill to the President before Veterans Day. What a great accomplishment for this Congress, what a great way to say the President and the Congress are in agreement on something. I think the American people are looking for that. We see that the ratings of Congress and the President are at an all-time low. Why not give the American people some confidence that we can accomplish something together for the good of the people? It is very easy, very clear that this is a bill the President says he will sign. Let's send it to him. There can be no logical reason not to.

I urge my colleagues to come together on a bipartisan basis and stop the game playing, especially with our veterans and our military families who are depending upon the new initiatives in this bill to be done, and we have the power to do it. Let's do our jobs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business, with the time coming from the majority leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

### DEMOCRACY IN PAKISTAN

Mr. HARKIN. Mr. President, I have come to the floor to strongly condemn General Musharraf's declaration of martial law in Pakistan, his decision to suspend that country's constitution, and his brutal suppression of freedom and democracy and human rights.

Since Saturday, General Musharraf of Pakistan has ordered the police and military to arrest thousands of lawyers, human rights activists, and political workers. At this very moment, as we dither in Washington, Musharraf's thugs—thugs—are cracking down on democracy advocates across that country. Lawyers in coats and ties are being viciously beaten in the streets and thrown into jail. One out of four lawyers in Pakistan has been arrested since Saturday—one out of every four. In Lahore, police are being given cash bonuses for beating and arresting lawyers. Any of us who have watched television have seen the scenes of lawyers being picked up by plainclothes policemen, pushed into vans, and the plainclothes thugs beating them on the heads and backs as they pushed them into vans. This is especially sad and ironic inasmuch as the founder of Pakistan, the much revered Muhammad Ali Jinnah, was himself a lawyer trained at Lincoln's Inn in London.

Since 9/11, the United States has given General Musharraf and Pakistan more than $10 billion in aid, supposedly to crack down on the terrorists, the Taliban, and al-Qaida in their sanctuaries in Pakistan. Instead, General Musharraf is cracking down on lawyers, political opponents, and human rights activists or anyone who dares to stand in his way of total power in Pakistan.

Pakistan's Chief Justice, Iftikhar Chaudhry, is under house arrest, and the widely admired chair of the Human Rights Commission, Asma Jahangir, with whom I have met twice when I was in Pakistan—on two of the occasions I have been in Pakistan, I met with Asma Jahangir. She is a wonderful, lovely woman fighting for human rights for people in Pakistan. Her house has been declared a "subjail" by the Government.

What crimes have these people committed? They are guilty only of speaking out against General Musharraf's claim of absolute, unchecked power.

These are truly the actions of a desperate man. Obviously, General Musharraf is worried that the supreme court would rule in favor of those opposing his latest attempt to hold on to the Presidency and to remain a general in charge of the military at the same time. This is a blatant violation of international human rights standards enshrined in Pakistan's own constitution. General Musharraf has also cracked down on the independent media, shutting down all private television channels and radio stations.

What has been the reaction from our President and Secretary of State to this brazen violation of human rights and the democratic aspirations of the Pakistani people? President Bush has said he is "deeply disturbed." He has pointedly refrained from saying anything or condemning General Musharraf's actions.

I guess what set me off today was Negroponte. Deputy Secretary of State Negroponte told Congress on Wednesday that President Pervez Musharraf is an " 'indispensable' ally in the U.S.-led war on terrorism. . . ." I am sorry, Mr. Negroponte, Mr. Musharraf is not an indispensable ally. The Pakistani people are an indispensable ally in our fight against terrorism. What a double standard.

Look at how the administration responded when Myanmar's military regime cracked down on prodemocracy protesters in September. Oh, my gosh, we condemned them to the high heavens—rightfully so. Now here is General Musharraf doing the same thing in Pakistan and barely a peep from this administration. And then we have Negroponte, who has shown his colors in the past by calling dictators in Latin America in the past, now coming out saying Musharraf is indispensable. What does that say to the Pakistani people? What a double standard. No wonder the United States is held in such low esteem around the world today when we have President Bush and Mr. Negroponte taking after the brutal dictators in Myanmar, but, oh, not General Musharraf.

This is a profound mistake. This is the time to stand with the Pakistani people and not with the dictator who is dismantling their democracy. This is the time for the President to announce that he is suspending all U.S. aid to Pakistan except for humanitarian assistance directly related to the health, education, and human needs of the Pakistani people.

As of yesterday, President Bush has not even placed a call to General Musharraf. He should do so immediately. He should demand that the general immediately return the country to constitutional rule, restore freedom of the press, and unconditionally release the lawyers, human rights activists, and opposition leaders who have been arrested since Saturday, and he should inform General Musharraf that the United States is suspending all assistance to Pakistan, except for humanitarian aid, until such action is taken.

The world's greatest democracy, the United States, cannot turn a blind eye to the tragedy unfolding in Pakistan today. The time to act is now, and if the President will not act, I am prepared to work with my colleagues in Congress to suspend all assistance, except humanitarian aid, to Pakistan and to do it as soon as possible.

As I said, since 9/11, we have provided more than $10 billion in aid to Pakistan. The overwhelming amount of this went to the military to boost its capacity to fight terrorism. But, unfortunately, the Pentagon and OMB have very little transparency or oversight of just how that money is being used or has been used.

In fiscal year 2007, Pakistan received an average of $83 million a month at a time when Musharraf had negotiated a so-called peace arrangement with tribal leaders and was not even conducting counterterrorism operations in tribal areas. I think it is time for our GAO to look into where this money went, and I will be working with my colleagues on the Defense Appropriations Subcommittee to ensure that Congress is provided an accounting of all these expenditures. There are too many rumors, too many stories being told around Pakistan that a lot of this money has found its way into the pockets of high-ranking people surrounding General Musharraf.

Now I am told that some of our military money is being spent by Pakistan on Harpoon missiles. These are antiship missiles used in naval warfare. Why in the world do they need these missiles? Is al-Qaida operating major surface warships? Hardly.

While this administration and Mr. Negroponte say that Musharraf has been a partner in the war on terror, the evidence is different.

Recently, Musharraf entered into a peace agreement with Baitullah Mehsud, a well-known Taliban supporter and sympathizer who operates in south Waziristan. This is the tribal area bordering Afghanistan where it is thought that maybe Osama bin Laden is hiding out. General Musharraf agreed to withdraw all Pakistani troops from the area and release 25 Taliban militants.

Additionally, Mr. Mehsud would not even agree to stop dispatching fighters to Afghanistan, where suicide bombings against American and NATO forces have dramatically increased this year. Just yesterday, there was a horrific Taliban bombing in northern Afghanistan, with dozens of people killed, including at least six members of the Afghan Parliament.

I ask: Why is General Musharraf making deals with the sponsor of attacks such as this? Is General Musharraf helping or hurting our fight against militant Islamic extremists in Pakistan? He makes an agreement with a known Taliban supporter, but he won't make any agreements with lawyers and human rights activists in Pakistan.

It is time for the Bush administration to make our efforts in Pakistan more effective. We need a real partner in this fight, not General Musharraf. He has severely undercut his ability to effectively fight terrorism. It is time to understand that only a government that is supported by its people will actually have the ability to crack down on extremists who seek to hurt and harm American interests.

The people of Pakistan have spoken out. They do not want Musharraf, but he is not listening. He is a dictator, and he is going to stay there, and he is going to trash the Constitution, he is going to jail lawyers and human rights activists and members of the supreme court.

Just remember, Musharraf came to power in a coup d'etat in 1999, ousting the democratically elected Prime Minister Nawaz Sharif. He assumed the title of chief executive. Later, he assumed the office of President of Pakistan, all the while remaining commander in chief of the military. Now he is seizing absolute power.

I have come to the floor many times in the last 13 years to speak about America's relationship with Pakistan, to praise Pakistan and the Pakistani people as a steadfast ally going back for more than half a century. I have been to Pakistan many times. Make no mistake, I am a friend of the people of Pakistan. I admire them greatly. They have been great, strong friends of the United States for over 50 years. In the fight against communism and in every war we have ever conducted, they have helped us out. But at this time, I must speak out about the grave injustices being inflicted on the Pakistani people by General Musharraf in his grab for absolute power.

In the months and years ahead, the people of Pakistan will be asking: Who stood with us against General Musharraf's attempt to destroy democracy and seize absolute power? That is why it is so important that we in Congress, and the President as well, make it clear that we stand with the Pakistani people and Pakistani democracy and the rule of law and we reject Musharraf's power grab.

### ROBERT H. CLAMPITT FOUNDATION CHILDREN'S PRESSLINE

Ms. LANDRIEU. Mr. President, I rise to speak about a provision in this bill that I sponsored. With funding in this conference report designated in the fund for the improvement of education, the Robert H. Clampitt Foundation's Children's PressLine will establish a New Orleans bureau to teach journalism skills to at-risk youth in New Orleans.

Using an oral journalism methodology created 31 years ago by its predecessor, Children's Express, New York City-based Children's PressLine, CPL, has a proven model of civic engagement and issues awareness by youth that facilitates the participation of children of all ages and literacy levels. Every year, CPL enables more than 75 children and teens to be trained quickly and easily, empowering them with real-world critical thinking, learning and writing skills outside of the constraints of a traditional classroom environment. This CPL model has a proven track record for creating an engaging program that teaches critical professional skills and media literacy in a format that invests children in the lasting journalism that they produce.

This funding would provide for CPL personnel to work with local education and community leaders to establish a New Orleans bureau, implementing the CPL model for youth training and development. In the spirit of CPL's acclaimed "In Search of Faith" project following 9/11, the bureau's youth reporters would apply their skills to creating an oral history of children's experiences recovering from Hurricane Katrina. As CPL content is syndicated nationally through the Scripps Howard News Service and through online news sites including PBS OnlineNewsHour, the program would also create a national forum for children's voices to be heard.

By sharing their poststorm experiences with a national audience, these children will both process their traumatic experiences in a creative way, while also developing important writing skills that will bolster their academic achievement. These types of creative programs are critical for children's development, particularly after a traumatic experience, and we are excited that CPL will now have the resources necessary to build a New Orleans bureau and work with children who will benefit greatly from the program.

Mr. HARKIN. Thank you to the senior Senator from Louisiana for speaking so eloquently about the benefit that her State will get from funding in this bill. I understand there has been some confusion about the intent of this funding. I want to assure my friend from Louisiana that I will communicate to the Department of Education that the intent of this funding is to help children in New Orleans.

Mr. SPECTER. I will join the chairman in his efforts to clarify this provision.

Ms. LANDRIEU. Thank you to the chairman and ranking member for their efforts.

Mr. McCAIN. President, I wish to discuss the appropriations package before this Chamber today. We find ourselves, once again, dealing with the bulk of our Nation's spending bills at the end of the year, behind schedule, devoid of the careful consideration these important measures warrant. It is distressing that year after year, the Congress fails to produce legislation on time and free of unrequested, unauthorized, and wasteful spending. It is unfortunate that this year is no different.

In hopes of avoiding a veto from the President on a bloated Labor, Health and Human Services appropriations bill, the majority has decided to lump the bill together with the popular Military Construction-Veterans Administration appropriations bill. Instead of allowing this body to consider each bill on its own merits through robust and transparent debate, the majority and its members of the appropriations committees have attempted to shield their wasteful ways with the treatment and well-being of our servicemen, women, and veterans covered under the MilCon-VA bill. Not only is this an unconscionable tactic, it also is a violation of Senate rules, specifically rule XXVIII and represents the continued devolution of our annual budgeting process. I am confident that there will be enough collective wisdom mustered today to uphold the Senate rules and send this conference report back to the House.

Let us address briefly the reasoning behind the President's threatened veto of the underlying bill. The Labor-HHS bill currently stands $9.8 billion above the President's request, and $841 million over the Senate-passed level. Not only is this an unacceptable inflation of the original funding request, but it also highlights the egregious practice of earmarking funds. During conference, behind closed doors, there were at least 117 earmarks added to the Labor-HHS portion of the bill, and an additional 109 earmarks inserted into the MilCon-VA portion. Overall, the package before us today contains an eye-popping total of nearly 2,200 earmarks. I am ashamed of this graphic display of waste. It is disconcerting that in this time of necessity for our men and women returning from service overseas, lawmakers have attempted to hijack a bill vital to ensuring their proper care and treatment.

As usual, the majority of earmarked funds in this bill will go to the States represented by members who serve on the appropriations committee. I have long stressed the necessity of reforming the excessive and irresponsible ways of earmarking, and the state of the bill before us today only reinforces that need. And to think, less than months ago, most Members heralded the enactment of the Honest Leadership and Open Government Act of 2007, believing it would change business as usual. Well, it hasn't.

Allow me to take a moment to highlight a few earmarks of particular note: $350,000 to study the relationship between residential floor coverings and distributive patterns of airborne particulates in Smyrna, GA; $320,000 for the American Jazz Museum, Kansas City, MO; $400,000 for a study of the feasibility of establishing a graduate school in the medical sciences at Radford University in Radford, VA; $130,000 for the First Ladies Museum in Canton, OH; $325,000 for the South Florida Science Museum, West Palm Beach, FL; $150,000 for the Italian-American Cultural Center of Iowa in Des Moines, IA; $150,000 for the American Ballet Theatre in New York, NY; $1.42 million for the virtual colonoscopy outreach program at Marshall University in West Virginia; $100,000 for the Kansas Regional Prisons Museum; $250,000 for exhibit preparation at the James K. Polk Presidential Hall TN; $75,000 for the Monterey Bay Aquarium in California; $211,900 for exhibit preparation at Utah Art and History Museum.

While some in this body may feel that it is in our vital national interest to spend $350,000 of the American taxpayers' money to study the spread of dust on residential floor coverings, I simply disagree. The above,mentioned projects are only a small snapshot of the many, many other wasteful items tucked away in the 853 pages of this bill.

Our Nation remains at war, and as a result we continue to see our brave service men and women in uniform returning home in need of comprehensive and effective care from our VA system. It is our responsibility as Members of Congress to address the needs of those who have born so valiantly the sacrifices of armed conflict by providing our VA system with the resources needed to accomplish its mission. The President has stated publicly his intention to sign a clean version of the MilCon-VA bill when it reaches his desk. However, rather than addressing the needs of our veterans in a timely fashion, the majority has chosen to unnecessarily delay passage of this vital bill. The American taxpayer expects more of us, as do our brave service men and women who are fighting abroad on our behalf. We must stop these Washington games and return to placing our Nation's interests before our own.

Mr. ENZI. Mr. President, I wish to address the pending legislation, the conference report for the Labor, Health and Human Services, and Education Fiscal Year 2008 appropriations legislation, which has been combined with the Fiscal Year 2008 Military Construction VA appropriations legislation.

I encourage my colleagues to cut right to the chase. Packaging these bills together is an effort to force President Bush to sign the Labor-HHS appropriations bill, which he opposes and will veto, by combining it with a Military Construction Veterans funding bill that cleared the Senate with almost unanimous consent. We ought to be working to write funding bills that are acceptable on both ends of Pennsylvania Avenue and debating these conference reports separately. Instead what we are seeing is 2008 election year politicking at work.

I voted against the Labor-HHS appropriations bill on the floor because of the overall spending level, which was roughly $9 billion over the administration's request. Now I understand that this portion of the conference report grew by an additional $840 million beyond what the Senate passed. The level of spending in this title of the conference report is excessive and will add to the huge financial burden we are leaving for our children and grandchildren. So while this legislation is well intentioned, I cannot support it. Nine billion dollars may not seem like much money in the context of a budget that totals more than $2 trillion. But the cumulative effect of excessive spending will total in the tens of billions in any given year unless we act to maintain some form of fiscal discipline. Some of the additional spending, particularly related to education, I support—but the vote being cast today is in relation to the entire $151 billion discretionary package, which on the whole I do not believe should be approved.

The military—veterans title of this package first passed the Senate by a vote of 92 to 1. I supported this bill on the floor, which was $4 billion over the administration's request, because I agree with the vast majority of the policies and support the increased commitment to our Nation's veterans during a time of war. I fully support this portion of the conference report—and my understanding is that if the Congress presented this title to the administration as a free-standing bill, the President would sign the legislation. So what we are seeing on the floor of the Senate here today is the majority party's willingness to use whatever means necessary to get their way on excessive domestic spending—even if it means stalling a bill that would provide immediate resources to our Nation's veterans. Rather than working for the best interests of our veterans, they are being used for political theater. That, to me, is shockingly bad judgment.

I understand that a point of order lies against this package for violating Senate rule XXVIII, and that it will be raised this afternoon. I will vote to sustain the point of order because the end result could be President Bush receiving the Labor-HHS title and the military-veterans title as free-standing packages. Thus the military-veterans package would be signed and needed funds for our veterans will be available.

My understanding is that, for a variety of reasons, the President will veto the Labor-HHS title. The administration has been vocal about their concerns for some time, so this should not come as a surprise to my colleagues. The Senate has been on notice.

I tried to improve the Labor-HHS title during the floor debate by offering an amendment dealing with the Ryan White HIV/AIDS funding formula. My amendment was accepted by a rollcall vote of 65 to 28, but dropped during the conference process. My amendment simply ensures that the current Ryan White funding formulas would not be altered by this appropriations bill, neutering a provision in the underlying House bill that changes the formula that was unanimously agreed to in the Senate just last year. We agreed the money would follow the patients. The conference report will revert to waiting lines, while providing San Francisco a funding increase—even though they receive money in part for people who are already dead.

Last December, the House and Senate passed by a overwhelming majority authorization legislation for Ryan White. Our recent revisions to Ryan White ensured that no large city lost more than 5 percent of its formula funding from the previous fiscal year. In addition to the formula funding, cities sometimes receive additional supplemental funds to deal with severe need. To ensure more stability, we reduced that supplemental funding—from 50 percent of the total to one-third of the total appropriations—to provide additional formula funding.

The House provision I mentioned, which Senator FEINSTEIN stated on the Senate floor was a "Pelosi fix," funnels $9.4 million away from the current Ryan White Fiscal Year 2008 formulas so that 11 cities could benefit from yet another hold harmless provision for Fiscal Year 2007. This new, retroactive hold harmless provision is added on top of the hold harmless provisions under the current Ryan White funding formulas. While some have called this a stop-loss, it is still a change to the funding formulas because it alters how the appropriations dollars would be directed to cities receiving Ryan White funds. This is a retroactive application of the stop-loss, applying to 2007 grant awards, not 2008 grant awards. Quite frankly, this earmark ensures that 11 cities arbitrarily receive additional funds for Fiscal Year 2007 at the expense of 45 other cities.

Even though my amendment was supported by a majority of Senate conferees, it was dropped in the conference negotiations. Because no amendments were allowed during the conference meeting, there was no chance for all conferees to take an up-or-down vote. Is this democracy at its best? Our constituents deserve a better, more fair process.

As I said previously during the Labor-HHS floor debate, I stand ready to work with all of my colleagues on a compromise product that can garner support from both the legislative as well as the executive branch of our Government. It is unfortunate that we have to waste yet another week on this political exercise, rather than using that time to write a quality compromise product that can actually become the law.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The majority leader is recognized.

Mr. REID. Madam President, I alert my distinguished counterpart, Senator MCCONNELL, that I am going to use 4 or 5 minutes of leader time. So if he needs more time, I alert him to that fact. Our time is basically gone. I didn't know that when I came to the Chamber.

Mr. McCONNELL. Madam President, I am prepared to use a couple minutes of my leader time.

We have before us a combination of two bills—the Labor, Health and Human Services bill and the Veterans bill. We know the President will sign the Veterans bill. He has been hoping to get it for the last couple of months. We know he will veto the Labor, Health and Human Services bill. So Senator HUTCHISON from Texas has made a point of order that the Veterans bill should not have been placed into the Labor-HHS bill in conference.

The principal reason for sustaining that point of order is to separate these bills and give us a chance to get a Veterans bill to the President by Veterans Day, which is next Monday. Today is the last day the House of Representatives could appoint conferees on this bill in order to get it to the President by next Monday, Veterans Day. So the only way we can get a signed Veterans bill by Veterans Day is for the point of order to be sustained, thereby separating these two bills and giving us a chance to get the job finished for our veterans, who richly deserve this important bill, by next Monday on Veterans Day.

I urge my colleagues to vote to sustain the point of order, to give us a chance to get these bills separated and get this much needed relief to our veterans by next Monday, Veterans Day.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, the Labor, Health, and Education bill passed the Senate with 75 votes. When the bill originally passed the Senate, I applauded my Republican colleagues for joining with us in such great numbers to support a bill of such great importance to our country's domestic well-being.

This bill makes significant investments in education, and isn't it right that we do that? It supports the No Child Left Behind programs such as title I grants. In one school district in Nevada, 315,000 students go to that school district. I have another school district in Nevada that has 88 students in it. We have 17 superintendents of schools in Nevada, but I have met with every one of the superintendents, and they believe the No Child Left Behind Act is really creating problems. Whether it is a big school district or a little one—problems. One of the big problems is the financial aspects of it are too short.

The conference report that is before the Senate will do something to magnify our ability to educate children with disabilities. That is the right thing to do. Why should the burden be left with local school districts? That money is taken from programs that enrich schools and is used to take care of a Federal mandate—educating these children. I support educating those with disabilities—physical, emotional, mental disabilities. They should be educated. But we required the States to do that. We should step forward. We have not done that. This bill conference report does that.

This legislation helps families pay for college with Pell grants and other aids. It is important that is done.

This legislation supports our economy and the well-being of our workforce with job-training programs for adults, young people, and dislocated workers, and supports funding for the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health.

For health care, it makes critical investments, including local health care centers like community health care centers, to improve access to care and train nurses and other health care professionals.

I can remember as a young Senator, Senator Moynihan was back there. He sat right back there. We were debating, at the time, one of the problems of the day—homelessness. Senator Moynihan said to me—he said it as a professor would tell a student—he said that one of the big problems with homelessness is we haven't lived up to our obligation as a Congress. When we emptied the mental institutions around the country, one of the obligations we had was to have community health centers so these people could go back and have their medicine readjusted. He said we have not done that. Very few community health centers exist, and this is the reason we have so many homeless. This legislation doesn't cure it, but it helps, it helps with community health centers.

In this legislation, crafted by Senators HARKIN and SPECTER, there are new funds for medical research to study diseases such as diabetes, cancer, Parkinson's, and Alzheimer's.

I had a conversation with J.C. Watts yesterday. He is retired from Congress but an All-American quarterback from Oklahoma, a great athlete. He said: Have you seen David Humm lately? I said: No, I haven't. David Humm was an All-American from Nebraska, and, of course, J.C. Watts knew of him and knew him. I told him: You wouldn't know David Humm. Handsome—he should have been a model. He played college football. He played professional football for 10 years. But he was stricken with multiple sclerosis. David Humm is very sick now.

You think of people like David Humm when you recognize that we need to do medical research. This legislation increases funding for diseases such as multiple sclerosis. It gives the National Institutes of Health resources to do things in medical research that they cannot do unless they get money.

Right now, people who want to do medical research are stymied. They know they make these applications to the National Institutes of Health, and if they are lucky, one out of every five grants will be funded, so a lot of people don't bother to even apply anymore because their chances are so remote that they are going to be able to do their medical research. This bill will help.

This legislation fights poverty with community service block grants and social service block grants. It adds money to programs such as Head Start to keep kids healthy and start them on a path to good education and helps families cope with ever-rising energy prices.

It does it all. It works in tandem with the VA portion to support America's veterans with funds for the Substance Abuse and Mental Health Services Administration. There is money in this to support the Department of Labor's veterans employment and training programs to help returning troops.

There are additional moneys for emergency and hospital care, rehabilitation, education, and long-term support for Americans with traumatic brain injuries.

It is a good partner with the bill that is part of this conference report, the veterans aspect of this. In the Labor-HHS bill, there is care for homeless veterans, who comprise an outrageous 23 percent of America's homeless population. If you see a homeless person on the street, you can bet, No. 1, there is a 25-percent chance that person is a veteran. What a shame.

The priorities I talked about here are not Democratic or Republican priorities; they are American priorities. We all want to keep our economy strong and growing, we all want to provide our children with keys to unlock a future of limitless opportunity, and we all want to give every American a chance to share in the blessings of our country. The bill now before us reflects those ideals in a responsible way. Yet President Bush has threatened another veto.

Remember, "veto" is a new part of his vocabulary. He has been President for 7 years, and that is just something new he has picked up. In fact, he has threatened to veto all 12 appropriations bills before they were even written. He has already vetoed children's health insurance and is threatening to veto the farm bill, which is bipartisan legislation that both sides of the aisle have worked hard to write. In the 7 years of his Presidency, after having rung up record deficits and debt with his tax and spending policies that were rubberstamped by a Republican-dominated Congress, President Bush has suddenly decided to act as if he has newfound fiscal discipline.

Given his fiscal record, everyone should understand the President's latest stand is driven by partisan politics rather than a desire to pursue proper fiscal policy. I understand that. I am sure many of my colleagues on the other side of the aisle understand that. We all do understand it, but it is irresponsible. His failed Presidency has left him with little else to become relevant. But he should not attempt to score political points on the backs of our veterans who have given so much to our country and received so little in return.

We have, in this conference report, $4 billion more than he asked for. Why? Because it is needed. The President should not attempt to score political points on the backs of working families who are struggling mightily after 7 years of his failed economic policy. Gas prices in Nevada are way over $3 a gallon now, and they say they will arrive at $4 a gallon. The President should not attempt to score political points on the backs of children in need of a good education, those who are ill and in need of a cure and those who are homeless in need of a place to sleep.

He should not, and we must not let him, and we have that right here. We have the ability, and we have that obligation when we vote on this later today.

Some Republicans are seeking to separate the two bills—to force a vote just on the VA bill and vote just on the Labor-HHS bill. If we do that, here is what happens. This bill will go back to the House with only the Labor-HHS bill. That is all the President will get. He will not get the veterans bill. At some time he will get it, but he could have it today. Remember, one bill we passed by 92, the other one by 75. Why would people change their votes? They agreed on these two bills. We have not changed the amount of them.

So I hope we can do both of these bills. With the same bipartisan support that has brought this bill to the floor, we can pass it and send it to the President. We can get aid to veterans before Veterans Day. We can start investing in America's domestic priorities right away.

We must not dance around the reality of the situation. President Bush wants these bills separated so that he can pressure us to make even deeper cuts in education, health care, and homeland security. Why do you think increases were made in the Labor-HHS bill? To help the American people as we see it. We are an equal branch of Government.

The President and some of his allies here in the Senate are sure to recycle their well-worn language that we are holding up funding for veterans. That is false. It is untrue. We stand ready to pass this bill today. We stand ready to make right the awful conditions many veterans face as a result of this administration's neglect. We will not take from Peter to pay Paul. We need not make that choice.

Mr. President, 92 Senators who voted for the VA bill believe it sets the right priorities for America. I do too. Clearly, the 75 Senators who voted for the Labor-HHS bill believe it, that it sets the right priorities for America.

What we have before us now are the same priorities. They have not changed. I urge my colleagues to do the right thing.

We are the legislative branch of Government. The Founding Fathers, in setting up this wonderful country with our Constitution, made three separate and equal branches of Government. We, the Congress, do not serve under the President; we serve with the President.

Why in the world would Senators who voted 75 in number now suddenly vote against the bill for which they voted? That is what they are doing. Why wouldn't we just send this whole piece of legislation to the President? Seventy-five Senators voted for one part of it; 92 Senators voted for the other.

Be the legislative branch of Government; that is who we are. Don't kowtow to the President. We did what we thought was right, and it is unfair for him now to tell us how we should legislate.

I ask that Senators vote the way they did the first time around: 92 supported the VA bill; 75 supported the Labor-HHS bill. They are both badly needed for this country.

Madam President, if we have remaining time, I yield it back.

Mr. McCONNELL. I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion to waive the point of order. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), and the Senator from Arizona (Mr. McCAIN).

Further, if present and voting, the Senator from Arizona (Mr. McCAIN) and the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 46, as follows:

[Rollcall Vote No. 404 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—46

Alexander
Allard
Barrasso
Bennett
Bond
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—7

Biden
Brownback
Bunning
Clinton
Dodd
McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the language that is the subject of the point of order is stricken.

The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I am not going to exercise my privileges under the unanimous consent request.

The PRESIDING OFFICER. Under the rule, the Senate now considers the question of whether the Senate should recede from its amendment to the House bill and concur with a further amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), and the Senator from Arizona (Mr. McCAIN).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 37, as follows:

[Rollcall Vote No. 405 Leg.]

YEAS—56

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Craig
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Webb
Whitehouse
Wyden

NAYS—37

Alexander
Allard
Barrasso
Bennett
Bond
Burr
Chambliss
Coburn
Corker
Cornyn
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCaskill
McConnell
Murkowski
Roberts
Sessions
Shelby
Sununu
Thune
Vitter
Warner

NOT VOTING—7

Biden
Brownback
Bunning
Clinton
Dodd
McCain
Obama

The motion was agreed to.

Mr. BROWN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

## UNANIMOUS-CONSENT AGREEMENT—H.R. 1495

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, November 7, when the President's veto message on H.R. 1495 is received, it be considered as having been read, spread in full in the Journal, and printed in the RECORD; that there then be 3 hours of debate on the message with the time divided as follows: 45 minutes each for Senators BOXER and INHOFE, 90 minutes under the control of the Republican leader or his designee; that upon the use or yielding back of time today, the message be set aside to occur following morning business tomorrow morning, Thursday, November 8, at which time there be a total of 30 minutes remaining for debate, with 7½ minutes each for Senators BOXER and INHOFE and 15 minutes for the Republican leader or his designee; that upon the use or yielding back of time, with no further intervening action, the Senate proceed to vote passage of the bill, the objections of the President notwithstanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I come to the floor to urge my colleagues to override the President's veto of this important bill. There are many colleagues who want to speak tonight on the subject of WRDA, because this has been a team effort. Senator BOXER, the chairman of the committee, along with Senator INHOFE, ranking member, have worked hard and diligently to put a bill together which the vast majority of us support, and many colleagues are here tonight to speak. I will be very brief.

I want to speak about this bill because it is so critical to Louisiana. It is critical for us to give a green light to the people of south Louisiana and to the gulf coast who are still struggling to rebuild and put the pieces of their shattered lives back together because of the unprecedented two-punch storm—Katrina and Rita—and the breaking of the Federal levee system that should have held but didn't. We saw 285,000 homes destroyed. Because of the fires in California, as horrific as they were, screaming out of the mountains with the Santa Ana winds and scorching homes and neighborhoods, 1,600 homes were lost. Thousands of families were displaced and some businesses destroyed. But compared to Katrina and Rita, which is now 2 years in the past but is very close in the memory and hearts of the people still living there, we have to continue to remind ourselves and the Nation, it was 285,000 homes destroyed, unprecedented in the history of this Nation.

This bill in place lays a foundation for us to build on. It lays a foundation for security and prosperity. Frankly, without it, our long-term recovery is in jeopardy. This bill will authorize, not fund, about $7 billion in critical water infrastructure projects, the first real piece of Louisiana coastal restoration effort, the closing of a shipping channel that was literally devastating to the parish in which it lies, St. Bernard Parish. Every home was destroyed in that parish; 67,000 people who lived there saw their lives and businesses destroyed when the levees supporting this commercial channel failed. There were levees throughout the metropolitan area that failed. This bill begins to lay a foundation for coastal restoration, to restore levees, to close the Mississippi Gulf outlet channel we refer to as Mr. Go, establishing for the first time hurricane protection along some southern parishes, Lafourche and Terrebonne, which we don't hear very much about because everybody focuses on New Orleans. We don't hear about Lafourche and Terrebonne and Iberia and Cameron. These are parishes that have hundreds of thousands of people who live there and support the commerce of this Nation disproportionate to their number. This is where the pipelines are. This is where much of the energy infrastructure is for the Nation. It is these places we want to preserve for the future.

That is why Senator INHOFE and Senator BOXER and the members of their committee—Senator VITTER represents us on this authorizing committee—have done an outstanding job in pulling together these projects. I don't know why the President chose this bill to try to reassume the mantle of fiscal responsibility, but he picked the wrong bill. As my colleagues will explain, it is fiscally responsible to pass a framework, a guideline, a limit on these projects. That is what WRDA does.

For the Nation it is important we invest in critical infrastructure. I don't like to make these comparisons on everything, but it is worth noting that we are now spending $120 billion this year in Iraq. We are spending $2.3 billion a week. It is hard for me to go home to Louisiana and explain why we can't come up with $7 billion in authorizations for projects that are going to last over the next 20 or 30 years. We still have to go back and get the funding, but without authorization, we can't get started.

I hope my colleagues will join me in a strong override. The House did so last night. I look forward to the Senate overriding the President's veto of this important bill.

I retain the remainder of my time.

## WATER RESOURCES DEVELOPMENT ACT OF 2007—VETO

The PRESIDING OFFICER. The Chair lays before the Senate the President's veto message on H.R. 1495, which under the previous order is considered read and spread in full upon the Journal.

The message from the President to the House of Representatives is as follows:

*To the House of Representatives:*

I am returning herewith without my approval H.R. 1495, the "Water Resources Development Act of 2007."

This bill lacks fiscal discipline. I fully support funding for water resources projects that will yield high economic and environmental returns to the Nation and each year my budget has proposed reasonable and responsible funding, including $4.9 billion for 2008, to support the Army Corps of Engineers' (Corps) main missions. However, this authorization bill makes promises to local communities that the Congress does not have a track record of keeping. The House of Representatives took a $15 billion bill into negotiations with a $14 billion bill from the Senate and instead of splitting the difference, emerged with a Washington compromise that costs over $23 billion. This is not fiscally responsible, particularly when local communities have been waiting for funding for projects already in the pipeline. The bill's excessive authorization for over 900 projects and programs exacerbates the massive backlog of ongoing Corps construction projects, which will require an additional $38 billion in future appropriations to complete.

This bill does not set priorities. The authorization and funding of Federal water resources projects should be focused on those projects with the greatest merit that are also a Federal responsibility. My Administration has repeatedly urged the Congress to authorize only those projects and programs that provide a high return on investment and are within the three main missions of the Corps' civil works program: facilitating commercial navigation, reducing the risk of damage from floods and storms, and restoring aquatic ecosystems. This bill does not achieve that goal. This bill promises hundreds of earmarks and hinders the Corps' ability to fulfill the Nation's critical water resources needs—including hurricane protection for greater New Orleans, flood damage reduction for Sacramento, and restoration of the Everglades—while diverting resources from the significant investments needed to maintain existing Federal water infrastructure. American taxpayers should not be asked to support a pork-barrel system of Federal authorization and funding where a project's merit is an afterthought.

I urge the Congress to send me a fiscally responsible bill that sets priorities. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment. For the reasons outlined above, I must veto H.R. 1495.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 2, 2007.*

The Senate proceeded to reconsider the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, returned to the House by the President on November 2, 2007, with his objections, and passed by the House of Representatives, on reconsideration, on November 6, 2007.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding, for clarification—because we have changed this a little bit—that our final decision is we are going to have an hour and a half kind of equally divided for those of us who are for overriding the veto, and then after that there will be an hour and a half for the other side, and we can divide our time as we want since we are agreeing on this. Is that correct?

The PRESIDING OFFICER. The Senator from Oklahoma controls 45 minutes of his own, as does the Senator from California, Mrs. BOXER.

Mr. INHOFE. Yes, that is fine.

The PRESIDING OFFICER. Ninety minutes is reserved for the Republican leader, and all of that time can be parceled out in a manner the Senator sees fit.

Mr. INHOFE. Good. The bottom line is, we are going to have an hour and a half to state why we think this is not a good veto and to override it.

Mr. President, I do have a number of people, Republicans, who want to come down and be heard who did not have a lot of time for preparation. I am very glad this is coming up right now, but, hopefully, they are still going to be around.

First of all, Senator BOND has been very helpful in this effort and is a very senior member of this committee that put this legislation together. I will yield him whatever time he shall use. Ten minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my friend from Oklahoma. I congratulate him and the Chair, Senator BOXER from California, for bringing this balanced and much needed bill to the floor so we may expeditiously override the veto.

Now WRDA is supposed to be authorized every 2 years, but there has not been a bill passed by this Congress during the entire administration. I have been working on this bill since 2001, so we are calling it WRDA 2001. The reason I have a direct interest in it is my State has nearly 1,000 miles of Missouri and Mississippi River frontage in addition to our lakes. Our communities rely on Corps projects for affordable water transportation, flood protection, energy production, environmental protection, and recreation opportunities.

When we talk about the environment—and in a minute I will be telling you why the environmental benefits of transportation by water are so important—my constituents know that Corps projects mean jobs, trade competitiveness, reliable and affordable energy, drinking water, and protection from floods which ruin property and kill people.

We are not alone because States up and down the Mississippi River, up and down the Missouri River, up and down the Ohio River, States in the central part of the Nation, depend on the lakes; and States on the coasts depend upon their ports as well. So this is truly a national bill. But I can speak to it directly from what I have seen and what I know in my part of the world.

I am delighted we are completing our long journey to permit modernization of the Mississippi River locks. These locks were built during the Great Depression, some 75 years ago, for paddlewheel boats—paddlewheel boats—that only pushed 600-foot barge tows. Now we have 1,200-foot barge tows trying to get through 600-foot locks. They have to double lock. And these locks are old.

I have spent a lot of time with the people who depend on these locks—the farmers; shippers of cement, building materials, fertilizers, energy, coal, and petroleum that travel by water. They showed me and I have seen that these locks are not just leaking, sheets of water are coming through them. You can only use so much bailing wire and duct tape on a 75-year-old lock to keep it from going out.

Now one medium-sized 1,200-foot barge tow carries the same amount of commodities that 870 large semitrucks would carry. It would take a train car unit 2¼ miles long to carry the same load. But there is not room on our highways to put 870 trucks for every barge tow that would be used. The rails are filled. There is not room to put a 2¼ or 2¾ train on our railroads.

If we want to get our commodities to the market, if we want to have the most environmentally friendly and efficient means of transportation, we have to be able to move goods up the Mississippi River.

The locks in the bottleneck begin just above St. Louis. So all of the northern Midwest depends on those locks. The Mississippi River itself carries about 60 percent of the grain moving in international commerce, foreign trade—getting better prices for our farmers, keeping our rural communities healthy with good prices, and also lessening our balance of trade deficit. If you believe in selling our goods abroad, if you believe foreign sales are good for us—and I am strongly convinced they are—then we must have transportation.

We have had a long, arduous process to get the 2-year bill in 7 years, and we have been blessed with strong bipartisan support. From my part of the country, Senators GRASSLEY, HARKIN, DURBIN, and OBAMA have played key roles, and I express my gratitude.

Now the administration says they vetoed this bill because they say it is too big. If it were a normal 2-year bill, it would be big. But this is a 7-year bill, taking into account literally four different WRDA bills. If you total only three WRDA bills during the 5-year period—1996 to 2000—the authorization levels are comparable.

I think we must override the veto because this bill does not spend a dollar. It is an authorization bill. It says these projects are approved for consideration for funding. The Corps of Engineers has gone through extensive processes—engineering, public comment—to come to this point, and we are giving congressional blessings. This just adds projects to the list eligible. Put another way, it is a license to hunt. You still have to go out and hit the bird, and you cannot go beyond the limit. The limit is the budget.

The White House should know this bill spends not one dollar. The breakfast menu is larger, but the breakfast budget is unchanged. To say otherwise is to either misinform or purposely mislead.

The unfortunate reality for our State and the farmers and shippers in our State is that water resources and water transportation do not seem to be a high priority of this administration, despite the expectation of supporters in 2000.

The previous administration was not supportive, and this one is no better. I know the White House staff will disagree, but OMB ought to try to go out and talk to the people who live in our part of the country. There are many areas where these projects are needed.

In November of 2005, the Washington Times reported that President Bush noted during a press conference with Panamanian President Torrijos:

> [I]t's in our nation's interest that this canal be modernized.

Well, I think that is a great idea: modernize the Panama Canal. But while we are at it, why not modernize our own shipping areas? The administration does not oppose modernizing the Social Security-aged locks on the Mississippi River built for paddlewheel boats, but they also have not endorsed it or lifted a finger to endorse it. Endorsement was reserved for upgrading the waterways in Panama. My colleagues and I believe our Midwestern exporters deserve as much consideration as Chinese exporters who transit the Panama Canal.

I could list the supporters of it: the National Corn Growers Association, Carpenters Union, Operating Union, American Farm Bureau Federation, American Soybean Association, scores of members of the Waterways Council, and a whole lot of hard-working folks in Missouri and Illinois with whom I have met.

Our staffs have worked tirelessly on this legislation—not for days or weeks but years. There are many who have worked hard. I thank Ruth Van Mark, Ken Kopocis, Angie Giancarlo, Joe-Ellen Darcy; and a very special thanks to the bipartisan staff support of a very good friend of mine, Let Mon Lee, who has worked on the committee.

The success of our economy and its people owes a great debt to the investments that were made by those who came before us.

I urge my colleagues to vote for investments that will provide opportunity, value, competitiveness, and growth to our future so our export growth will not be limited to exporting barges.

This, as shown on this chart, is what we are exporting. We are exporting the barges to countries in Latin America so they can ship efficiently, economically, in environmentally friendly waters and take markets away from American farmers.

My thanks to the committee and the staff of Environment and Public Works. We appreciate their work. I urge my colleagues to join with us and adopt this bill by a veto override.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, there will be other Members who want to come down to speak. When that happens, if staff will remind me, I will interrupt my remarks in order to give them time.

But I want to approach this legislation a little bit differently. I could be standing here and saying some of the same things my good friend from Missouri said in terms of things that are in this authorization bill that are critical to my State of Oklahoma, but I think my State of Oklahoma already knows that. I already talked to them about it.

We have things in this bill, and they are not all projects that will be built, but these are projects that the Corps of Engineers has carefully gone through, prioritized, and determined should be done.

Let me give you an example. We have work on the most devastating Superfund site in America called Tar Creek in northern Oklahoma. That is something that is going to be addressed in this legislation. We are more than 50 percent through resolving that problem, but more needs to be done—things such as a lake called Arcadia Lake that is close to the central part of the State. The city of Edmond has been in not a lawsuit but a legal difference with the Corps of Engineers now for many years, and they were almost forced to pay several million dollars for water they never did receive. So a lot of this bill clarifies problems that are out there, and it is necessary.

I think the Senator from Missouri made it very clear, the last time we had a bill was the year 2000—7 years ago—and actually that bill, 7 years ago, was only a 1-year bill. A lot of people think it was a 2-year bill. It was a 1-year bill. We are supposed to have these every year or 2 years, but we have not had one.

Last year I can remember standing here on the floor, and I think we actually got it passed, but then we ran out of time before adjournment took place.

It is very difficult for me to do this because I love our President, but I think he has been ill advised in this case because, as has been pointed out by the Senator from Missouri, this bill does not spend a dime. For people to walk around—and I am doing quite a bit of time on talk radio to make sure the public is aware of this—this is an authorization bill.

In a minute, I am going to explain the history of authorization versus appropriations. I hope there are some people who are listening, particularly conservative people. The reason I say that—we are all rated around here for being conservative or liberal. I happen to be rated by the American Conservative Union, and several other organizations, not No. 2, I say to my friend from Colorado, not No. 3, but No. 1—the most conservative Member of the Senate. Yet I am standing here asking this Senate to override the President's veto of the authorization bill called WRDA.

Now I see my friend, the junior Senator from Louisiana, is wanting to have some time. I will be glad to yield to him, and then I am going to come back and kind of go over some history at that time.

How much time would the Senator like? Ten minutes?

I yield the Senator 10 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I particularly thank my distinguished colleague from Oklahoma, the ranking member on the committee. I thank Senator INHOFE and Senator BOXER and all of the committee members for all of their diligent work for many years, in fact, that has finally produced this very good and worthwhile WRDA bill which we are about to pass into law.

I stand as one of the two Senators from Louisiana very excited about this moment because this legislation is absolutely crucial for our recovery from Hurricanes Rita and Katrina and, indeed, for our survival as a coastal culture, as a coastal State, moving into the future. It is absolutely vital in that regard. I believe passage of this bill, including overriding the President's veto, is absolutely necessary for the Nation and the Congress to keep the very generous and very solemn commitment made to the people of Louisiana and of the gulf coast following Hurricanes Rita and Katrina. This bill is enormously important, and it has been a long time in coming.

While ordinarily a WRDA bill would be passed every other year, we haven't had one in many years to pass through the Congress. So, as a result, this is long overdue. This is the equivalent of two or three water resources bills combined.

The good news is that from our perspective, particularly dealing with Louisiana issues, we have used that time and that opportunity to improve the bill dramatically, even from the moment when I came to the Senate 3 years ago and started working on the committee on this bill to improve it dramatically and to include more measures for coastal restoration, coastal protection, and hurricane protection for our survival.

I want to make clear this isn't some parochial Louisiana matter. Even the provisions I care most deeply about have national importance and a national impact and truly are national priorities. Let me mention a few sets of numbers just to illustrate the point.

Thirty-three: That is the number of States that rely directly on the protection systems in Louisiana authorized in this bill for maritime commerce—import and export of goods—and, of course, that includes the entirety of the Midwest and particularly grain and other products from farmers in the Midwest.

Eighty: That is the percentage of domestically produced chemicals and petrochemicals that come from Louisiana and Texas vital to our economy. This bill is helping protect that economic infrastructure, that industry.

Twenty-six: That is the percent of seafood that comes from Louisiana waters and includes more shrimp, crawfish, and oysters than any other State.

Three million: That is the number of barrels of oil that could not be refined each day because of the shutdown of our refineries immediately after the hurricanes.

One dollar: It doesn't sound like much, but that is the extra amount that each of our constituents nationwide paid per gallon as a result of the 2005 hurricanes that hit Louisiana. Each gallon of gas used to take kids to school and to drive to work, farmers using it in their tractors, boats to ship imports and exports, airplanes to fly passengers and cargo, truckers to drive their loads across the Nation—$1 a gallon extra because of that disruption, because of a lack of protection.

Mr. President, $2.8 billion: That is the extra amount all of our constituents paid nationwide in just 1 week as a result of those gasoline price spikes.

Maybe the most important number is 4. That is from a commission, a study commissioned by FEMA. That is the amount of money saved: $4 for every $1 invested in mitigation and protection. That is a great savings for the future for the taxpayer.

So this is vitally important for my people in Louisiana, but it is vitally important to the Nation because of that direct connection, because of that direct impact of the hurricanes on the Nation's economic vitality, on the Federal Treasury that had to respond to the devastation of the hurricanes.

As I said, I am proud of the work all of us have done, including, as I served on the committee, on the conference committee, to fashion key provisions, taking into account the lessons of Hurricanes Rita and Katrina, key provisions that are now in this bill.

Let me mention just a few. The Water Resources Council: That is a council and an integration team that would be verifying the Corps' work, the Corps' conclusions and findings in terms of the implementation of Louisiana projects. So we have experts from outside the Corps, from academia, from the realm of practicing engineers to work hand in glove with the Corps so that design mistakes such as those that led to the levee breaches never happen again.

True 100-year hurricane protection: As I grew up in the New Orleans area, I was told we had 100-year protection, but the day Katrina hit, it disclosed the fact that wasn't true. Now we will be building through this bill true 100-year hurricane protection, and I thank President Bush for his commitment to that and his commitment to ask for all of the funding necessary to do that.

Moving forward on higher levels of protection for populated areas, what we would call true category 5 protection: The Corps is currently looking at that, designing that, but this bill will move that effort forward in a major way so we move forward with the design and implementation of that higher level of category 5 protection.

Coastal restoration: We can talk about levees and physical barriers and the storm surge all we want, but if we continue to lose our rich coastland, which is the buffer land from storms, we will never be able to win that fight. So the fight starts with restoring our coastal barrier islands and coastal buffer lands. In this bill we have $4 billion worth of that authorized work, 17 separate projects for coastal restoration. Of all of the work I have done in this bill, I think beefing up that portion of it is what I am most proud of because when I came to the Senate, when I came to this committee, there was only about $400 million dedicated to that coastal restoration, one specifically authorized project. Now there is $4 billion and 17 authorized projects.

We can go on and on. Closing MRGO, the deadly hurricane highway which was directly related to so much of the catastrophic flooding in New Orleans; other important work around the State, work with regard to the Port of Iberia and improving hurricane and flood protection in Vermilion parish, work that is very crucial to the Calcasieu River to allow navigation in that area to go on and prosper; bank stabilization for the Quachita and Black Rivers in north Louisiana; other hurricane protection improvements in lower Jefferson and Lafourche Parish; studies to improve access to Vidalia, LA, and other areas; countless projects, countless examples of important work.

Then last, but certainly not least, something we have been waiting on, working toward for 15 years and more, which is the Morganza to the gulf hurricane protection project to bring protection for the first time to a vital area just west of New Orleans, a populated area rich in culture, seafood, economic production, economic vitality. This project has been developed by the Corps over 15 years and more. It should have been in the last WRDA bill. In fact, it was in the last WRDA bill but is subject to a chief's report, and then the Corps of Engineers missed its deadline for that chief's report. That is finally being fully authorized, moving forward in an aggressive fashion because of this WRDA bill.

So again, in closing, let me say, make no mistake about it; this bill is vitally important for Louisiana, for our people, for our continued recovery, for our survival. But I don't want that to come across as some narrow or parochial concern because it does touch all of America in terms of impact. If our gulf coast is devastated in the future, gasoline prices will spike far more than 2 years ago. Our economy will be disrupted far more than 2 years ago, and, yes, FEMA and the Federal Government will have to spend even more than 2 years ago to deal with such a future disaster.

This WRDA bill is long overdue. It is fully justified. I thank Senator INHOFE, Senator BOXER, and all of the committee again for their very hard work as we move forward and finally pass this into law.

I yield the floor.

Mr. INHOFE. Mr. President, first of all, I thank the Senator from Louisiana. He has been an excellent member of the committee. He has certainly been looking out after the very serious problems that exist even today in his State of Louisiana, problems that exist as a result of Katrina and other things that were happening before, such as beach erosion and other problems they have.

I also thank Senator BOXER. We joke around about this a little bit. We are kind of opposites in terms of philosophies, but we do come together in agreement on the process we use in determining what should be done for infrastructure in this country.

Now, I said just a few minutes ago that I have what some would think is a distinction, and some would question that, but I am rated anyway as the most conservative member of the Senate, and here I am standing up asking my colleagues to join me in overriding a veto that the President should not have made. I think if there are any discerning people who really want to know why, it is pretty heavy lifting to follow this through, but I think it is important to do that.

There are some things that work in government and a lot of things that don't work. My colleagues have heard me say this before when we were talking about the transportation bill, the fact that it is something that does work, where people who are using the transportation system are putting money into it. It comes from a trust account, and we make determinations as to how it should be allocated in accordance with the needs of the States, taking into consideration things such as highway deaths and things such as road miles and lane miles, and then make those allocations. Frankly, it works very well.

This is almost the same process, except these are water projects. Several people have talked about how it is overdue. Actually, this bill is 6 years overdue. We had the last one in the year 2000. We tried in 2001, 2002, 2003, and last year we came—we passed the bill on this floor, standing right here I can remember, and we thought it would be history by now, but the clock caught up with us and we didn't have time to get it out of conference and passed into law.

Now, I think if we look at this—I am going to make a statement a lot of people would not understand, but I am making this statement for my conservative friends. If you take away the authorization process from the way we do business down here, then it has to be done by appropriators. What we are talking about today doesn't spend a dime. You have heard people say it, and I felt the President, in his message, was a little misleading to imply that this somehow is going to end up in more spending. It doesn't end up in more spending. It wouldn't matter what the amount of the bill is because what this does in this particular bill is it takes 751 projects, and it gives a maximum that can be spent on any project. If you go over the maximum, then you have what we call a 60-vote point of order which I will—I commit to standing up and invoking so we can't spend more money.

Now, it doesn't mean—if the total amount that you would add up in this bill is $23 billion, it doesn't mean it is going to end up costing $23 billion. That money has to be appropriated, and historically it has averaged out to about 70 percent of the projects. I have already said there are—what is the total number of projects in this bill—751 projects. Only 70 percent of those would get any funding, and then many of the rest of them will get funding at an amount far less than we are authorizing. We are saying you can go up to that amount.

Now, to understand this, I would like to kind of walk us through. It appears I will have time to do this because we don't have any more on our side who are planning to come down and speak. So the significant difference between authorizing and appropriating in the Senate is a long history, and it goes back to 1816. Let's start with the charts back there.

The responsibility of authorizing versus appropriating has been a debate that has been ongoing for a long time. What happened is, when they first created some 11 permanent standing committees, that happened in 1816 to handle legislative proposals.

At that time, they weren't really sure about authorizing and appropriating because the problem hadn't really come up yet—until 1867. In 1867, the Senate created the Appropriations Committee. It was the first step of the Senate to separate authorization and appropriations, saying that we should go through the process of authorizing before we appropriate.

In 1899, the Senate adopted a change to rule XVI to remove most of the appropriations bills from its jurisdiction because the Appropriations Committee was enacting policy on how Federal agencies internally operated. There is the difference right there. The first time that happened was in 1899. So the rule XVI, as we know it today, which gave birth at that time, said we should segregate the authorizing process from the appropriations process. Some Senators argued that the Appropriations Committee was legislating on appropriations bills, and the Senate directed that certain authorizing committees would handle appropriations legislation for the issues within their jurisdiction. And this diminished the role of the Appropriations Committee that had been established.

In 1922, the Senate changed course again and adopted another change to rule XVI. It is now rule XVI as we know it today. Rule XVI says that if you appropriate money that is not authorized, it takes a supermajority 60 votes—instead of 51 votes. That may not sound like a big difference to a lot of people, but I assure it is a huge difference in passing legislation. So that restored the general appropriations back to the Appropriations Committee. However, they had the authorization committees to take care of the problems.

I will give you an example. The Armed Services Committee, on which I am honored to sit, is an authorization committee. I could use any number of examples. For example, I could talk about our F-22 vehicle coming up, and there are going to be people who don't really know that we need to have the F-22 because the F-15s and F-16s are inferior to some of the things Russia is making in their SU-30 and SU-35 vehicles. These are technical things that most of the Senators, if they are not sitting on the Armed Services Committee, would not know. Someone who didn't have the advantage of knowing why we should authorize different vehicles to defend America would have no way of doing it if they are just appropriators. So the example I use is a good one.

Right now, in the bill we are considering today, which is in conference—the Senate armed services reauthorization bill—with the House, it addresses the problem with a ballistic missile defense system. A lot of people aren't aware of it unless they sit on the committee, but there are three phases: the midcourse phase, the boost phase, and the terminal phase. There are two vehicles on the boost phase that are still in R&D. We don't have them yet. We are naked in order to try to knock down something in a boost phase. We have two ways of knocking down missiles in the midcourse phase, and we are working on two in the terminal phase.

I don't think there is anybody out there, after 9/11, who would not agree that we need to have this defense for America. That technology is there. If you are just an appropriator and not an authorizer, you would look at that and say: Wait a minute, we have six systems to knock down an incoming missile. So they may say we only need two; we can save X billions of dollars by only having two. But the problem is, as we all know, in the midcourse phase we don't know whether it is going to be within the range of a ground-based missile or where you can use an AEGIS missile fired off a ship. These are six technical systems that are necessary to defend America from an incoming missile. That comes from an authorization committee, not an appropriations committee. A lot of people, who don't have this information, are trying to knock down some of the money we are spending on missile defense. So I think that is probably the best example to use.

The same principle is true on my other committee, the Environment and Public Works Committee. It applies to the bill today, the WRDA bill, the Water Resources Development Act bill. We review all projects and requests, and we make sure that every project of these 751 projects goes through a lot of scrutiny, and it has certain criteria that have to be met and an engineer's report from the Corps of Engineers.

I remember one time I cast a very unpopular vote—it was the right vote—several years ago when we had the Everglades Restoration Act, which passed 99 to 1. That one was me because it didn't meet the criteria. It didn't have the engineer's report and all that. A lot of people voted for it because they were afraid they could not explain their vote back home. I never had that problem.

We have all these projects that have gone through scrutiny, and when we finally pass the bill—which we have already passed and the President vetoed, and we are going to override the veto tomorrow—it will be reality tomorrow.

Here is what will happen after that. None of these projects we are talking about—sure, a lot of them are in Oklahoma, and a lot are in Colorado, and the Senator from Missouri talked about his, and the Senator from California will talk about things authorized in California. These have all met certain criteria. Very likely, when they come up—a lot of them—for appropriations, I will come down to the floor and oppose them. It doesn't mean I agree with everything we have authorized. We are just saying that thought has gone into it, they have looked at it professionally, it met the criteria, it has engineering reports, and we ought to authorize it and let the appropriators come in, and we can look at it closely to see if maybe we authorized too much or maybe we disagree with it. Right now, I can tell you that I was opposing appropriations to many things we authorized.

I can state it a different way. The only discipline we have in spending, I say to all these people who talk about earmarks, is the authorization process because if we take away the authorization process, we have no way of knowing, when the Appropriations Committee comes with a bill to the floor and says: We want to fund this, whether it meets the criteria.

So what we are doing with the bill we have passed and the veto that will be overridden tomorrow—so it will become law—is we are saying that we are putting in a maximum of 751 projects so that they cannot go over that amount. If they do—I make this commitment on the floor of the Senate tonight—I will be the first one down here to stand up and say I am going to invoke rule XVI to require a 60-vote point of order so that we will have discipline, and the appropriators are not going to spend more money than has been authorized.

That is a quick course. I don't expect that anybody will really understand it or believe it. I know in my heart that it is right and we have to have this process. This fight that has been taking place between the appropriators and authorizers since 1816 is something that is necessary, and we have to protect authorization.

Let me bring up one more thing. If the President had never vetoed this bill—it doesn't make any difference because we are going to override the veto, and everybody has to know that. So this is kind of an exercise in futility. We have the bill; it is going to be reality. In the event that we are unable to override the veto tomorrow morning, that would mean we would not have an authorization bill. That means that any appropriator could come down here, or anybody else, and say we need to have this, and they could be swapping deals and meet no criteria whatsoever, and that is not the way we want to do it. So I see this as the only discipline we have for spending.

I have mentioned that I have the rating of being the most conservative Member in the Senate, and I do. But I also realize I am a big spender in some areas. One is national defense, and one is infrastructure. That is what we are supposed to do in this body. If you don't think there is a crisis out there in transportation—our roads, highways, and waterways—not very many people realize that in Oklahoma, we are actually navigable. We have a navigation way that comes all the way to my hometown of Tulsa, OK, the Port of Catoosa, where they can come up through Louisiana and up the Arkansas River, and right now we have a problem with that. We have a 12-foot channel, except for one small area that is 9 feet. That is a choke point. That limits what we can do.

If there is anything we need in this country—and all you have to do is drive on the highways and you see the cars and trucks going by and see how much worse the traffic is today than it was in the past. One of the great ways to relieve that traffic is to be able to utilize to a greater extent our navigation ways. I don't have the statistics with me, but you can carry three trainloads of stuff on a barge and move it actually cheaper, in many respects, into places. So in order to do the things the Senator from Missouri talked about in increasing the capacity to use these navigation ways, and even to my State of Oklahoma, it is something that is going to have a profound impact on the future of transportation in this country.

I don't think there is anybody who is so naive not to understand that we have a crisis in our transportation system. The traffic is worse every day, and I am sure each one of us—the 100 Senators who serve in this Chamber—gets hundreds of letters every day asking what are we going to do about the transportation system—not realizing that our action tonight will be a great relief to that problem.

I believe in building the infrastructure of this country, and I believe in the authorization process. I believe it offers our only discipline on spending. I am sorry that a lot of conservatives don't understand this, and they believe this is a spending bill, when it is not. So as much as I hate to do this, I urge my colleagues on the Republican side to join me in overriding the President's veto of this very significant bill that each State in America needs.

Again, I know we are going to be seeing the chairman of the committee, Senator BOXER, soon. It is interesting that the committee called the Environment and Public Works Committee had the largest jurisdiction of any of the committees. Up until the last election and the new majority came in in January, I was chairman. Now Senator BOXER is chairman, and I am ranking member. We have worked together on this bill, and this is not something we have spent just a few hours or days on; we spent 6 years on it. We spent a lot of time looking at last year's bill to see what is relevant today.

Some of the detractors will say: Wait a minute, you have already authorized a lot of things that have not been appropriated. To that, I say you made my point. A lot of the things we are authorizing will not be appropriated. That fortifies the point that this should not be measured as a bill that is a $23 billion bill or something that indicates we are going to spend all this money. This is a bill that is necessary in the process to offer discipline to our spending, and that is what we intend to do.

With that, I will retain the remainder of our time, in the event one of our Members wants more time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, today and tomorrow will be very special days for me here in the Senate because the Environment and Public Works Committee, led by myself and Senator INHOFE, comes forward united across party lines to lead the effort to override the President's veto of the Water Resources Development Act, a bill that will authorize the projects and policies of the Civil Works Program of the Army Corps of Engineers.

I wish to thank Senator INHOFE for his kind comments and say that I think everybody knows that when it comes to the environment, Senator INHOFE and I don't exactly see eye to eye. But when it comes to building the infrastructure of the United States of America, taking care of the needs of our communities, making sure there is flood control, that we can move goods because we need to dredge so many of our port areas, when it comes to making sure we have recreation areas, and, yes, that we do the kind of environmental restoration that will help us with flood control—for example, restoring the great coastal wetlands of Louisiana—we can and do work together.

Yesterday, the House voted 361 to 54 to override the President's veto of this critical legislation, giving us in the Senate the opportunity to make this bill the law of the land by our vote tomorrow. I note it is very rare that we have successful veto overrides. Why is it? Because in their genius, our Founders said we need quite a supermajority to do that. So it is rare, indeed, when we have a strong vote such as this to go against a President of either party, and I have served with four from both political parties. The signal it sends to the executive branch, in a moment such as this, is we are asserting ourselves as representatives of the people. We are saying: Mr. President, we shouldn't have to have a fight about this. This is something we should work on together. When we did pass the conference report, I remember asking the President rhetorically: Do we have to fight about everything? I don't think we should. Senator INHOFE and I can set aside our differences to work on this bill. It seems to me we represent basically the entire philosophy from one end to the other, and it seems to me we should have had the support of the executive branch.

Today and tomorrow are also special days for the many people and communities across our Nation that have waited so long for this time to come, for this important legislation to become law. Indeed, when we finally accomplish this tomorrow—and I pray we do—it will be 7 years in the making, 7 years since we actually had a Water Resources Development Act. That is too long to wait.

I say to all the communities across our great country waiting for desperately needed flood control, such as New Orleans and the gulf coast, such as Sacramento in my State of California, where 300,000 people are in jeopardy should there be a flooding problem, I say to all of you: The wait is nearly over and help is on the way.

Again, I thank my ranking member of the Environment and Public Works Committee, Senator INHOFE. We do share a commitment to shoring up our Nation's infrastructure, including its water resources. On some issues, as we know, we do not stand shoulder to shoulder, but on this issue, we have stood shoulder to shoulder to get the work done, and I think we will stand shoulder to shoulder in the future, as well as look at other infrastructure needs in our States and communities.

I also thank the Transportation and Infrastructure Subcommittee chairman and ranking member, Senators BAUCUS and ISAKSON. They have been a very important part of our team helping to put this package together.

Unfortunately, despite the bipartisan nature of this critical infrastructure investment and despite waiting 7 years, the President decided 7 years was not long enough and he vetoed the bill. I tell you the truth, I still cannot believe it. I know many of my colleagues on both sides of the aisle spoke with the President and said to the President: Please understand, Mr. President, this is not an appropriations bill, this is not a spending bill, this is an authorization bill. Anyone who wants to learn more about that simply read the record of what Senator INHOFE—if not the most fiscal conservative member, certainly one of the most in this body—said about this bill.

This bill is an authorization bill, and every single project has to go through the rigors of the appropriations process. But what we have to do is give the Corps the ability to complete repairs to levees, flood walls, and pumps that failed to protect the lives and property of those in New Orleans.

Remember when the President spoke in Jackson Square in September 2005 and he offered a pledge to the American people. This is what he said that night. I remember the eeriness of the scene, where the President had come out of the darkness because there was no electricity in New Orleans, and the lights were lighting him. It was, in a way, a touching moment.

What the President said was important. This is what he said:

> Throughout the area hit by the hurricane, we will do what it takes, we will stay as long as it takes to help citizens rebuild their communities and their lives.

I do believe when you say that, you need to mean it. We will do what it takes. Yet we had tonight Senator LANDRIEU and Senator VITTER, both representing New Orleans and Louisiana and representing their people with great emotion and great conviction, begging for this bill because this bill will help make Louisiana whole.

I traveled to New Orleans with several members of the committee to conduct a field hearing this year. Seven Senators were on that trip, a clear indication of how important protecting New Orleans and the gulf coast is to the Members of this Senate. We saw the needs of the New Orleans area, but we also saw the hope and the optimism of the people and the community leaders that the Federal Government would, in fact, keep its commitments.

This bill makes our promises real. This bill makes the promises of the President of the United States real. This misguided veto only created further delay, and I beg my colleagues on both sides of the aisle to listen to Senator INHOFE, to listen to Senator VITTER, to listen to Senator LANDRIEU, to listen to my words tonight.

WRDA also contains the authorization for Louisiana's Wetlands Restoration Program, wetlands that are critical to protecting south Louisiana from hurricanes and improving the environment.

Before I talk about the critical flood threat facing Sacramento in my State of California, I wish to talk a little bit about Florida, and then I am going to yield 5 minutes to Senator NELSON.

Not only did I get to go to New Orleans, but I got an amazing invitation from Senator NELSON. Let's just say it was more than an invitation; it was a strong urging. It was a begging. It was so important to Senator NELSON that I certainly could not say no.

I went to see the Everglades with my own eyes. My husband came with me and Senator NELSON and his wife Grace greeted us there. We went out on a tour of the Everglades which we will never forget.

I can tell you the beauty of that place is most extraordinary. It is just extraordinary. As Senator NELSON will explain much better than I, we have an area that is in crisis. We have a window in which we must act to make sure the water flows into the Everglades to keep it alive, the river of grass.

One of the lasting memories of that trip as we went out and dusk fell and we were out and we saw the alligators out there, we saw what appeared to me—and, of course, Senator NELSON had seen this—I think he got more pleasure watching my face as I thought all of a sudden we were in a meadow. I almost thought: How could this boat actually be moving in a meadowland? It was not a meadowland. It was this river of grass.

We saw wildlife actually jumping out of this river of grass onto trees. It was a spectacular moment. I thought, God has given us this gift, and it is our obligation, it is our duty, it is our responsibility to make sure others get to see this gift.

At this time, I am happy to yield 7 minutes to Senator NELSON and I look forward to his remarks. I reserve my time.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Florida.

Mr. NELSON of Florida. Madam President, as the Senator from California has been describing her experience, I have been enjoying enormously not only her reflection of that experience but remembering seeing the faces of Senator BOXER and her husband as they saw these new experiences of gliding in an airboat over a sea of grass that Marjory Douglas called river of grass.

As we came to the edge and went into the big cypress preserve where cypress stands, clumps of large cypress trees dotted the landscape, as the Senator explained, it was getting close to sundown. As the light lowered, as you were gliding over this meadow of grass, it looked exactly like that until suddenly you were shocked into the reality that there was a doe and her fawn as they were bounding, not over the meadow but sloshing through the water as they headed toward the clump of cypress trees.

It is now our responsibility to protect and preserve this national treasure—indeed, an international treasure—for the generations to come. It was 60 years ago that the Everglades National Park was created by an act of Congress and President Harry Truman signed the bill into law. The Senator at whose desk I now reside was then a young Member of Congress, Senator George Smathers, who helped bring that Everglades National Park 60 years ago, in December of 1947, into fruition.

Now we sit here on a momentous occasion. In order for us to continue to try to protect this national and natural treasure, we have to overcome a Presidental veto. It is important not just to our State but so many States because of these water projects, because the last time we had such a law that authorized these water projects was back in 2000.

What that plan did in 2000 in an Everglades restoration plan, created after years of study and analysis, was to try to restore the Everglades to something of what nature intended. But we couldn't do it like nature had it because a huge portion of the south part of the peninsula of Florida was the Everglades. Decades later, it is so different because there are 6 million people living in South Florida, there is a major agricultural industry, and in the intervening half century, mankind has come in and diked and drained the natural flow of the water in a way Mother Nature never intended. So what was passed—the Comprehensive Everglades Restoration Plan in 2000—was intended, given the changes in the population, the agriculture, and the existing diking and draining, to restore as much of that to the natural function that Mother Nature intended so we could preserve the Everglades.

The bill we have in front of us contains two restoration projects that have undergone painstaking planning, design, and development, and they are ready for construction. But we can't get them constructed until we can get them authorized. The Indian River Lagoon and the Picayune Strand are vital projects—together worth $2 billion—in increasing the water quality and maintaining and preserving the natural areas to reverse the decades of damage and neglect.

So 7 years after the creation of this plan, a plan that has been on hold because the Federal Government has faltered in its commitment to restoration of this national and natural treasure, it is time for us to get on and approve this bill, unfortunately, by overturning the President's veto.

The biggest threat now to the restoration of the Everglades—thanks to folks such as Senator BOXER and those beyond the boundaries of Florida who are finally understanding how important it is—is the delay. We made a promise 7 years ago, and we are going to finally fulfill that promise. It is a partnership between the State of Florida and the Federal Government. We committed ourselves then to the largest restoration project in the world, and when we pass this legislation, despite those who have tried to detour it, the Federal Government will have made a significant step in living up to its commitment.

So with this victory close at hand, let me remind my colleagues there are many more battles we are going to have to fight in the future to save the Everglades. But, Madam President, it is my pleasure to stand here to support Senator BOXER in this vote to override the President's veto.

Mrs. BOXER. Madam President, how much time remains on my side?

The PRESIDING OFFICER. There remains 21 minutes 50 seconds.

Mrs. BOXER. Madam President, before Senator NELSON leaves the floor, I again thank him for bringing me into this entire plan. I am glad I could be of help in saving the Everglades, and I think he has support on both sides of the aisle.

There was an amazing story in the New York Times the other day about the Everglades and how we have to act. Madam President, you are one of the best environmentalists I know, and you know the window is closing for us on so many projects. We need to move now or it is too late. Once damage is irreparable, there is nothing more we can do. So I praise my friend, Senator NELSON.

I also say that his whole family is dedicated to this issue. When I went out there and saw the love his family has for this area, the understanding they have, and how the whole community has been brought together by Senator NELSON, I think this is a seminal moment for his career because what we are doing is so critical. And as he points out, we can't move forward unless we have this authorization.

The fact that we have to override a veto is sad. I mean, it is adding more time that we are losing. But I am hopeful that tomorrow, sometime perhaps even before noon, when the votes are taken, this bill will be the law of the land, and we can go back home and tell people we have, in fact, reached across party lines and done something for them, notwithstanding the President's objection.

So I thank Senator NELSON. And, Madam President, I am going to yield 7 minutes to Senator MURRAY, but before I do, I want to talk about one particular project that is in this bill for California.

We have many in here, but I think it is important that people understand when we looked at this bill, we looked at so many serious problems, where lives are at risk, and one place that is true is in the Sacramento region of California. As you know, that is our capital. This conference report, this important bill, allows the Corps of Engineers and the Bureau of Reclamation to complete the necessary modifications at the existing Folsom Dam in California so we can protect 300,000 residents of Sacramento and the capital itself from horrific flooding.

Madam President, imagine 300,000 people living in a very precarious situation. The capital itself is in a very precarious situation, and we know we can make it safe. That veto left our citizens at risk. But, hopefully, tomorrow we will change that.

Sacramento is not only the capital of California, where we have 37 million people and growing, but it is also America's largest metropolitan area with less than 100-year flood control protection. So, again, it is America's largest metropolitan area with less than 100-year flood control protection. And for those who don't know what that means, we mean a flood that comes once in 100 years. That is what you have to plan for when you have so many people in harm's way.

Statistically, Sacramento is four times as likely to be devastated by flooding than New Orleans was. Sacramento is situated at the confluence of two great rivers, the American River and the Sacramento River. The Sacramento River is born in the Southern Cascade Mountain Range, while the American River originates in the High Sierra. The city sits in a low valley, in a low valley where these two rivers meet.

This large floodplain is one reason California has such productive farmland, and we all benefit from that. It is beautiful farmland. But as a result of growth, the Sacramento metropolitan area is now home to nearly half a million people and contains 165,000 homes, 1,300 government facilities, including the State capitol, and businesses providing 200,000 jobs. A major flood would cripple the Sacramento region's economy, significantly impair the operations of our government in our State, cause up to $15 billion in direct damages, up to $30 billion in total economic loss, and we can't even put a pricetag on the loss of life.

In our State, we know about flooding, we know about fires, and we know about earthquakes. I know, Madam President, in your State you have gone through many natural disasters as well.

In 1986, as a result of storms, 13 people were killed, 67 were injured, 1,300 homes were destroyed, and 967 businesses damaged—the total damage cost over $400 million.

In 1997, 8 people were killed, 23,000 homes destroyed, and 2,000 businesses destroyed or damaged—the total damage was $1.8 billion.

As the capital of the world's fifth largest economy, no one can deny it is important to protect the Sacramento region.

I would simply say, in this bill we are taking care of this problem, and I want to thank the House for their strong support, particularly DORIS MATSUI and the late, wonderful Congressman Bob Matsui, who really got us started on this project. We are going to do the right thing for Sacramento. It means everything to our State.

We also have many other important California projects in the bill—the revitalizing Los Angeles River, restoring the Salton Sea, critical flood control projects, and dredging and navigation projects all throughout our communities. So this bill is really an economic lifeblood for California. It truly is. It is also a matter of life and death for our people.

So today is a moving and a touching day. We did in about 8 months, as we took the gavel, what hasn't been done in 7 years. It is a prideful moment but much more important than that; it shows we can reach across party lines. It shows we can work together across State lines. It shows we can work together between the House and the Senate. This moment is about to come, and it is going to mean a great deal to the people of our country.

Madam President, I yield 7 minutes to my dear friend from Washington State, Senator PATTY MURRAY, who has been such a leader on these issues and many others.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Senator from California for the tremendous work she has done on this critical bill that supports the infrastructure across the country and for her diligence in keeping to the task to make sure we are finally here at this point where we are just a vote away from having this signed into law.

Madam President, I wanted to come to the Senate floor tonight to urge the Senate to override the President's very shortsighted veto of this Water Resources Development Act. This is a bill that, as the Senator from California said, renews critical flood control, navigation, and water quality projects that are important across the country but are important in my home State of Washington as well.

This bill ensures our waterways can continue to be used to move goods. It helps restore our beaches and our wetlands, which are important to our coastal communities, and it makes sure we are protected from catastrophic floods. These projects in this bill are essential for our economy. And as we saw with Hurricane Katrina, they can also be a matter of life and death. That is why I was astonished that President Bush vetoed this bill.

More than 2 years after Katrina flooded 80 percent of New Orleans, destroyed coastal Mississippi, and killed 1,600 people, I couldn't believe the President said no to this bill. Even after he failed to respond to the devastation on the gulf, he is now standing in the way of projects that will protect the people of that region. Madam President, 81 Senators approved this bill in October because we understood our responsibility to invest in these important projects that provide for public safety and that keep our economy healthy.

The President's veto is another example of his misplaced priorities. Throughout this year he has been insistent on playing political games at the expense of our Nation's economy and our health and safety. So, again, I urge our colleagues to override this veto and show the President he got it wrong.

I know most of the Senate agree it is critical for us to address these issues now. This bill will help us avoid another catastrophe such as we saw in New Orleans, and it will help ensure our environment and our economy stays healthy.

Too many years have passed since the Water Development Resources Act was reauthorized. It is 5 years overdue now, and the needs are piling up. I again thank Senator BOXER and Senator INHOFE because their leadership in the first year of this Democratic-controlled Congress made sure that this bill did finally get to the President.

The tragedy in New Orleans provided a dramatic example of how necessary this bill is, but there are hundreds of communities across the country that have been waiting for years for Congress to act on this bill and ensure that these vital projects finally get started.

WRDA creates a national levee safety program and ensures thousands of miles of levees across the country will get a general safety inspection. It enables the Federal Government to act quickly on critical flood control projects, and it helps our local communities prepare for damaging and deadly floods.

This bill is also about economic development. It ensures that shipping can continue on our waterways and helps us to move everything from wheat to cars to wind turbines from port to port. And it is about making sure our lakes and our beaches are clean and safe. It protects our environment and promotes recreation and it provides jobs.

By vetoing this bill, the President said no to the communities that have been waiting for years to go ahead with these critical environmental, safety, and economic development projects. And, Madam President, some of those communities are in our home State. From shipping, to boating, to fishing, our waterways in the Pacific Northwest are vital to our way of life. That includes, by the way, a major shipping route on the Columbia River, with container ships and bulk carriers and tankers and car carriers that travel back and forth, as the Presiding Officer knows, carrying goods in, and shipping lumber and grain and countless other products out.

So it is vital to the economy of our region the Columbia get regular dredging and maintenance. This bill, the WRDA bill, lifts restrictions on the number of days Federal dredges can operate to make sure that happens. And it helps our region in a number of other ways too. This bill gives the Corps of Engineers another tool so they can eliminate that huge backlog of permit applications for people who are trying to do everything from building piers to expanding ports. That will save our local governments millions of dollars.

By vetoing this bill, the WRDA bill, the President essentially said no to the economy, to the safety, and to the environment in my home State of Washington.

Sadly, the Water Resources Development Act is not the first important and bipartisan bill this President has blocked. It happens to be the fifth. Besides this bill, President Bush has vetoed children's health insurance; lifesaving stem cell research, twice; and our efforts to change course in Iraq and bring our troops home. He has, by the way, threatened to veto many of our appropriations bills. He says he objects to our spending bills because they invest $22 billion more than he asked for.

President Bush is pretty happy to talk about pork and complain, but what he will not do and has not done yet is tell the American people what he wants to cut. Would he cut health care funding? Would he cut the money to build our deteriorating bridges and roads? Maybe he would cut investments to the FBI or the DEA. Perhaps it is the millions of dollars of funding we have in these bills for job training or education that he objects to. We don't know because he would not say.

But he ought to know this. We stand by these important investments because our bills ensure our roads and our bridges and our airports and our railways are in good and safe condition. They ensure our kids can see a doctor. They ensure we can do cutting-edge research so we can find cures for diseases such as diabetes or MS. But as we have seen, the President has insisted on blocking these ideas and priorities and keeps repeating his apparent favorite four-letter word, which is "veto."

Instead of investing in our communities, he has continued to play political games. Instead of progress, all we have gotten are vetoes. I hope it is time for us to send a message to President Bush: We are not going to stand idly by and watch you veto these investments in our communities. I hope our colleagues override this veto on this important legislation, and I believe by standing together, as our friends in the House did, we can send a strong message to him about who has the right priorities for America. I hope by doing this we can finally unite with our Republican colleagues in choosing a new course for the other important bills—the children's health bill, all of our appropriations bills, even the stem cell research bill.

I think it is time for Congress to turn a page on the President's obstruction. This is the first step. I hope there are more to come. As I have said before, and I will say it again now, people around this country are eager for a change. They want to see a light at the end of the tunnel, and we want to make sure the President does not put out that light.

I yield the floor.

Mrs. BOXER. Madam President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 7 minutes 17 seconds.

Mrs. BOXER. Madam President, I thank the Senator from Washington. I think what she did in her presentation is give a message of hope. I think this is a signal, this vote tomorrow. It is a signal we can work together across party lines to get things done for the good of the American people. People want to see that and they are going to see it.

The President said this bill lacked fiscal discipline. He doesn't realize, I guess, it has been 7 years in the making. We used to do these WRDA bills, these water resources bills, every 2 years. So there has been pent-up demand, the normal pent-up demand in a country that is growing, whose economy is growing, that is importing more and exporting more goods. Of course we are going to have a pent-up demand.

Then, when you put on top of that the disastrous consequences from Katrina and Rita and the fact that we are getting more floods and we are having more problems, you realize this bill is a very fair and defensible one. Again, as Senator INHOFE said, we don't spend a dime. This is an authorization bill, the first step in bringing Federal resources and expertise to a project that is developed at the local level.

Every one of these projects is brought to us from our communities. That means the communities are willing to put up funds and our funding is so important because it spurs on these projects.

I think what is sort of getting to the American people is the fact that, as the President says, a bill such as this, which is an authorizing bill, is too large. He seems to have a blank check for ventures overseas—$12 billion a month is going out the door, $12 billion a month for the wars in Iraq and Afghanistan. This bill equals literally 2 months of that funding. It has taken us 7 years.

Put it into perspective. This bill that authorizes all these important flood control projects, navigation projects, recreation projects, environmental restoration projects—all these bills add up to 2 months in Iraq and Afghanistan.

Then we read on the front page of the Washington Post the other day that the administration is paying millions of dollars to fix a dam in Iraq. I am all for that. I don't want to see anyone hurt in Iraq. But I don't want to see anyone hurt in Sacramento or in Seattle or in New Orleans or in any of the towns in Mississippi. I don't want to see us lose the Everglades. The fact of the matter is, I think the President is on weak ground in vetoing this bill that is so important for the public works of the country while spending so much on the public works of countries abroad.

This is an investment in America we will be making tomorrow morning, if all is well, and we see that same kind of vote we had the last time. We can stand tall and proud. Seven years is too long a wait for a bill that authorizes essential programs, such as navigation, flood control, ecosystem restoration—but we are ready to go. I think this bill meets our communities' needs. Some of them are unmet needs. Some of them are acute needs.

Make no mistake, the projects that are authorized in this bill that I hope we will again pass tomorrow—again I hope we will override the President's veto—are going to protect thousands of homes and the lives of millions from catastrophic flooding. It is going to help us restore wetlands, estuaries, and rivers of our Nation—places where wildlife thrives and our families go to enjoy the outdoors.

Indeed, as hunting, fishing, boating, camping, and other outdoor industries boom, this bill is an important part of keeping our recreation economy thriving.

It also says, yes, our ports need attention. The waterways need to have capacity. We need to make shipping easier, safer, and efficient, so it keeps the economy moving. So much of our economy is dependent on water resources. Our ports and harbors are the gateway to the world. Our manufactured goods, such as autos and computer chips, move through those ports. Our agricultural goods, such as grains, wines, and fruit, pass through our ports and harbors to be sold around the world. Goods come in and they get distributed to the entire country. We are talking about thousands of jobs. We are talking about moving goods. We are talking about recreation.

We are talking about 360 million visits a year to our lakes and our beaches and other areas; 25 million people visit a Corps project at least once a year and that generates 600,000 jobs.

Let me say, tomorrow or later tonight my colleagues may hear some complaint about the fact that we didn't do enough Corps reform. I wish to say Members on both sides of the aisle spent a great deal of time on this issue. Senator FEINGOLD has been a prime mover in this area, and I greatly respect the work he has done, but I have to say, as I have said to him, I know he wants more. But we went a long way. This is a good package. We have a truly independent review process. I think we actually made that independent review process more independent. We have outside experts, free of political pressure, coming in and examining all aspects of the environmental, economic, and engineering components of a project study. These panels will be able to receive and evaluate public comments. The panels will be available to advise the Corps throughout the entire development process.

The bill requires the first updates of the Corps planning principles and guidelines since 1983, when President Reagan was in the White House. The bill will make the Corps mitigate the impact of its projects the same as any other party and make sure mitigation is done in kind, up front, and not as an afterthought.

We included safety assurance reviews, increased watershed planning, authorized a levee safety assessment program, and expedited the deauthorization of the backlog of unconstructed projects.

But Senator FEINGOLD still believes we should have done more. Frankly, I would love to do more, and I will work on this in the future. But we went as far as we could go. We cannot make the perfect the enemy of the good. I find myself saying that over and over around here. We have to do good work. The only perfect work is the work each of us wants to do.

I know what is perfect. Senator CANTWELL knows what is perfect. Senator INHOFE knows what is perfect. If we write our own bill, to us it is perfect. But we have 100 of us, 100 different "perfects." It means we have to reach across the aisle and work together.

I say to Senator FEINGOLD, even though he is not on the floor today, thank you for your leadership, but please reconsider your opposition. Vote with us on the override. We have gone a long way. We have acted in good faith, and we will continue to work with you in the future on so many of the important reform issues you bring to this floor.

Tomorrow is a very big day for me as chairman of the committee, for Senator INHOFE, who actually started this bill when he had the gavel. He brought it pretty close to being the law, but we didn't quite get it over the line. He has worked with me as a solid team member.

I think it is going to be a great day for the Congress. I think it is going to be a great day for the Constitution. What we are saying: Mr. President, we are elected too. We count too. The American people vote for us too. When so many of us tell you we believe strongly that we need to meet the infrastructure needs of our country, we hope you would come to the table. This time you chose not to do so. We hope in the future you will join us.

It is a great day for the Constitution. The Framers of the Constitution foresaw this. They said: If you have an executive who decides to veto something that is a crying need in the Nation, and everybody agrees—67 of us, or two-thirds of those present and voting, can override a veto. Tomorrow is going to be a great day for the health and safety of the people of my State of California, of the United States.

I look forward to coming to the floor tomorrow. I think Senator INHOFE and I will divide 15 minutes, and we will, once more, lay out in shorter form why we think it is essential to override this ill-advised veto.

Madam President, thank you so much for your consideration, and for your work on this bill.

Mr. VOINOVICH. Madam President, I rise in support of the Water Resources Development Act conference report.

It has been 6 years since Congress last passed a water resources and development reauthorization bill. The time has come to finally pass this important legislation. I am very disappointed that the President has vetoed this bill.

America's infrastructure and waterways system is the foundation of our economy. For too long, we have been ignoring our infrastructure, but Katrina was a wake-up call for all of us. In the wake of this disaster, we saw firsthand the devastating impact of a weak infrastructure on our people and our economy. The more we continue to fail to fund our water infrastructure, the more we are putting our Nation's competitiveness at risk in this global marketplace.

Our physical infrastructure is a critical piece to making America more competitive. Our infinite needs are overwhelming and being squeezed. We should be rebuilding an infrastructure of competitiveness so that future generations have at least the same opportunity to enjoy our standard of living and quality of life. If we continue to ignore the upkeep—the deterioration of our locks and dams, flood control projects, and navigation channels—we risk disruptions in waterborne commerce, decreased protection against floods as we saw in Katrina and other environmental damage.

Additionally, I am pleased that this bill includes many provisions that will benefit the Great Lakes. First, there is authority for the Corps to deal with a very serious threat facing the Great Lakes. Asian carp are just miles from the lakes, and the only thing standing in their way is a temporary dispersal barrier in the Chicago Ship & Sanitary Canal. This bill authorizes the Corps to complete construction of Barrier II which is the permanent barrier as well as to convert Barrier I into a permanent facility and to operate and maintain both dispersal barriers at full Federal cost. Under this authority, the Corps would study options for hydrologic separation of the canal and the Great Lakes while maintaining the movement of cargo and recreational vessels.

This bill clarifies that any reconnaissance study under the Great Lakes Fishery & Ecosystem Restoration program is to be performed at full federal expense. The Great Lakes navigation system has been associated with impacts on Great Lakes fishery resources, and the purpose of the Great Lakes Fishery and Ecosystem Restoration program is for the Corps to cooperate with others to plan, implement, and evaluate projects supporting the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes. When Congress authorized this program initially, the intention was for the Corps to develop projects under this authority just like other programs. That means that the reconnaissance study is to be a fully federal expense, and cost-sharing is required for subsequent study, engineering, design, and construction.

This bill reauthorizes the Great Lakes Remedial Action Plans and Sediment Remediation and the Great Lakes Tributary Models Program. These are two programs that allow the Corps to provide assistance for controlling the source of sediments and to identifying specific actions to resolve pollution problems.

Also contained in this bill is authority directing the Corps to expedite the operation and maintenance, including dredging, of the navigation features of the Great Lakes and connecting channels for the purpose of supporting navigation. The Corps has a huge backlog of work, and that backlog includes the Great Lakes. Freighters are getting stuck in shipping channels, other ships are carrying reduced loads, and some shipments have simply ceased altogether. The Corps estimates a backlog of 16 million cubic yards of dredging at commercial Great Lakes harbors and channels, which the Army Corps expects will cost about $192 million to address. In order to help address this backlog, the Corps will be authorized to expedite this work.

Lastly, this bill allows the St. Lawrence Seaway Development Corporation to carry out much-needed repairs, including maintenance dredging, of the Eisenhower and Snell lock facilities and related navigational infrastructure for the St. Lawrence Seaway. Unfortunately, like many of our infrastructure projects, we have not done much upkeep of the St. Lawrence Seaway. This bill will allow for those improvements to be made at a total cost of $134,650,000.

The passage of this WRDA conference report cannot be delayed any further. It is simply too important to our Nation in terms of its benefits to our economy and environment and for the speedy recovery for the areas affected by Hurricane Katrina.

Mr. President, I urge my colleagues to override the President's veto.

Mr. FEINGOLD. Madam President, I will vote to sustain President Bush's veto of the Water Resources Development Act. The President's veto of the WRDA bill is a welcome opportunity for Congress to modify the flawed, bloated bill. Instead of overriding the veto, Congress should be taking this opportunity to fix the bill.

For 7 years, I have worked with Senator McCAIN and many of our colleagues to achieve essential reforms of the Corps of Engineers, and have long anticipated the day that meaningful reforms are enacted. Unfortunately, during conference, the Senate's strong Corps reform provisions were significantly watered down. Instead of the reform bill that the country needs, this bill is simply the latest example of business as usual.

After a decade of Government and independent reports calling for reforming the Corps, and pointing out stunning flaws in Corps projects and project studies, and after the tragic failures of New Orleans' levees during Hurricane Katrina, the American people deserve meaningful reforms to ensure that the projects the Corps builds are safe, appropriate, environmentally responsible and fiscally sound. The urgency and necessity could not be clearer.

A critical component of reforming the U.S. Army Corps of Engineers is ensuring independent review of significant Corps projects. This bill provides review but does not ensure it is truly independent.

I will continue to push for Corps reforms that ensure fiscal responsibility, accountability, public safety, and environmental protections. This means ensuring that Americans' tax dollars are spent on the most important priorities, not just on Members' pet projects. Earlier this year, I was joined by Senators McCAIN, COBURN, CARPER, GREGG, SUNUNU, and DEMINT in offering an amendment to form a commission of non-Federal, water resources experts to provide Congress recommendations on a process for prioritizing Corps projects.

However, the Senate defeated this effort. I can only conclude that many of our colleagues think the status quo is acceptable. To me, there is nothing acceptable about a $58 billion backlog (soon to be $81 billion) of authorized but unfunded projects. Some of my colleagues have argued it is okay to authorize $23 billion in projects, because WRDA only authorizes projects and does not appropriate funds. This approach shirks our responsibility as elected officials. By authorizing WRDA projects, Congress is indicating these projects are worthy of funding and that taxpayer dollars should be committed to these projects. Unfortunately, without some way of prioritizing and with a limited annual construction budget of around $2 billion, our Nation's critical infrastructure and restoration projects—and the American people who depend on these water resources projects—will suffer.

The President did the right thing when he vetoed the WRDA bill and I am disappointed that Congress is determined to override that veto. My colleagues would be better off if they listened to people like Mark Beorkrem, a true Corps reform champion. Mark recently passed away, but his 20 years of advocacy on behalf of the Mississippi River and reforming the Corps of Engineers will have profound and lasting effects on the health and vitality of the Mississippi and rivers across the country. Most recently, Mark played a pivotal role in ensuring the inclusion of a comprehensive ecosystem restoration component in the Corps' Mississippi River lock expansion project. He also provided leadership within the national Corps Reform Network, as well as the Sierra Club, sharing his knowledge and passion for environmental protection and restoration. The Mississippi and many of our Nation's rivers and wetlands are better off thanks to Mark's tireless efforts. We should be guided by his example.

I urge my colleagues to support the President's veto of the WRDA conference report, and I ask unanimous consent to have printed in the RECORD newspaper editorials on this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 5, 2007]

### FISCAL PLUNGE, A VETOED $23 BILLION WATER BILL IS NOT WORTH SAVING

Ah, the theatrics of Washington. On Friday, President Bush vetoed the Water Resources Development Act (WRDA), a bill that would authorize $23 billion in spending on water projects by the Army Corps of Engineers. Lawmakers of both parties were critical. Senate Majority Leader Harry M. Reid (D-Nev.) said that the veto shows "President Bush is out of touch with the American people and their priorities." According to Mr. Reid, one of 81 senators to vote for the WRDA (it passed the House 381 to 40), the bill would "strengthen our environment and economy and protect our natural resources" and fund projects "essential to protecting the people of the Gulf Coast region" from hurricanes. The veto is "irresponsible," Mr. Reid declared.

After almost five years in which he did little to check the spending of a Republican-controlled Congress, Mr. Bush is a bit late in trying to recover his party's reputation for fiscal conservatism. But even discounting for the White House's political posturing, this is hardly an example of an "irresponsible" veto. To the contrary, that word might better be applied to the WRDA itself. The bill would indeed authorize about $1.9 billion for coastal ecosystem restoration and protection in Louisiana to help the state rebuild its defenses against hurricanes. The president supports that; he just thinks that Congress could have authorized it without also larding on billions of dollars worth of economically and environmentally questionable projects. And he's right: After all, the Senate and the House versions of the legislation tipped the scales at $14 billion and $15 billion, respectively. Then, in conference committee, lawmakers added more pet projects to bring the total up to $23 billion.

The silver lining in the bill is that it takes some tentative steps toward reforming the Army Corps, providing for independent review of projects worth more than $45 million. But this modest change is much weaker than what the overhaul reformers in the Senate had advocated. Thus Mr. Bush's valid concern, expressed in his veto message, that the WRDA "does not set priorities" among the $58 billion in projects authorized in past bills. Indeed, though it has a high nominal price tag, the WRDA only promises projects, essential and otherwise, that have to compete for the $2 billion the Army Corps spends each year. So the WRDA is largely a hollow political exercise. Given the overwhelming margins by which both houses passed the bill, though, Mr. Bush's veto is almost certain to be promptly overridden. This time, Congress's empty gesture will trump the president's futile one.

[From the Washington Times, Nov. 6, 2007]

### SCANT RESOURCES

This week's anticipated veto override by Congress on a water-projects spending bill will allow $23 billion in unfunded mandates, codifying a pork-laden plan that, for the most part, will not come to fruition. Ironically, these members of Congress who have given overwhelming approval of the bill and are poised to overthrow President Bush's veto are highly unlikely to actually set aside real funding for the bill when it comes time to parcel out appropriations.

Congress gave landslide approval for this bill (81–12 in the Senate and 381–40 in the House) to grant the $23 billion for some 900 projects by the Army Corps of Engineers and yet they failed to back up the mandates with actual funding. This makes the political theater all the more an empty charade, with Mr. Bush finally chastising Congress for its lack of fiscal restraint and members of his own party lampooning his efforts.

The Water Resources Development Act adds to the backlog of mandates the corps will ostensibly be handling—$38 billion by Mr. Bush's count and $58 billion by Taxpayers for Common Sense. It is puzzling that Congress would continue to add to this burden when historically Congress allocates a mere $2 billion per year for new corps construction projects. It seems most members relish the opportunity to send out a crowing press release in their home district about a hard-fought earmark that has fat chance of ever improving the quality of life for their constituents.

The bill lacks the prioritization needed to ensure vital projects are completed first. However, this is not new—pork projects continue to dilute the corps' spending power as it spreads itself too thin. This was apparent in Louisiana, a state that by far has enjoyed the most in corps appropriations (some $1.9 billion in the last five years to second-place California's $1.4 billion). Yet, rather than placing high priority on projects like the levees prior to Hurricane Katrina, funding instead went to an unjustifiable navigation canal lock project and the low-trafficked J. Bennett Johnston Waterway.

An odd set of bedfellows have urged oversight and belt-tightening on the water projects, from Sen. Russ Feingold, Wisconsin Democrat, to the earmark watchdog Republicans Sen. Jim DeMint of South Carolina and Rep. Jeff Flake of Arizona. While their logical stance will be dismissed, the consolation is most of the projects in this earmark-laden bill won't see the light of day.

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[From USA Today, Nov. 7, 2006]

### OUR VIEW ON FLOOD CONTROL: DESPITE KATRINA, BUSINESS AS USUAL ON WATER PROJECTS. INSTEAD OF SETTING PRIORITIES, CONGRESS PILES ON THE PORK.

Suppose you need a new car. You want to spend $14,000. Your spouse argues for $15,000. Then you go to the showroom and you compromise—by driving away in a $23,000 vehicle.

Add six more zeroes to each figure, and that's basically what happened in Congress to the first legislation since 2000 to authorize new water projects. The Senate approved $14 billion, the House approved $15 billion and they "compromised" on $23 billion.

This bloated package—everything from dams and levees to sewage treatment plants and beach restoration—is, of course, an exercise in local greed and political clout. Neither is going away any time soon. But in its ham-fisted grab for the money, Congress also managed to ignore lessons taught so painfully by Hurricane Katrina.

It may complete the folly this week if the Senate, as expected, follows Tuesday's House action and overrides a richly deserved veto by President Bush.

For decades, lawmakers have authorized water projects less on the nation's needs than on their own need to bring home federal dollars and get re-elected.

In the process, the Gulf Coast was made steadily more vulnerable. Projects to tame the Mississippi's flow and turn it into a lucrative shipping channel degraded marshes and swamps that had long protected New Orleans from storm surges. Katrina blew past the vanishing buffers, pushed water up a man-made channel and overwhelmed ineptly built federal levees.

While the $23 billion measure authorizes projects designed to mitigate such blunders—strengthening New Orleans' levees, for instance, and starting to restore the Louisiana coastal wetlands and Florida's Everglades—it also includes an assortment of dubious ones, on the Gulf Coast and elsewhere:

$131 million to deepen Louisiana's Port of Iberia, even though the project failed a government cost-benefit analysis. After that, Sen. Mary Landrieu, D–La., made sure the calculation was redone.

$2 billion to expand Upper Mississippi River navigation locks to accommodate more barges. In 2001, the project was halted when government planners were accused of overestimating barge traffic and using other inaccurate assumptions to justify the locks. Sen. Kit Bond, R–Mo., vowed to get the project built anyway.

$56 million to replenish sand at Imperial Beach in San Diego County. Sen. Barbara Boxer, D–Calif., defends it as a way to fight "storm surge." That's dubious, and in any case, why should taxpayers in Kansas have to re-sand a beach in California?

Millions more for local water supply projects and other unspecified plans.

Absent is any plan to reform this cavalier process. The Senate rejected, 69–22, a measure to create a commission of outside experts to set priorities.

Unfortunately, Bush's record on fiscal responsibility is so poor that his veto carries little credibility on Capitol Hill. So, after sustaining vetoes it should have overridden (on stem-cell research and children's health insurance), Congress is now about to override a veto it should have sustained.

Lawmakers could have used this as an opportunity to write a cheaper, cleaner, more sensible roadmap for making the nation safer from hurricanes and floods. Instead, they are spending tax dollars on a vehicle loaded with expensive, unnecessary options.

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[From the New York Times, July 15, 2007]

### REFORM FOR THE CORPS

Congress appears to be on track to approve a major water resources bill that would, among other provisions, provide long-overdue money for Everglades restoration and money to begin rebuilding Louisiana's vulnerable wetlands. But the House and Senate versions of the bill diverge on one crucial issue: reforming the Army Corps of Engineers.

This difference should be resolved by Senate and House negotiators in favor of the stronger Senate version, which guarantees meaningful reform.

Compared with most government agencies, the corps has always lived a charmed and largely undisciplined life, accountable to no one except a Congress that is happy to let it do whatever it wants as long as it builds the dams, levees, bridges and other pork-barrel projects dear to Congressional hearts.

One result is that over the years the corps has inflated the economic payoffs of its projects while underestimating their potential damage to the environment. As the levee failures during Hurricane Katrina demonstrated, the corps has also made misjudgments in engineering and design.

The Senate version addresses this by requiring independent peer review of the design, cost and environmental consequences of projects exceeding $40 million in value. The House version offers a review process that is more loosely structured and is independent in name only. It gives the corps all sorts of wiggle room, including the authority to define the scope of the reviews, which in turn could leave important issues unexamined.

There are other differences between the two versions, but this is the most important. The Senate should stand firm.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business

The PRESIDING OFFICER. Without objection, it is so ordered.

### WRDA VETO OVERRIDE

Mr. DURBIN. I rise today supporting the override of the President's veto of the Water Resources Development Act, known as the WRDA bill. We have waited for this bill for a long time. Senator BOXER of California and Senator INHOFE of Oklahoma worked so hard on it; 7 years it took us to put this bill together. It is a bill which should be passed on a regular basis because the needs of our country are recurring. They did a great job in putting this bill together. The conference passed it with an overwhelming vote within 7 months after the session began.

After 7 years of toil and 7 months hard work to put the bill together, it authorizes navigation, ecosystem restoration, and flood and storm damage reduction projects all over America. The projects in this bill are important for all of our Nation and represent benefits to rural and urban areas as well.

In Chicago, for example, residents will see enormous benefits from the Thornton and McCook Reservoirs projects in this bill. These reservoirs are currently under construction, but until they are completed, significant areas in that part of the country will remain unprotected from major floods. I know what I am speaking of. It has not been that long ago—only a few weeks—that I was in the suburbs watching them as they packed the sandbags and turned the pumps on in the basements and found ways to avoid the floodwater damage that was afflicting most of our area in the northern suburbs, in the northwest suburbs.

These reservoirs, when completed, will provide some protection. Without them, millions of homeowners are going to be exposed to flooding. There is another element. It is not just the damage to the communities, it is not just the interruption of commerce, it is not the water-soaked basement and all of the stuff that has to be thrown away, it is not just the expense of buying a pump to try to clear out our home; it is also the fact that when we run into this flooding situation we have sewer backups that discharge raw sewage into Lake Michigan. That is unacceptable. It is the sort of thing every community along the lake has to take seriously.

How does a community come up with the resources to deal with that so the storm drains do not overflow? Well, it is hard for them to come up with the resources by themselves. But with Federal assistance it is possible.

Critics of this kind of approach say it is porkbarrel, more earmarks and Federal spending and, you know, these Senators, they are trying to put more money in their States for political reasons. Well, the fact is, this is Federal money earmarked for projects to avoid flooding, to protect homes, to protect neighborhoods, and to protect great national treasures such as Lake Michigan.

The reservoirs not only will help stop sewage overflows, but they are going to save homeowners money. Almost 75 percent of the residential lots in South Holland, IL, are now in a floodplain. That will be removed when the Thornton projects are complete. Completing these projects will save the homeowners in South Holland $713,000 in annual insurance premiums.

A lot of those homeowners are struggling with property taxes now and getting a break on flood insurance is certainly good news. This is just one of the many examples of how the WRDA bill will save homeowners real dollars and protect their homes.

Another important feature of the bill for Illinois is increased lock capacity and improvements to the ecosystem of the Upper Mississippi and Illinois Rivers. The Mississippi River, of course, is a beautiful river, and father of all waters, and has many claims to historic and natural significance. But it also is an important avenue of commerce. This is the backbone of the waterway system of America. It transports $12 billion worth of products each year, including over 1 billion bushels of grain to ports around the world. This efficient river transportation is vital to Illinois. Shipping by barge is inexpensive and helps keep our ports competitive. That is good for producers and good for consumers all over the world.

More than half of the Illinois annual corn crop and 75 percent of all U.S. soybean exports travel along the Upper Mississippi and Illinois Rivers. Shipping by barge is not only cost effective, but it has real environmental benefits. Barges operate at 10 percent of the cost of trucks, 40 percent of the cost of trains, they release far less carbon monoxide, nitrous oxide, and hydrocarbons, and barges use much less fuel to operate.

But the system of locks and dams along the Upper Mississippi that make travel possible is in desperate need of modernization. The current system was built 70 years ago and it needs to be repaired. Many of the older locks are only 600 feet in length. Most of the current barges are twice that length. That means these goods take twice as long to go down the river into the marketplace.

The override veto before us today will authorize $2.2 billion for replacing and upgrading locks and dams, and—this is a critical part of it—$1.7 billion for ecosystem restoration along the river.

We struck an agreement between those who want to use the river for commerce, and those who value it as a natural resource. We said, if we improve the locks and dams, we will put a comparable amount of money, $1.7 billion, into restoring the river, the ecosystem of the Mississippi River. So I think that is a fairminded, balanced approach to what our Nation needs.

As we have seen in the tragedy that occurred along Minnesota's 35-W bridge, our country's infrastructure is aging and overburdened. The projects included in this bill are desperately needed to shore up our waterway system, a vital component of our national infrastructure.

Unfortunately, the President vetoed this bill last Friday. After years of trying to put this bill together, this President discovered his veto pen this year and decided he would start vetoing bills one after the other. This is the latest casualty. The WRDA veto override was passed by the House yesterday with an overwhelming vote, 361 to 54.

When the Senate originally considered the bill earlier this year, there were only five Senators who voted against it. In less than 1 week this Congress has come together to send the President a strong message that his fiscal priorities are misplaced and misguided. I do not understand how this President can ask us for $196 billion to rebuild Iraq, and we ask for $23 billion to put into rebuilding America's waterways, protecting the levees that could flood communities and doing things that are critical for our future, and the President says it is wasteful spending—wasteful if it is spent in America, not wasteful if it is spent in Iraq?

I fear the President gets up every morning in the White House and looks out the window and all he sees is Iraq. If he looked out that window, he would see America is out here too. It needs investment. A strong America begins at home. The Water Resources Development Act will build the infrastructure which will build the economy, creating good business, good-paying jobs, construction jobs that cannot be outsourced, jobs that will be filled by Americans getting decent wages and good benefits, taking them home to their families, building up the neighborhoods and communities that are the backbone of this great Nation.

The President does not see that. Oh, he can see $196 billion for Iraq. He cannot see $23 billion for America. I think he is wrong. By the vote yesterday in the House of Representatives, overwhelmingly they told him he was wrong. I hope we reach the same conclusion when this matter comes before us tomorrow. What was intended to be reauthorized every 2 years is now 5 years too late.

If we follow the President's lead, we will postpone this again, we will see locks and dams continue to deteriorate, bridges continue to fail, and people wondering why in the world this great Nation of America is not making certain its infrastructure and backbone are strong enough to sustain economic growth.

It is time the President stopped using his veto pen for essential projects, programs like those in this bill, and in the appropriations bills that will be sent his way. I encourage all of my colleagues to support this bill to override the President's veto.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## EMPLOYMENT NON-DISCRIMINATION ACT OF 2007

Mr. LEAHY. Madam President, this great Nation has long stood for a commitment to justice and equal rights for all Americans. Opening the doors of opportunity to all who have something to contribute has been a key to America's success as the world's strongest economy, and as the world's most successful democracy. Our cultural diversity is a pillar of our strength, and the promise of equal rights is a fundamental freedom of our democracy. Today, the House passed the Employment Non-Discrimination Act of 2007, which would further promote and protect our country's diversity and every American's civil rights by further protecting Americans from discrimination in the workplace.

This important legislation would prohibit workplace discrimination by making it illegal to fire, refuse to hire, or refuse to promote employees simply based on a person's sexual orientation. Currently, Federal law provides basic legal protection against employment discrimination on the basis of race, gender, religion, national origin or disability but not sexual orientation. Discrimination on the basis of certain personal characteristics has no place in any workplace or in any State, and it is long overdue for Congress to extend American employees these protections. This legislation has broad support not only from civil rights groups but also from leading American corporations, because they understand that there is no place for discrimination in our workplaces.

I commend the House for passing the Employment Non-Discrimination Act of 2007, and I look forward to the Senate taking up this measure without delay.

## NATIONAL METHAMPHETAMINE AWARENESS MONTH

Mr. GRASSLEY. Madam President, I am pleased to join my colleague, Senator BAUCUS, in sponsoring the National Methamphetamine Awareness Month resolution of 2007. As a senior Member of the Senate representing a State confronting an epidemic of methamphetamine abuse and as cochairman of the Senate Caucus on International Narcotics Control, I have often been confronted with heartbreaking stories of the destructive nature meth abuse has on families and children. All too often, meth abuse not only ruins the life of the user, it disrupts the lives of the users family, friends, and the community at large. That is why Members of Congress must do everything we can to ensure that communities across the country have the tools and support they need to stop meth in its tracks.

Since the passage of the Combat Meth Act in 2005, an act that restricted the sale of a main ingredient of meth known as pseudoephedrine, or PSE, the number of home-grown meth labs has dramatically decreased throughout the Nation. In spite of this encouraging development, the National Association of Counties reports, in its recent survey of county sheriffs, that meth remains the No. 1 drug problem in almost half the counties across the country. In some cases, sheriffs reported, in this survey, that not only has the rate of meth abuse stayed the same, it has actually increased. The Drug Enforcement Administration, DEA, estimates that over 80 percent of the meth in this country is smuggled in from Mexico by drug cartels who produce this poison in superlabs.

Senator BAUCUS and I have held hearings to examine ways in which the Government could break the meth supply chain while helping to reduce the number of people suffering from meth. One of the areas discussed, to help achieve these goals, was to boost our efforts to educate and raise awareness among the public. We have to do a better job to reach those who don't view meth as a deadly drug, and we have to ensure that our children never try meth. Studies show that the longer you keep a child drug-free, before the age of 20, chances are very good that they will never try or become addicted to drugs.

In my State of Iowa, we have 22 community based organizations that are designed just for this purpose. One of these organizations, that I founded, called Face It Together, or FIT, encourages parents, educators, businesses, religious leaders, law enforcement officials, health care providers, youth groups, and news organizations to work together to come up with new and creative ways to confront drug abuse within their communities. While some of these community coalitions receive some financial support from the Federal Government, the real difference is made by all of those who volunteer within their communities to ensure they remain drug-free.

Although much remains to be done to eradicate meth from our communities, this resolution is part of a vast, ongoing effort to ensure meth abuse does not expand further into our society. I am please that this resolution is supported by the Community Anti-Drug Coalitions of America, CADCA, and I urge my colleagues to join us in support of our efforts against meth abuse.

## 50TH ANNIVERSARY OF THE DETROIT REPERTORY THEATRE

Mr. LEVIN. Madam President, it is my distinct pleasure to recognize the 50th anniversary of the Detroit Repertory Theatre, one of Michigan's oldest, continuously operating professional theatre companies. Located in the heart of Detroit, this theatre company has made significant contributions to the arts landscape in Detroit and across Michigan, forging an enduring legacy over the last half century.

The arts play an important role in building and sustaining communities by bridging cultural, ethnic, economic differences, and by being an important economic catalyst. Since its inception in 1957, the Detroit Repertory Theatre has been at the forefront of this effort and has provided world-class theatre productions for the greater Detroit community. Its ongoing emphasis on racially and ethnically diverse casting and its focus on theatrical relevancy have allowed it to carve out an important niche in the grassroots theatre world.

The Detroit Repertory Theatre's golden anniversary is particularly impressive considering the myriad challenges grassroots theatre companies face. This theatre company has not only weathered and adeptly overcome every challenge but continues to provide quality performances, while focusing on making their productions both relevant and accessible to the community. Integral to the theatre's mission is reaching out to a broader theatre audience through various successful outreach efforts, including Arts in Education Programs, Free Acting Workshops, the New Playwrights' Program, and the Charitable and CMO Partnerships.

True to its bold tradition of forging ahead, this anniversary not only celebrates past achievements but concurrently looks forward and embarks on new challenges. On Saturday, the Detroit Repertory Theatre will hold a black tie benefit to formally celebrate its golden anniversary and to kickoff its 50th Anniversary Challenge. This effort seeks to raise the funds necessary to execute its operational and community development initiatives, seeking to position the theatre to meet the challenges that lie ahead.

When an organization enjoys the type of success the Detroit Repertory Theatre has over the years, there are many who have sacrificed much and deserve acknowledgement and our heartfelt gratitude. It is in this spirit that I know my colleagues join me in recognizing and congratulating all those who have contributed to the Detroit Repertory Theatre's many successes over the last 50 years, in particular Bruce Milan, an original cofounder and the theatre's artistic and managing director, as well as his fellow cofounders, Barbara Busby and Dee Andrus. The community looks forward to an equally impressive record of success over the next half century. Break a leg!

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

## FRENCH LEGION OF HONOR

• Mrs. CLINTON. Madam President, I am honored to recognize Mr. Bernard Rader of Freeport, NY, for his selection as one of just seven Americans—along with my colleague, Senator INOUYE—to receive the French Legion of Honor from President Nicolas Sarkozy on his first official visit to Washington. Bernie, who is also a recipient of the Bronze Star and the Purple Heart, is deservedly being recognized for the heroism and courage he displayed in the service of our Nation as a soldier in the 301st Regiment of the 94th Infantry Division during World War II.

The Legion of Honor was established by Napoleon in 1802 to honor both military and civilians who have made significant contributions to French life. With this recognition, Bernie Rader joins Legionnaires including Dwight Eisenhower, Winston Churchill, Neil Armstrong, and Queen Elizabeth II.

Bernie Rader was born in the Bronx on December 12, 1923. In 1943, Bernie heeded his country's call to service and joined the Army as a rifleman assigned to the 94th Infantry Division. On September 8, 1944, just over 3 months after D-day, Bernie's regiment landed on Utah Beach in Normandy, France. The 94th ID subsequently moved into Brittany, where it was responsible for containing and taking on remaining pockets of German resistance in the English Channel ports of Lorient and Saint Nazaire. During the Siege of Lorient, in October 1944, Bernie's platoon was ambushed, and he was wounded and taken captive as a prisoner of war. Thinking quickly, Bernie asked one of his comrades to bury his dog tags to keep the Nazis from discovering his Jewish faith. Bernie was held for 6 weeks as a POW before being released during an unprecedented prisoner exchange organized by Andrew Gerow Hodges of the Red Cross.

Bernie's 94th Infantry Division went on to help liberate several small French towns. They also trained and armed 29 French infantry battalions to aid them in the war against Germany. In early 1945, the 94th ID launched an attack across the Saar River, which separated France and Germany. By March of 1945 the division controlled a 10-mile front, where it repelled German attacks. On March 13, 1945, they drove to the Rhine River, eventually taking the industrial city of Ludwigshafen on March 24. By the beginning of April, they had taken responsibility for containing the west side of the Ruhr pocket along the Rhine River. The 94th ID occupied the Ruhr until V-E Day.

Bernie Rader was discharged from the Army in January 1946. After the war, Bernie became a certified public accountant in his home State of New York. He worked on the New York State Society of Certified Public Accountants, NYSSCPA, and served as president of the Nassau County Chapter in 1986 and 1987. He won the Distinguished Service Award from the NYSSCPA in 1992.

In 2004, Bernie presented the citizens of L'Ile de Groix, France, with a plaque to show his gratitude for the aid they provided to his fellow soldiers who had been taken prisoner outside of Lorient and held on the island of Groix under very harsh conditions. He is now working to establish a sister city program between L'Ile de Groix and his town of Freeport on Long Island.

On behalf of my constituents in New York, Mr. President, and indeed on behalf of all Americans, I wish to congratulate Bernie Rader for his selection for the French Legion of Honor. This honor rightly recognizes Bernie's heroism and steadfastness at a critical time in the history of our Nation. I invite my colleagues on both sides of the aisle to join me today in recognizing and honoring Bernie Rader and his fellow Legionnaires for their noble service and their commitment to the defense of democracy and freedom.•

## ADDITIONAL STATEMENTS

## CONGRATULATING WILLIAM PRESCOTT ELEMENTARY SCHOOL

• Mr. CASEY. Madam President, today I congratulate William Prescott Elementary School, in Scranton, PA, on receiving the prestigious Blue Ribbon Schools award from the Department of Education for its outstanding achievement in providing students with a first-rate education.

William Prescott Elementary School serves just fewer than 300 students from the east side of Scranton and is part of the Scranton School District. Like many schools throughout Scranton and all of Pennsylvania, William Prescott Elementary School strives to provide the best possible opportunities and to enrich the life of each student. The administration and staff work passionately to provide a comprehensive curriculum inclusive of language arts, lab-based science, computer education, art and music education, English as a second language, special education, as well as many other courses. For the past 13 years, and particularly during the last 3, the students at William Prescott Elementary School have demonstrated steady progress in the areas of Reading and Mathematics and have far exceeded Pennsylvania's State targets. I am proud to say that the school is truly a model of educational excellence.

In addition to this, and I believe this is key, the school actively works to involve parents and the community in the learning process. Through partnerships with community organizations such as the Head Start Program, the Pennsylvania Council on the Arts, and Scranton Area Foundation, William Prescott Elementary School demonstrates its commitment to a comprehensive educational program that builds on personal responsibility, accentuates individual respect, and develops a love of learning.

Special credit for this achievement belongs to the principal, Mr. Albert P. O'Donnell, and the teachers, for creating a safe and challenging learning environment. During my brief experience as a teacher I learned firsthand how much dedication the students, the parents, and all involved must exhibit in order to succeed at this exceptional level. It is with great pride that I congratulate William Prescott Elementary School on this outstanding achievement. I hope that their dedication and hard work inspires both young students and those serving in the field of education alike.•

## COMMENDING CONTRIBUTIONS TO TEACH FOR AMERICA

• Mrs. DOLE. Madam President, I wish to recognize the fifth anniversary of the Wachovia Championship golf tournament at Quail Hollow Club in Charlotte.

Several years ago, a number of leading North Carolinians gathered to begin the planning for this first-class event. Under the leadership of Quail Hollow president Johnny Harris, tournament chairman Mac Everett, and executive director Kym Hougham, the Wachovia Championship has quickly risen to the top echelon of sporting events in the country.

These leaders desired to create a premier sporting event that would provide a first-class experience for patrons, PGA tour players, and volunteers that at the same time would have a significant economic impact for the Carolinas, showcase my State and region to a national and international television audience, and most importantly raise significant funds for charitable interests in the State.

The primary beneficiary of the success of the Wachovia Championship is Teach for America. Funds generated from the tournament are used to support the national efforts of this organization.

This past year, I circulated a letter that asked appropriators to fund the Teach for America program at a $15 million level for this fiscal year. Teach for America's goal is to provide students in urban and rural low-income areas with highly qualified teachers in order to eliminate educational inequity. This program is the national corps of top college graduates who commit 2 years to teach in underresourced public schools and become lifelong leaders in the pursuit of educational equity. After completing their 2-year commitment, 63 percent of the Teach for America alumni continue to work in education. Since 1990, nearly 17,000 college graduates have joined Teach for America, impacting the lives of over 2.5 million students.

I applaud the efforts that Wachovia is making to support this program. In its first 5 years, the Wachovia Championship has donated over $7.5 million to Teach for America and other charities. This year, to my understanding, the bank's donation to Teach for America is $1 million, and their overall contributions to charities have been $1.95 million.

As you can see, this golf tournament has a much bigger impact on the community than its direct entertainment and economic impact. Through this golf tournament Wachovia has been able to reach out and affect overall society by helping students gain a quality education. •

### HONORING DR. WILLIAM POTTER

• Mr. LUGAR. Madam President, I wish to commemorate the awarding of the first endowed professorship in the field of nonproliferation studies to my friend, Dr. William Potter. Bill has served as director of the Center for Nonproliferation Studies at the Monterey Institute of International Studies. In that post he has made valuable contributions to U.S. policy through detailed analysis of the threat posed by the proliferation of weapons of mass destruction, comprehensive programmatic reviews of efforts to address the threat, and training of arms control and nonproliferation experts.

Bill Potter has an unequaled research and academic record in the field of nonproliferation. He has served as a consultant to the Arms Control and Disarmament Agency and the RAND Corporation. In addition, he has served for a number of years on the United Nations Secretary General's Advisory Board on Disarmament Research. He has written or edited 14 books and contributed to more than 90 books or journals. He has also made Monterey's quarterly publication, "The Nonproliferation Review," the leading journal in the field of nonproliferation.

I am honored that Monterey Institute has named Dr. Potter's new position the "Nunn-Lugar chair of nonproliferation studies." In 1991, Sam Nunn and I believed that our Government had to act to address the threats posed by the dissolution of the Soviet Union. As political and military leaders inched away from Cold War standoffs, the weapons they had developed to threaten and deter each other remained capable of killing the entire American population and rendering our country a wasteland.

Sam and I worked closely with experts and friends like Bill Potter. Together we understood that a unilateral effort would not succeed and challenged the United States and our former enemies to work together. The United States needed a diplomatic strategy and a programmatic response to the threat. The Nunn-Lugar program was our answer. The program succeeded in convincing Ukraine, Belarus, and Kazakhstan to remove all nuclear weapons from their territories. In addition, it became the primary tool through which the United States continues to work with Russia to destroy its massive nuclear, chemical, and biological warfare capacity.

I could relate many stories and experiences I have enjoyed with Bill Potter. His patient diplomacy and leadership have made important contributions to U.S. national security and international peace. The education, policy information, and policy expertise he will provide through his new position to the students at the Monterey Institute will continue the grand tradition he has established there and ensure that his talents and dedication are continued in a fine academic tradition.

The proliferation of weapons of mass destruction was and remains the No. 1 national security threat facing the United States and the international community. We still have a lot of work to do to address the threats posed by the proliferation of weapons of mass destruction. I congratulate the university and Dr. Potter on this important announcement and look forward to continuing my close relationship with Bill and his colleagues at Monterey as we work together to address the threat posed by the proliferation of weapons of mass destruction. •

### CONGRATULATING PENOBSCOT BAY PORCH SWINGS

• Ms. SNOWE. Madam President, today I congratulate Penobscot Bay Porch Swings of Brunswick, a woman-owned company dedicated to reviving the tradition of porch swings in my home State of Maine.

Inspired by the old-fashioned hammock swings she saw along the Maine coast while on a field trip with her daughter, Sarah Bloy began creating the prototype for what would become the widely popular Penobscot Bay Porch Swing. After 4 years of planning and a trip to the Marine Canvas Training Institute, Ms. Bloy commenced production of her porch swings in January 2005. Each swing, which takes between 8 and 10 hours to make, is delicately produced in a studio workshop at Brunswick's Fort Andross by Ms. Bloy with the assistance of her dedicated employee.

Penobscot Bay Porch Swings is a successful small business due to Ms. Bloy's entrepreneurial and innovative spirit. Her company's handmade porch swings are similar to those fashionable at the turn of the 20th century in Maine and New England, illiciting nostalgia for some and amazement for many others. Penobscot Bay Porch Swings offers an assortment of styles that were named to celebrate Maine's coastal heritage. The Bar Harbor, Kennebunkport, and Camden are some of the swing styles available. Moreover, the swings' vibrant colors provide a contemporary look to a time-tested design. Choosing between colors, such as Capri blue and Tuscan orange, Jockey red and Seville Seaside stripes, customers have many bright and welcoming options for the color of their swing. And each hammock swing is carefully crafted with mildew resistant Sunbrella fabric to temper the tough elements of New England's climate.

Ms. Bloy has also created the inventive Castine Cradle, a swing-like crib especially designed for babies and infants. Along with the swings and cradles, Ms. Bloy also constructs a plethora of brilliant pillows to coordinate with her swings, in even more creative colors like Beachfront Balsam and Sandrine Sunset. Her sights are set on expanding her business, with the hopes of designing new and more creative products for her clientele to enjoy for seasons to come.

Porch swings and hammocks have long been a staple of east coast life, and Ms. Bloy's expertly crafted swings will help to revitalize interest in this outstanding tradition. Penobscot Bay Porch exemplifies what a small business can accomplish with a pioneering and talented Mainer, such as Sarah Bloy, at the helm. Penobscot Bay Porch Swings has built a reputation of meticulous craftsmanship and durability, and I wish Sarah and everyone at Penobscot Bay Porch Swings the best of luck as they continue to thrive and expand.•

### TRIBUTE TO ADMIRAL WESLEY L. McDONALD

• Mr. WARNER. Madam President, today I pay tribute to ADM Wesley L. McDonald, U.S. Navy, Retired, a great American naval officer who served his country in uniform for over 35 years, culminating with his simultaneous assignments as Supreme Allied Commander Atlantic and Commander-in-Chief U.S. Atlantic Command.

Following his illustrious naval career, Admiral McDonald has gone on to promote both education and aviation, giving wise counsel to American industry and valued service on several key boards including the U.S. Navy Memorial Foundation, the U.S. Naval Aviation Museum and the Armed Services YMCA. This year he has been honored with the "Elder Statesman of Aviation" Award by the National Aeronautic Association for 15 years of exceptional service to this fine organization.

On 1 December 1985, ADM Wesley L. McDonald retired from his assignment as the Supreme Allied Commander Atlantic, and the Commander-in-Chief of the U.S. Atlantic Command, after having served in the U.S. Navy for over 42 years. He is a former carrier naval aviator who served in various staff and command positions following his graduation from the U.S. Naval Academy in 1946. He also holds a M.S. degree from the George Washington University.

Before entering flight training in 1948, Admiral McDonald was a member of Rear Admiral Richard E. Byrd's South Pole expedition "High Jump." He received his wings in 1950 and served in several carrier fighter and attack squadrons. He participated as a flight leader in the first retaliatory strike into North Vietnam following the Gulf of Tonkin incident in 1964, while serving as the commanding officer of Attack Squadron Fifty-Six. Other command tours included Carrier Air Wing Fifteen, amphibious landing ship dock USS *Hermitage*, LSD-34, and the aircraft carrier USS *Coral Sea*, CV-43.

After promotion to rear admiral in 1972, he was assigned duty as the Commandant, Thirteenth Naval District. This tour was followed by assignment as Commander Carrier Group Three, where Admiral McDonald deployed to the Western Pacific as a Carrier Battle Group Commander in the final stages of the Vietnam war. He continued duty in the Pacific as the commander, Naval Air Force Pacific representative embarked in USS *Midway*, CV-41, homeported in Yokosuka, Japan, in 1974. He then served as the Chief of Naval Air Training in Corpus Christi, TX, for 1 year before being reassigned to Washington, DC, in 1975 as the Deputy Chief of Naval Personnel.

In July 1977, he was promoted to vice admiral and assumed command of the U.S. Second Fleet. Concurrently, Admiral McDonald commanded the NATO Striking Fleet Atlantic. Following this tour, Admiral McDonald was named Deputy Chief of Naval Operations, Air Warfare, where he established policy for the conduct of Naval Air Warfare and served as an advisor to the Chief of Naval Operations for all matters involving Naval Aviation.

He was promoted to the rank of admiral and assumed the duties of Supreme Allied Commander Atlantic, Commander-in-Chief U.S. Atlantic Command, and Commander-in-Chief U.S. Atlantic Fleet in September 1982. During this tour of duty, Admiral McDonald and his staff planned the U.S. intervention in Grenada in October 1983, and was the commander in charge of the successful execution of the operation.

Admiral McDonald's awards include the Defense Distinguished Service Medal, three Navy Distinguished Service Medals, two Legions of Merit, two Distinguished Flying Crosses, five Air Medals, and awards from the Netherlands, Federal Republic of Germany, France, Iceland, Norway, Uruguay, Chile and Brazil.

Throughout his career in the U.S. Navy and the private sector, Admiral McDonald has provided exemplary leadership and sound professional judgment on issues of importance to the Navy and our country. He is an extraordinary individual and leader whose record of service exemplifies the highest traditions of our military and our country.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 12:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

## ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 12:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 2206. An act to provide technical corrections to Public Law 109–116 (2 U.S.C. 2131 a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes.

S.J. Res. 7. Joint resolution providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

At 5:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House, having proceeded to reconsider the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved that the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2318. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax and to permanently extend the reductions in income tax rates, and for other purposes.

## ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, November 7, 2007, she had presented to the President of the United States the following enrolled bill and joint resolution:

S. 2206. An act to provide technical corrections to Public Law 109–116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes.

S.J. Res. 7. Joint resolution providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3836. A communication from the Deputy Under Secretary of Defense for Logistics and Materiel Readiness, transmitting, pursuant to law, a report relative to the Department's Program for Planning, Managing, and Accounting for Civilian Contractor Services and Contractor Personnel during Contingency Operations; to the Committee on Armed Services.

EC–3837. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–3838. A communication from the Chairman, Examination Council, Federal Financial Institutions, transmitting, pursuant to law, a report relative to a review of their regulations for purposes of identifying outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–3839. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Approval of 8-Hour Ozone Section 110(a)(1) Maintenance Plans for the Parishes of Beauregard, Grant, and St. Mary" (FRL No. 8491–4) received on November 2, 2007; to the Committee on Environment and Public Works.

EC–3840. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oxytetracycline; Pesticide Tolerance" (FRL No. 8153–7) received on November 2, 2007; to the Committee on Environment and Public Works.

EC–3841. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

"Revisions to the California State Implementation Plan, Imperial County and Monterey Bay Unified Air Pollution Control Districts" (FRL No. 8492-3) received on November 2, 2007; to the Committee on Environment and Public Works.

EC-3842. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Kern County Air Pollution Control District" (FRL No. 8489-7) received on November 2, 2007; to the Committee on Environment and Public Works.

EC-3843. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries" ((RIN2060-AN71)(FRL No. 8492-4)) received on November 2, 2007; to the Committee on Environment and Public Works.

EC-3844. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Update of Continuous Instrumental Test Methods: Technical Amendments" ((RIN2060-AO09)(FRL No. 8490-9)) received on November 2, 2007; to the Committee on Environment and Public Works.

EC-3845. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Railroad Industry Overview" (Docket No. LMSB-04-1007-072) received on November 2, 2007; to the Committee on Finance.

EC-3846. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Changes to the Hospital Outpatient Prospective Payment System and CY 2008 Payment Rates, the Ambulatory Surgical Center Payment System and CY 2008 Payment Rates, the Hospital Inpatient Prospective Payment System and FY 2008 Payment Rates; and Payments for Graduate Medical Education for Affiliated Teaching Hospitals in Certain Emergency Situations" ((RIN0938-AO71) (RIN0938-AO70) (RIN0938-AO35)) received on November 2, 2007; to the Committee on Finance.

EC-3847. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of technical data and defense services to the Republic of Korea for the manufacture and assembly of the X1100 Series Transmissions; to the Committee on Foreign Relations.

EC-3848. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Flood Mitigation Assistance" (RIN1660-AA00) received on November 2, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3849. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Hazard Mitigation Planning and Hazard Mitigation Grant Program" (RIN1660-AA17) received on November 2, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3850. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Flood Mitigation Grants and Hazard Mitigation Planning" (RIN1660-AA36) received on November 2, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3851. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled, "Statistical Programs of the United States Government: Fiscal Year 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC-3852. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 56920) received on October 29, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3853. A communication from the Associate Director for Human Resources, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, a report relative to the Agency's use of the Category Rating System during the period ending September 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3854. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Almonds Grown in California; Change in Requirements for Interhandler Transfers of Almonds" (Docket No. AMS-FV-07-0051) received on October 29, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3855. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees for 2007 Crop Cotton Classification Services to Growers" ((RIN0581-AC75)(Docket No. AMS-CN-07-0060)) received on October 29, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3856. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Use of Estimated Trade Demand to Compute Volume Regulation Percentages" (Docket No. AMS-FV-07-0071) received on October 29, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3857. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dates Grown or Packed in Riverside County, California; Decreased Assessment Rate" (Docket No. AMS-FV-07-0104) received on October 29, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3858. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Export Certification for Wood Packaging Material" (Docket No. APHIS-2006-0122) received on October 30, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3859. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 03-09; to the Committee on Appropriations.

EC-3860. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XC90) received on October 20, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3861. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648-XC88) received on October 20, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3862. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (RIN0648-XC89) received on October 29, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3863. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Closure of the Commercial Fishery for South Atlantic Golden Tilefish for the 2007 Fishing Year" (RIN0648-XC83) received on October 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3864. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XC91) received on October 20, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3865. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Broodstock Protection and Effort Reduction Measures for the Area 3 Lobster Fishery" (RIN0648-AU07) received on October 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3866. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Framework Adjustment 7 to the Summer Flounder, Scup, and Black Sea Bass FMP Final Rule" (RIN0648-AV21) received on October 29, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3867. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Adjustments to Groundfish Management Measures" (RIN0648-AW07) received on October 31, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3868. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report relative to the Defense Cooperation Account; to the Committee on Armed Services.

EC–3869. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transactions Act of 2003" (Docket No. R–1255) received on October 29, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3870. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Housing Choice Voucher Program Homeownership Option; Eligibility of Units Not Yet Under Construction" (RIN2577–AC60) received on October 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3871. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Cape Sable Seaside Sparrow in Miami-Dade County, Florida" (RIN1018–AV79) received on November 2, 2007; to the Committee on Environment and Public Works.

EC–3872. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Seven Mussels in the Apalachicolan Region, Alabama, Florida , and Georgia" (RIN1018–AU87) received on November 2, 2007; to the Committee on Environment and Public Works.

EC–3873. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a document recently issued by the Agency relative to the Clean Water Act; to the Committee on Environment and Public Works.

EC–3874. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: HI–STORM 100 Revision 4" (RIN3150–AI23) received on October 24, 2007; to the Committee on Environment and Public Works.

EC–3875. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a document recently issued by the Agency relative to its Interim Wet Weather SNC Policy; to the Committee on Environment and Public Works.

EC–3876. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Revised Denver PM10 Maintenance Plan" (FRL No. 8490–6) received on October 30, 2007; to the Committee on Environment and Public Works.

EC–3877. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Requests for Rescission" (FRL No. 8489–4) received on October 30, 2007; to the Committee on Environment and Public Works.

EC–3878. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions from Existing Other Solid Waste Incinerator Units; Nevada" (FRL No. 8489–6) received on October 30, 2007; to the Committee on Environment and Public Works.

EC–3879. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Tolerance Nomenclature Changes; Technical Amendments; Correction" (FRL No. 8151–4) received on October 30, 2007; to the Committee on Environment and Public Works.

EC–3880. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District and Mojave Desert Air Quality Management District" (FRL No. 8487–6) received on October 30, 2007; to the Committee on Environment and Public Works.

EC–3881. A communication from the Program Manager, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, and Other Part B Payment Policies for CY 2008; Revisions to the Payment Policies of Ambulance Services Under the Ambulance Fee Schedule for CY 2008; and the Amendment of the E-Prescribing Exemption for Computer Generated Facsimile Transmissions" (RIN0938–AO65) received on November 2, 2007; to the Committee on Finance.

EC–3882. A communication from the Program Manager, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revisit User Fee Program for Medicare Survey and Certification Activities" (RIN0938–AP22) received on November 2, 2007; to the Committee on Finance.

EC–3883. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of firearms to Georgia for use by the Georgian Defense Ministry; to the Committee on Foreign Relations.

EC–3884. A communication from the Acting Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Amendments to Acquisition Regulations" (AIDAR Circular 2007–02) received on October 26, 2007; to the Committee on Foreign Relations.

EC–3885. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's Annual Performance Plan for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

**The following reports of committees were submitted:**

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2008" (Rept. No. 110–221).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 597. A bill to extend the special postage stamp for breast cancer research for 2 years (Rept. No. 110–222).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 589. A bill to provide for the transfer of certain Federal property to the United States Paralympics, Incorporated, a subsidiary of the United States Olympic Committee (Rept. No. 110–223).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 798. A bill to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy (Rept. No. 110–224).

By Mrs. BOXER, from the Committee on Environment and Public Works:

Report to accompany S. 775, a bill to establish a National Commission on the Infrastructure of the United States (Rept. No. 110-225).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

**The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:**

By Mr. MENENDEZ (for himself, Mr. Schumer, Mr. Sanders, Mr. Whitehouse, Mrs. McCaskill, Mr. Carper, Mr. Obama, and Ms. Klobuchar):

S. 2315. A bill to prohibit an entity under the jurisdiction of a Federal agency from paying for travel by employees of that agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. Feingold, Mr. Biden, Mr. Reed, Mr. Kerry, Ms. Cantwell, Mr. Leahy, Mr. Durbin, Mrs. Boxer, Mr. Harkin, Mrs. Murray, Mr. Dodd, Mr. Sanders, Mr. Obama, Mr. Menendez, Mr. Kohl, Mr. Cardin, Mrs. Clinton, Mr. Wyden, Mr. Salazar, Mr. Schumer, Mr. Kennedy, Ms. Stabenow, Mr. Whitehouse, Mr. Lautenberg, and Mr. Casey):

S. 2316. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself and Mr. Cornyn):

S. 2317. A bill to amend titles 17 and 18, United States Code, and the Trademark Act of 1946 to strengthen and harmonize the protection of intellectual property, and for other purposes; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mr. Crapo, Mr. Roberts, Mr. Bunning, and Mr. Smith):

S. 2318. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax and to permanently extend the reductions in income tax rates, and for other purposes; read the first time.

By Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. BINGAMAN, and Mrs. HUTCHISON):

S. 2319. A bill to ensure the continued and future availability of life saving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 2320. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER):

S. 2321. A bill to amend the E-Government Act of 2002 (Public Law 107-347) to reauthorize appropriations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN:

S. 2322. A bill to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 2323. A bill to provide for the conduct of carbon capture and storage technology research, development, and demonstration projects, and for other purposes; to the Committee on Energy and Natural Resources.

## ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 562

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 562, a bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes.

S. 1142

At the request of Mr. GREGG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1142, a bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1418

At the request of Mr. DODD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1638

At the request of Mr. LEAHY, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1880

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1880, a bill to amend the Animal Welfare Act to prohibit dog fighting ventures.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2007", and for other purposes.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2068

At the request of Mr. BAYH, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2068, a bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for nonitemizers.

S. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Missouri (Mr. BOND), the Senator from Oregon (Mr. SMITH), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. JOHNSON), the Senator from North Dakota (Mr. CONRAD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2159

At the request of Mr. NELSON of Florida, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Missouri (Mr. BOND), the Senator from Ohio (Mr. BROWN), the Senator from California (Mrs. FEINSTEIN), the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. OBAMA) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2168

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2168, a bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft.

S. 2172

At the request of Mr. MCCAIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2172, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2250

At the request of Mr. CRAPO, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2250, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare Program.

S. 2278

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2278, a bill to improve the prevention, detection, and treatment of community and healthcare-associated infections (CHAI), with a focus on antibiotic-resistant bacteria.

S. 2289

At the request of Mr. ALEXANDER, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2289, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 2313

At the request of Mr. BROWN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2313, a bill to amend the Public Health Service Act to enhance efforts to address antimicrobial resistance.

S.J. RES. 22

At the request of Mr. BAUCUS, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 366

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 366, a resolution designating November 2007 as "National Methamphetamine Awareness Month", to increase awareness of methamphetamine abuse.

S. RES. 368

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. Res. 368, a resolution expressing the sense of the Senate that, at the 20th Regular Meeting of the International Commission on the Conservation of Atlantic Tunas, the United States should pursue a moratorium on the eastern Atlantic and Mediterranean bluefin tuna fishery to ensure control of the fishery and further facilitate recovery of the stock, pursue strengthened conservation and management measures to facilitate the recovery of the Atlantic bluefin tuna, and seek a review of compliance by all Nations with the International Commission for the Conservation of Atlantic Tunas' conservation and management recommendation for Atlantic bluefin tuna and other species, and for other purposes.

S. RES. 370

At the request of Mrs. DOLE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 370, a resolution supporting and encouraging greater support for Veterans Day each year.

AMENDMENT NO. 3502

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 3502 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3543

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3543 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 2317. A bill to amend titles 17 and 18, United States Code, and the Trademark Act of 1946 to strengthen and harmonize the protection of intellectual property, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce the Intellectual Property Enforcement Act of 2007. Congress is charged "to promote the progress of science and useful arts," and part of promotion is protection. This legislation will enhance existing intellectual property enforcement laws, provide more resources to combat infringement, and harmonize copyright and trademark laws. I thank Senator CORNYN for joining me in this effort, which is a high priority of mine, and also of the creative communities and industries across the country.

Each year, counterfeiting and copyright infringement cost the U.S. economy billions of dollars. The International Anti-Counterfeiting Coalition estimates that counterfeiting and piracy cost American businesses $250 billion a year, and hundreds of thousands of jobs as well. Clearly, IP theft is big business, and that can devastate small businesses. No one knows this better than Vermont companies such as Hubbardton Forge, Vermont Teddy Bear Company, and Burton Snowboards. Each of these companies, and many others like them across the Nation invests time, money, and effort in the development of new products. When their products are infringed, it devalues the product and threatens the company.

Senator CORNYN and I have heard from a myriad of interested parties about the importance of protecting intellectual property, and have seen many enforcement proposals. The legislation we introduce today will serve as the core of our legislative effort this year. It will start the process of considering how to ensure that our enforcement laws are up to the task, and that the necessary resources are in place to enforce them. Other Senators have introduced legislation to address these issues, and the Department of Justice and others have suggested legislative language. These are all helpful to the debate, and I expect there will be more to come. Introduction of the Intellectual Property Enforcement Act of 2007 is the beginning of this important effort.

The centerpiece of the bill we introduce today gives the Department of Justice the ability to bring civil actions against copyright infringers. Punishment should fit the crime, and a civil action is often more appropriate to the wrong being done in such cases than is criminal prosecution. This concept has passed the Senate on three separate occasions, as the PIRATE Act. Next, this bill adds resources for agents to combat infringement. It does not matter how strong our laws are, if there are not enough agents, or if our agents do not have the proper expertise to investigate and prosecute crimes, piracy will flourish and harm our economy. Third, this bill allows for "harmless errors" on copyright registration forms. Copyright registration should not be voided by innocently checking the wrong box or misspelling a word on a form. Finally, this bill harmonizes the forfeiture provisions in the copyright and trademark statutes.

By enacting well-balanced enforcement laws, we can protect both the creators and the consumers of intellectual property. It is impossible to put a price tag on creativity, but we must do all we can to protect the fruits of creative labor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2317

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Intellectual Property Enforcement Act of 2007".

### SEC. 2. AUTHORIZATION OF CIVIL COPYRIGHT ENFORCEMENT BY ATTORNEY GENERAL.

(a) In General.—Chapter 5 of title 17, United States Code, is amended by inserting after section 506 the following:

**"§ 506a. Civil penalties for violations of section 506**

"(a) In General.—In lieu of a criminal action under section 506, the Attorney General may commence a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 506. Upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty under section 504 which shall be in an amount equal to the amount which would be awarded under section 3663(a)(1)(B) of title 18 and restitution to the copyright owner aggrieved by the conduct.

"(b) Other Remedies.—

"(1) In general.—Imposition of a civil penalty under this section does not preclude any other criminal or civil statutory, injunctive, common law, or administrative remedy, which is available by law to the United States or any other person.

"(2) Offset.—Any restitution received by a copyright owner as a result of a civil action brought under this section shall be offset against any award of damages in a subsequent copyright infringement civil action by that copyright owner for the conduct that gave rise to the civil action brought under this section.".

(b) Damages and Profits.—Section 504 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in the first sentence—

(i) by inserting ", or the Attorney General in a civil action," after "The copyright owner"; and

(ii) by striking "him or her" and inserting "the copyright owner"; and

(B) in the second sentence by inserting ", or the Attorney General in a civil action," after "the copyright owner"; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ", or the Attorney General in a civil action," after "the copyright owner"; and

(B) in paragraph (2), by inserting ", or the Attotrney General in a civil action," after "the copyright owner".

(c) Technical and Conforming Amendment.—The table of sections for chapter 5 of title 17, United States Code, is amended by inserting after the item relating to section 506 the following:

"506a. Civil penalties for violation of section 506.".

### SEC. 3. IMPROVED INVESTIGATIVE AND FORENSIC RESOURCES FOR ENFORCEMENT OF LAWS RELATED TO INTELLECTUAL PROPERTY CRIMES.

(a) In General.—The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall, with respect to crimes related to the theft of intellectual property—

(1) create an operational unit of the Federal Bureau of Investigation—

(A) to work with the Computer Crime and Intellectual Property section of the Department of Justice on the investigation and coordination of intellectual property crimes that are complex, committed in more than 1 judicial district, or international;

(B) that consists of at least 10 agents of the Bureau; and

(C) that is located at the headquarters of the Bureau;

(2) ensure that any unit in the Department of Justice responsible for investigating computer hacking or intellectual property crimes is assigned at least 2 agents of the Federal Bureau of Investigation (in addition to any agent assigned to such unit as of the date of the enactment of this Act) to support such unit for the purpose of investigating or prosecuting intellectual property crimes; and

(3) implement a comprehensive program—

(A) the purpose of which is to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to intellectual property crimes;

(B) that includes relevant forensic training related to investigating and prosecuting intellectual property crimes; and

(C) that requires such agents who investigate or prosecute intellectual property crimes to attend the program annually.

(b) Intellectual Property Law Enforcement Coordinators.—Not later than 120 days after the date of the enactment of this Act, the Attorney General shall assign 1 Federal prosecutor to the appropriate office of the Department of Justice located in Hong Kong and 1 Federal prosecutor to such an office located in Budapest, Hungary, to assist in the coordination of the enforcement of intellectual property laws between the United States and foreign nations.

(c) Organized Crime Task Force.—Not later than 120 days after the date of the enactment of this Act, the Attorney General, through the United States Attorneys' Offices, the Computer Crime and Intellectual Property section, and the Organized Crime and Racketeering section of the Department of Justice, and in consultation with the Federal Bureau of Investigation and other Federal law enforcement agencies, shall create a Task Force to develop and implement a comprehensive, long-range plan to investigate and prosecute international organized crime syndicates engaging in or supporting crimes relating to the theft of intellectual property.

(d) Authorization.—There are authorized to be appropriated to carry out this section $12,000,000 for each of fiscal years 2008 through 2011.

### SEC. 4. ADDITIONAL FUNDING FOR RESOURCES TO INVESTIGATE AND PROSECUTE CRIMINAL ACTIVITY INVOLVING COMPUTERS.

(a) Additional Funding for Resources.—

(1) Authorization.—In addition to amounts otherwise authorized for resources to investigate and prosecute criminal activity involving computers, there are authorized to be appropriated for each of the fiscal years 2008 through 2011—

(A) $10,000,000 to the Director of the Federal Bureau of Investigation; and

(B) $10,000,000 to the Attorney General for the Criminal Division of the Department of Justice.

(2) Availability.—Any amounts appropriated under paragraph (1) shall remain available until expended.

(b) Use of Additional Funding.—Funds made available under subsection (a) shall be used by the Director of the Federal Bureau of Investigation and the Attorney General, for the Federal Bureau of Investigation and the Criminal Division of the Department of Justice, respectively, to—

(1) hire and train law enforcement officers to—

(A) investigate crimes committed through the use of computers and other information technology, including through the use of the Internet; and

(B) assist in the prosecution of such crimes; and

(2) procure advanced tools of forensic science to investigate, prosecute, and study such crimes.

### SEC. 5. REGISTRATION IN CIVIL INFRINGEMENT ACTIONS.

(a) Limitation to Civil Actions; Harmless Error.—Section 411 of title 17, United States Code, is amended—

(1) in the section heading, by inserting "**civil**" before "**infringement**";

(2) in subsection (a)—

(A) in the first sentence, by striking "no action" and inserting "no civil action"; and

(B) in the second sentence, by striking "an action" and inserting "a civil action";

(3) in subsection (b)—

(A) by redesignating that subsection as subsection (c); and

(B) by striking "506 and sections 509 and" and inserting "505 and section"; and

(4) by inserting after subsection (a) the following:

"(b)(1) A certificate of registration satisfies the requirements of this section and section 412, regardless of whether the certificate contains any inaccurate information, unless—

"(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

"(B) the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.

"(2) In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.";".

(b) Technical and Conforming Amendments.—

(1) Section 412 of title 17, United States Code, is amended by striking "411(b)" and inserting "411(c)".

(2) The item relating to section 411 in the table of sections for chapter 4 of title 17, United States Code, is amended to read as follows:

"411. Registration and civil infringement actions.".

### SEC. 6. CIVIL REMEDIES FOR INFRINGEMENT.

(a) In General.—Section 503(a) of title 17, United States Code, is amended—

(1) by striking "and of all plates" and inserting ", of all plates"; and

(2) by striking the period and inserting ", and of records documenting the manufacture, sale, or receipt of things involved in such violation. The court shall enter an appropriate protective order with respect to discovery of any records that have been seized. The protective order shall provide for appropriate procedures to assure that confidential information contained in such records is not improperly disclosed to any party.".

(b) Protective Orders for Seized Records.—Section 34(d)(1)(A) of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes.", approved July 5, 1946 (commonly referred to as the Trademark Act of 1946) (15 U.S.C. 1116(d)(1)(A)) is amended by adding "The court shall enter an appropriate protective order with respect to discovery of any records that have been seized. The protective order shall provide for appropriate procedures to assure that confidential information contained in such records is not improperly disclosed to any party." after the first sentence.

### SEC. 7. CRIMINAL INFRINGEMENT.

(a) Forfeiture and Destruction; Restitution.—Section 506(b) of title 17, United States Code, is amended to read as follows:

"(b) Forfeiture, Destruction, and Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323 of title 18, to the extent provided in that section, in addition to any other similar remedies provided by law.".

(b) Seizures and Forfeitures.—

(1) Repeal.—Section 509 of title 17, United States Code, is repealed.

(2) Technical and conforming amendment.—The table of sections for chapter 5 of title 17, United States Code, is amended by striking the item relating to section 509.

### SEC. 8. IMPORTATION AND EXPORTATION.

(a) Importation and Exportation of Infringing Items.—Section 602(a) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(2) in the first sentence, by striking "Importation" and inserting "(1) Importation";

(3) by striking "106, actionable" and inserting "106 and is actionable";

(4) by striking "This subsection does not apply to—" and inserting the following:

"(2) Importation into the United States or exportation from the United States, without the authority of the owner of copyright under this title, of copies or phonorecords, the making of which either constituted an infringement of copyright or would have constituted an infringement of copyright if this title had been applicable, is an infringement of the exclusive right to distribute copies or phonorecords under section 106 and is actionable under sections 501 and 506.

"(3) This subsection does not apply to—";

(5) in subparagraph (A), as redesignated, by inserting "or exportation" after "importation";

(6) in subparagraph (B), as redesignated—

(A) by striking ", for the private use of the importer" and inserting "or exportation, for the private use of the importer or exporter"; and

(B) by inserting "or departing from the United States" after "outside the United States".

(b) Technical and Conforming Amendments.—(1) The section heading for section 602 of title 17, United States Code, is amended by inserting "**or exportation**" after "**importation**".

(2) The table of sections for chapter 6 of title 17, United States Code, is amended by inserting "or exportation" after "importation".

(3) The heading for chapter 6 of title 17, United States Code, is amended to read as follows:

**"CHAPTER 6—MANUFACTURING REQUIREMENTS, IMPORTATION, AND EXPORTATION".**

(4) The item relating to chapter 6 in the table of chapters for title 17, United States Code, is amended to read as follows:

**"6. Manufacturing Requirements, Importation, and Exportation .......... 601".**

### SEC. 9. DEFINING TERMS RELATING TO CIRCUMVENTION OF COPYRIGHT PROTECTION SYSTEMS.

Section 1201 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "import,"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "and" after the semicolon;

(ii) in subparagraph (B), by striking the period and inserting "; and";

(iii) by redesignating subparagraph (B) as subparagraph (C), and inserting after subparagraph (A) the following:

"(B) the term 'financial gain' includes receipt, or expectation of receipt, of anything of value, including the receipt of other copyrighted works;"; and

(iv) by adding at the end the following:

"(C) the term 'traffic in' means to transport, transfer, or otherwise dispose of, to another, for purposes of commercial advantage or private financial gain, or to make, import, export, obtain control of, or possess, with intent to so transport, transfer, or otherwise dispose of."; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "import,"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" after the semicolon;

(ii) in subparagraph (B), by striking the period and inserting "; and";

(iii) by redesignating subparagraph (B) as subparagraph (C), and inserting after subparagraph (A) the following:

"(B) the term 'financial gain' includes receipt, or expectation of receipt, of anything of value, including the receipt of other copyrighted works;"; and

(iv) by adding at the end the following:

"(D) the term 'traffic in' means to transport, transfer, or otherwise dispose of, to another, or to make, import, export, obtain control of, or possess, with intent to so transport, transfer, or otherwise dispose of.".

### SEC. 10. FORFEITURE UNDER ECONOMIC ESPIONAGE ACT.

Section 1834 of title 18, United States Code, is amended to read as follows:

**"§ 1834. Criminal forfeiture**

"Forfeiture, destruction, and restitution relating to this chapter shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.".

### SEC. 11. TRAFFICKING IN COUNTERFEIT LABELS, ILLICIT LABELS, OR COUNTERFEIT DOCUMENTATION OR PACKAGING FOR WORKS THAT CAN BE COPYRIGHTED.

Section 2318 of title 18, United States Code, is amended as follows:

(1) Subsection (a) is amended——

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by striking "Whoever" and inserting "(1) Whoever".

(2) Section 2318(d) is amended to read as follows:

"(d) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.".

(3) Section 2318 is further amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

### SEC. 12. UNAUTHORIZED RECORDING OF MOTION PICTURES.

Section 2319B(b) of title 18, United States Code, is amended to read as follows:

"(b) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.".

### SEC. 13. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Section 2320(b) of title 18, United States Code, is amended to read as follows:

"(b) Forfeiture and Destruction of Property; Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.".

### SEC. 14. FORFEITURE, DESTRUCTION, AND RESTITUTION.

(a) In General.—Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

**"§ 2323. Forfeiture, destruction, and restitution**

"(a) Civil Forfeiture.—

"(1) Property subject to forfeiture.—The following property is subject to forfeiture to the United States:

"(A) Any article the making or trafficking of which is prohibited under section 506 or 1204 of title 17, or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title.

"(B) Any property used, or intended to be used, in any manner or part to commit or facilitate the commission of an offense referred to in subparagraph (A).

"(C) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of an offense referred to in subparagraph (A).

"(2) Procedures.—The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, unless otherwise requested by an agency of the United States, the court shall order that any property forfeited under paragraph (1) be destroyed, or otherwise disposed of according to law.

"(b) Criminal Forfeiture.—

"(1) Property subject to forfeiture.—The court, in imposing sentence on a person convicted of an offense under section 506 or 1204 of title 17, or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title, shall order, in addition to any other sentence imposed, that the person forfeit to the United States any property subject to forfeiture under subsection (a) for that offense.

"(2) Procedures.—

"(A) In general.—The forfeiture of property under paragraph (1), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section.

"(B) Destruction.—At the conclusion of the forfeiture proceedings, the court, unless otherwise requested by an agency of the United States—

"(i) shall order that any forfeited article or component of an article bearing or consisting of a counterfeit mark be destroyed or otherwise disposed of according to law; and

"(ii) shall order that any infringing items or other property described in subsection (a)(1)(A) and forfeited under paragraph (1) of this subsection be destroyed or otherwise disposed of according to law.

"(c) Restitution.—When a person is convicted of an offense under section 506 or 1204 of title 17 or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title, the court, pursuant to sections 3556, 3663A, and 3664 of this title, shall order the person to pay restitution to any victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii) of this title.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113 of title 18, United States Code, is amended by adding at the end the following:

"2323. Forfeiture, destruction, and restitution.".

### SEC. 15. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 17, UNITED STATES CODE.—

(1) Section 109 (b)(4) of title 17, United States Code, is amended by striking "505, and 509" and inserting "and 505".

(2) Section 111 of title 17, United States Code, is amended—

(A) in subsection (b), by striking "and 509";

(B) in subsection (c)—

(i) in paragraph (2), by striking "and 509";

(ii) in paragraph (3), by striking "sections 509 and 510" and inserting "section 510"; and

(iii) in paragraph (4), by striking "and section 509"; and

(C) in subsection (e)—

(i) in paragraph (1), by striking "sections 509 and 510" and inserting "section 510"; and

(ii) in paragraph (2), by striking "and 509".

(3) Section 115(c) of title 17, United States Code, is amended—

(A) in paragraph (3)(G)(i), by striking "and 509"; and

(B) in paragraph (6), by striking "and 509".

(4) Section 119(a) of title 17, United States Code, is amended—

(A) in paragraph (6), by striking "sections 509 and 510" and inserting "section 510";

(B) in paragraph (7)(A), by striking "and 509";

(C) in paragraph (8), by striking "and 509"; and

(D) in paragraph (13), by striking "and 509".

(5) Section 122 of title 17, United States Code, is amended—

(A) in subsection (d), by striking "and 509";

(B) in subsection (e), by striking "sections 509 and 510" and inserting "section 510"; and

(C) in subsection (f)(1), by striking "and 509".

(6) Section 411(b) of title 17, United States Code, is amended by striking "sections 509 and 510" and inserting "section 510".

(b) OTHER AMENDMENTS.—Section 596(c)(2)(c) of the Tariff Act of 1950 (19 U.S.C. 1595a(c)(2)(c)) is amended by striking "or 509".

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By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 2320. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, Organ transplantation is one of the most remarkable success stories in the history of medicine. No longer is it considered experimental. Today, transplants are accepted as the best treatment for certain diseases, including end-stage renal disease. Approximately 28,000 organ transplants were performed last year in the U.S. The vast majority of transplants are provided to patients in need of a kidney.

Our Medicare system provides health care to millions of aged and disabled Americans, as well as those living with ESRD, each year. Thousands of Americans receive a Medicare-covered kidney transplant each year through the Medicare ESRD Program, which also covers dialysis, immunosuppressive drugs, and other medically important services.

Unfortunately, there are long waiting lists for people who need an organ. Today there are over 98,000 individuals waiting for a transplant. For those lucky enough to receive one, the next challenge is to obtain coverage for immunosuppressive drugs—medications that organ transplant recipients must take every day for the life of their transplant to reduce the risk of organ rejection.

In 2000, Congress wisely eliminated the 36-month time limitation for Medicare-aged and Medicare-disabled beneficiaries who had Medicare status at the time of transplant. Today, for an older or disabled person on Medicare, coverage for immunosuppressive drugs is covered for the life of the transplant.

However, we still have an unfair and unrealistic gap in coverage for people with ESRD who are neither disabled nor elderly. For those transplant recipients, coverage for immunosuppressive drugs ends 36 months after transplantation. For example, Medicare would pay for a 26-year-old woman living with ESRD to have lifelong dialysis at $50,000 per year. Medicare would cover the cost of a transplant for her at $100,000 per transplant operation. But, the immunosuppressive drugs she would need to ensure the organ is not rejected by her body are only covered by Medicare for 36 months, even though the drugs cost the Government only $15,000 per year.

This is economically inefficient and morally wrong. Without regular access to immunosuppressive drugs to prevent rejection, many patients find themselves back in a risky and frightening place—in need of a new kidney. This senseless cycle of care costs taxpayers a lot of money and puts thousands of lives on the line.

I am pleased to introduce today, along with my colleague from Mississippi, Senator THAD COCHRAN, the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act. This legislation would alleviate the disparity between coverage for immunosuppressive drugs among Medicare beneficiaries. It is time to provide lifetime coverage for immunosuppressive drugs through Medicare. We will reduce the need for dialysis and kidney re-transplants and provide reliable, sustained access to critically important, lifesaving medications for thousands of Americans. In the long run, we will save money and lives.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2320

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007".

### SEC. 2. PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM FOR KIDNEY TRANSPLANT RECIPIENTS.

(a) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS.—

(1) KIDNEY TRANSPLANT RECIPIENTS.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426–1(b)(2)) is amended by inserting "(except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))" after "shall end".

(2) APPLICATION.—Section 1836 of the Social Security Act (42 U.S.C. 1395o) is amended—

(A) by striking "Every individual who" and inserting "(a) IN GENERAL.—Every individual who"; and

(B) by adding at the end the following new subsection:

"(b) SPECIAL RULES APPLICABLE TO INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

"(1) IN GENERAL.—In the case of an individual whose eligibility for benefits under this title has ended except for the coverage of immunosuppressive drugs by reason of section 226A(b)(2), the following rules shall apply:

"(A) The individual shall be deemed to be enrolled under this part for purposes of receiving coverage of such drugs.

"(B) The individual shall be responsible for the full amount of the premium under section 1839 in order to receive such coverage.

"(C) The provision of such drugs shall be subject to the application of—

"(i) the deductible under section 1833(b); and

"(ii) the coinsurance amount applicable for such drugs (as determined under this part).

"(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under this part.

"(2) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary shall establish procedures for—

"(A) identifying beneficiaries that are entitled to coverage of immunosuppressive drugs by reason of section 226A(b)(2); and

"(B) distinguishing such beneficiaries from beneficiaries that are enrolled under this part for the complete package of benefits under this part.".

(3) TECHNICAL AMENDMENT.—Subsection (c) of section 226A of the Social Security Act (42 U.S.C. 426–1), as added by section 201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497), is redesignated as subsection (d).

(b) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following new sentence: "With regard to immunosuppressive drugs furnished on or after the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007, this subparagraph shall be applied without regard to any time limitation.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

### SEC. 3. PLANS REQUIRED TO MAINTAIN COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

(a) APPLICATION TO CERTAIN HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

**"SEC. 2707. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.**

"A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007, and such requirement shall be deemed to be incorporated into this section.".

(2) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting "(other than section 2707)" after "requirements of such subparts".

(b) APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

**"SEC. 714. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.**

"A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007, and such requirement shall be deemed to be incorporated into this section.".

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(a)) is amended by striking "section 711" and inserting "sections 711 and 714".

(B) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Coverage of immunosuppressive drugs.".

(c) APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Coverage of immunosuppressive drugs for kidney transplant recipients.";

and

(2) by inserting after section 9812 the following:

**"SEC. 9813. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.**

"A group health plan shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007, and such requirement shall be deemed to be incorporated into this section.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2008.

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By Mr. CARDIN:

S. 2322. A bill to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met; to the Committee on Foreign Relations.

Mr. CARDIN. Mr. President, today I am introducing a bill to amend the International Center Act to make it clear that Intelsat can continue to lease the land on which its headquarters building is located.

Congress created Intelsat when it passed the Communications Satellite Act in the 1960s, intending it to be an international organization charged with establishing the world's first global satellite system. In 2000, Congress passed the ORBIT Act, which essentially mandated that Intelsat become a private company. The purpose of the ORBIT Act was to promote a fully competitive global market for satellite communication services for the benefit of consumers. Congress inadvertently overlooked some important changes that were required to complete this transformation and, as a result, had to make technical changes to correct these oversights.

One technical correction still needs to be made, however: the International Center Act, ICA, must be amended to ensure that Intelsat's lease of the land on which its headquarters is located comports with the law. The U.S. Government owns this land. The State Department and Intelsat entered into a long-term lease for the land on which Intelsat built its headquarters many years ago. Intelsat constructed and fully owns the building. The lease was originally entered into pursuant to the ICA and has been amended several times over the years, most recently in 2006. The ICA, however, limits leases of this property to foreign governments and international organizations. At the time Intelsat leased the property and built its headquarters building, it was an international organization.

When Congress mandated in the ORBIT Act that Intelsat privatize, it created a problem regarding Intelsat's land lease. Once Intelsat was no longer an international organization, it technically no longer satisfied the requirements of the ICA. In other words, Congress' action requiring Intelsat to privatize has left the company's right to continue to lease the land in question. But it was never the intent of the ORBIT Act to create this uncertainty with respect to the legality of Intelsat's land lease.

The bill I am introducing amends the ICA to eliminate this uncertainty that the ORBIT Act created regarding the lease. It is necessary to ensure that the now privatized Intelsat can continue to lease the land. My bill would in no way alter the rights or obligations of the parties or any of the lease terms or conditions. It in no way expands any of Intelsat's rights under the existing lease. Nor does it change in any way the rights or powers that the State Department currently has under the lease. The Secretary of State will continue to have the same right to prohibit any use, development, occupancy, lease, or sublease as is currently authorized under the existing lease. My bill makes no substantive change in the relationship between the State Department and Intelsat. It merely eliminates the inconsistency between the lease and the ICA that was caused by Intelsat's privatization—which Congress required when it passed the ORBIT Act.

The State Department has approved this legislation to amend the ICA. I hope my colleagues will support the bill, too, and act on it expeditiously.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2322

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. AMENDMENT TO THE INTERNATIONAL CENTER ACT.

The first section of the International Center Act (Public Law 90–553; 82 Stat. 958) is amended by adding at the end the following new sentence: "Notwithstanding the foregoing limitations, the property identified by the District of Columbia as tax lots 803, 804, 805, and 806 within the area described in this section may be leased or subleased to an entity other than a foreign government or international organization, so long as the Secretary maintains the right to approve the occupant and the intended use of the property.".

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3544. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3545. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3546. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3547. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3548. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3549. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3550. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3551. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3552. Mr. ALEXANDER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3553. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3554. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3555. Mr. KOHL (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3556. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3557. Mrs. HUTCHISON (for herself and Mr. HARKIN) proposed an amendment to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

SA 3558. Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3559. Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3560. Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3561. Ms. MURKOWSKI (for herself, Mr. STEVENS, Ms. CANTWELL, Mr. SMITH, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3562. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3563. Mr. BINGAMAN (for himself, Mr. BROWNBACK, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3564. Mr. BINGAMAN (for himself, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3565. Mr. DURBIN (for Mr. LIEBERMAN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 680, to ensure proper oversight and accountability in Federal contracting, and for other purposes.

## TEXT OF AMENDMENTS

**SA 3544.** Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1492, after line 23, add the following:

(d) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Section 40A(f)(3) (defining renewable diesel) is amended by adding at the end the following new flush sentence:

"The term 'renewable diesel' also means fuel derived from biomass (as defined in section 45K(c)(3)) using a thermal depolymerization process which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.".

**SA 3545.** Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Section 9001(3)(B) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) is amended by striking clause (iii) and inserting the following:

"(iii) biofuel derived from waste material, including crop residue, other vegetative waste material, animal waste and byproducts (including fats, oils, greases, and manure), food waste, and yard waste;

**SA 3546.** Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 10101 (relating to definitions) and insert the following:

**SEC. 10101. DEFINITIONS.**

Section 3 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2302) is amended—

(1) by striking "When used in this Act—" and inserting "In this Act:";

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively; and

(B) in clause (iv) (as so redesignated), by striking "clause (1), (2), or (3) of this paragraph" and inserting "clause (i), (ii), or (iii)";

(3) by striking subsection (d);

(4) by redesignating subsections (a), (b), (c), and (e) as paragraphs (3), (4), (2), (1), respectively, indenting appropriately, and moving those paragraphs so as to appear in numerical order;

(5) in each paragraph (as so redesignated) that does not have a heading, by inserting a heading, in the same style as the heading in the amendment made by paragraph (6), the text of which is comprised of the term defined in the paragraph;

(6) in paragraph (2) (as so redesignated)—

(A) by striking "The term 'association of producers' means" and inserting the following:

"(2) ASSOCIATION OF PRODUCERS.—

"(A) IN GENERAL.—The term 'association of producers' means"; and

(B) by adding at the end the following:

"(B) INCLUSION.—The term 'association of producers' includes an organization of agricultural producers dedicated to promoting the common interest and general welfare of producers of agricultural products.";

(7) in paragraph (3) (as so redesignated)—

(A) by striking "The term" and inserting the following:

"(3) HANDLER.—

"(A) IN GENERAL.—The term"; and

(B) by inserting after clause (iv) of subparagraph (A) (as redesignated by subparagraph (A) and paragraph (2)) the following:

"(B) EXCLUSION.—The term 'handler' does not include—

"(i) a producer; or

"(ii) a person, other than a packer (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)), that provides custom feeding services for a producer."; and

(8) by adding at the end the following:

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.".

**SA 3547.** Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 10103 and 10104 and insert the following:

**SEC. 10103. ENFORCEMENT.**

The Agricultural Fair Practices Act of 1967 is amended—

(1) by striking section 6 (7 U.S.C. 2305);

(2) by redesignating sections 5 and 7 (7 U.S.C. 2304, 2306) as sections 7 and 8, respectively; and

(3) by inserting after section 4 the following:

**"SEC. 5. ENFORCEMENT.**

"(a) CIVIL ACTIONS BY THE SECRETARY AGAINST HANDLERS.—In any case in which the Secretary has reasonable cause to believe that a handler or group of handlers has engaged in any act or practice that violates this Act, the Secretary may bring a civil action in United States district court by filing a complaint requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, against the handler.

"(b) CIVIL ACTIONS AGAINST HANDLERS.—

"(1) PREVENTIVE RELIEF.—

"(A) IN GENERAL.—In any case in which any handler has engaged, or there are reasonable grounds to believe that any handler is about to engage, in any act or practice prohibited by this Act, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved in United States district court.

"(B) SECURITY.—The court may provide that no restraining order or preliminary injunction shall issue unless security is provided by the applicant, in such sum as the court determines to be appropriate, for the payment of such costs and damages as may be incurred or suffered by any party that is found to have been wrongfully enjoined or restrained.

"(2) DAMAGES.—

"(A) IN GENERAL.—Any person injured in the business or property of the person by reason of any violation of, or combination or conspiracy to violate, this Act may bring a civil action in United States district court to recover—

"(i) damages sustained by the person as a result of the violation; and

"(ii) any additional penalty that the court may allow, but not more than $1,000 per violation.

"(B) LIMITATION ON ACTIONS.—A civil action under subparagraph (A) shall be barred unless commenced within 4 years after the cause of action accrues.

"(3) ATTORNEYS' FEES.—In any action commenced under paragraph (1) or (2), any person that has violated this Act shall be liable to any person injured as a result of the violation for the full amount of the damages sustained as a result of the violation, including costs of the litigation and reasonable attorneys' fees.

"(c) JURISDICTION OF DISTRICT COURTS.—The district courts of the United States shall—

"(1) have jurisdiction of proceedings instituted pursuant to this section; and

"(2) exercise that jurisdiction without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

"(d) LIABILITY FOR ACTS OF AGENTS.—In the construction and enforcement of this Act, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the officer, agent, or person, shall be considered to be the act, omission, or failure of the other person.

"(e) RELATIONSHIP TO STATE LAW.—Nothing in this Act—

"(1) changes or modifies State law in effect on the date of enactment of this subsection; or

"(2) deprives a State court of jurisdiction.".

**SEC. 10104. RULES AND REGULATIONS.**

The Agricultural Fair Practices Act of 1967 is amended by inserting after section 5 (as amended by section 10103) the following:

**"SEC. 6. RULES AND REGULATIONS.**

"The Secretary may promulgate such rules and regulations as are necessary to carry out this Act, including rules or regulations necessary to clarify what constitutes fair and normal dealing for purposes of the selection of customers by handlers.".

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**SA 3548.** Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike subparagraph (A) of section 2(a)(14) of the Packers and Stockyards Act, 1921 (as amended by section 10203), and insert the following:

"(A) IN GENERAL.—The term 'production contract' means a written agreement that—

"(i)(I) provides for the production of livestock or poultry by a contract producer; or

"(II) provides for the provision of a management service relating to the production of livestock or poultry by a contract producer; and

"(ii) contains an investment requirement.".

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**SA 3549.** Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Section 10208 (relating to regulations) is amended—

(1) in subsection (a), by striking the subsection designation and heading; and

(2) by striking subsection (b).

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**SA 3550.** Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 863, strike line 24 and insert the following:

"(j) SENSE OF CONGRESS.—It is the sense of Congress that, in developing and deploying broadband technology, Federal, State, and local officials should, to the maximum extent practicable, minimize any negative impact on the scenic beauty of the United States, including through the use of technology that camouflages, collocates, or conceals broadband towers.

"(k) FUNDING.—

On page 865, line 12, strike "(k)" and insert "(l)".

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**SA 3551.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In section 401(b)(3) of the Agricultural Research, Extension, and Education Reform Act of 1998 (as amended by section 7201(a)), redesignate subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and insert before subparagraph (B) (as so redesignated) the following:

"(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Account—

"(i) $24,000,000 for fiscal year 2010; and

"(ii) $25,000,000 for each of fiscals year 2011 and 2012.

Strike section 12302.

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**SA 3552.** Mr. ALEXANDER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1471, strike lines 10 through 22.

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**SA 3553.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1465, strike line 6 through page 1469, line 13 and insert the following:

**SEC. 12301. CREDIT FOR BUSINESS WIND PROPERTY.**

(a) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking "or" at the end of clause (iii), by adding "or" at the end of clause (iv), and by inserting after clause (iv) the following new clause:

"(v) qualified small wind energy property,".

(b) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking "and" at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

"(IV) qualified small wind energy property, and".

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c) is amended—

(1) by inserting "; QUALIFIED SMALL WIND ENERGY PROPERTY" after "QUALIFIED MICROTURBINE PROPERTY" in the heading,

(2) by striking "For purposes of this subsection" and inserting "For purposes of this section",

(3) by striking "paragraph (1)" in paragraphs (1)(B) and (2)(B) and inserting "subsection (a)(1)", and

(4) by adding at the end the following new paragraph:

"(3) QUALIFIED SMALL WIND ENERGY PROPERTY.—

"(A) IN GENERAL.—The term 'qualified small wind energy property' means property which uses a qualifying small wind turbine to generate electricity, installed on or in connection with real property which is—

"(i) a farm (within the meaning of section 2032A(e)(4), or

"(ii) a small business (within the meaning of section 44(b)(1)) located in a rural area (within the meaning of clause (i) or (ii) of section 1400E(a)(2)(B)).

"(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed $4,000 with respect to any taxpayer.

"(C) QUALIFYING SMALL WIND TURBINE.—The term 'qualifying small wind turbine' means a wind turbine which—

"(i) has a nameplate capacity of not more than 100 kilowatts, and

"(ii) meets the performance standards of the American Wind Energy Association.

"(D) TERMINATION.—The term 'qualified small wind energy property' shall not include any property for any period after December 31, 2008.".

(d) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking "paragraphs (1)(B) and (2)(B)" and inserting "paragraphs (1)(B), (2)(B), and (3)(B)".

(e) PREEMPTION.—Nothing in this section preempts State or local laws regarding the zoning, siting, or permitting of wind turbines.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 2007.

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**SA 3554.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1465, strike line 6 through page 1469, line 13 and insert the following:

### SEC. 12301. CREDIT FOR RESIDENTIAL AND BUSINESS WIND PROPERTY.

(a) RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) (relating to allowance of credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.".

(2) LIMITATION.—Section 25D(b)(1) (relating to maximum credit) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) $4,000 with respect to any qualified small wind energy property expenditures.".

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for qualified small wind energy property (as defined in section 48(c)(3)(A)) installed on or in connection with a dwelling unit and related real property of greater than 100 acres that is located in the United States and used as a residence by the taxpayer.".

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) (relating to wind facility) is amended by adding at the end the following new sentence: "Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.".

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) (relating to maximum expenditures) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) $1,667 in the case of wind turbines for which qualified small wind energy property expenditures are made.".

(b) BUSINESS WIND PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking "or" at the end of clause (iii), by adding "or" at the end of clause (iv), and by inserting after clause (iv) the following new clause:

"(v) qualified small wind energy property,".

(2) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking "and" at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

"(IV) qualified small wind energy property, and".

(3) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c) is amended—

(A) by inserting "; QUALIFIED SMALL WIND ENERGY PROPERTY" after "QUALIFIED MICROTURBINE PROPERTY" in the heading,

(B) by striking "For purposes of this subsection" and inserting "For purposes of this section",

(C) by striking "paragraph (1)" in paragraphs (1)(B) and (2)(B) and inserting "subsection (a)(1)", and

(D) by adding at the end the following new paragraph:

"(3) QUALIFIED SMALL WIND ENERGY PROPERTY.—

"(A) IN GENERAL.—The term 'qualified small wind energy property' means property which uses a qualifying small wind turbine to generate electricity, installed on or in connection with real property the area of which is greater than 100 acres.

"(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed $4,000 with respect to any taxpayer.

"(C) QUALIFYING SMALL WIND TURBINE.—The term 'qualifying small wind turbine' means a wind turbine which—

"(i) has a nameplate capacity of not more than 100 kilowatts, and

"(ii) meets the performance standards of the American Wind Energy Association.

"(D) TERMINATION.—The term 'qualified small wind energy property' shall not include any property for any period after December 31, 2008.".

(4) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking "paragraphs (1)(B) and (2)(B)" and inserting "paragraphs (1)(B), (2)(B), and (3)(B)".

(c) PREEMPTION.—Nothing in this section preempts State or local laws regarding the zoning, siting, or permitting of wind turbines.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 2007.

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**SA 3555.** Mr. KOHL (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

## TITLE XIII—HOUSING ASSISTANCE COUNCIL

### SEC. 13001. SHORT TITLE.

This title may be cited as the "Housing Assistance Council Authorization Act of 2007".

### SEC. 13002. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by such Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council—

(1) $10,000,000 for fiscal year 2008; and

(2) $15,000,000 for each of fiscal years 2009, 2010, 2011, and 2012.

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**SA 3556.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, line 9, insert "(after taking into consideration recommendations made by the National Academy of Sciences)" after "President".

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**SA 3557.** Mrs. HUTCHISON (for herself and Mr. HARKIN) proposed an amendment to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. Statement of Appropriations.
LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2008
Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions

**SEC. 2. STATEMENT OF APPROPRIATIONS.**

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008.

## TITLE I

## DEPARTMENT OF LABOR

### EMPLOYMENT AND TRAINING ADMINISTRATION

### TRAINING AND EMPLOYMENT SERVICES

### (INCLUDING RESCISSIONS)

For necessary expenses of the Workforce Investment Act of 1998 ("WIA"), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,618,940,000, plus reimbursements, is available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,994,510,000 as follows:

(A) $864,199,000 for adult employment and training activities, of which $152,199,000 shall be available for the period July 1, 2008 to June 30, 2009, and of which $712,000,000 shall be available for the period October 1, 2008 through June 30, 2009;

(B) $940,500,000 for youth activities, which shall be available for the period April 1, 2008 through June 30, 2009; and

(C) $1,189,811,000 for dislocated worker employment and training activities, of which $341,811,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $848,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor;

(2) for federally administered programs, $483,371,000 as follows:

(A) $282,092,000 for the dislocated workers assistance national reserve, of which $6,300,000 shall be available on October 1, 2007, of which $63,792,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $212,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That up to $125,000,000 may be made available for Community-Based Job Training grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: *Provided further*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That $2,600,000 shall be for a noncompetitive grant to the National Center on Education and the Economy, which shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That $1,500,000 shall be for a non-competitive grant to the AFL–CIO Working for America Institute, which shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That $2,200,000 shall be for a non-competitive grant to the AFL–CIO Appalachian Council, Incorporated, for Job Corps career transition services, which shall be awarded not later than 30 days after the date of enactment of this Act;

(B) $55,039,000 for Native American programs, which shall be available for the period July 1, 2008 through June 30, 2009;

(C) $82,740,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $77,265,000 for formula grants (of which not less that 70 percent shall be for employment and training services), $4,975,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $500,000 for other discretionary purposes, which shall be available for the period July 1, 2008 through June 30, 2009: *Provided*, That, notwithstanding any other provision of law or related regulation, the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2008 through June 30, 2009; and

(E) $62,500,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2008 through June 30, 2009;

(3) for national activities, $141,059,000, which shall be available for the period July 1, 2008 through July 30, 2009 as follows:

(A) $50,569,000 for Pilots, Demonstrations, and Research, of which $5,000,000 shall be for grants to address the employment and training needs of young parents (notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D) of the WIA): *Provided*, That funding provided to carry out projects under section 171 of the WIA that are identified in the statement of the managers on the conference report accompanying this Act, shall not be subject to the requirements of section 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) $78,694,000 for ex-offender activities, under the authority of section 171 of the Act, notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D), of which not less than $59,000,000 shall be for youthful offender activities: *Provided*, That $50,000,000 shall be available from program year 2007 and program year 2008 funds for competitive grants to local educational agencies or community-based organizations to develop and implement mentoring strategies that integrate educational and employment interventions designed to prevent youth violence in schools identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act;

(C) $4,921,000 for Evaluation under section 172 of the WIA; and

(D) $6,875,000 for the Denali Commission, which shall be available for the period July 1, 2008 through June 30, 2009.

Of the amounts made available under this heading in Public Law 107–116 to carry out the activities of the National Skills Standards Board, $44,000 are rescinded.

Of the unexpended balances remaining from funds appropriated to the Department of Labor under this heading for fiscal years 2005 and 2006 to carry out the Youth, Adult and Dislocated Worker formula programs under the Workforce Investment Act, $245,000,000 are rescinded: *Provided*, That the Secretary of Labor may, upon the request of a State, apply any portion of the State's share of this rescission to funds otherwise available to the State for such programs during program year 2007: *Provided further*, That notwithstanding any provision of such Act, the Secretary may waive such requirements as may be necessary to carry out the instructions relating to this rescission in the statement of the managers on the conference report accompanying this Act.

### COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, $530,900,000, which shall be available for the period July 1, 2008 through June 30, 2009.

### FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2008 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, $888,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2008.

### STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $90,517,000, together with not to exceed $3,337,506,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) $2,510,723,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501–8523 of title 5, United States Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2008, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2010, and funds used for unemployment insurance workloads experienced by the States through September 30, 2008 shall be available for Federal obligation through December 31, 2008;

(2) $10,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $693,000,000 from the Trust Fund, together with $22,883,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009;

(4) $32,766,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, the administration of activities, including foreign labor certifications, under the Immigration and Nationality Act, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $52,985,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009; and

(6) $14,649,000 from the General Fund is to provide for work incentive grants to the States and shall be available for the period July 1, 2008 through June 30, 2009:

*Provided*, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2008 is projected by the Department of Labor to exceed 2,786,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87.

In addition, $40,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance: *Provided*, That not later than 180 days following the end of the current fiscal year, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: *Provided further*, That not later than 18 months following the end of the fiscal year, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.

### ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2009, $437,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2008, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

### PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $88,451,000, together with not to exceed $88,211,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

## EMPLOYEE BENEFITS SECURITY ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $142,925,000.

## PENSION BENEFIT GUARANTY CORPORATION

### PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 4201 et seq.), within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2008 shall be available for obligations for administrative expenses in excess of $411,151,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional $9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

## EMPLOYMENT STANDARDS ADMINISTRATION

### SALARIES AND EXPENSES

### (INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $435,397,000, together with $2,111,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act.

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $102,000,000 are rescinded.

### SPECIAL BENEFITS

### (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by chapter 81 of title 5, United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $203,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2007, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2008: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $52,280,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $21,855,000.

(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $16,109,000.

(3) For periodic roll management and medical review, $14,316,000.

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

*Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

### SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, $208,221,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2009, $62,000,000, to remain available until expended.

### ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $104,745,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Program Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2008 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: *Provided further*, That not later than 30 days after enactment of this Act, in addition to other sums transferred by the Secretary to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICP"), the Secretary shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund, for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities under the EEOICP, including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

### BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2008 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2008 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,761,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; not to exceed $24,785,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed $335,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

### OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $500,568,000, including not to exceed $91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2008, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

*Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $10,116,000 shall be available for Susan Harwood training grants, of which $3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007 to September 30, 2008, provided that a grantee has demonstrated satisfactory performance: *Provided further*, That such grants shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate with timetables for the development and issuance of occupational safety and health standards on beryllium, silica, cranes and derricks, confined space entry in construction, and hazard communication global harmonization; such timetables shall include actual or estimated dates for: the publication of an advance notice of proposed rulemaking, the commencement and completion of a Small Business Regulatory Enforcement Fairness Act review (if required), the completion of any peer review (if required), the submission of the draft proposed rule to the Office of Management and Budget for review under Executive Order No. 12866 (if required), the publication of a proposed rule, the conduct of public hearings, the submission of a draft final rule to the Office and Management and Budget for review under Executive Order No. 12866 (if required), and the issuance of a final rule; and such report shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of the enactment of this Act, with updates provided every 90 days thereafter that shall include an explanation of the reasons for any delays in meeting the projected timetables for action.

### MINE SAFETY AND HEALTH ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $339,893,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, $2,200,000 for an award to the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams, and $1,215,000 for an award to the Wheeling Jesuit University, for the National Technology Transfer Center for a coal slurry impoundment project; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

### BUREAU OF LABOR STATISTICS

### SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $488,804,000, together with not to exceed $78,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

### OFFICE OF DISABILITY EMPLOYMENT POLICY

### SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $27,712,000.

### DEPARTMENTAL MANAGEMENT

### SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $304,856,000, of which $82,516,000 is for the Bureau of International Labor Affairs (including $5,000,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs), and of which $20,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $318,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

### OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,650,516,000, plus reimbursements, as follows:

(1) $1,507,684,000 for Job Corps Operations, of which $916,684,000 is available for obligation for the period July 1, 2008 through June 30, 2009 and of which $591,000,000 is available for obligation for the period October 1, 2008 through June 30, 2009;

(2) $113,960,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $13,960,000 is available for the period July 1, 2008 through June 30, 2011 and $100,000,000 is available for the period October 1, 2008 through June 30, 2011; and

(3) $28,872,000 for necessary expenses of the Office of Job Corps is available for obligation for the period October 1, 2007 through September 30, 2008:

*Provided*, That the Office of Job Corps shall have contracting authority: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That none of the funds made available in this Act shall be used to reduce Job Corps total student training slots below 44,791 in program year 2008.

### VETERANS EMPLOYMENT AND TRAINING

Not to exceed $197,143,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of sections 4100–4113, 4211–4215, and 4321–4327 of title 38, United States Code, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2008, of which $1,967,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, $31,055,000, of which $7,435,000 shall be available for obligation for the period July 1, 2008, through June 30, 2009.

### OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $72,929,000, together with not to exceed $5,729,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

### GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. After September 30, 2007, the Secretary of Labor shall issue a monthly transit subsidy of not less than the full amount (of not less than $110) that each of its employees of the National Capital Region is eligible to receive.

SEC. 105. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 106. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 107. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training: *Provided*, That the preceding limitation shall not apply to grants awarded under section 107 of this title and to multi-year grants awarded in response to competitive solicitations issued prior to April 15, 2007.

SEC. 108. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community-Based Job Training grants and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 109. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

SEC. 110. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of

1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.

SEC. 111. (a) On or before November 30, 2007, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act of 1970, promulgate a final occupational safety and health standard concerning employer payment for personal protective equipment. The final standard shall provide no less protection to employees and shall have no further exceptions from the employer payment requirement than the proposed rule published in the Federal Register on March 31, 1999 (64 Fed. Reg. 15402).

(b) In the event that such standard is not promulgated by the date required, the proposed standard on employer payment for personal protective equipment published in the Federal Register on March 31, 1999 (64 Fed. Reg. 15402) shall become effective as if such standard had been promulgated as a final standard by the Secretary of Labor.

SEC. 112. None of the funds available in this Act may be used to carry out a public-private competition or direct conversion under Office of Management and Budget Circular A-76 or any successor administrative regulation, directive or policy until 60 days after the Government Accountability Office provides a report to the Committees on Appropriations of the House of Representatives and the Senate on the use of competitive sourcing at the Department of Labor.

SEC. 113. (a) Not later than June 20, 2008, the Secretary of Labor shall propose regulations pursuant to section 303(y) of the Federal Mine Safety and Health Act of 1977, consistent with the recommendations of the Technical Study Panel established pursuant to section 11 of the Mine Improvement and New Emergency Response (MINER) Act (Public Law 109-236), to require that in any coal mine, regardless of the date on which it was opened, belt haulage entries not be used to ventilate active working places without prior approval from the Assistant Secretary. Further, a mine ventilation plan incorporating the use of air coursed through belt haulage entries to ventilate active working places shall not be approved until the Assistant Secretary has reviewed the elements of the plan related to the use of belt air and determined that the plan at all times affords at least the same measure of protection where belt haulage entries are not used to ventilate working places. The Secretary shall finalize the regulations not later than December 31, 2008.

(b) Not later than June 15, 2008, the Secretary of Labor shall propose regulations pursuant to section 315 of the Federal Coal Mine Health and Safety Act of 1969, consistent with the recommendations of the National Institute for Occupational Safety and Health pursuant to section 13 of the MINER Act (Public Law 109-236), requiring rescue chambers, or facilities that afford at least the same measure of protection, in underground coal mines. The Secretary shall finalize the regulations not later than December 31, 2008.

SEC. 114. None of the funds appropriated in this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A-133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

This title may be cited as the "Department of Labor Appropriations Act, 2008".

## TITLE II

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### HEALTH RESOURCES AND SERVICES ADMINISTRATION

### HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, and section 712 of the American Jobs Creation Act of 2004, $7,235,468,000, of which $317,684,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activities as specified in the statement of the managers on the conference report accompanying this Act, and of which $38,538,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: *Provided*, That of the funds made available under this heading, $160,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That $40,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses and relevant evaluations: *Provided further*, That no more than $44,055,000 is available until expended for carrying out the provisions of Public Law 104-73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: *Provided further*, That of the funds made available under this heading, $310,910,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That of the funds available under this heading, $1,868,809,000 shall remain available to the Secretary of Health and Human Services through September 30, 2010, for parts A and B of title XXVI of the Public Health Service Act: *Provided further*, That within the amounts provided for part A of title XXVI of the Public Health Service Act, $9,377,000 is available to the Secretary of Health and Human Services through September 30, 2010, and shall be made available to qualifying jurisdictions within 45 days of enactment, for increasing supplemental grants for fiscal year 2008 to metropolitan areas that received grant funding in fiscal year 2007 under subpart I of part A of title XXVI of the Public Health Service Act to ensure that an area's total funding under subpart I of part A for fiscal year 2007, together with the amount of this additional funding, is not less than 91.6 percent of the amount of such area's total funding under part A for fiscal year 2006, and to transitional areas that received grant funding in fiscal year 2007 under subpart II of part A of title XXVI of the Public Health Service Act to ensure that an area's total funding under subpart II of part A for fiscal year 2007, together with the amount of this additional funding, is not less than 86.6 percent of the amount of such area's total funding under part A for fiscal year 2006: *Provided further*, That, notwithstanding section 2603(c)(1) of the Public Health Service Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2007, shall be available to the area for obligation from the date of the award through the end of the grant year for the award: *Provided further*, That $822,570,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That, notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $103,666,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,586,000 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: *Provided further*, That of the funds provided, $39,283,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106-113: *Provided further*, That of the funds provided, $25,000,000 shall be provided for the Delta Health Initiative as authorized in section 219 of this Act and associated administrative expenses: *Provided further*, That notwithstanding section 747(e)(2) of the PHS Act, not less than $5,000,000 shall be for general dentistry programs, not less than $5,000,000 shall be for pediatric dentistry programs and not less than $24,614,000 shall be for family medicine programs: *Provided further*, That of the funds available under this heading, $12,000,000 shall be provided for the National Cord Blood Inventory pursuant to the Stem Cell Therapeutic and Research Act of 2005.

### HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,906,000.

### VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $6,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

## CENTERS FOR DISEASE CONTROL AND PREVENTION

### DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,288,289,000, of which $147,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which $568,803,000 shall remain available until expended for the Strategic National Stockpile; of which $52,500,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center; and of which $121,541,000 for international HIV/AIDS shall remain available until September 30, 2009. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $116,550,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $44,523,000 for Health Marketing; (5) $31,000,000 to carry out Public Health Research; and (6) $97,404,000 to carry out research activities within the National Occupational Research Agenda: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That up to $31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such transfer: *Provided further*, That not to exceed $19,414,000 may be available for making grants under section 1509 of the Public Health Service Act to not less than 15 States, tribes, or tribal organizations: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18: *Provided further*, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: *Provided further*, That out of funds made available under this heading for domestic HIV/AIDS testing, up to $30,000,000 shall be for States eligible under section 2625 of the Public Health Service Act as of December 31, 2007 and shall be distributed by March 31, 2008 based on standard criteria relating to a State's epidemiological profile, and of which not more than $1,000,000 may be made available to any one State, and any amounts that have not been obligated by March 31, 2008 shall be used to make grants authorized by other provisions of the Public Health Service Act to States and local public health departments for HIV prevention activities.

## NATIONAL INSTITUTES OF HEALTH

### NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,925,740,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

### NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,001,691,000.

### NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $399,867,000.

### NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,753,037,000.

### NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,578,210,000.

### NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,682,585,000: *Provided*, That $300,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: *Provided further*, That such sums obligated in fiscal years 2003 through 2007 for extramural facilities construction projects are to remain available until expended for disbursement, with prior notification of such projects to the Committees on Appropriations of the House of Representatives and the Senate.

### NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,984,879,000.

### NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,286,379,000.

### NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $684,126,000.

### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $658,258,000.

### NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,076,389,000.

### NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $521,459,000.

### NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $403,958,000.

### NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $140,900,000.

### NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $447,245,000.

### NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,025,839,000.

### NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,440,557,000.

### NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $498,748,000.

### NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $305,884,000.

### NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,182,015,000.

### NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $124,647,000.

### NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $204,542,000.

### JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), $68,216,000.

### NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $329,039,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2008, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the Public Health Service Act and related health services.

### OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $1,145,790,000, of which up to $25,000,000 shall be used to carry out section 215 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That no more than $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That $110,900,000 shall be available for continuation of the National Children's Study: *Provided further*, That $531,300,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act: *Provided further*, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the National Institutes of Health: *Provided further*, That the Office of AIDS Research within the Office of the Director of the National Institutes of Health may spend up to $4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act.

### BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $130,000,000, to remain available until expended.

## SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

### SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,290,848,000, of which $19,644,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,413,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $19,750,000 to carry out national surveys on drug abuse; and (4) $4,300,000 to evaluate substance abuse treatment programs: *Provided further*, That section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008.

## AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

### HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 937(c) of the Public Health Service Act shall not exceed $334,564,000.

## CENTERS FOR MEDICARE AND MEDICAID SERVICES

### GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $141,628,056,000, to remain available until expended.

For making, after May 31, 2008, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2008 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2009, $67,292,669,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

### PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $188,828,000,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

### PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,276,502,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $49,869,000, to remain available until September 30, 2009, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That $193,000,000, to remain available until September 30, 2009, is for CMS Medicare contracting reform activities: *Provided further*, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2008 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That $5,140,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

### HEALTH CARE FRAUD ABUSE AND CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $383,000,000, to be available until expended, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act, of which $249,620,000 is for the Centers for Medicare and Medicaid Services for carrying out program integrity activities with respect to title XVIII of such Act, including activities authorized under the Medicare Integrity Program under section 1893 of such Act; of which $35,000,000 is for the Centers for Medicare and Medicaid Services for carrying out Medicaid IPIA Compliance with respect to titles XIX and XXI of such Act; and of which, for carrying out fraud and abuse control activities authorized by section 1817(k)(3) of such Act, $36,690,000 is for the Department of Justice; $36,690,000 is for the Department of Health and Human Services Office of the Inspector General; and $25,000,000 is for the Department of Health and Human Services: *Provided*, That the report required by section 1817(k)(5) of such Act for fiscal year 2008 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs of the funds provided by this appropriation.

## ADMINISTRATION FOR CHILDREN AND FAMILIES

### PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. chapter 9), $2,949,713,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2009, $1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. chapter 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

### LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under section 2604(a)–(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)–(d)), $1,980,000,000.

For making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $431,585,000, notwithstanding the designation requirement of section 2602(e) of such Act.

### REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, and for carrying out the Torture Victims Relief Act of 1998, $652,394,000, of which up to $9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2008 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2010.

### PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,094,581,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That $18,777,370 shall be available for child care resource and referral and school-aged child care activities, of which $982,080 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $267,785,718 shall be reserved by the States for activities authorized under section 658G, of which $98,208,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

In addition, $5,000,000, to remain available until September 30, 2009, shall be for carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.

### SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

### CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act, the Lifespan Respite Care Act, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act, and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. chapter 9), the Low-Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,220,695,000, of which $4,400,000, to remain available until September 30, 2009, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2008: *Provided*, That $7,042,196,000 shall be for making payments under the Head Start Act, of which $1,388,800,000 shall become available October 1, 2008, and remain available through September 30, 2009: *Provided further*, That $706,125,000 shall be for making payments under the Community Services Block Grant Act: *Provided further*, That not less than $8,000,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: *Provided further*, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $53,625,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That $18,820,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $12,920,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,900,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That $136,664,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further*, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

### PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and section 437, $89,100,000.

### PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,067,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2009, $1,776,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

## ADMINISTRATION ON AGING

### AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 and section 398 of the Public Health Service Act, $1,446,651,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

## OFFICE OF THE SECRETARY

### GENERAL DEPARTMENTAL MANAGEMENT

### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the Lifespan Respite Care Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $387,070,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, $51,891,000 shall be for minority AIDS prevention and treatment activities; and $5,941,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; and $1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee; and $5,500,000 shall be for a Health Diplomacy Initiative and may be used to carry out health diplomacy activities such as health training, services, education, and program evaluation, provided directly, through grants, or through contracts: *Provided further*, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt, professional manner and within the time frame specified in the request: *Provided further*, That scientific information, including such information provided in congressional testimony, requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

### OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $67,500,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

### OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $27,651,000: *Provided*, That in addition to amounts provided herein, $38,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

### OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $45,187,000: *Provided*, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $33,748,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

### RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. chapter 55), such amounts as may be required during the current fiscal year.

### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $741,586,000, of which not to exceed $22,363,000, to remain available until September 30, 2009, is to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act, and of which $149,250,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.

For expenses necessary to prepare for and respond to an influenza pandemic, $763,923,000, of which $685,832,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

### GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 204. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human Services shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

### (TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

### (TRANSFER OF FUNDS)

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

### (TRANSFER OF FUNDS)

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2008, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2008 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2007, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2007 State expenditures and all fiscal year 2008 obligations for tobacco prevention and compliance activities by program activity by July 31, 2008.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2008.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 of the Public Health Service Act from a territory that receives less than $1,000,000.

SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2008:

(1) The Secretary of Health and Human Services (in this section referred to as the "Secretary of HHS") may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of HHS shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

(2) The Secretary of HHS is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of HHS to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of HHS is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health (in this section referred to as the "Director of NIH") may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act (42 U.S.C. 282(b)(7), 282(b)(12)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the NIH may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241(a)(3), 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 216. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention ("CDC") and the Agency for Toxic Substances and Disease Registry ("ATSDR)" may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 217. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102-408.

SEC. 218. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: *Provided*, That the NIH shall implement the public access policy in a manner consistent with copyright law.

SEC. 219. (a) The Secretary of Health and Human Services is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region that has as its primary purposes addressing longstanding, unmet health needs and catalyzing economic development in the Mississippi Delta.

(b) To be eligible to receive a grant under subsection (a), the Delta Health Alliance shall solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, and planning, construction, and equipment of public health-related facilities in the Mississippi Delta region.

(c) With respect to the use of grant funds under this section for construction or major alteration of property, the Federal interest in the property involved shall last for a period of 1 year following the completion of the project or until such time that the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.

(d) There are authorized to be appropriated such sums as may be necessary to carry out this section in fiscal year 2008 and in each of the five succeeding fiscal years.

SEC. 220. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.

SEC. 221. (a) PROHIBITION.—With respect to the 2010–2011 influenza season, the Secretary of Health and Human Services (the Secretary) shall not use or make available any funds for the administration of any influenza vaccine containing thimerosal as a preservative (thimerosal-free) to any child under 3 years of age, unless the Secretary:

(1) finds that there is inadequate supply of thimerosal-free influenza vaccine for the covered population and for the respective influenza season; or

(2) finds that an actual or potential public health situation justifies the use of other influenza vaccine for children under 3 years of age; and

(3) gives written notice of such findings (and an explanation of the basis for the findings) to the Congress and of actions the Secretary is taking to ensure adequate supply of pediatric thimerosal-free influenza vaccine for the following influenza season.

(b) REPORT TO CONGRESS.—To improve public confidence in the safety of vaccines, the Secretary shall submit to the Congress a plan no later than April 1, 2008—

(1) to work proactively with manufacturers of influenza vaccine to facilitate the approval of thimerosal-free influenza vaccine for administration to children under 3 years of age;

(2) to increase the Federal Government's purchases of thimerosal-free influenza vaccine; and

(3) to take any other actions determined appropriate by the Secretary to increase the supply of thimerosal-free influenza vaccine.

(TRANSFER OF FUNDS)

SEC. 222. Of the amounts made available in this Act for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (NRSA) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 223. None of the funds made available in this Act may be used—

(1) for the Ombudsman Program of the Centers for Disease Control and Prevention; and

(2) by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.

SEC. 224. There is hereby established in the Treasury of the United States a fund to be known as the "Nonrecurring expenses fund" (the Fund): *Provided*, That unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Health and Human Services by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund: *Provided further*, That amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for capital acquisition necessary for the operation of the Department, including facilities infrastructure and information technology infrastructure, subject to approval by the Office of Management and Budget: *Provided further*, That amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2008".

## TITLE III

## DEPARTMENT OF EDUCATION

### EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $15,930,691,000, of which $7,611,423,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $8,136,218,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That $6,808,971,000 shall be for basic grants under section 1124: *Provided further*, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2007, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be for concentration grants under section 1124A: *Provided further*, That $3,068,680,000 shall be for targeted grants under section 1125: *Provided further*, That $3,068,680,000 shall be for education finance incentive grants under section 1125A: *Provided further*, That $9,330,000 shall be to carry out sections 1501 and 1503: *Provided further*, That $1,634,000 shall be available for a comprehensive school reform clearinghouse.

### IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,262,778,000, of which $1,126,192,000 shall be for basic support payments under section 8003(b), $49,466,000 shall be for payments for children with disabilities under section 8003(d), $17,820,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2009, $64,350,000 shall be for Federal property payments under section 8002, and $4,950,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2007–2008, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

### SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,411,758,000, of which $3,790,731,000 shall become available on July 1, 2008, and remain available through September 30, 2009, and of which $1,435,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That from the funds referred to in the preceding proviso, not less than $1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: *Provided further*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further*, That $58,129,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002:

*Provided further*, That $34,376,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further*, That $18,001,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: *Provided further*, That $3,000,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.

### INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $124,000,000.

### INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), $1,010,084,000: *Provided*, That $9,821,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: *Provided further*, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: *Provided further*, That $361,917,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That $103,293,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided further*, That $99,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: *Provided further*, That of the funds available for part B of title V, the Secretary shall use up to $24,783,000 to carry out activities under section 5205(b) and under subpart 2, and shall use not less than $190,000,000 to carry out other activities authorized under subpart 1.

### SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $708,835,000, of which $300,000,000 shall become available on July 1, 2008, and remain available through September 30, 2009: *Provided*, That $300,000,000 shall be available for subpart 1 of part A of title IV and $222,519,000 shall be available for subpart 2 of part A of title IV, of which not less than $1,500,000, to remain available until expended, shall be for the Project School Emergency Response to Violence ("Project SERV") program to provide education-related services to local educational agencies and to institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That Project SERV funds appropriated in previous fiscal years may be used to provide services to local educational agencies and to institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That $152,998,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to $12,072,000 may be used to carry out section 2345 and $3,025,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

### ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, $722,717,000, which shall become available on July 1, 2008, and shall remain available through September 30, 2009, except that 6.5 percent of such amount shall be available on October 1, 2007, and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C).

### SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act ("IDEA") and the Special Olympics Sport and Empowerment Act of 2004, $12,357,999,000, of which $5,461,394,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $6,654,982,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That $13,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support activities under section 674(c)(1)(D) of the IDEA: *Provided further*, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2007, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: *Provided further*, That nothing in section 674(e) of the IDEA shall be construed to establish a private right of action against the National Instructional Materials Access Center for failure to perform the duties of such center or otherwise authorize a private right of action related to the performance of such center: *Provided further*, That $8,000,000 shall be available to support the 2009 Special Olympics World Winter Games.

### REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, $3,285,985,000, of which $1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: *Provided*, That $3,242,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

### SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

#### AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, $22,000,000.

#### NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $60,757,000, of which $1,705,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

#### GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $115,400,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

### CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act, subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA") and title VIII–D of the Higher Education Amendments of 1998, $2,013,329,000, of which $1,218,252,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $791,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009: *Provided*, That of the amount provided for Adult Education State Grants, $69,759,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the

10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $7,000,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $81,532,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2007, and shall remain available through September 30, 2009, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2008, and remain available through September 30, 2009, for grants to local educational agencies: *Provided further*, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools.

### STUDENT FINANCIAL ASSISTANCE

### (INCLUDING RESCISSION)

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, $16,379,883,000, which shall remain available through September 30, 2009.

The maximum Pell Grant for which a student shall be eligible during award year 2008–2009 shall be $4,435.

Of the unobligated funds available under section 401A(e)(1)(C) of the Higher Education Act of 1965, $525,000,000 are rescinded.

For an additional amount to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965, $525,000,000, which shall remain available through September 30, 2009.

### STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $708,216,000, which shall remain available until expended.

### HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, part I of subtitle A of title VI of the America COMPETES Act, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,095,608,000: *Provided*, That $9,699,000, to remain available through September 30, 2009, shall be available to fund fellowships for academic year 2009-2010 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: *Provided further*, That $620,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act: *Provided further*, That $104,399,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

### HOWARD UNIVERSITY

For partial support of Howard University, $237,392,000, of which not less than $3,526,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

### COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, $481,000.

### HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the Higher Education Act of 1965, $188,000.

### INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $561,315,000, of which $293,155,000 shall be available until September 30, 2009.

### DEPARTMENTAL MANAGEMENT

### PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $420,698,000, of which $3,000,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, DC.

### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $93,771,000.

### OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $53,239,000.

### GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

### (TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. None of the funds made available in this Act may be used to promulgate, implement, or enforce any revision to the regulations in effect under section 496 of the Higher Education Act of 1965 on June 1, 2007, until legislation specifically requiring such revision is enacted.

SEC. 306. (a) MAINTENANCE OF INTEGRITY AND ETHICAL VALUES WITHIN DEPARTMENT OF EDUCATION.—Within 30 days after the enactment of this Act, the Secretary of Education shall implement procedures—

(1) to assess whether a covered individual or entity has a potential financial interest in, or bias towards, a product or service purchased with, or guaranteed or insured by, funds administered by the Department of Education or a contracted entity of the Department; and

(2) to disclose the existence of any such potential financial interest or bias.

(b) REVIEW BY INSPECTOR GENERAL.—

(1) Within 30 days after the implementation of the procedures described in subsection (a), the Inspector General of the Department of Education shall report to the Committees on Appropriations of the House of Representatives and the Senate on the adequacy of such procedures.

(2) Within 1 year, the Inspector General shall conduct at least 1 audit to ensure that such procedures are properly implemented and are adequate to uncover and disclose the existence of potential financial interests or bias described in subsection (a).

(3) The Inspector General shall report to such Committees any recommendations for modifications to such procedures that the Inspector General determines are necessary to uncover and disclose the existence of such potential financial interests or bias.

(c) DEFINITION.—For purposes of this section, the term "covered individual or entity" means—

(1) an officer or professional employee of the Department of Education;

(2) a contractor or subcontractor of the Department, or an individual hired by the contracted entity;

(3) a member of a peer review panel of the Department; or

(4) a consultant or advisor to the Department.

SEC. 307. (a) Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965, North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.

(b) Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—

(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and

(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.

SEC. 308. Prior to January 1, 2008, the Secretary of Education may not terminate any voluntary flexible agreement under section 428A of the Higher Education Act of 1965 that existed on October 1, 2007. With respect to an entity with which the Secretary of Education had a voluntary flexible agreement under section 428A of the Higher Education Act of 1965 on October 1, 2007 that is not cost neutral, if the Secretary terminates such agreement on or after January 1, 2008, the Secretary of Education shall, not later than March 31, 2008, negotiate to enter, and enter, into a new voluntary flexible agreement with such entity so that the agreement is cost neutral, unless such entity does not want to enter into such agreement.

SEC. 309. Notwithstanding section 102(a)(4)(A) of the Higher Education Act of 1965, the Secretary of Education shall not take into account a bankruptcy petition filed in the United States Bankruptcy Court for the Northern District of New York on February 21, 2001, in determining whether a nonprofit educational institution that is a subsidiary of an entity that filed such petition meets the definition of an "institution of higher education" under section 102 of that Act.

This title may be cited as the "Department of Education Appropriations Act, 2008".

## TITLE IV

## RELATED AGENCIES

### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92-28, $4,994,000.

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service to carry out the Domestic Volunteer Service Act of 1973 ("1973 Act") and the National and Community Service Act of 1990 ("1990 Act"), $798,065,000, of which $313,054,000 is to carry out the 1973 Act and $485,011,000 is to carry out the 1990 Act: *Provided*, That up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle: *Provided further*, That none of the funds made available under this heading for activities authorized by section 122 and part E of title II of the 1973 Act shall be used to provide stipends or other monetary incentives to program participants or volunteer leaders whose incomes exceed the income guidelines in subsections 211(e) and 213(b) of the 1973 Act: *Provided further*, That notwithstanding subtitle H of title I of the 1990 Act, none of the funds provided for quality and innovation activities shall be used to support salaries and related expenses (including travel) attributable to Corporation for National and Community Service employees: *Provided further*, That of the amounts provided under this heading: (1) not less than $126,121,000, to remain available until expended, to be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the 1990 Act: *Provided further*, That in addition to these funds, the Corporation may transfer funds from the amount provided for AmeriCorps grants under the National Service Trust Program, to the National Service Trust authorized under subtitle D of title I of the 1990 Act, upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Congress; (2) not more than $55,000,000 of funding provided for grants under the National Service Trust program authorized under subtitle C of title I of the 1990 Act may be used to administer, reimburse, or support any national service program authorized under section 129(d)(2) of such Act; (3) $12,000,000 shall be to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(4) of the 1990 Act; and (4) not less than $5,000,000 shall be for the acquisition, renovation, equipping and startup costs for a campus located in Vinton, Iowa and a campus in Vicksburg, Mississippi to carry out subtitle G of title I of the 1990 Act.

### SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $68,964,000.

### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $6,900,000.

### ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 402. Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act of 1990 to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

SEC. 403. The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: *Provided*, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs.

SEC. 404. The Corporation for National and Community Service shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2008, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 405. Professional Corps programs described in section 122(a)(8) of the National and Community Service Act of 1990 may apply to the Corporation for a waiver of application of section 140(c)(2).

SEC. 406. Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws: *Provided*, That an individual who provides services under this section shall be subject to the same protections and limitations as volunteers under section 196(a) of the National and Community Service Act of 1990.

SEC. 407. Organizations operating projects under the AmeriCorps Education Awards

Program shall do so without regard to the requirements of sections 121(d) and (e), 131(e), 132, and 140(a), (d), and (e) of the National and Community Service Act of 1990.

SEC. 408. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first three years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

## CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2010, $420,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, $29,700,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, $26,750,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system: *Provided further*, That none of the funds made available to the Corporation for Public Broadcasting by this Act, the Continuing Appropriations Resolution, 2007 (Public Law 110–5), or the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109–149), shall be used to support the Television Future Fund or any similar purpose.

## FEDERAL MEDIATION AND CONCILIATION SERVICE

### SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454, $44,450,000, including $650,000 to remain available through September 30, 2009, for activities authorized by the Labor-Management Cooperation Act of 1978: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $8,096,000.

## INSTITUTE OF MUSEUM AND LIBRARY SERVICES

### OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $277,131,000: *Provided*, That funds may be made available for support through inter-agency agreement or grant to commemorative Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services.

## MEDICARE PAYMENT ADVISORY COMMISSION

### SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $10,748,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

## NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

### SALARIES AND EXPENSES

For close out activities of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $400,000.

## NATIONAL COUNCIL ON DISABILITY

### SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,113,000.

## NATIONAL LABOR RELATIONS BOARD

### SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $256,988,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

## NATIONAL MEDIATION BOARD

### SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $12,992,000, of which $750,000 shall be for arbitrator salaries and expenses pursuant to section 153(1).

## OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

### SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $10,696,000.

## RAILROAD RETIREMENT BOARD

### DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $79,000,000, which shall include amounts becoming available in fiscal year 2008 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

### FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2009, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

### LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $103,694,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

### LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $7,803,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: *Provided further*, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare Program.

### SOCIAL SECURITY ADMINISTRATION

### PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, $28,140,000.

### SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $27,014,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2009, $14,800,000,000, to remain available until expended.

### LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,522,953,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2008 not needed for fiscal year 2008 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $263,970,000 shall be available for conducting continuing disability reviews under titles II and XVI of the Social Security Act and for conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to amounts made available above, and subject to the same terms and conditions, $213,000,000, for additional continuing disability reviews and redeterminations of eligibility.

In addition, $135,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2008 exceed $135,000,000, the amounts shall be available in fiscal year 2009 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108-203), which shall remain available until expended.

### OFFICE OF INSPECTOR GENERAL

### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $27,000,000, together with not to exceed $68,047,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.

## TITLE V

## GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "National Mediation Board, Salaries and expenses".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act (21 U.S.C. 812) except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2008 that are different than those specified in this Act, the accompanying detailed table in the committee report, or the fiscal year 2008 budget request.

SEC. 519. None of the funds made available by this Act may be used to carry out the evaluation of the Upward Bound program described in the absolute priority for Upward Bound Program participant selection and evaluation published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).

SEC. 520. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act.

SEC. 521. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2008, but not to include grants awarded on a formula basis. Such report shall include the name of the contractor or grantee, the amount of funding, and the governmental purpose. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 522. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 524. Section 1848(l)(2)(A) of the Social Security Act, as amended by section 6 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110–90), is amended by striking "$1,350,000,000" and inserting "$1,200,000,000, but in no case shall expenditures from the Fund in fiscal year 2008 exceed $650,000,000" in the first sentence.

SEC. 525. Iraqi and Afghan aliens granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act for a period not to exceed 6 months.

SEC. 526. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 527. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number which is an offense prohibited under section 208 of the Social Security Act.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008".

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**SA 3558.** Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1192, strike line 13 and insert the following:

**"SEC. 9023. SUGAR ETHANOL LOAN GUARANTEE PROGRAM.**

"(a) IN GENERAL.—The Secretary shall guarantee the timely payment of 100 percent of the principal and interest due on loans made to finance each of 2 projects under this section to demonstrate the feasibility and viability of the commercial production of ethanol derived from sugarcane, sugarcane bagasse, and other sugarcane byproducts as feed stocks.

"(b) REQUIREMENT.—To receive a loan guarantee under this section, an applicant shall provide to the Secretary assurances satisfactory to the Secretary that—

"(1) the project design has been validated through the operation of a continuous production facility;

"(2) the project has been subject to a full technical review;

"(3) the project, with the loan guarantee, will be economically viable;

"(4) the project includes an operating cane mill the production of which, as of the date of the enactment of this Act, is subject to allotment under section 359c(e)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc(e)(2)); and

"(5) there is reasonable assurance of repayment of the loan.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a loan guarantee under this section—

"(A) may be issued for up to 80 percent of the estimated cost of the project; but

"(B) shall not exceed $100,000,000 for any 1 project.

"(2) ADDITIONAL GUARANTEES.—The Secretary may issue an additional loan guarantee under this section to cover the lesser of—

"(A) 80 percent of the excess of the actual project cost over the estimated project cost; or

"(B) 10 percent of the amount guaranteed under paragraph (1).

"(3) MAXIMUM TERM OF LOAN GUARANTEE.—The Secretary shall determine the maximum term of a loan guarantee provided under this section.

"(d) GRANTS.—To carry out this section, not later than 5 years after the date of enactment of this Act, the Secretary shall make 2 grants, each of which shall be in the amount of $10,000,000, for 2 demonstration projects, consistent with the requirements of subsection (b)(4).

"(e) ADMINISTRATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

**"SEC. 9024. FUTURE FARMSTEADS PROGRAM.**

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**SA 3559.** Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, strike lines 6 and 7 and insert the following:

"(3) EXCEPTION.—Paragraph (1) does not apply to a payment described in paragraph (2)(B) if the payment is made to an individual or entity in connection with any farming, ranching, or forestry operation carried out in the State of Hawaii.

"(4) INCOME DERIVED FROM FARMING, RANCHING, OR FORESTRY OPERATIONS.—In determining

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**SA 3560.** Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 778, between lines 2 and 3, insert the following:

**SEC. 60___. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.**

(a) IN GENERAL.—The Consolidated Farm and Rural Development Act is amended by inserting after section 344 (7 U.S.C. 1992) the following:

**"SEC. 345. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.**

"(a) DEFINITIONS.—In this section:

"(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

"(2) GEOGRAPHICALLY DISADVANTAGED FARMER OR RANCHER.—The term 'geographically disadvantaged farmer or rancher' has the meaning given the term in section 10906(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2204 note; Public Law 107-171).

"(b) AUTHORIZATION.—

"(1) IN GENERAL.—Subject to paragraph (2) and the availability of funds under subsection (d), for each fiscal year, the Secretary may provide geographically disadvantaged farmers or ranchers direct reimbursement payments for activities described in subsection (c).

"(2) LIMITATION.—The total amount of direct reimbursement payments provided by the Secretary under this section shall not exceed $15,000,000 for each fiscal year.

"(c) TRANSPORTATION.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may provide direct reimbursement payments to a geographically disadvantaged farmer or rancher to transport an agricultural commodity, or inputs used to produce an agricultural commodity, during a fiscal year.

"(2) PROOF OF ELIGIBILITY.—To be eligible to receive assistance under paragraph (1), farmer or rancher shall provide to the Secretary proof (as determined by the Secretary) that transportation or the agricultural commodity or inputs occurred over a distance of more than 30 miles.

"(3) AMOUNT.—The amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under a subsection for a fiscal year shall equal the product obtained by multiplying—

"(A) the amount of costs incurred by the farmer or rancher for transportation of the agricultural commodity or inputs during the fiscal year; and

"(B) the percentage of the allowance for that fiscal year made under section 5941 of title 5, United States Code, for Federal employees stationed in Alaska and Hawaii.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2007.

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**SA 3561.** Ms. MURKOWSKI (for herself, Mr. STEVENS, Ms. CANTWELL, Mr. SMITH, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. _____. TAX TREATMENT OF INCOME RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.**

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed $250,000.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable

year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract, and

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term "eligible retirement plan" has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term "qualified taxpayer" means—

(1) any individual who is a plaintiff in the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term "qualified settlement income" means any interest and punitive damage awards which are —

(1) includible in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post judgment and whether related to a settlement or judgment).

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**SA 3562.** Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1115, strike line 8 and insert the following:

improvements and renewable energy systems (including small hydroelectric systems, as determined by the Secretary); and

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**SA 3563.** Mr. BINGAMAN (for himself, Mr. BROWNBACK, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2359 and insert the following:

**SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.**

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9) is amended by striking subsection (c) and inserting the following:

"(c) FUNDING.—

"(1) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, in addition to amounts made available under section 1241(a) to carry out this chapter, the Secretary shall use $60,000,000 for each of fiscal years 2008 through 2012.

"(2) FUNDING FOR CERTAIN STATES.—Of the funds made available under paragraph (1), the Secretary shall provide to each State the boundaries of which encompass a multistate aquifer from which documented groundwater withdrawals exceed 16,000,000,000 gallons per day, for water conservation or irrigation practices, an amount equal to not less than the greater of—

"(A) $3,000,000; or

"(B) the simple average of amounts allocated to producers in the State under this section for the period of fiscal years 2002 through 2007.".

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**SA 3564.** Mr. BINGAMAN (for himself, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 462, line 2, strike "may" and insert "shall".

On page 474, strike lines 9 through 25 and insert the following:

"(7) FUNDING.—

"(A) SET ASIDE.—

"(i) IN GENERAL.—Of the funds provided for each of fiscal years 2008 through 2012 to carry out the conservation programs in subtitle D (excluding the conservation reserve program, the conservation stewardship program, and the wetlands reserve program), the Secretary shall reserve 10 percent for use for activities under this section.

"(ii) CONSERVATION STEWARDSHIP PROGRAM.—Of the acres allocated for the conservation stewardship program for each of fiscal years 2008 through 2012, the Secretary shall reserve 10 percent for use for activities under this section.

"(B) UNUSED FUNDS.—Any funds reserved for a fiscal year under subparagraph (A) that are not obligated by April 1 of that fiscal year may be used to carry out any other activity under a conservation program under subtitle D during the remainder of that fiscal year.

"(C) OVERHEAD AND ADMINISTRATIVE COSTS INELIGIBLE.—No overhead or administrative cost of a partner shall be covered by funds provided pursuant to this paragraph.

"(D) EASTERN SNAKE PLAIN AQUIFER PILOT PROJECT.—

"(i) IN GENERAL.—Notwithstanding subparagraph (B), of amounts available under subparagraph (A), the Secretary shall reserve not less than $2,000,000, to remain available until expended, for regional water conservation activities in the Eastern Snake Aquifer region.

"(ii) APPROVAL.—The Secretary may approve regional water conservation activities under this subparagraph that address, in whole or in part, water quality issues.".

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**SA 3565.** Mr. DURBIN (for Mr. LIEBERMAN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 680, to ensure proper oversight and accountability in Federal contracting, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Accountability in Government Contracting Act of 2007".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—ACQUISITION WORKFORCE

Sec. 101. Federal acquisition workforce.

TITLE II—COMPETITION AND ACCOUNTABILITY

Sec. 201. Requirement for purchase of property and services pursuant to multiple award contracts.
Sec. 202. Statement of work requirements for certain task or delivery orders.
Sec. 203. Protests of task and delivery orders.
Sec. 204. Publication of justification and approval documents.
Sec. 205. Limitation on length of certain noncompetitive contracts.
Sec. 206. Prohibition on award of certain large task or delivery order contracts for services.

Sec. 207. Guidance on use of tiered evaluations of offers for contracts and task orders under contracts.
Sec. 208. Guidance on use of cost-reimbursement contracts.
Sec. 209. Preventing conflicts of interest.
Sec. 210. Linking of award and incentive fees to acquisition outcomes.
TITLE III—ACCOUNTABILITY AND ADMINISTRATION
Sec. 301. Definitizing of letter contracts.
Sec. 302. Preventing abuse of interagency contracts and assisted acquisition services.
Sec. 303. Purchase card waste elimination.
Sec. 304. Lead systems integrators.
Sec. 305. Limitations on tiering of subcontractors.
Sec. 306. Responsibility of contractors that are serious threats to national security.
Sec. 307. Required certification of program managers for Department of Homeland Security level one programs.
Sec. 308. Elimination of one-year limitation on interest due on late payments to contractors.
Sec. 309. Ensuring that Federal employees perform inherently governmental work.
Sec. 310. Report on Acquisition Advisory Panel report implementation.
Sec. 311. Report by the Government Accountability Office.
Sec. 312. Mapping and surveying services.
Sec. 313. Timely and accurate transmission of information included in Federal Procurement Data System.
Sec. 314. Use of existing funds for regulations and reports.

### SEC. 3. DEFINITIONS.

In this Act:

(1) Except as otherwise provided, the term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term "assisted acquisition" means a procedure by which an executive agency needing supplies or services (the requesting agency) obtains them from another executive agency (the servicing agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the "Economy Act"), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Clinger-Cohen Act of 1996 (division E of Public Law 104-106), and the Government Management Reform Act of 1994 (Public Law 103-356; 108 Stat. 3410).

(3) The term "micro-purchase" means a purchase in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(4) The term "multi-agency contract" means any contract available for use by more than 1 executive agency.

## TITLE I—ACQUISITION WORKFORCE

### SEC. 101. FEDERAL ACQUISITION WORKFORCE.

(a) ASSOCIATE ADMINISTRATOR FOR ACQUISITION WORKFORCE PROGRAMS.—Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405) is amended by adding at the end the following new subsection:

"(l) The Administrator shall designate a member of the Senior Executive Service as the Associate Administrator for Workforce Programs. The Associate Administrator for Workforce Programs shall be located in the Federal Acquisition Institute, or its successor. The Associate Administrator shall be responsible for—

"(1) supervising the acquisition workforce training fund established under section 37(h)(3);

"(2) administering the government-wide acquisition intern program established under section 43;

"(3) developing, in coordination with Chief Acquisition Officers and Chief Human Capital Officers, a human capital strategic plan for the acquisition workforce of the Federal Government;

"(4) reviewing and providing input to individual agency acquisition workforce succession plans;

"(5) recommending to the Administrator and other senior government officials appropriate programs, policies, and practices to increase the quantity and quality of the Federal acquisition workforce; and

"(6) carrying out such other functions as the Administrator may assign.".

(b) GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

### "SEC. 43. GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a government-wide Acquisition Intern Program to strengthen the Federal acquisition workforce to carry out its key missions through the Federal procurement process. The Administrator shall have a goal of involving not less than 200 college graduates per year in the Acquisition Intern Program.

"(b) ADMINISTRATION OF PROGRAMS.—The Associate Administrator for Acquisition Workforce Programs designated under section 6(l) shall be responsible for the management, oversight, and administration of the Acquisition Intern Program and shall give strong consideration to utilizing existing similar programs and seek to build upon those programs instead of replacing them or creating new programs.

"(c) TERMS OF ACQUISITION INTERN PROGRAM.—

"(1) BUSINESS-RELATED COURSE WORK REQUIREMENT.—

"(A) IN GENERAL.—Each participant in the Acquisition Intern Program shall have completed 24 credit hours of business-related college course work by not later than 3 years after admission into the program.

"(B) CERTIFICATION CRITERIA.—The Administrator shall establish criteria for certifying the completion of the course work requirement under subparagraph (A).

"(2) STRUCTURE OF PROGRAM.—The Acquisition Intern Program shall consist of one year of preparatory education and training in Federal procurement followed by 3 years of on-the-job training and development focused on Federal procurement but including rotational assignments in other functional areas.

"(3) EMPLOYMENT STATUS OF INTERNS.—Interns participating in the Acquisition Intern Program shall be considered probationary employees without civil service protections under chapter 33 of title 5, United States Code. In administering any personnel ceiling applicable to an executive agency or a unit of an executive agency, an individual assigned as an intern under the program shall not be counted.

"(4) AGENCY MANAGEMENT OF PROGRAM.—The Chief Acquisition Officer of each executive agency, in consultation with the Chief Human Capital Officer of such agency, shall establish a central intern management function in the agency to supervise and manage interns participating in the Acquisition Intern Program.".

(c) CONTINGENCY CONTRACTING CORPS.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by subsection (b), is further amended by adding at the end the following new section:

### "SEC. 44. CONTINGENCY CONTRACTING CORPS.

"(a) ESTABLISHMENT.—The Administrator shall establish a government-wide Contingency Contracting Corps (in this section, referred to as the 'Corps'). The members of the Corps shall be available for deployment in responding to disasters, natural and manmade, and contingency operations both within and outside the continental United States.

"(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees, including uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce.

"(c) EDUCATION AND TRAINING.—The Administrator may establish additional educational and training requirements, and may pay for these additional requirements from funds available in the acquisition workforce training fund.

"(d) CLOTHING AND EQUIPMENT.—The Administrator shall identify any necessary clothing and equipment requirements, and may pay for this clothing and equipment from funds available in the acquisition workforce training fund.

"(e) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of existing appropriations.

"(f) AUTHORITY TO DEPLOY THE CORPS.—The Administrator, or the Administrator's designee, shall have the authority to determine when members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed.

"(g) ANNUAL REPORT.—

"(1) IN GENERAL.—The Administrator shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

"(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.".

(d) ACQUISITION AND CONTRACTING TRAINING PROGRAMS.—The head of each executive agency, after consultation with the Associate Administrator for Acquisition Workforce Programs, shall establish and operate acquisition and contracting training programs. Such programs shall—

(1) have curricula covering a broad range of acquisition and contracting disciplines corresponding to the specific acquisition and contracting needs of the agency involved;

(2) be developed and applied according to rigorous standards; and

(3) be designed to maximize efficiency, through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing the effectiveness of the training or negatively impacting academic standards.

(e) GOVERNMENT-WIDE POLICIES AND EVALUATION.—The Administrator shall issue policies to promote the development of performance standards for training and uniform implementation of this subsection by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall evaluate the implementation of the provisions of subsection (d) by executive agencies.

(f) CHIEF ACQUISITION OFFICER AUTHORITIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the head of an executive agency, the Chief Acquisition Officer of such agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of subsection (d). The Chief Acquisition Officer shall ensure that the policies of the agency head established in accordance with such subsection are implemented throughout the agency.

(g) ACQUISITION AND CONTRACTING TRAINING REPORTING.—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition and contracting workforce related to the implementation of subsection (d).

(h) ACQUISITION WORKFORCE HUMAN CAPITAL SUCCESSION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each Chief Acquisition Officer for an executive agency appointed pursuant to section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414) shall develop, in consultation with the Chief Human Capital Officer for the agency and the Associate Administrator for Acquisition Workforce Programs, a succession plan consistent with the agency's strategic human capital plan for the recruitment, development, and retention of the agency's acquisition workforce, with a particular focus on warranted contracting officers and program managers of the agency.

(2) CONTENT OF PLAN.—The acquisition workforce succession plan shall address—

(A) recruitment goals for personnel from procurement intern programs;

(B) the agency's acquisition workforce training needs;

(C) actions to retain high performing acquisition professionals who possess critical relevant skills;

(D) recruitment goals for personnel from the Federal Career Intern Program; and

(E) recruitment goals for personnel from the Presidential Management Fellows Program.

(i) AUTHORIZATION OF APPROPRIATIONS FOR ACQUISITION PROGRAMS.—

(1) AUTHORIZATION.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2008 and 2009 for the acquisition workforce training fund.

(2) USE OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall be used for—

(A) the establishment salary of the Associate Administrator for Acquisition Workforce Training Programs;

(B) the establishment and operations of the Acquisition Intern Program and the Contingency Contracting Corps;

(C) the costs of administering the acquisition workforce training fund, not to exceed 10 percent of the total funds available in the Fund; and

(D) the equipping, education, and training of participants in the Acquisition Intern Program, personnel recruited from the Presidential Management Fellowship Program, personnel recruited from the Federal Career Intern Program, and Contingency Contracting Corps Program.

(3) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) shall remain available until expended.

(j) ELIMINATION OF SUNSET PROVISION FOR ACQUISITION WORKFORCE TRAINING FUND.—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended by striking subparagraph (H).

(k) TRAINING IN THE ACQUISITION OF ARCHITECT AND ENGINEERING SERVICES.—The Administrator for Federal Procurement Policy shall ensure that a sufficient number of Federal employees are trained in the acquisition of architect and engineering services.

(l) EXTENSION OF DIRECT HIRING AUTHORITY.—Section 1413(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136) is amended by striking "September 30, 2007" and inserting "September 30, 2010".

(m) QUALIFICATIONS OF CHIEF ACQUISITION OFFICERS.—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414) is amended by adding at the end the following new paragraph:

"(2) Chief Acquisition Officers shall be appointed from among persons who have an extensive management background.".

(n) UTILIZATION OF RECRUITMENT AND RETENTION AUTHORITIES.—The Administrator for Federal Procurement Policy, in coordination with the Director of the Office of Personnel Management, shall encourage agencies to utilize existing authorities, including direct hire authority and tuition assistance programs, to recruit and retain acquisition personnel and consider recruiting acquisition personnel who may be retiring from the private sector, consistent with existing laws and regulations.

## TITLE II—COMPETITION AND ACCOUNTABILITY

### SEC. 201. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations requiring competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2)(A), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2)(A) if notice is provided to as many contractors as practicable.

(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—The Administrator for Federal Procurement Policy shall promulgate regulations in the Federal Acquisition Regulation requiring the head of each executive agency—

(1) to publish on FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) that are placed against multiple award contracts or multiple award blanket purchase agreements not later than 10 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(2) to publish on the Internet website of the executive agency and on FedBizOpps the justification and approval documents related to sole source task or delivery orders placed against multiple award contracts or multiple award blanket purchase agreements not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.

(d) DEFINITIONS.—In this section:

(1) The term "individual purchase" means a task order, delivery order, or other purchase.

(2) The term "multiple award contract" means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(e) APPLICABILITY.—The regulations promulgated by the Administrator for Federal Procurement Policy pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this Act and shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

### SEC. 202. STATEMENT OF WORK REQUIREMENTS FOR CERTAIN TASK OR DELIVERY ORDERS.

(a) CIVILIAN CONTRACTS.—Section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) is amended to read as follows:

"(c) STATEMENT OF WORK AND SELECTION BASIS.—

"(1) IN GENERAL.—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

"(2) TASK OR DELIVERY ORDERS IN EXCESS OF THE THRESHOLD FOR USE OF SIMPLIFIED PROCEDURES FOR COMMERCIAL ITEMS.—The statement of work for a task or delivery order in excess of the threshold for use of simplified procedures for commercial items under a task or delivery order contract shall be made available to each contractor awarded such contract and shall—

"(A) include a clear statement of the executive agency's requirements;

"(B) permit a reasonable response period;

"(C) disclose the significant factors and sub-factors that the executive agency expects to consider in evaluating proposals, including cost, price, past performance, and the relative importance of those and other factors;

"(D) in the case of an award that is to be made on a best value basis, include a written statement documenting the basis for the award and the relative importance of quality, past performance, and price or cost factors; and

"(E) provide an opportunity for a post-award debriefing consistent with the requirements of section 303B(e).".

(b) DEFENSE CONTRACTS.—Section 2304c(c) of title 10, United States Code, is amended to read as follows:

"(c) STATEMENT OF WORK AND SELECTION BASIS.—

"(1) IN GENERAL.—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

"(2) TASK OR DELIVERY ORDERS IN EXCESS OF THE THRESHOLD FOR USE OF SIMPLIFIED PROCEDURES FOR COMMERCIAL ITEMS.—The statement of work for a task or delivery order in excess of the threshold for use of simplified procedures for commercial items under a task or delivery order contract shall be made available to each contractor awarded such contract and shall—

"(A) include a clear statement of the agency's requirements;

"(B) permit a reasonable response period;

"(C) disclose the significant factors and sub-factors that the agency expects to consider in evaluating proposals, including cost, price, past performance, and the relative importance of those and other factors;

"(D) in the case of an award that is to be made on a best value basis, include a written statement documenting the basis for the award and the relative importance of quality, past performance, and price or cost factors; and

"(E) provide an opportunity for a post-award debriefing consistent with the requirements of section 2305(b)(5) of this title.".

### SEC. 203. PROTESTS OF TASK AND DELIVERY ORDERS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)) is amended to read as follows:

"(d) PROTESTS.—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

"(1) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

"(2) a protest by an interested party of an order valued at greater than the threshold established pursuant to section 203(c) of the Accountability in Government Contracting Act of 2007.".

(b) DEFENSE CONTRACTS.—Section 2304c(d) of title 10, United States Code is amended to read as follows:

"(d) PROTESTS.—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

"(1) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

"(2) a protest by an interested party of an order valued at greater than the threshold established pursuant to section 203(c) of the Accountability in Government Contracting Act of 2007.".

(c) ESTABLISHMENT OF THRESHOLD.—The Administrator for Federal Procurement Policy shall promulgate a rule in the Federal Acquisition Regulation establishing a threshold for protests under section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)) and section 2304c(d) of title 10, United States Code, as amended by subsections (a) and (b), respectively. The threshold shall be $5,000,000 unless the Administrator determines that the threshold is unduly burdensome on executive agencies, in which case the Administrator may increase the threshold, but in no case shall the threshold exceed $25,000,000. The threshold shall be $5,000,000 until a final rule is promulgated in accordance with such determination.

### SEC. 204. PUBLICATION OF JUSTIFICATION AND APPROVAL DOCUMENTS.

(a) CIVILIAN CONTRACTS.—Section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)) is amended—

(1) in subparagraph (B)(iii), by striking "; and" and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) the justification and approval documents are made publicly available on the Internet website of the agency and FedBizOpps.".

(b) DEFENSE CONTRACTS.—Section 2304(f) of title 10, United States Code, is amended—

(1) in subparagraph (B)(iii), by striking "; and" and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) the justification and approval documents are made publicly available on the Internet website of the agency and FedBizOpps.".

### SEC. 205. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

"(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

"(i) may not exceed the time necessary—

"(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

"(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

"(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

"(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).".

(b) DEFENSE CONTRACTS.—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

"(i) may not exceed the time necessary—

"(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

"(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

"(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply.

"(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).".

### SEC. 206. PROHIBITION ON AWARD OF CERTAIN LARGE TASK OR DELIVERY ORDER CONTRACTS FOR SERVICES.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303H(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended by adding at the end the following new paragraph:

"(4)(A) No task or delivery order contract for services in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the executive agency determines in writing that—

"(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

"(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

"(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

"(B) The head of the executive agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).

"(C) The head of the executive agency shall post the justification and approval documents related to a determination under subparagraph (A) on the Internet website of the agency and on the Federal Business Opportunities (FedBizOpps) Internet website.".

(b) DEFENSE CONTRACTS.—Section 2304a(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) No task or delivery order contract for services in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

"(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

"(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

"(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

"(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).

"(C) The head of the agency shall post the justification and approval documents related to a determination under subparagraph (A) on the Internet website of the agency and on the Federal Business Opportunities (FedBizOpps) Internet website.".

### SEC. 207. GUIDANCE ON USE OF TIERED EVALUATIONS OF OFFERS FOR CONTRACTS AND TASK ORDERS UNDER CONTRACTS.

(a) Guidance Required.—The Administrator for Federal Procurement Policy shall prescribe guidance for executive agencies on the use of tiered evaluations of offers for contracts and for task or delivery orders under contracts. In prescribing such guidance, the Administrator shall give full consideration to the guidance prescribed by the Secretary of Defense under section 816 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2305).

(b) Elements.—The guidance prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation of why such contracting officer was unable to make such determination.

### SEC. 208. GUIDANCE ON USE OF COST-REIMBURSEMENT CONTRACTS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations outlining the proper use of cost-reimbursement contracts.

(b) Content.—The regulations promulgated under subsection (a) shall include at minimum guidance regarding—

(1) when and under what circumstances cost reimbursement contracts are appropriate;

(2) the acquisition plan findings necessary to support a decision to use cost reimbursement contracts; and

(3) the acquisition workforce resources necessary to award and manage cost reimbursement contracts.

(c) Inspector General Review.—The Inspector General for each executive agency shall develop and submit as part of its annual audit plan a review of the use of cost reimbursement contracts.

### SEC. 209. PREVENTING CONFLICTS OF INTEREST.

(a) Organizational Conflicts of Interest.—The Administrator for Federal Procurement Policy shall create new, uniform, government-wide policies aimed at preventing and mitigating organizational conflicts of interest in Federal contracting, including—

(1) considering development of a standard organizational conflict of interest clause, or a set of standard organizational conflict of interest clauses, for inclusion in solicitations and contracts that set forth the contractor's responsibilities with respect to its employees, subcontractors, partners, and any other affiliated organizations or individuals;

(2) addressing conflicts that may arise in the context of developing requirements and statements of work, the selection process, and contract administration;

(3) ensuring that adequate organizational conflict of interest safeguards are enacted in situations in which contractors are employed by the Federal Government to oversee other contractors or are hired to assist in the acquisition process;

(4) ensuring that any policies or clauses developed address conflicts of interest that may arise from financial interests, unfair competitive advantages, and impaired objectivity; and

(5) maintaining a repository of best practices relating to the prevention of organizational conflicts of interest.

(b) Personal Conflicts of Interest.—The Administrator for Federal Procurement Policy shall create new, uniform, government-wide policies aimed at preventing personal conflicts of interest by contractor employees in Federal contracting, including—

(1) determining whether greater disclosure, specific prohibitions, or reliance on specified principles will accomplish the end objective of ethical behavior;

(2) identifying types of contracts that raise heightened concerns for potential conflicts of interest;

(3) considering the development of a standard ethics clause or a set of standard ethics clauses that set forth the contractor's responsibility for inclusion in solicitations and contracts; and

(4) maintaining a repository of best practices relating to the prevention of personal conflicts of interest.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on actions taken under this section.

### SEC. 210. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) Guidance on Linking of Award and Incentive Fees to Acquisition Outcomes.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall issue guidance, with detailed implementation instructions (including definitions), for executive agencies on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) Elements.—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be "excellent" or "superior"and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be "acceptable", "average", "expected", "good", or "satisfactory";

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

## TITLE III—ACCOUNTABILITY AND ADMINISTRATION

### SEC. 301. DEFINITIZING OF LETTER CONTRACTS.

(a) Civilian Contracts.—The Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

### "SEC. 318. DEFINITIZING OF LETTER CONTRACTS.

"The head of an executive agency shall unilaterally determine all missing terms in an undefinitized letter contract that have not been agreed upon within 180 days after such letter contract has been entered into or before 40 percent of the work under such letter contract has been completed. Any terms so determined shall be subject to the contract disputes process.".

(b) Defense Contracts.—

(1) Definitizing of letter contracts.—Chapter 137 of title 10, United States Code, is amended by inserting after at the end the following new section:

### "§ 2334. Definitizing of letter contracts

"The head of an agency shall unilaterally determine all missing terms in an undefinitized letter contract that have not been agreed upon within 180 days after such letter contract has been entered into or before the funds obligated under such letter contract exceed 50 percent of the not-to-exceed cost of the contract. Any terms so determined shall be subject to the contract disputes process.".

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2334. Definitizing of letter contracts.".

### SEC. 302. PREVENTING ABUSE OF INTERAGENCY CONTRACTS AND ASSISTED ACQUISITION SERVICES.

(a) Office of Management and Budget Policy Guidance.—

(1) REPORT AND GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(A) submit to Congress a comprehensive report on interagency acquisitions, including their frequency of use, management controls, cost-effectiveness, and savings generated; and

(B) issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) MATTERS COVERED BY GUIDELINES.—For purposes of paragraph (1)(B), the Director shall include guidelines on the following matters:

(A) Procedures for the use of interagency acquisitions to maximize competition, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting inappropriate for interagency acquisition, due to high risk of waste, fraud, or abuse.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions.

(b) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all assisted acquisitions—

(1) include a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration and management of the contract;

(2) include a determination that an assisted acquisition is the best procurement alternative; and

(3) include sufficient documentation to ensure an adequate audit.

(c) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director annual reports on the actions taken by the executive agency pursuant to the guidelines issued under subsection (a).

(d) REPORT ON INTERAGENCY CONTRACTING.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall report on a survey of existing interagency contracts.

(2) CONTENT.—The report under paragraph (1) shall include the following information:

(A) The number of interagency contracts that are currently in operation, and the scope, sponsoring agencies, primary users, activity levels (in terms of orders and value) for the most recent fiscal year, and rationales for such contracts.

(B) The level of acquisition activity conducted by the Intergovernmental Revolving Funds (including the Franchise Funds) on behalf of other executive agencies.

(C) The number of enterprisewide, single agency contracts that are currently in operation, and the scope, activity levels (in terms of orders and value) for the most recent fiscal year, and rationales for such contracts.

(3) PUBLICATION.—The Director of the Office of Management and Budget shall make the report under this subsection publicly available, subject to applicable statutory and regulatory limits on the release of such information.

(e) REVIEW OF FEDERAL SUPPLY SCHEDULE CONTRACTS.—Not later than 270 days after the date of the enactment of this Act, the Administrator of General Services shall review existing Federal Supply Schedule (FSS) contracts to determine whether, in light of the entire inventory of interagency contracts, any of the FSS contracts should be eliminated in order to avoid unnecessary duplication.

(f) REVIEW AND AUTHORIZATION OF MULTI-AGENCY CONTRACTS.—

(1) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall publish in the Federal Acquisition Regulation, regulations requiring that the acquisition plan in support of multi-agency contracts shall include a business case analysis justifying the award and administration of the contract. At a minimum, the business case shall include the fully burdened cost to the Federal Government of awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its buying power.

(2) REVIEW.—Not later than 270 days after the date of enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services, shall review all multi-agency contracts and determine whether each contract is cost effective or redundant with existing contracts available for multi-agency use.

(3) APPROVAL REQUIRED.—No executive agency may exercise an option on an existing multi-agency contract or award a new multi-agency contract without the express written approval of the Administrator for Federal Procurement Policy.

(4) EVALUATION OF COSTS.—In determining whether a contract is cost effective, the Administrator shall evaluate the fully burdened costs associated with awarding and maintaining the contract. In the event that the fully burdened costs cannot be determined, the Administrator shall use the same formula for determining agency performance of a function identified in OMB Circular A-76.

(g) REVIEW OF OTHER INDEFINITE DELIVERY, INDEFINITE QUANTITY CONTRACTS.—

(1) REVIEW.—Not later than 270 days after the date of the enactment of this Act, the head of each executive agency, in consultation with the Administrator for Federal Procurement Policy, shall review all indefinite delivery, indefinite quantity contracts awarded by the executive agency and determine whether those contracts are cost effective or redundant with other contracts within the agency or available for the agency's use.

(2) EVALUATION OF COSTS.—In determining whether a contract is cost effective, the head of the executive agency shall evaluate the fully burdened costs associated with awarding and maintaining the contract. In cases where the fully burdened costs cannot be determined, the Administrator shall use the same formula for determining Agency performance of a function identified in Office of Management and Budget Circular A-76.

(h) IMPROVED TRANSPARENCY OF INTERAGENCY CONTRACTING DATA.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the government-wide procurement system known as the Federal Procurement Data System-Next Generation in order to facilitate the collecting and publication of complete and reliable order-level data on interagency contracting transactions.

(i) EXECUTIVE AGENCY DEFINED.—In this section, the term "executive agency" includes the Department of Defense, but does not include the military departments and defense agencies.

**SEC. 303. PURCHASE CARD WASTE ELIMINATION.**

(a) REQUIREMENT FOR GUIDANCE.—

(1) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidelines to assist the heads of executive agencies in improving the management of the use of the Governmentwide commercial purchase card for making micro-purchases. The Director shall include guidelines on the following matters:

(A) Analysis of purchase card expenditures to identify opportunities for achieving savings through micro-purchases made in economical volumes.

(B) Negotiation of discount agreements with major vendors accepting the purchase card.

(C) Establishment of communication programs to ensure that purchase cardholders receive information pertaining to the availability of discounts, including programs for the training of purchase cardholders on the availability of discounts.

(D) Assessment of cardholder purchasing practices, including use of discount agreements.

(E) Collection and dissemination of best practices and successful strategies for achieving savings in micro-purchases.

(F) Analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in micro-purchases consistent with the national policy on small business participation in Federal procurement set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

(2) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall—

(A) continue efforts to improve reporting by financial institutions that issue the Governmentwide commercial purchase card so that the General Services Administration has the data needed to identify opportunities for achieving savings; and

(B) actively pursue point-of-sale discounts with major vendors accepting the purchase card so that any Federal Government purchaser using the purchase card can benefit from such point-of-sale discounts.

(3) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director periodic reports on the actions taken in such executive agency pursuant to the guidelines issued under paragraph (1).

(4) CONGRESSIONAL OVERSIGHT.—Not later than December 31 of the year following the year in which this Act is enacted, and December 31 of each of the ensuing 3 years, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report summarizing for the fiscal year ending in the year in which such report is due the progress made—

(A) in improving the management of the use of the Governmentwide commercial purchase card for making micro-purchases; and

(B) in achieving savings in micro-purchases made with such card, expressed in terms of average savings achieved by each executive agency in the use of discount agreements identified in paragraph (1) and the total savings achieved Governmentwide.

(b) Payments to Federal Contractors With Federal Tax Debt.—The General Services Administration, in conjunction with the Internal Revenue Service and the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy program.

(c) Reporting of Air Travel by Federal Government Employees.—

(1) Annual reports required.—The Administrator of the General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on all first class and business class travel by employees of each executive agency undertaken at the expense of the Federal Government.

(2) Content.—The reports submitted pursuant to paragraph (1) shall include, at a minimum, with respect to each travel by first class or business class—

(A) the names of each traveler;

(B) the date of travel;

(C) the points of origination and destination;

(D) the cost of the first class or business class travel; and

(E) the cost difference between such travel and travel by coach class.

### SEC. 304. LEAD SYSTEMS INTEGRATORS.

(a) Study.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall develop a government-wide definition of lead systems integrators and complete a study on the use of such integrators by executive agencies.

(b) Guidance.—Not later than 180 days after the study under subsection (a) is completed, the Administrator for Federal Procurement Policy shall issue guidance on the appropriate use of lead system integrators to ensure that they are used in the best interests of the Federal Government.

### SEC. 305. LIMITATIONS ON TIERING OF SUBCONTRACTORS.

(a) Regulations.—The Administrator for Federal Procurement Policy shall promulgate regulations applicable to contracts described in subsection (b) to minimize the excessive use by contractors of subcontractors or tiers of subcontractors in cases where a subcontractor does not perform work in proportion to any overhead or profit that the subcontractor receives under the contract.

(b) Covered Contracts.—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

### SEC. 306. RESPONSIBILITY OF CONTRACTORS THAT ARE SERIOUS THREATS TO NATIONAL SECURITY.

(a) Responsibility of Contractor.—The contracting officer for an executive agency may consider whether a contractor may pose a serious threat to national security in assessing whether a contractor is responsible enough to be awarded a Federal contract.

(b) Regulations.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall provide guidance to executive agencies on implementation of this section.

### SEC. 307. REQUIRED CERTIFICATION OF PROGRAM MANAGERS FOR DEPARTMENT OF HOMELAND SECURITY LEVEL ONE PROGRAMS.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall assign to each program of the Department of Homeland Security with an estimated value of more than $100,000,000 at least one program manager certified by the Secretary as competent to administer programs of that size.

### SEC. 308. ELIMINATION OF ONE-YEAR LIMITATION ON INTEREST DUE ON LATE PAYMENTS TO CONTRACTORS.

Section 3901(d)(3)(A) of title 31, United States Code, is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), an interest penalty under this chapter does not continue to accrue after a claim for an interest penalty is filed in the manner described in paragraph (2).".

### SEC. 309. ENSURING THAT FEDERAL EMPLOYEES PERFORM INHERENTLY GOVERNMENTAL WORK.

The Administrator for Federal Procurement Policy shall—

(1) analyze the services for which agencies are contracting (other than through the process governed by Office of Management and Budget Circular A–76);

(2) establish government-wide guidelines to ensure that inherently governmental work is performed by Federal employees; and

(3) report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on actions taken under this section not later than 180 days after the date of the enactment of this Act.

### SEC. 310. REPORT ON ACQUISITION ADVISORY PANEL REPORT IMPLEMENTATION.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a comprehensive report on implementation of the recommendations of the Acquisition Advisory Panel (in this section referred to as the "Panel") established under section 1423 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 41 U.S.C. 405 note).

(b) Content.—The report required under subsection (a) shall include—

(1) a description of the implementation of the recommendations of the Panel; and

(2) with respect to any recommendations of the Panel not implemented, a justification and discussion of the reasons for not implementing such recommendations.

### SEC. 311. REPORT BY THE GOVERNMENT ACCOUNTABILITY OFFICE.

(a) Report.—In order to assess additional actions that should be taken to further improve the acquisition system, the Comptroller General of the United States shall, not later than 1 year after the date of the enactment of this Act, conduct reviews and submit one or more reports to Congress on Federal acquisition policy.

(b) Content.—The report required under subsection (a) shall include the following:

(1) An assessment of the 2 statutory standards governing the qualifications of the government's acquisition workforce and an assessment of the implementation of and practical impact of both standards and whether there should be a single standard for the acquisition workforce.

(2) A list and assessment of all Federal institutions providing acquisition and program management education and training and a recommendation on the advisability of continuing to offer education and training through multiple institutions or whether education and training should be combined at one government-wide institution.

(3) A review of agency compliance with Section 1412 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 41 U.S.C. 433 note), including whether agencies have appointed Chief Acquisition Officers whose primary duties are acquisition management, and recommendations for the appointment of Chief Acquisition Officers government-wide.

(c) Government Accountability Office Review.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall review the determinations made by executive agencies under section 303(g) regarding indefinite delivery, indefinite quantity contracts and shall submit to Congress a report on the implementation of requirements related to such determinations.

### SEC. 312. MAPPING AND SURVEYING SERVICES.

The Administrator for Federal Procurement Policy shall amend the Federal Acquisition Regulation to provide guidance on contracting for mapping and surveying services in accordance with chapter 11 of title 40, United States Code, to ensure that these services are being procured through appropriate competitive procedures and that offers are evaluated using a qualifications-based selection process.

### SEC. 313. TIMELY AND ACCURATE TRANSMISSION OF INFORMATION INCLUDED IN FEDERAL PROCUREMENT DATA SYSTEM.

Section 19 of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

"(d) Transmission and Data Entry of Information.—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.".

### SEC. 314. USE OF EXISTING FUNDS FOR REGULATIONS AND REPORTS.

Provisions and amendments of this Act requiring the promulgation of regulations or the production of reports shall be carried out using existing funds.

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## NOTICE OF HEARING

### COMMITTEE ON RULES AND ADMINISTRATION

**Mrs. FEINSTEIN.** Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, December 12, 2007, at 10 a.m., in order to hear testimony on the recently released GAO report regarding funding challenges and facilities maintenance at the Smithsonian Institution.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224–6352.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, November 7, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

At this hearing, the subcommittee will discuss research and development efforts to safely and efficiently sequester carbon dioxide. Carbon dioxide capture and sequestration is a widely discussed solution to decreasing atmospheric concentrations of carbon dioxide.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled "Examining U.S. Government Enforcement of Intellectual Property Rights" on Wednesday, November 7, 2007. The hearing will commence at 10 a.m. in room 226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a markup of S. 2300, the Small Business Contracting Revitalization Act of 2007. The meeting will commence on Wednesday, November 7, 2007, at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, November 7, 2007, in order to conduct an oversight hearing on performance and structure of the U.S. Court of Appeals for Veterans Claims. The Committee will meet in room 562 of the Dirksen Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NAMING OF THE OSCAR G. JOHNSON VETERANS MEDICAL FACILITY

Mr. DURBIN. Madam President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from the further consideration of H.R. 2602, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2602) to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility".

There being no objection,the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid on the table; that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2602) was ordered to a third reading, was read the third time, and passed.

## ACCOUNTABILITY IN GOVERNMENT CONTRACTING ACT OF 2007

Mr. DURBIN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar No. 420, S. 680.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 680) to ensure proper oversight and accountability in Federal contracting, and for other purposes.

Without objection, the Senate proceeded to consider the bill which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Accountability in Government Contracting Act of 2007".*

***SEC. 2. TABLE OF CONTENTS.***

*The table of contents for this Act is as follows:*

*Sec. 1. Short title.*
*Sec. 2. Table of contents.*
*Sec. 3. Definitions.*

*TITLE I—ACQUISITION WORKFORCE*

*Sec. 101. Federal acquisition workforce.*

*TITLE II—COMPETITION AND ACCOUNTABILITY*

*Sec. 201. Requirement for purchase of property and services pursuant to multiple award contracts.*
*Sec. 202. Statement of work requirements for certain task or delivery orders.*
*Sec. 203. Protests of task and delivery orders.*
*Sec. 204. Publication of justification and approval documents.*
*Sec. 205. Limitation on length of certain noncompetitive contracts.*
*Sec. 206. Prohibition on award of certain large task or delivery order contracts for services.*
*Sec. 207. Guidance on use of tiered evaluations of offers for contracts and task orders under contracts.*
*Sec. 208. Guidance on use of cost-reimbursement contracts.*
*Sec. 209. Preventing conflicts of interest.*
*Sec. 210. Linking of award and incentive fees to acquisition outcomes.*

*TITLE III—ACCOUNTABILITY AND ADMINISTRATION*

*Sec. 301. Recording of obligations on task order contracts.*
*Sec. 302. Definitizing of letter contracts.*
*Sec. 303. Preventing abuse of interagency contracts and assisted acquisition services.*
*Sec. 304. Purchase card waste elimination.*
*Sec. 305. Lead systems integrators.*
*Sec. 306. Limitations on tiering of subcontractors.*
*Sec. 307. Responsibility of contractors that are serious threats to national security.*
*Sec. 308. Required certification of program managers for Department of Homeland Security level one programs.*
*Sec. 309. Elimination of one-year limitation on interest due on late payments to contractors.*
*Sec. 310. Ensuring that Federal employees perform inherently governmental work.*
*Sec. 311. Report on Acquisition Advisory Panel report implementation.*
*Sec. 312. Report by the Government Accountability Office.*
*Sec. 313. Mapping and surveying services.*
*Sec. 314. Timely and accurate transmission of information included in Federal Procurement Data System.*

***SEC. 3. DEFINITIONS.***

*In this Act:*

*(1) Except as otherwise provided, the term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).*

*(2) The term "assisted acquisition" means a procedure by which an executive agency needing supplies or services (the requesting agency) obtains them from another executive agency (the servicing agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the "Economy Act"), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Clinger-Cohen Act of 1996 (division E of Public Law 104-106), and the Government Management Reform Act of 1994 (Public Law 103–356; 108 Stat. 3410).*

*(3) The term "micro-purchase" means a purchase in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).*

*(4) The term "multi-agency contract" means any contract available for use by more than 1 executive agency.*

### *TITLE I—ACQUISITION WORKFORCE*

***SEC. 101. FEDERAL ACQUISITION WORKFORCE.***

*(a) ASSOCIATE ADMINISTRATOR FOR ACQUISITION WORKFORCE PROGRAMS.—Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405) is amended by adding at the end the following new subsection:*

*"(l) The Administrator shall designate a member of the Senior Executive Service as the Associate Administrator for Workforce Programs. The Associate Administrator for Workforce Programs shall be located in the Federal Acquisition Institute, or its successor. The Associate Administrator shall be responsible for—*

*"(1) supervising the acquisition workforce training fund established under section 37(h)(3);*

*"(2) administering the government-wide acquisition intern program established under section 43;*

*"(3) developing, in coordination with Chief Acquisition Officers and Chief Human Capital*

*Officers, a human capital strategic plan for the acquisition workforce of the Federal Government;*

*"(4) reviewing and providing input to individual agency acquisition workforce succession plans;*

*"(5) recommending to the Administrator and other senior government officials appropriate programs, policies, and practices to increase the quantity and quality of the Federal acquisition workforce; and*

*"(6) carrying out such other functions as the Administrator may assign.".*

*(b) GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:*

**"SEC. 43. GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.**

*"(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a government-wide Acquisition Intern Program to strengthen the Federal acquisition workforce to carry out its key missions through the Federal procurement process. The Administrator shall have a goal of involving not less than 200 college graduates per year in the Acquisition Intern Program.*

*"(b) ADMINISTRATION OF PROGRAMS.—The Associate Administrator for Acquisition Workforce Programs designated under section 6(l) shall be responsible for the management, oversight, and administration of the Acquisition Intern Program and shall give strong consideration to utilizing existing similar programs and seek to build upon those programs instead of replacing them or creating new programs.*

*"(c) TERMS OF ACQUISITION INTERN PROGRAM.—*

*"(1) BUSINESS-RELATED COURSE WORK REQUIREMENT.—*

*"(A) IN GENERAL.—Each participant in the Acquisition Intern Program shall have completed 24 credit hours of business-related college course work by not later than 3 years after admission into the program.*

*"(B) CERTIFICATION CRITERIA.—The Administrator shall establish criteria for certifying the completion of the course work requirement under subparagraph (A).*

*"(2) STRUCTURE OF PROGRAM.—The Acquisition Intern Program shall consist of one year of preparatory education and training in Federal procurement followed by 3 years of on-the-job training and development focused on Federal procurement but including rotational assignments in other functional areas.*

*"(3) EMPLOYMENT STATUS OF INTERNS.—Interns participating in the Acquisition Intern Program shall be considered probationary employees without civil service protections under chapter 33 of title 5, United States Code. In administering any personnel ceiling applicable to an executive agency or a unit of an executive agency, an individual assigned as an intern under the program shall not be counted.*

*"(4) AGENCY MANAGEMENT OF PROGRAM.—The Chief Acquisition Officer of each executive agency, in consultation with the Chief Human Capital Officer of such agency, shall establish a central intern management function in the agency to supervise and manage interns participating in the Acquisition Intern Program.".*

*(c) CONTINGENCY CONTRACTING CORPS.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by subsection (b), is further amended by adding at the end the following new section:*

***"SEC. 44. CONTINGENCY CONTRACTING CORPS.***

*"(a) ESTABLISHMENT.—The Administrator shall establish a government-wide Contingency Contracting Corps (in this section, referred to as the 'Corps'). The members of the Corps shall be available for deployment in responding to disasters, natural and man-made, and contingency operations both within and outside the continental United States.*

*"(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees, including uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce.*

*"(c) EDUCATION AND TRAINING.—The Administrator may establish additional educational and training requirements, and may pay for these additional requirements from funds available in the acquisition workforce training fund.*

*"(d) CLOTHING AND EQUIPMENT.—The Administrator shall identify any necessary clothing and equipment requirements, and may pay for this clothing and equipment from funds available in the acquisition workforce training fund.*

*"(e) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of existing appropriations.*

*"(f) AUTHORITY TO DEPLOY THE CORPS.—The Administrator, or the Administrator's designee, shall have the authority to determine when members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed.*

*"(g) ANNUAL REPORT.—*

*"(1) IN GENERAL.—The Administrator shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps.*

*"(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.".*

*(d) ACQUISITION AND CONTRACTING TRAINING PROGRAMS.—The head of each executive agency, after consultation with the Associate Administrator for Acquisition Workforce Programs, shall establish and operate acquisition and contracting training programs. Such programs shall—*

*(1) have curricula covering a broad range of acquisition and contracting disciplines corresponding to the specific acquisition and contracting needs of the agency involved;*

*(2) be developed and applied according to rigorous standards; and*

*(3) be designed to maximize efficiency, through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing the effectiveness of the training or negatively impacting academic standards.*

*(e) GOVERNMENT-WIDE POLICIES AND EVALUATION.—The Administrator shall issue policies to promote the development of performance standards for training and uniform implementation of this subsection by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall evaluate the implementation of the provisions of subsection (d) by executive agencies.*

*(f) CHIEF ACQUISITION OFFICER AUTHORITIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the head of an executive agency, the Chief Acquisition Officer of such agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of subsection (d). The Chief Acquisition Officer shall ensure that the policies of the agency head established in accordance with such subsection are implemented throughout the agency.*

*(g) ACQUISITION AND CONTRACTING TRAINING REPORTING.—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition and contracting workforce related to the implementation of subsection (d).*

*(h) ACQUISITION WORKFORCE HUMAN CAPITAL SUCCESSION PLAN.—*

*(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each Chief Acquisition Officer for an executive agency appointed pursuant to section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414) shall develop, in consultation with the Chief Human Capital Officer for the agency and the Associate Administrator for Acquisition Workforce Programs, a succession plan consistent with the agency's strategic human capital plan for the recruitment, development, and retention of the agency's acquisition workforce, with a particular focus on warranted contracting officers and program managers of the agency.*

*(2) CONTENT OF PLAN.—The acquisition workforce succession plan shall address—*

*(A) recruitment goals for personnel from procurement intern programs;*

*(B) the agency's acquisition workforce training needs;*

*(C) actions to retain high performing acquisition professionals who possess critical relevant skills;*

*(D) recruitment goals for personnel from the Federal Career Intern Program; and*

*(E) recruitment goals for personnel from the Presidential Management Fellows Program.*

*(i) AUTHORIZATION OF APPROPRIATIONS FOR ACQUISITION PROGRAMS.—*

*(1) AUTHORIZATION.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2008 and 2009 for the acquisition workforce training fund.*

*(2) USE OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall be used for—*

*(A) the establishment salary of the Associate Administrator for Acquisition Workforce Training Programs;*

*(B) the establishment and operations of the Acquisition Intern Program and the Contingency Contracting Corps;*

*(C) the costs of administering the acquisition workforce training fund, not to exceed 10 percent of the total funds available in the Fund; and*

*(D) the equipping, education, and training of participants in the Acquisition Intern Program, personnel recruited from the Presidential Management Fellowship Program, personnel recruited from the Federal Career Intern Program, and Contingency Contracting Corps Program.*

*(3) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) shall remain available until expended.*

*(j) ELIMINATION OF SUNSET PROVISION FOR ACQUISITION WORKFORCE TRAINING FUND.—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended by striking subparagraph (H).*

*(k) TRAINING IN THE ACQUISITION OF ARCHITECT AND ENGINEERING SERVICES.—The Administrator for Federal Procurement Policy shall ensure that a sufficient number of Federal employees are trained in the acquisition of architect and engineering services.*

*(l) EXTENSION OF DIRECT HIRING AUTHORITY.—Section 1413(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136) is amended by striking "September 30, 2007" and inserting "September 30, 2010".*

*(m) QUALIFICATIONS OF CHIEF ACQUISITION OFFICERS.—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414) is amended by adding at the end the following new paragraph:*

*"(2) Chief Acquisition Officers shall be appointed from among persons who have an extensive management background.".*

*(n) UTILIZATION OF RECRUITMENT AND RETENTION AUTHORITIES.—The Administrator for Federal Procurement Policy, in coordination with the Director of the Office of Personnel Management, shall encourage agencies to utilize existing authorities, including direct hire authority and tuition assistance programs, to recruit and retain acquisition personnel and consider recruiting acquisition personnel who may be retiring from the private sector, consistent with existing laws and regulations.*

## *TITLE II—COMPETITION AND ACCOUNTABILITY*

### *SEC. 201. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.*

*(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations requiring competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.*

*(b) CONTENT OF REGULATIONS.—*

*(1) IN GENERAL.—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—*

*(A) waives the requirement on the basis of a determination that—*

*(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or*

*(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and*

*(B) justifies the determination in writing.*

*(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—*

*(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and*

*(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.*

*(3) EXCEPTION TO NOTICE REQUIREMENT.—*

*(A) IN GENERAL.—Notwithstanding paragraph (2)(A), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2)(A) if notice is provided to as many contractors as practicable.*

*(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—*

*(i) offers were received from at least 3 qualified contractors; or*

*(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.*

*(c) NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—The Administrator for Federal Procurement Policy shall promulgate regulations in the Federal Acquisition Regulation requiring the head of each executive agency—*

*(1) to publish on FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) that are placed against multiple award contracts or multiple award blanket purchase agreements not later than 10 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and*

*(2) to publish on the Internet website of the executive agency and on FedBizOpps the justification and approval documents related to sole source task or delivery orders placed against multiple award contracts or multiple award blanket purchase agreements not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.*

*(d) DEFINITIONS.—In this section:*

*(1) The term "individual purchase" means a task order, delivery order, or other purchase.*

*(2) The term "multiple award contract" means—*

*(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;*

*(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and*

*(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.*

*(e) APPLICABILITY.—The regulations promulgated by the Administrator for Federal Procurement Policy pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this Act and shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.*

### *SEC. 202. STATEMENT OF WORK REQUIREMENTS FOR CERTAIN TASK OR DELIVERY ORDERS.*

*(a) CIVILIAN CONTRACTS.—Section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) is amended to read as follows:*

*"(c) STATEMENT OF WORK AND SELECTION BASIS.—*

*"(1) IN GENERAL.—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.*

*"(2) TASK OR DELIVERY ORDERS IN EXCESS OF THE THRESHOLD FOR USE OF SIMPLIFIED PROCEDURES FOR COMMERCIAL ITEMS.—The statement of work for a task or delivery order in excess of the threshold for use of simplified procedures for commercial items under a task or delivery order contract shall be made available to each contractor awarded such contract and shall—*

*"(A) include a clear statement of the executive agency's requirements;*

*"(B) permit a reasonable response period;*

*"(C) disclose the significant factors and subfactors that the executive agency expects to consider in evaluating proposals, including cost, price, past performance, and the relative importance of those and other factors;*

*"(D) in the case of an award that is to be made on a best value basis, include a written statement documenting the basis for the award and the relative importance of quality, past performance, and price or cost factors; and*

*"(E) provide an opportunity for a post-award debriefing consistent with the requirements of section 303B(e).".*

*(b) DEFENSE CONTRACTS.—Section 2304c(c) of title 10, United States Code, is amended to read as follows:*

*"(c) STATEMENT OF WORK AND SELECTION BASIS.—*

*"(1) IN GENERAL.—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.*

*"(2) TASK OR DELIVERY ORDERS IN EXCESS OF THE THRESHOLD FOR USE OF SIMPLIFIED PROCEDURES FOR COMMERCIAL ITEMS.—The statement of work for a task or delivery order in excess of the threshold for use of simplified procedures for commercial items under a task or delivery order contract shall be made available to each contractor awarded such contract and shall—*

*"(A) include a clear statement of the agency's requirements;*

*"(B) permit a reasonable response period;*

*"(C) disclose the significant factors and subfactors that the agency expects to consider in evaluating proposals, including cost, price, past performance, and the relative importance of those and other factors;*

*"(D) in the case of an award that is to be made on a best value basis, include a written statement documenting the basis for the award and the relative importance of quality, past performance, and price or cost factors; and*

*"(E) provide an opportunity for a post-award debriefing consistent with the requirements of section 2305(b)(5) of this title.".*

### *SEC. 203. PROTESTS OF TASK AND DELIVERY ORDERS.*

*(a) CIVILIAN AGENCY CONTRACTS.—Section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)) is amended to read as follows:*

*"(d) PROTESTS.—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—*

*"(1) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or*

*"(2) a protest by an interested party of an order valued at greater than the threshold established pursuant to section 203(c) of the Accountability in Government Contracting Act of 2007.".*

*(b) DEFENSE CONTRACTS.—Section 2304c(d) of title 10, United States Code is amended to read as follows:*

*"(d) PROTESTS.—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—*

*"(1) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or*

*"(2) a protest by an interested party of an order valued at greater than the threshold established pursuant to section 203(c) of the Accountability in Government Contracting Act of 2007.".*

*(c) ESTABLISHMENT OF THRESHOLD.—The Administrator for Federal Procurement Policy shall promulgate a rule in the Federal Acquisition Regulation establishing a threshold for protests under section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)) and section 2304c(d) of title 10, United States Code, as amended by subsections (a) and (b), respectively. The threshold shall be $5,000,000 unless the Administrator determines that the threshold is unduly burdensome on executive agencies, in which case the Administrator may increase the threshold, but in no case shall the threshold exceed $25,000,000. The*

threshold shall be $5,000,000 until a final rule is promulgated in accordance with such determination.

### SEC. 204. PUBLICATION OF JUSTIFICATION AND APPROVAL DOCUMENTS.

(a) CIVILIAN CONTRACTS.—Section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)) is amended—

(1) in subparagraph (B)(iii), by striking "; and" and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) the justification and approval documents are made publicly available on the Internet website of the agency and FedBizOpps.".

(b) DEFENSE CONTRACTS.—Section 2304(f) of title 10, United States Code, is amended—

(1) in subparagraph (B)(iii), by striking "; and" and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) the justification and approval documents are made publicly available on the Internet website of the agency and FedBizOpps.".

### SEC. 205. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

"(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

"(i) may not exceed the time necessary—

"(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

"(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

"(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

"(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).".

(b) DEFENSE CONTRACTS.—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

"(i) may not exceed the time necessary—

"(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

"(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

"(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply.

"(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).".

### SEC. 206. PROHIBITION ON AWARD OF CERTAIN LARGE TASK OR DELIVERY ORDER CONTRACTS FOR SERVICES.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303H(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended by adding at the end the following new paragraph:

"(4)(A) No task or delivery order contract for services in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the executive agency determines in writing that—

"(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

"(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

"(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

"(B) The head of the executive agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).

"(C) The head of the executive agency shall post the justification and approval documents related to a determination under subparagraph (A) on the Internet website of the agency and on the Federal Business Opportunities (FedBizOpps) Internet website.".

(b) DEFENSE CONTRACTS.—Section 2304a(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) No task or delivery order contract for services in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

"(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

"(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

"(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

"(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).

"(C) The head of the agency shall post the justification and approval documents related to a determination under subparagraph (A) on the Internet website of the agency and on the Federal Business Opportunities (FedBizOpps) Internet website.".

### SEC. 207. GUIDANCE ON USE OF TIERED EVALUATIONS OF OFFERS FOR CONTRACTS AND TASK ORDERS UNDER CONTRACTS.

(a) GUIDANCE REQUIRED.—The Administrator for Federal Procurement Policy shall prescribe guidance for executive agencies on the use of tiered evaluations of offers for contracts and for task or delivery orders under contracts. In prescribing such guidance, the Administrator shall give full consideration to the guidance prescribed by the Secretary of Defense under section 816 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2305).

(b) ELEMENTS.—The guidance prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation of why such contracting officer was unable to make such determination.

### SEC. 208. GUIDANCE ON USE OF COST-REIMBURSEMENT CONTRACTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations outlining the proper use of cost-reimbursement contracts.

(b) CONTENT.—The regulations promulgated under subsection (a) shall include at minimum guidance regarding—

(1) when and under what circumstances cost reimbursement contracts are appropriate;

(2) the acquisition plan findings necessary to support a decision to use cost reimbursement contracts; and

(3) the acquisition workforce resources necessary to award and manage cost reimbursement contracts.

(c) INSPECTOR GENERAL REVIEW.—The Inspector General for each executive agency shall develop and submit as part of its annual audit plan a review of the use of cost reimbursement contracts.

### SEC. 209. PREVENTING CONFLICTS OF INTEREST.

(a) ORGANIZATIONAL CONFLICTS OF INTEREST.—The Administrator for Federal Procurement Policy shall create new, uniform, government-wide policies aimed at preventing and mitigating organizational conflicts of interest in Federal contracting, including—

(1) considering development of a standard organizational conflict of interest clause, or a set of standard organizational conflict of interest clauses, for inclusion in solicitations and contracts that set forth the contractor's responsibilities with respect to its employees, subcontractors, partners, and any other affiliated organizations or individuals;

(2) addressing conflicts that may arise in the context of developing requirements and statements of work, the selection process, and contract administration;

(3) ensuring that adequate organizational conflict of interest safeguards are enacted in situations in which contractors are employed by the Federal Government to oversee other contractors or are hired to assist in the acquisition process;

(4) ensuring that any policies or clauses developed address conflicts of interest that may arise from financial interests, unfair competitive advantages, and impaired objectivity; and

(5) maintaining a repository of best practices relating to the prevention of organizational conflicts of interest.

(b) PERSONAL CONFLICTS OF INTEREST.—The Administrator for Federal Procurement Policy shall create new, uniform, government-wide policies aimed at preventing personal conflicts of interest by contractor employees in Federal contracting, including—

(1) determining whether greater disclosure, specific prohibitions, or reliance on specified principles will accomplish the end objective of ethical behavior;

(2) identifying types of contracts that raise heightened concerns for potential conflicts of interest;

(3) considering the development of a standard ethics clause or a set of standard ethics clauses that set forth the contractor's responsibility for inclusion in solicitations and contracts; and

(4) maintaining a repository of best practices relating to the prevention of personal conflicts of interest.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the

*Committee on Oversight and Government Reform of the House of Representatives a report on actions taken under this section.*

### SEC. 210. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

*(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall issue guidance, with detailed implementation instructions (including definitions), for executive agencies on the appropriate use of award and incentive fees in Federal acquisition programs.*

*(b) ELEMENTS.—The guidance under subsection (a) shall—*

*(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);*

*(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;*

*(3) provide guidance on the circumstances in which contractor performance may be judged to be "excellent" or "superior"and the percentage of the available award fee which contractors should be paid for such performance;*

*(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be "acceptable", "average", "expected", "good", or "satisfactory";*

*(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;*

*(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;*

*(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;*

*(8) ensure that each executive agency—*

*(A) collects relevant data on award and incentive fees paid to contractors; and*

*(B) has mechanisms in place to evaluate such data on a regular basis;*

*(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and*

*(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.*

## TITLE III—ACCOUNTABILITY AND ADMINISTRATION

### SEC. 301. RECORDING OF OBLIGATIONS ON TASK ORDER CONTRACTS.

*(a) CIVILIAN CONTRACTS.—*

*(1) IN GENERAL.—Section 303H of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h) is amended—*

*(A) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and*

*(B) by inserting after subsection (e) the following new subsection:*

*"(f) AUTHORITY TO DEFER RECORDING OBLIGATIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1) Subject to paragraphs (2) and (3), the head of an executive agency may defer the recording of an obligation, including an obligation in the amount of the guaranteed minimum, under a contract awarded under this section until the issuance of a task or delivery order.*

*"(2) The amount of the guaranteed minimum under a contract must be obligated during the same fiscal year during which the contract is awarded unless waived by the head of the executive agency for exceptional circumstances.*

*"(3) The amount of the guaranteed minimum under a contract may be satisfied by multiple task or delivery orders, but the full value of each individual task or delivery order must be obligated when such order is issued.".*

*(2) ADVISORY AND ASSISTANCE SERVICES.—Section 303I of such Act (41 U.S.C. 253i) is amended—*

*(A) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and*

*(B) by inserting after subsection (g) the following new subsection:*

*"(h) AUTHORITY TO DEFER RECORDING OBLIGATIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1) Subject to paragraphs (2) and (3), the head of an executive agency may defer the recording of an obligation, including an obligation in the amount of the guaranteed minimum, under a contract awarded under this section until the issuance of a task or delivery order.*

*"(2) The amount of the guaranteed minimum under a contract must be obligated during the same fiscal year during which the contract is awarded unless waived by the head of the executive agency for exceptional circumstances.*

*"(3) The amount of the guaranteed minimum under a contract may be satisfied by multiple task or delivery orders, but the full value of each individual task or delivery order must be obligated when such order is issued.".*

*(b) DEFENSE CONTRACTS.—*

*(1) IN GENERAL.—Section 2304a of title 10, United States Code, is amended—*

*(A) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and*

*(B) by inserting after subsection (f) the following new subsection:*

*"(g) AUTHORITY TO DEFER RECORDING OBLIGATIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1) Subject to paragraphs (2) and (3), the head of an agency may defer the recording of an obligation, including an obligation in the amount of the guaranteed minimum, under a contract awarded under this section until the issuance of a task or delivery order.*

*"(2) The amount of the guaranteed minimum under a contract must be obligated during the same fiscal year during which the contract is awarded unless waived by the head of the agency for exceptional circumstances.*

*"(3) The amount of the guaranteed minimum under a contract may be satisfied by multiple task or delivery orders, but the full value of each individual task or delivery order must be obligated when such order is issued.".*

*(2) ADVISORY AND ASSISTANCE SERVICES.—Section 2304b of title 10, United States Code, is amended—*

*(A) by redesignating subsection (f) as subsections (g); and*

*(B) by inserting after subsection (e) the following new subsection:*

*"(f) AUTHORITY TO DEFER RECORDING OBLIGATIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1) Subject to paragraphs (2) and (3), the head of an agency may defer the recording of an obligation, including an obligation in the amount of the guaranteed minimum, under a contract awarded under this section until the issuance of a task or delivery order.*

*"(2) The amount of the guaranteed minimum under a contract must be obligated during the same fiscal year during which the contract is awarded unless waived by the head of the agency for exceptional circumstances.*

*"(3) The amount of the guaranteed minimum under a contract may be satisfied by multiple task or delivery orders, but the full value of each individual task or delivery order must be obligated when such order is issued.".*

### SEC. 302. DEFINITIZING OF LETTER CONTRACTS.

*(a) CIVILIAN CONTRACTS.—The Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:*

### "SEC. 318. DEFINITIZING OF LETTER CONTRACTS.

*"The head of an executive agency shall unilaterally determine all missing terms in an undefinitized letter contract that have not been agreed upon within 180 days after such letter contract has been entered into or before 40 percent of the work under such letter contract has been completed. Any terms so determined shall be subject to the contract disputes process.".*

*(b) DEFENSE CONTRACTS.—*

*(1) DEFINITIZING OF LETTER CONTRACTS.—Chapter 137 of title 10, United States Code, is amended by inserting after at the end the following new section:*

### "§ 2334. Definitizing of letter contracts

*"The head of an agency shall unilaterally determine all missing terms in an undefinitized letter contract that have not been agreed upon within 180 days after such letter contract has been entered into or before the funds obligated under such letter contract exceed 50 percent of the not-to-exceed cost of the contract. Any terms so determined shall be subject to the contract disputes process.".*

*(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*"2334. Definitizing of letter contracts.".*

### SEC. 303. PREVENTING ABUSE OF INTERAGENCY CONTRACTS AND ASSISTED ACQUISITION SERVICES.

*(a) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—*

*(1) REPORT AND GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—*

*(A) submit to Congress a comprehensive report on interagency acquisitions, including their frequency of use, management controls, cost-effectiveness, and savings generated; and*

*(B) issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.*

*(2) MATTERS COVERED BY GUIDELINES.—For purposes of paragraph (1)(B), the Director shall include guidelines on the following matters:*

*(A) Procedures for the use of interagency acquisitions to maximize competition, deliver best value to executive agencies, and minimize waste, fraud, and abuse.*

*(B) Categories of contracting inappropriate for interagency acquisition, due to high risk of waste, fraud, or abuse.*

*(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions.*

*(b) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all assisted acquisitions—*

*(1) include a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration and management of the contract;*

*(2) include a determination that an assisted acquisition is the best procurement alternative; and*

*(3) include sufficient documentation to ensure an adequate audit.*

*(c) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director annual reports on the actions taken by the executive agency pursuant to the guidelines issued under subsection (a).*

*(d) REPORT ON INTERAGENCY CONTRACTING.—*

*(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall report on a survey of existing interagency contracts.*

*(2) CONTENT.—The report under paragraph (1) shall include the following information:*

*(A) The number of interagency contracts that are currently in operation, and the scope, sponsoring agencies, primary users, activity levels (in terms of orders and value) for the most recent fiscal year, and rationales for such contracts.*

*(B) The level of acquisition activity conducted by the Intergovernmental Revolving Funds (including the Franchise Funds) on behalf of other executive agencies.*

*(C) The number of enterprisewide, single agency contracts that are currently in operation, and the scope, activity levels (in terms of orders and value) for the most recent fiscal year, and rationales for such contracts.*

*(3) PUBLICATION.—The Director of the Office of Management and Budget shall make the report under this subsection publicly available, subject to applicable statutory and regulatory limits on the release of such information.*

*(e) REVIEW OF FEDERAL SUPPLY SCHEDULE CONTRACTS.—Not later than 270 days after the date of the enactment of this Act, the Administrator of General Services shall review existing Federal Supply Schedule (FSS) contracts to determine whether, in light of the entire inventory of interagency contracts, any of the FSS contracts should be eliminated in order to avoid unnecessary duplication.*

*(f) REVIEW AND AUTHORIZATION OF MULTI-AGENCY CONTRACTS.—*

*(1) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall publish in the Federal Acquisition Regulation, regulations requiring that the acquisition plan in support of multi-agency contracts shall include a business case analysis justifying the award and administration of the contract. At a minimum, the business case shall include the fully burdened cost to the Federal Government of awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its buying power.*

*(2) REVIEW.—Not later than 270 days after the date of enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services, shall review all multi-agency contracts and determine whether each contract is cost effective or redundant with existing contracts available for multi-agency use.*

*(3) APPROVAL REQUIRED.—No executive agency may exercise an option on an existing multi-agency contract or award a new multi-agency contract without the express written approval of the Administrator for Federal Procurement Policy.*

*(4) EVALUATION OF COSTS.—In determining whether a contract is cost effective, the Administrator shall evaluate the fully burdened costs associated with awarding and maintaining the contract. In the event that the fully burdened costs cannot be determined, the Administrator shall use the same formula for determining agency performance of a function identified in OMB Circular A-76.*

*(g) REVIEW OF OTHER INDEFINITE DELIVERY, INDEFINITE QUANTITY CONTRACTS.—*

*(1) REVIEW.—Not later than 270 days after the date of the enactment of this Act, the head of each executive agency, in consultation with the Administrator for Federal Procurement Policy, shall review all indefinite delivery, indefinite quantity contracts awarded by the executive agency and determine whether those contracts are cost effective or redundant with other contracts within the agency or available for the agency's use.*

*(2) EVALUATION OF COSTS.—In determining whether a contract is cost effective, the head of the executive agency shall evaluate the fully burdened costs associated with awarding and maintaining the contract. In cases where the fully burdened costs cannot be determined, the Administrator shall use the same formula for determining Agency performance of a function identified in Office of Management and Budget Circular A-76.*

*(h) IMPROVED TRANSPARENCY OF INTERAGENCY CONTRACTING DATA.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the government-wide procurement system known as the Federal Procurement Data System-Next Generation in order to facilitate the collecting and publication of complete and reliable order-level data on interagency contracting transactions.*

*(i) EXECUTIVE AGENCY DEFINED.—In this section, the term "executive agency" includes the Department of Defense, but does not include the military departments and defense agencies.*

### *SEC. 304. PURCHASE CARD WASTE ELIMINATION.*

*(a) REQUIREMENT FOR GUIDANCE.—*

*(1) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidelines to assist the heads of executive agencies in improving the management of the use of the Governmentwide commercial purchase card for making micro-purchases. The Director shall include guidelines on the following matters:*

*(A) Analysis of purchase card expenditures to identify opportunities for achieving savings through micro-purchases made in economical volumes.*

*(B) Negotiation of discount agreements with major vendors accepting the purchase card.*

*(C) Establishment of communication programs to ensure that purchase cardholders receive information pertaining to the availability of discounts, including programs for the training of purchase cardholders on the availability of discounts.*

*(D) Assessment of cardholder purchasing practices, including use of discount agreements.*

*(E) Collection and dissemination of best practices and successful strategies for achieving savings in micro-purchases.*

*(F) Analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in micro-purchases consistent with the national policy on small business participation in Federal procurement set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.*

*(2) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall—*

*(A) continue efforts to improve reporting by financial institutions that issue the Governmentwide commercial purchase card so that the General Services Administration has the data needed to identify opportunities for achieving savings; and*

*(B) actively pursue point-of-sale discounts with major vendors accepting the purchase card so that any Federal Government purchaser using the purchase card can benefit from such point-of-sale discounts.*

*(3) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director periodic reports on the actions taken in such executive agency pursuant to the guidelines issued under paragraph (1).*

*(4) CONGRESSIONAL OVERSIGHT.—Not later than December 31 of the year following the year in which this Act is enacted, and December 31 of each of the ensuing 3 years, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report summarizing for the fiscal year ending in the year in which such report is due the progress made—*

*(A) in improving the management of the use of the Governmentwide commercial purchase card for making micro-purchases; and*

*(B) in achieving savings in micro-purchases made with such card, expressed in terms of average savings achieved by each executive agency in the use of discount agreements identified in paragraph (1) and the total savings achieved Governmentwide.*

*(b) PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.—The General Services Administration, in conjunction with the Internal Revenue Service and the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy program.*

*(c) REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.—*

*(1) ANNUAL REPORTS REQUIRED.—The Administrator of the General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on all first class and business class travel by employees of each executive agency undertaken at the expense of the Federal Government.*

*(2) CONTENT.—The reports submitted pursuant to paragraph (1) shall include, at a minimum, with respect to each travel by first class or business class—*

*(A) the names of each traveler;*

*(B) the date of travel;*

*(C) the points of origination and destination;*

*(D) the cost of the first class or business class travel; and*

*(E) the cost difference between such travel and travel by coach class.*

### *SEC. 305. LEAD SYSTEMS INTEGRATORS.*

*(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall develop a government-wide definition of lead systems integrators and complete a study on the use of such integrators by executive agencies.*

*(b) GUIDANCE.—Not later than 180 days after the study under subsection (a) is completed, the Administrator for Federal Procurement Policy shall issue guidance on the appropriate use of lead system integrators to ensure that they are used in the best interests of the Federal Government.*

### *SEC. 306. LIMITATIONS ON TIERING OF SUBCONTRACTORS.*

*(a) REGULATIONS.—The Administrator for Federal Procurement Policy shall promulgate regulations applicable to contracts described in subsection (b) to minimize the excessive use by contractors of subcontractors or tiers of subcontractors in cases where a subcontractor does not perform work in proportion to any overhead or profit that the subcontractor receives under the contract.*

*(b) COVERED CONTRACTS.—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).*

### *SEC. 307. RESPONSIBILITY OF CONTRACTORS THAT ARE SERIOUS THREATS TO NATIONAL SECURITY.*

*(a) RESPONSIBILITY OF CONTRACTOR.—The contracting officer for an executive agency may consider whether a contractor may pose a serious threat to national security in assessing*

*whether a contractor is responsible enough to be awarded a Federal contract.*

*(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall provide guidance to executive agencies on implementation of this section.*

***SEC. 308. REQUIRED CERTIFICATION OF PROGRAM MANAGERS FOR DEPARTMENT OF HOMELAND SECURITY LEVEL ONE PROGRAMS.***

*Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall assign to each program of the Department of Homeland Security with an estimated value of more than $100,000,000 at least one program manager certified by the Secretary as competent to administer programs of that size.*

***SEC. 309. ELIMINATION OF ONE-YEAR LIMITATION ON INTEREST DUE ON LATE PAYMENTS TO CONTRACTORS.***

*Section 3901(d)(3)(A) of title 31, United States Code, is amended to read as follows:*

*"(3)(A) Except as provided in subparagraph (B), an interest penalty under this chapter does not continue to accrue after a claim for an interest penalty is filed in the manner described in paragraph (2).".*

***SEC. 310. ENSURING THAT FEDERAL EMPLOYEES PERFORM INHERENTLY GOVERNMENTAL WORK.***

*The Administrator for Federal Procurement Policy shall—*

*(1) analyze the services for which agencies are contracting (other than through the process governed by Office of Management and Budget Circular A-76);*

*(2) establish government-wide guidelines to ensure that inherently governmental work is performed by Federal employees; and*

*(3) report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on actions taken under this section not later than 180 days after the date of the enactment of this Act.*

***SEC. 311. REPORT ON ACQUISITION ADVISORY PANEL REPORT IMPLEMENTATION.***

*(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a comprehensive report on implementation of the recommendations of the Acquisition Advisory Panel (in this section referred to as the "Panel") established under section 1423 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 41 U.S.C. 405 note).*

*(b) CONTENT.—The report required under subsection (a) shall include—*

*(1) a description of the implementation of the recommendations of the Panel; and*

*(2) with respect to any recommendations of the Panel not implemented, a justification and discussion of the reasons for not implementing such recommendations.*

***SEC. 312. REPORT BY THE GOVERNMENT ACCOUNTABILITY OFFICE.***

*(a) REPORT.—In order to assess additional actions that should be taken to further improve the acquisition system, the Comptroller General of the United States shall, not later than 1 year after the date of the enactment of this Act, conduct reviews and submit one or more reports to Congress on Federal acquisition policy.*

*(b) CONTENT.—The report required under subsection (a) shall include the following:*

*(1) An assessment of the 2 statutory standards governing the qualifications of the government's acquisition workforce and an assessment of the implementation of and practical impact of both standards and whether there should be a single standard for the acquisition workforce.*

*(2) A list and assessment of all Federal institutions providing acquisition and program management education and training and a recommendation on the advisability of continuing to offer education and training through multiple institutions or whether education and training should be combined at one government-wide institution.*

*(3) A review of agency compliance with Section 1412 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 41 U.S.C. 433 note), including whether agencies have appointed Chief Acquisition Officers whose primary duties are acquisition management, and recommendations for the appointment of Chief Acquisition Officers government-wide.*

*(c) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall review the determinations made by executive agencies under section 303(g) regarding indefinite delivery, indefinite quantity contracts and shall submit to Congress a report on the implementation of requirements related to such determinations.*

***SEC. 313. MAPPING AND SURVEYING SERVICES.***

*The Administrator for Federal Procurement Policy shall amend the Federal Acquisition Regulation to provide guidance on contracting for mapping and surveying services in accordance with chapter 11 of title 40, United States Code, to ensure that these services are being procured through appropriate competitive procedures and that offers are evaluated using a qualifications-based selection process.*

***SEC. 314. TIMELY AND ACCURATE TRANSMISSION OF INFORMATION INCLUDED IN FEDERAL PROCUREMENT DATA SYSTEM.***

*Section 19 of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:*

*"(d) TRANSMISSION AND DATA ENTRY OF INFORMATION.—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.".*

Mr. DURBIN. I ask unanimous consent that the substitute amendment at the desk be agreed to, the committee-reported amendment as amended be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3565) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 680), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## MEASURE READ THE FIRST TIME—S. 2318

Mr. DURBIN. I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. Without objection, the clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

> A bill (S. 2318) to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax and to permanently extend the reductions in income tax rates, and for other purposes.

Mr. DURBIN. Madam President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

## ORDERS FOR THURSDAY, NOVEMBER 8, 2007

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:45 a.m., Thursday, November 8; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees; provided that the majority controls the first half and the Republicans controlling the final portion; that at the close of morning business, the Senate resume the veto message on H.R. 1495, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:58 p.m., adjourned until Thursday, November 8, 2007, at 9:45 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF STATE

MARY ANN GLENDON, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

CHARLES A. GARGANO, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

### UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

VICTORIA CLARKE, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2009, VICE PENNE PERCY KORTH, TERM EXPIRED.

WILLIAM J. HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2009, VICE BARBARA MCCONNELL BARRETT, TERM EXPIRED.

ELIZABETH F. BAGLEY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2008. (REAPPOINTMENT)

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ERIC J. TANENBLATT, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2012, VICE DOROTHY A. JOHNSON, TERM EXPIRED.

### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF STATE

S. NAJLAA ABDUS-SAMAD, OF NEW YORK
J. ANDREW ABELL, OF THE DISTRICT OF COLUMBIA
ANTHONY W. ALEXANDER, OF CALIFORNIA
CHRISTOPHER CAMPBELL ALLISON, OF MISSOURI
ERFANA ANDRABI, OF WASHINGTON
FARIS Y. ASAD, OF OHIO
FOREST GRADY ATKINSON, OF CALIFORNIA
BENJAMIN SETH BAILEY, OF WASHINGTON
ANNE ELIZABETH BAKER, OF WASHINGTON
CHELSEA M.H. BAKKEN, OF WASHINGTON
DANIELA A. BALLARD, OF CALIFORNIA
ANN BARROW, OF FLORIDA
ALISTAIR CHARLES BASKEY, OF TEXAS
TODD MICHAEL BATE-POXON, OF FLORIDA
MATTHEW KENNETH BEH, OF NEW YORK
MARIJU LIBO-ON BOFILL, OF WEST VIRGINIA
SCOTT CHARLES BOLZ, OF WASHINGTON
PAULINE NICOLE BORDERIES, OF CALIFORNIA
JENNIFER F. BOSWORTH, OF THE DISTRICT OF COLUMBIA
TOBIAS ALYN BRADFORD, OF TEXAS
STACI A. BROTHERS-JACKSON, OF GEORGIA
CHRISTOPHER CHARLES BROWN, OF WISCONSIN
D.A. BROWN, OF FLORIDA
JUSTIN PATRICK BROWN, OF CALIFORNIA
THOMAS E. BROWN, JR., OF MARYLAND
TIMOTHY PATRICK BUCKLEY, OF NEW YORK
DAYLE REBECCA CARDEN, OF TEXAS
LYRA SHARON CARR, OF NEVADA
CASSANDRA CARRAWAY, OF CALIFORNIA
MICHAEL J. CARVER, OF TEXAS
ERIC CATALFAMO, OF FLORIDA
ETHAN DANIEL CHORIN, OF CALIFORNIA
LEWIS A. CLARK, OF TEXAS
CHRISTOPHER T. CORTESE, OF FLORIDA
KIM D'AURIA-VAZIRA, OF CALIFORNIA
TIMMY T. DAVIS, OF CALIFORNIA
FRANK DEPARIS, OF VIRGINIA
SHELLY J. DITTMAR, OF NEW YORK
KATYA DMITRIEVA, OF NEW YORK
ANDREA SUSANA M. DONNALLY, OF FLORIDA
JED TARO DORNBURG, OF THE DISTRICT OF COLUMBIA
DANIEL S. DUANE, OF NEW YORK
JULIE A. EADEH, OF MICHIGAN
MICHAEL G. EDWARDS, OF WASHINGTON
KIERA LACEY EMMONS, OF CALIFORNIA
RICHARD J. FAILLACE, OF NEW JERSEY
JOSEPH T. FARRELLY, OF THE DISTRICT OF COLUMBIA
YURIY R. FEDKIW, OF OHIO
JULIA C. FENDRICK, OF MARYLAND
TIMOTHY J. FINGARSON, OF MARYLAND
ANDREA FINNEGAN, OF NEW YORK
REES M. FISCHER, OF FLORIDA
MICHAEL KEVIN FITZPATRICK, OF MARYLAND
CHRISTOPHER T. FRIEFELD, OF VIRGINIA
THOMAS BARRY FULLERTON, JR., OF TENNESSEE
ENRIQUE RODRIGO GALLEGO, OF ILLINOIS
ANGELA LOUISE GEMZA, OF MINNESOTA
ANITA GHILDYAL, OF MISSOURI
MATTHEW BRYANT GOLDEN, OF CALIFORNIA
CANDACE A. GRAVES, OF NORTH CAROLINA
JOHN H. GREGG, OF ALABAMA
JASON KAMATA HACKWORTH, OF WASHINGTON
DANIEL E. HALL, OF ARIZONA
SCOTT WILLIAM HANSEN, OF VIRGINIA
ALEXANDER K. HARDIN, OF OHIO
DANIELLE ALISA HARMS, OF PENNSYLVANIA
SCOTT EDWARD HARTMANN, OF THE DISTRICT OF COLUMBIA
LESLEY M. HAYDEN, OF MINNESOTA
RICH HEATON, OF CALIFORNIA
MARIA HERBST RICHART, OF ALASKA
PRISCILLA A. HERNANDEZ, OF TEXAS
KARY I. HINTZ-TATE, OF VIRGINIA
COURTNEY HOUK, OF FLORIDA
JERRY S. ISMAIL, OF VIRGINIA
JOSEPH SAMUEL JACANIN, OF INDIANA
RICHARD C. JAO, OF NEW YORK
JUDITH M. JOHNSON, OF TEXAS
TODD M. KATSCHKE, OF ILLINOIS
PAMELA R. KAZI, OF MINNESOTA
MARY ELIZABETH KNAPP-RASAY, OF FLORIDA
ELIZABETH J. KONICK, OF NEW YORK
BRYAN K. KOONTZ, JR., OF VIRGINIA
STEPHEN GYULA KOVACSICS, OF FLORIDA
ERIC J. KRAMP, OF FLORIDA
MARYBETH KRUMM, OF CALIFORNIA
JAMIE TYLER LA MORE, OF ARIZONA
MARSHA ANN LANCE, OF FLORIDA
JOHN C. LETVIN, OF FLORIDA
ADHAM ZIBAS LOUTFI, OF CALIFORNIA
CHRISTIAN J. LYNCH, OF NEW YORK
THOMAS H. LYONS, OF TENNESSEE
MICHAEL H. MARGOLIES, OF LOUISIANA
ANN L. MASON, OF MICHIGAN
JENNIFER J. MCALPINE, OF MINNESOTA
EVAN MCCARTHY, OF RHODE ISLAND
ROBERT A. MCCUTCHEON, OF MARYLAND
SHANNON TOVAN MCDANIEL, OF MISSOURI
JASON MCINERNEY, OF CALIFORNIA
JOHN T. MCNAMARA, OF NEW YORK
BERNADETTE M. MEEHAN, OF NEW YORK
RICHARD CONRAD MICHAELS, OF ARIZONA
MATTHEW J. MILLER, OF WYOMING
ANTHONY MIRANDA, OF WASHINGTON
REBECCA SHIRA MORGAN, OF ILLINOIS
ERIC G. MORIN, OF FLORIDA
JAMES M. MORRIS, OF MASSACHUSETTS
JOSHUA C. MORRIS, OF WASHINGTON
OLIVER JOHN MOSS III, OF FLORIDA
JUNAID MAZHAR MUNIR, OF MICHIGAN
FAHEZ AHMAD NADI, OF NEW YORK
ARI NATHAN, OF CALIFORNIA
JAMES PATRICK NEEL, OF NEVADA
PETER NEISULER, OF MASSACHUSETTS
PHILLIP B. NERVIG, OF NEW YORK
DAVID C. NG, OF ARIZONA
SADIA NIAZI, OF VIRGINIA
SEAN PATRICK O'HARA, OF VIRGINIA
TREVOR R. OLSON, OF IDAHO
ADAM DANIEL PACKER, OF INDIANA
CHRISTINE D. PARKER, OF ILLINOIS
WALTER PARRS III, OF NEW YORK
DEXTER C. PAYNE, OF VIRGINIA
JONATHAN R. PECCIA, OF ILLINOIS
ROBERT PATRICK PECK, OF FLORIDA
ELIZABETH LYNNE PERRY, OF MASSACHUSETTS
TIMOTHY C. PHILLIPS, OF CALIFORNIA
MICHAEL EDWARD PIGNATELLO, OF THE DISTRICT OF COLUMBIA
CYNTHIA L. PLATH, OF CALIFORNIA
MARY ELIZABETH ROSE POLLEY, OF VIRGINIA
JENNIFER KATHLEEN PURL, OF CALIFORNIA
SARA M. REVELL, OF TEXAS
JASON BRADLEY RIEFF, OF THE DISTRICT OF COLUMBIA
BERNADETTE EILEEN ROBERTS, OF MICHIGAN
BENEDICT ROBINETTE, OF VIRGINIA
SCOTT ASHTON ROBINSON, OF CALIFORNIA
JACQUELYN BURKE ROSHOLT, OF MINNESOTA
ADAM DOUGLAS ROSS, OF CONNECTICUT
JEFF ROTERING, OF NORTH DAKOTA
RUTH ELLEN RUDZINSKI, OF COLORADO
EMMETT J. RYAN, JR., OF MONTANA
KIRK HARRIS SAMSON, OF WISCONSIN
JANET NICOLE SANDERS, OF ARKANSAS
GABRIELLE HAYES SARRANO, OF VIRGINIA
BRIANA L.M. SAUNDERS, OF MINNESOTA
KAREN P. SCHINNERER, OF MICHIGAN
J. MICHELLE SCHOHN, OF NORTH CAROLINA
DAWN M. SCHREPEL, OF TEXAS
VANESSA A. SCHULZ, OF THE DISTRICT OF COLUMBIA
SHELLY A. SEAVER, OF FLORIDA
JUNE A. SHIN, OF CALIFORNIA
JOHN H. SILSON, OF OHIO
DANIEL E. SLAVEN, OF TEXAS
PATRICK T. IOWINSKI, OF TEXAS
BETH MOSER SMITH, OF VIRGINIA
BRIAN KENNETH STIMMLER, OF FLORIDA
CHRISTY MELICIA WATKINS STONER, OF VIRGINIA
AMY L. STORROW, OF TEXAS
BRYAN RICHARD SWITZER, OF CALIFORNIA
MATTHEW ALAN TAYLOR, OF FLORIDA
PAUL S. THOMAS, OF COLORADO
ANTHONY DEAN TRANCHINA, OF NEW YORK
SHAWN HARRIS TRIBE, OF CALIFORNIA
KAREN K. TSAI, OF NEW YORK
FRANK F. TU, OF CALIFORNIA
MICHAEL TURNER, OF CALIFORNIA
SUSAN LEA UNRUH, OF TEXAS
ADAM RICHARD VOGELZANG, OF MICHIGAN
JASON VORDERSTRASSE, OF CALIFORNIA
JOCELYN ANN VOSSLER, OF CALIFORNIA
SHARON ANN WEBER-RIVERA, OF NEW YORK
HELAENA WOSSUM WHITE, OF TENNESSEE
SCOTT LEE WHITMORE, OF NEW HAMPSHIRE
JOHN DAVID WILCOCK, OF VIRGINIA
EMILY L. WILLIAMS, OF MINNESOTA
PATRICK C. WILLIAMS III, OF WEST VIRGINIA
RACHEL ELIZABETH WOLFE, OF VIRGINIA
CARSON H. WU, OF VIRGINIA
MICHAEL H. YOUNG, OF CALIFORNIA
STACIE ZERDECKI, OF TEXAS
MELANIE ANNE ZIMMERMAN, OF MARYLAND
JIM ZIX, OF OREGON

THE FOLLOWING NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF COMMERCE

LAWRENCE G. JOHNSON, OF CALIFORNIA
TRACY T. PERRELLI, OF THE DISTRICT OF COLUMBIA
LISA RIGOLI, OF VIRGINIA

THE FOLLOWING NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

KURT WALTER TONG, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

LONNIE J. PRICE, OF VIRGINIA

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

*To be vice admiral*

REAR ADM. CLIFFORD I. PEARSON, 4808

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA OF THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

*To be vice admiral*

VICE ADM. ROBERT J. PAPP, 7417

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

*To be vice admiral*

REAR ADM. DAVID P. PEKOSKE, 6564

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JEFFREY A. SORENSON, 3510

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

*To be lieutenant commander*

STEVEN C. ACOSTA, 7073
MICHAEL N. ADAMS, 3285
STERLING V. ADLAKHA, 4133
MICHAEL J. ANDERSON, 0949
TODD W. ANDERSON, 5294
RALPH P. ANGUIANO, 2114
BRADFORD E. APITZ, 0548
WALTER J. ARMSTRONG, 4863
WILLIAM L. ARRITT, 7027
MATTHEW J. BAER, 7767
GRETCHEN M. BAILEY, 8483
GREGORY R. BARBIAUX, 6694
KLAUS J. BARBOZA, 2824
PATRICK T. BARELLI, 8805
KEVIN M. BARRES, 0838
ROBERT B. BARTHELMES, 2461
WILLIAM M. BASHWINGER, 3067
CHARLES E. BASS, 0132
JONATHAN BATES, 1012
JOSHUA D. BAUMAN, 1790
ABBY S. BENSON, 8821
ALEX W. BERGMAN, 5468
MICHAEL J. BERGMAN, 3679
JAMES B. BERNSTEIN, 9290
KRISTI L. BERNSTEIN, 3507
KEVIN C. BERRY, 1443
JASON M. BIGGAR, 9006
KATIE R. BLANCHARD, 9162
KERRY R. BLOUNT, 3566
DIANNA L. BO, 8059
MATTHEW A. BRADEN, 0566
JOHN B. BRADY, 5073
MARC BRANDT, 1388
MARK A. BRAXTON, 9891
JASON A. BRENNELL, 6950
CHARLES J. BRIGHT, 7093
JOSEPH D. BROWN, 0495
RANDALL E. BROWN, 2225
ROY R. BRUBAKER, 0184
GREGG W. CASAD, 6409
ERIC R. CASLER, 5363
KIMBERLY B. CHESTEEN, 3977
WALTER CHUBRICK, 4791
HECTOR L. CINTRONALBINO, 6974
BRYAN E. CLAMPITT, 3454
JEFFREY S. CLARK, 3611
ROBERT K. COLBY, 5195
MATTHEW R. COLMER, 8890
PETER A. COOK, 9992
ANGELA L. COOPER, 1236
JOANDREW D. COUSINS, 3809
CHRISTOPHER F. COUTU, 9180
THOMAS D. CRANE, 5013

DEREK L. CROMWELL, 7075
CHARLES C. CULOTTA, 9793
MARCIE L. CULOTTA, 8611
KENNETH C. CUTLER, 3034
ROQUE DANAS, 5848
WILLIAM M. DANIELS, 7804
ALFORD L. DANZY, 6793
THOMAS C. DARCY, 5865
CARMEN S. DEGEORGE, 8137
FRANCIS J. DELROSSO, 4972
KELLY K. DENNING, 3766
FREDERICK D. DETAR, 6769
STEPHEN A. DEVEREUX, 5340
JOSE E. DIAZ, 2729
JON A. DIGIORGIO, 4534
JOHN R. DITTMAR, 4606
JANINE E. DONOVAN, 9103
DAVID M. DUBAY, 9028
MIA P. DUTCHER, 6327
TIMOTHY W. EASON, 2679
JAMES P. EILAND, 2402
JOHN A. ELY, 8901
THEODORE J. ERDMAN, 0943
ANTHONY S. ERICKSON, 5767
BRIAN C. ERICKSON, 2908
SEAN C. FAHEY, 8939
JOSHUA W. FANT, 1698
JOHN M. FEREBEE, 1657
WILLIAM D. FIELD, 5281
TODD A. FISHER, 3339
JAMES T. FLANNERY, 1593
CORINNA M. FLEISCHMANN, 8559
AURORA I. FLEMING, 9642
BENJAMIN E. FLEMING, 8961
FRANK L. FLOOD, 9530
TAMARA L. FLOODINE, 8025
KEVIN D. FLOYD, 5686
JAMES G. FORGY, 4038
THOMAS R. FOSTER, 4225
PAUL E. FRANTZ, 3497
MATTHEW J. FUNDERBURK, 8940
CHRISTOPHER J. GAGNON, 5660
LAWRENCE D. GAILLARD, 5376
JOSEPH W. GASKILL, 8820
BENJAMIN A. GATES, 4637
EDWARD P. GERAGHTY, 4354
MARK A. GIBBS, 2576
BENJAMIN M. GOLIGHTLY, 3619
WADE W. GOUGH, 8324
MARK A. GRABOSKI, 9059
MARCELLA A. GRANQUIST, 0307
TIMOTHY J. GRANT, 6089
DANIEL W. GRAY, 9651
SHAWN C. GRAY, 1629
CHANCE C. GREENE, 9372
ANDREW L. GUEDRY, 1260
JASON B. GUNNING, 1217
LUIS E. GUTIERREZ, 7560
JOHN K. HAHN, 4007
THOMAS J. HALL, 5957
MATTHEW W. HAMMOND, 5308
KEITH T. HANLEY, 3265
SEAN P. HANNIGAN, 4121
JOANNE N. HANSON, 8886
KATRINA B. HARPER, 3616
THOMAS T. HARRISON, 0289
CHARLES W. HAWKINS, 4684
CASEY J. HEHR, 7112
ERIC A. HELGEN, 8952
BRIAN J. HENRY, 0584
EDWARD J. HERNAEZ, 5733
WESLEY H. HESTER, 0027
TOBY L. HOLDRIDGE, 1761
BRIAN P. HOPKINS, 5588
WESLEY K. HOUT, 0151
DAVID F. HUNTER, 4136
TEDD B. HUTLEY, 8928
JEFFREY H. JAGER, 3803
JERALD R. JARVI, 8056
STEPHEN B. JAUDON, 5000
RANDY J. JENKINS, 8485
KAREN C. JENSEN, 7709
STARLING S. JINRIGHT, 6560
ERIC J. JONES, 0374
RADIAH M. JONES, 9559
SCOTT B. JONES, 1836
WAYNE E. KEAN, 7424
MICHAEL A. KEANE, 7926
CARL M. KEPPER, 4534
IBRAHIM M. KHALIL, 9603
BRIAN R. KHEY, 8972
MICHAEL E. KICKLIGHTER, 0148
JUSTIN A. KIMURA, 6207
WADE S. KIRSCHNER, 7262
CASSIE ANN KITCHEN, 5236
JOSEPH W. KLATT, 5495
CHICO R. KNIGHT, 7365
ROBERT K. KORNEXL, 1868
DIRK L. KRAUSE, 5303
BRIAN C. KRAUTLER, 2212
JON M. KREISCHER, 7706
PERRY J. KREMER, 6280
THOMAS E. KUHAR, 8978
JOSEPH T. LALLY, 1208
TAYLOR Q. LAM, 5597
ERIK LASALLE, 3715
TIMOTHY R. LAVIER, 4587
DANIEL F. LEARY, 3572
LYNDA C. LECRONE, 2039
MICHAEL D. LENDVAY, 2211
LANCE E. LINDGREN, 4049
TIMOTHY J. LIST, 3021
JOHN H. LOVEJOY, 9955
LEANNE M. LUSK, 2629
BRIAN LY, 0376
ERICA N. MACK, 7954
KEASHA D. MARTINDILL, 8510
JOSE D. MARTIS, 1338
BENJAMIN J. MAULE, 4939
ALAN B. MCCABE, 6173
LEON MCCLAIN, 9165
TIMOTHY M. MCCLELLAN, 9571
IAIN LAEL MCCONNELL, 7497
PAUL S. MCCONNELL, 0223
KEVIN J. MCCORMACK, 0532
CARMEN A. MCKINSTRY, 2352
AARON R. MEADOWS-HILLS, 4584
MICHAEL L. MEDICA, 2691
JASON L. MENAPACE, 8033
IVAN R. MENESES, 0247
ZEITA MERCHANT, 8183
JOSEPH E. MEUSE, 4935
JOHN MILLER, 4441
JOSHUA P. MILLER, 2611
DEAN J. MILNE, 0650
JOHN HENRY MIXSON, 9575
ROBERT W. MOORE, 4287
SIMONE R. MOORE, 1209
STEPHANIE A. MORRISON, 0183
DAVID B. MURRAY, 4030
PATRICK M. MURRAY, 2148
ROBERT D. MUTTO, 4723
GARY R. NAUS, 0314
RAYMOND NEGRON, 7417
ERIC D. PEACE, 9723
JEFFREY S. PEARSON, 9675
ROBERT M. PEKARI, 9820
ARTURO S. PEREZ, 3496
JOSE PEREZ, 7476
MARK E. PESNELL, 7687
THOMAS S. PHILBRICK, 7166
KRISTIAN B. PICKRELL, 6129
MICHAEL R. PIERNO, 8869
JEFFREY J. PILE, 3621
CHARLOTTE E. PITTMAN, 0520
MICHAEL J. PLUMLEY, 3270
ERIC C. POPIEL, 2788
KENNETH R. POST, 8411
SCOTT B. POWERS, 6774
CLINTON J. PRINDLE, 7617
BRIAN H. PROVINCE, 6393
ARTHUR L. RAY, 4645
TODD E. RAYBON, 8127
JAMES E. REYNOLDS, 8204
JAMIE L. RICKERSON, 3855
VICTOR F. RIVERA, 7019
ROGER G. ROBITAILLE, 5464
LUIS J. RODRIGUEZ, 7519
BRUST B. ROETHLER, 2874
JAMES M. ROGAN, 2993
JERREL W. RUSSELL, 8560
CHRISTY D. RUTHERFORD, 0382
MARIA A. RUTTIG, 8780
ROBERT G. SALEMBIER, 0889
PRIDE L. SANDERS, 6634
MICHAEL R. SARNOWSKI, 3687
CHRISTINA M. SCHULTZ, 6830
RICHARD M. SCOTT, 2600
KELLY C. SEALS, 1230
WILLIAM E. SEWARD, 3796
GREGORY J. SILVA, 6008
PETER J. SIMONDS, 3109
MICHAEL R. SINCLAIR, 2649
KEVIN J. SMITH, 7306
ANTONIO R. SOLIZ, 3155
BOWEN C. SPIEVACK, 5092
JOSHUA T. STEFFEN, 3048
ERICH V. STEIN, 1820
BLAKE D. STOCKWELL, 4984
JENNIFER A. STOCKWELL, 1214
VERONICA A. STREITMATTER, 7616
JOHN R. TAYLOR, 2018
SHAD A. THOMAS, 9838
MATTHEW A. THOMPSON, 8414
PATRICK M. THOMPSON, 4612
DEREK R. THORSRUD, 9588
CRAIG S. TOOMEY, 8103
GREGORY M. TOZZI, 1867
ALLEN R. TURNER, 6397
KEITH M. UTLEY, 6637
VINCENT W. VANNESS, 2442
MICHAEL R. VAUGHN, 4715
GREGORY J. VIOLA, 1925
DANIEL R. WARREN, 2294
DOUGLAS G. WATSON, 6608
JAMES D. WEAVER, 8845
DAVID M. WEBB, 6875
MATTHEW T. WELLER, 2434
ERIC A. WESCOTT, 2661
ANDRE J. WHIDBEE, 7456
EDWARD A. WIELAND, 1042
DAMON A. WILLIAMS, 1033
ERIN E. WILLIAMS, 9037
TERENCE J. WILLIAMS, 7122
AMY E. WIRTS, 9147
CHRISTOPHER G. WOLFE, 3379
NICHOLAS L. WONG, 5091
MARC A. ZLOMEK, 2215

# HOUSE OF REPRESENTATIVES—*Wednesday, November 7, 2007*

The House met at 10 a.m.

Rabbi Irwin N. Goldenberg, Temple Beth Israel, York, Pennsylvania, offered the following prayer:

God of all humanity, we live in a time when we are tempted to regard our fellow with suspicion.

A predecessor of mine at Temple Beth Israel in York, Pennsylvania, Rabbi Alexander D. Goode, was among the four chaplains who sacrificed their lives for sailors on the sinking troop ship Dorchester during World War II. They died because they regarded all as created in God's image.

In another time, a ship, occupied by people seeking a land of freedom, set out on a wide river. Rough seas demanded reducing the number of passengers to save the rest. Instead of throwing anyone overboard, everyone took turns swimming beside the boat until it reached shore. Everyone survived.

O God, may we see one another as sisters and brothers, Americans all, citizens of this blessed country and humans all, inhabitants of the same beautiful world, rather than as competitors for a place on a lifeboat. Thus, we may hope that all might live in freedom and dignity.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHRISTENSEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOMING RABBI IRWIN N. GOLDENBERG

The SPEAKER. Without objection, the gentleman from Pennsylvania (Mr. PLATTS) is recognized for 1 minute.

There was no objection.

Mr. PLATTS. Thank you, Madam Speaker.

I rise here today to welcome as guest chaplain on the floor of the House of Representatives Rabbi Irwin N. Goldenberg, a constituent, friend, well-liked and well-respected religious leader in my home community. Rabbi Goldenberg has served at Temple Beth Israel in York, Pennsylvania, since 1973.

With Rabbi Goldenberg's retirement set for June 2008, numerous members of Temple Beth Israel approached my office and suggested he be invited as a guest chaplain. I was very pleased to have forwarded the request along to Father Coughlin and am grateful that Rabbi Goldenberg was able to give the opening prayer this morning.

Rabbi Goldenberg is a graduate of Rutgers University and Hebrew Union College. He is married to Joyce Meschmar and has two grown children, Rachel and Dahlia.

In addition to his general rabbinic duties, Rabbi Goldenberg has taught countless adults, children and teens at Temple Beth Israel and its religious school. He has also taught at York College and Gettysburg College, both located in the 19th Congressional District. Rabbi Goldenberg has also been extensively involved in his community, from being a member of the board of the York Jewish Community Center to teen pregnancy mentoring at the YWCA to serving on the task force on domestic violence.

It is a true honor to have Rabbi Goldenberg with us here today. I thank him for the prayer that he offered and I wish him the best for an enjoyable and relaxing retirement in the years to come.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet in joint meeting to hear an address by His Excellency Nicolas Sarkozy, only the doors immediately opposite the Speaker and those immediately to her left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

## RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, November 1, 2007, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1055

## JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY NICOLAS SARKOZY, PRESIDENT OF THE FRENCH REPUBLIC

The Speaker of the House presided.

The Democratic Floor Manager, Mr. Barry Sullivan, announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Nicolas Sarkozy, President of the French Republic, into the Chamber:

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Illinois (Mr. EMANUEL);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from California (Mr. LANTOS);

The gentleman from Massachusetts (Mr. MARKEY);

The gentleman from Missouri (Mr. SKELTON);

The gentleman from Georgia (Mr. LEWIS);

The gentlewoman from New York (Mrs. LOWEY);

The gentlewoman from California (Mrs. CAPPS);

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Missouri (Mr. BLUNT);

The gentleman from Florida (Mr. PUTNAM);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from California (Mr. GALLEGLY);

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The gentleman from Florida (Mr. STEARNS);

The gentleman from Illinois (Mr. SHIMKUS);

The gentleman from Virginia (Mr. CANTOR);

The gentleman from South Carolina (Mr. WILSON); and

The gentleman from Texas (Mr. POE).

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Nicolas Sarkozy, President of the French Republic, into the House Chamber:

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from North Dakota (Mr. DORGAN);

The Senator from Vermont (Mr. LEAHY);

The Senator from Massachusetts (Mr. KERRY);

The Senator from Connecticut (Mr. LIEBERMAN);

The Senator from California (Mrs. FEINSTEIN);

The Senator from California (Mrs. BOXER);

The Senator from Louisiana (Ms. LANDRIEU);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Mississippi (Mr. LOTT);

The Senator from Arizona (Mr. KYL);

The Senator from Texas (Mr. CORNYN);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Nevada (Mr. ENSIGN);

The Senator from Maine (Ms. SNOWE);

The Senator from Maine (Ms. COLLINS); and

The Senator from Oregon (Mr. SMITH).

The Democratic Floor Manager announced the Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador from the Republic of Djibouti.

The Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Democratic Floor Manager announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 7 minutes a.m., the Democratic Floor Manager announced His Excellency Nicolas Sarkozy, President of the French Republic.

The President of the French Republic, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor of presenting to you His Excellency Nicolas Sarkozy, President of the French Republic.

[Applause, the Members rising.]

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## ADDRESS BY HIS EXCELLENCY NICOLAS SARKOZY, PRESIDENT OF THE FRENCH REPUBLIC

(The following address was delivered in French, with a simultaneous translation in English.)

President SARKOZY. Madam Speaker, Mr. President, ladies and gentlemen of the United States Congress, I want to say firstly, friendship for France means first and foremost being true to one's friends, to one's values, to one's history and one's past. France is the friend of the United States of America.

It is not simply the French President who says that. I am simply the expression, the voice of the people of France. Since the United States first appeared on the world scene, our two peoples, the French and the American people, have always been friends. And the hardship that both our peoples have endured simply steeled that friendship. We may have differences, we may disagree on things, we may even have arguments as in any family, but in times of difficulty, in times of hardship, one stands true to one's friends, one stands shoulder to shoulder with them, one supports them, and one helps them.

In times of difficulty, in times of hardship, America and France have always stood side by side. They have always supported one another. They have helped one another. And each of us, America and France, has fought for each other's freedom.

The United States and France remain true to the memory of their common history. Our duty is to remain true to the blood spilled by our children on both sides of the Atlantic in common battles. But the United States and France are not simply two nations that are true to the memory of what they accomplished together in the past. The United States and France are two nations that remain true to the same, to the one and the same ideals, who uphold the same principles, who believe in the same values.

And I speak to you as I stand before the portraits of Washington and of Lafayette. Lafayette was the first to speak to both Chambers. What could possibly have brought together two men who were so different in terms of age and of origin, Lafayette and George Washington? It was their common values, their shared values, the same love of liberty and of justice. And when Lafayette joined George Washington, he said to him, "I have come here to this land of America to learn and not to teach." He came from the Old World and he came to the New World and he said, "I have come here to learn and not to teach." That was the new spirit and youth of the Old World coming to seek out the wisdom of the New World, to open here in America a new era for all of humankind.

The American Dream, this American Dream, was from the very beginning, the very outset, a matter of putting into practice what the Old World had dreamt of without ever being able to build it and to accomplish it. From the very beginning, the American Dream meant proving to all men and women throughout the world that freedom, justice, human rights and democracy were not a utopia, but, quite the reverse, they were the most realistic policy there is and the most likely to improve the lot and fate of each and every one.

To the millions of men and women who came from every country in the world and who, with their own hands, their intelligence and their hearts, built the greatest nation in the world, America did not say, "Come, and everything will be given to you." Rather, she said, "Come, and the only limits to what you will be able to achieve will be those of your own courage, your boldness and your talent." The America that we love throughout the world embodies this extraordinary ability to grant each and every person a second chance, another chance, because in America, failure is never the last word. There is always another chance. Here in your country, on this soil, both the humblest and the most illustrious citizens alike know that nothing is owed to them and that everything has to be earned. That is what constitutes the moral value of America. America did not teach men the idea of freedom; she taught them how to practice it, how to practice freedom. And America fought for this freedom whenever she felt it to be threatened or jeopardized. And it was by watching America grow that men and women understood that freedom and liberty were possible, and it is that that gives you a special responsibility. What made America great was her ability to transform her own dream, the American Dream, into a source of hope for all of mankind.

Ladies and gentlemen, the men and women of my generation heard their grandparents talk about how, in 1917, America saved France at a time when my country had reached the final limits of its strength, at a time when France was exhausted, had spent its strength in the most absurd and bloodiest of wars, and France was able to count upon the courage of American soldiers. And I have come to say to you on behalf of the French people that never, never will we forget that.

The men and women of my generation heard their parents talk about how America returned in 1944 to free us from the horrifying tyranny that threatened to enslave us. And fathers in my country took their sons to see the vast cemeteries where, under thousands of white crosses so far from home, thousands of young American soldiers lay who had fallen not to defend their own freedom but the freedom of all others, who died far from their homes not to defend their own families and their own homeland but to defend humanity as a whole. That is why we love America.

And the fathers took their sons to the beaches, the beaches where the young men of America had so heroically landed. And the fathers read to their sons the admirable letters of farewell that those soldiers, those 20-year-old soldiers, had written to their families before the battle to say to them: "We don't consider ourselves to be heroes. We want this war to be over. But however much dread we may feel, you can count on us." Before they landed, Eisenhower told them, and we have not forgotten in Europe these words: "The eyes of the world are upon you, young men of America. The hopes and prayers of all liberty-loving people everywhere march with you." And the children of my generation, as they listened to their fathers, as they watched movies, as they read history books and the letters of your soldiers who died on our beaches in Normandy or Provence, as they visited the cemeteries where the Star-Spangled Banner flies, the children of my generation have understood that these young 20-year-old Americans were true heroes to whom we owed the fact that we were free people and not slaves. America liberated us and this is an eternal debt we owe America.

As President of the French Republic, my duty is to say to the people of America that you represent in its vast diversity, that France will never forget the sacrifice of your children. And to say to the families of those who did not return, those who did not come back, to those children who cried the loss of their fathers whom they had virtually had no time to know, that the gratitude of France is forever. On behalf of my generation that did not suffer under the war, on behalf of those children who will always remember, and to all the veterans present here, and in particular to the seven I was honored enough to decorate last night, one of whom, Senator INOUYE, belongs to your Congress, I want to express the deep, sincere gratitude of the French people. And I want to tell you something, something important: Every time whenever an American soldier falls somewhere in the world, I think of what the American Army did for France. I think of them and I am sad, as one is saddened to lose a member of one's family.

Ladies and gentlemen, that is more important than any disagreements that we may have or that we may have had or any disagreement which we may yet have. That is the bedrock of the friendship between France and the United States of America. The men and women in my generation remember the Marshall Plan that allowed their fathers to rebuild a devastated Europe. The men and women of my generation remember the Cold War, during which America again stood as the bulwark of the free world against the threat of a new tyranny. I remember the Berlin crisis and President Kennedy who unhesitatingly risked engaging the United States in the most destructive of wars so that Europe could preserve the freedom for which the American people had already sacrificed so much. To forget that would, for a man of my generation, be tantamount to self-denial. But my generation did not love America only because she had defended freedom. We also loved America because for us she embodied what was most audacious about the human adventure, the human enterprise, because America for us embodied the spirit of conquest. We loved America because for us America was a new frontier that was continuously being rolled back, a constantly renewed challenge to the inventiveness of the human spirit.

My generation, without even coming to America, shared all of your dreams. And our imaginations were fueled by Hollywood. By the great conquest of the western territories. By Elvis Presley. You have often probably not heard his name quoted here, but from my generation he is universal. There was Duke Ellington, Hemingway, John Wayne, Charlton Heston, Marilyn Monroe, Rita Hayworth. But also Armstrong, Aldrin, Collins, who fulfilled mankind's oldest dream on the day when Americans walked on the Moon. That day America was universal and each one of us wanted to be part of this great adventure.

What was most extraordinary for us was that through your literature, your cinema, your music, it seemed to us that America always seemed to emerge ever greater and stronger from the adversity and the challenges it faced. And it seemed to us that instead of causing America to engage in self-doubt, these difficulties only strengthened her belief in her values. What makes America strong is the strength of this ideal that is shared by all Americans and by all those who love her because they love freedom.

And let me say this as I stand before you here in this Congress. America's strength is not only a material strength. It is first and foremost a moral strength, a spiritual strength. And no one expressed this better than a black pastor who asked just one thing of America: that she be true to the ideal in whose name he, he the grandson of a slave, felt so deeply American. That name was Martin Luther King. He made America a universal role model.

The world still remembers his words, that not a single young Frenchman of my generation has forgotten, either, the words of Martin Luther King, words of love, words of dignity, words of justice. And these words, America heard, and as a result, America changed. And the men and women who had doubted America because they no longer recognized her began to love her once again.

Fundamentally, what are those who love America asking of her if not to remain forever true to her founding values?

Ladies and gentlemen, today as in the past, as we stand at the beginning of the 21st century, it is together that we must fight to defend and promote the values and ideals of freedom and democracy that men such as Washington and Lafayette coined and invented together.

Together, united, we must fight against terror. On September 11, 2001, all of France, horror-struck as we were, rallied to the American people. And the front-page headline of one of our major dailies read: We are all American on this 11th of September, 2001. And on that day, when you were mourning so many dead, never had America appeared to me as so great, so dignified, so strong. The terrorists had thought that they would weaken you, but they made you greater. And the people of America were admired worldwide for its courage. That is the truth. And from day one, France decided to participate shoulder to shoulder with you in the war in Afghanistan. And let me tell you solemnly today, France will remain engaged in Afghanistan for as long as it takes, because what is at stake in that country is the very future of our values and that of the Atlantic Alliance. Solemnly before you let me say, failure is not an option. Terrorism will not prevail, for democracies are not entitled to be weak and because we, the free world, are not afraid of this new barbarism. And because of that, America can count on France in its battle on terror.

And again it is together that we must fight against proliferation. Success in Libya and progress under way in North Korea show clearly that nuclear proliferation is not inevitable. And I say this as I stand before you, the prospect of an Iran armed with nuclear weapons is unacceptable for France. The Iranian people are a great people. The Iranian people who come from a great civilization deserve better than the toughened sanctions and growing isolation to which their leaders condemn it. We must persuade Iran to choose cooperation, dialogue and openness. And no one must doubt our determination. We will remain firm and we will engage in dialogue precisely because we have been able to remain firm.

Together we must help the peoples of the Middle East to find the path that will lead them to peace and security. To the Israeli and Palestinian leaders, I wish to say this: Do not hesitate. Take whatever risks you need to take for peace. And do so now, because the status quo masks even greater dangers, that of delivering Palestinian society as a whole to the extremists that challenge in an unacceptable manner the very existence of Israel, that of playing into the hands of radical regimes that are exploiting the deadlock in the conflict in order to destabilize the region, that of fueling the propaganda of terrorists who want to pit Islam against the West. France wants security for Israel. It will not change its position, and it demands that there be a state for the Palestinians. And that is the only way forward for peace.

And it is again together that we must help the Lebanese people affirm their independence, their sovereignty, their freedom, their democracy. No one is entitled to prevent Lebanon to live as a free country. What Lebanon needs today is a broad-based president elected by the Lebanese and in strict respect of its constitution. France will not accept anyone trying to subjugate the Lebanese people.

Ladies and gentlemen, America feels that it has a vocation to inspire the world. America is the world's most powerful country, because for more than two centuries she has striven to uphold the ideals of democracy and freedom. And allow a friend of America to say this to her: This stated responsibility comes with duties, for France and for America, and the first of which is that of setting an example.

Those who love this Nation, which, more than any other, has demonstrated the virtues of free enterprise, expect America to be the very first to denounce the abuses and the excesses of a financial capitalism that sets too great a store by speculation. They expect her to commit fully to the establishment of the necessary rules and safeguards. The America that I love is the one that encourages entrepreneurs, not speculators.

Those who admire the Nation that has built the world's greatest economy and has never ceased trying to persuade the world of the advantages of free trade expect her to be the first to promote fair exchange rates. The yuan is already everybody's problem. The dollar cannot remain solely the problem of others. If we are not careful, monetary disarray could indeed morph into economic war. And we would all, all of us, be its victims.

Those who love the country of wide open spaces, of national parks and protected nature reserves expect America to stand alongside Europe in leading the fight against global warming that threatens the destruction of our planet. I know that the American people and its cities and States are increasingly aware of the stakes and determined to act. Allow me to say, with all the friendship that I feel for America, that this fight is essential for the future of humanity, and we will not be able to achieve the results that we must achieve without America leading this fight for the safeguarding of our planet, of humankind, of the human species. We need America in order to protect our planet and its environment.

Ladies and gentlemen, allow me to express one last conviction: Trust Europe.

Our world is unstable. It is a dangerous world. And I state this as I stand before you, the United States of America needs a strong, determined Europe. The European Union, with the simplified treaty, is about to emerge from 10 years of discussion on its institutions and, therefore, 10 years of paralysis. Europe will soon have a stable president and a more powerful high representative for its foreign and security policy, and I want to explain to you that Europe must now reengage in the major construction of its military capacities.

The aim and objective I am proposing to our partners is based on a simple observation, i.e., there are more crises than there are capabilities to cope with them. NATO cannot be everywhere. The European Union must be able to act as it did in the Balkans and in the Congo and as it will tomorrow in Sudan and Chad. And for that, Europeans must step up their efforts.

My approach, I ask you to believe me, is not an ideological one. My approach is purely pragmatic. Having learned from history, the history I was recalling at the beginning of my statement, I want in the years to come for Europeans to have the means to shoulder a growing share of their defense. And I want to say these two sentences from the bottom of my heart so that each and every one of you should understand what I am referring to. Who could blame the United States for ensuring its own security? No one could. Who could blame me for wanting Europe to ensure more of its own security? No one. All our allies, to begin with the United States with whom we most often share the same interests and the same adversaries, have a strategic interest in ensuring that Europe be able to affirm and assert itself as a strong, credible security partner.

At the same time, and with the same strength of belief, at the same time and likewise being familiar, very familiar with the political history of my country, I want to affirm my attachment to NATO. I say it here at the podium before this Congress, the more successful we are in establishing a European defense, the more France will be resolved to resume its full role in NATO.

I would like France, a founding member of our Alliance and already one of its largest contributors, to assume its full role in the effort to renew NATO's instruments and means of action and, in this context, that it should allow its relations with the Alliance to evolve, just as European defense should grow and evolve. This is no time for theological quarrels. We do not have time on our side. We need to come up with pragmatic responses in order to make our security tools and instruments more effective and operational in the face of crises. The European Union and the alliance of NATO must march hand in hand. Our duty is to protect our fellow citizens, and we will protect them together, a European defense which is credible and strong within an alliance which is renewed.

Ladies and gentlemen, in the long run, I want to say this: I want to be your friend, your ally, your partner. But I wish to be a friend who stands on his own two feet. I wish to be an independent ally, a free partner. Because these are the values that we share together. We need France to be stronger. I am determined to carry through with the reforms that my country has put off for all too long. I will not turn back. I will implement all of them, because France has turned back for all too long. My country has enormous assets. And I want, while respecting its very unique identity, to put my country in a position where it can win all the battles of globalization. I passionately love France, but I am lucid about the work that remains to be accomplished.

It is this ambitious, lucid, farsighted France that I have come to present to you today, a France that comes out to meet America, to renew the covenant of friendship and alliance that Washington and Lafayette sealed in Yorktown.

Together, ladies and gentlemen, let us be worthy of the example she set. Together, let us be equal to their ambition. Together, let us be true to their memories.

Yes, ladies and gentlemen, I say this to you on behalf of the French people: Long live the United States of America. Long live France. Long live French-American friendship.

[Applause, the Members rising.]

At 11 o'clock and 50 minutes a.m., His Excellency Nicolas Sarkozy, President of the French Republic, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Democratic Floor Manager escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Dean of the Diplomatic Corps.

## JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 51 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess subject to the call of the Chair.

☐ 1227

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 12 o'clock and 27 minutes p.m.

## PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. ETHERIDGE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

## COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, October 31, 2007.*

Hon. NANCY PELOSI,
*Speaker of the House, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Today, the Committee on Transportation and Infrastructure met in open session to consider three resolutions for the U.S. Army Corps of Engineers, in accordance with 33 U.S.C. §542. The resolutions authorize Corps surveys (or studies) of water resources needs and possible solutions. The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee.

Sincerely,

JAMES L. OBERSTAR,
*Chairman.*

Enclosures.

### DOCKET 2784: DELAWARE COUNTY AND CHESTER COUNTY STREAMS, PENNSYLVANIA

*Resolved* by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Delaware River and its tributaries, Pennsylvania, New Jersey, and New York, published as House Document 179, Seventy Third Congress, Second Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable using a comprehensive, watershed systems approach in the interest of ecosystem restoration, flood plain management, flood damage reduction, water quality control, groundwater and subsidence management, comprehensive watershed management, recreation and other allied purposes.

### DOCKET 2785: ILLINOIS WATERWAY, ILLINOIS AND INDIANA

*Resolved* by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Illinois Waterway and Grand Calumet River, Illinois and Indiana, published as House Document No. 677, 79th Congress, Second Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time, regarding possible alternative locations for disposal of dredged material from the Calumet-Sag Channel Modification and Illinois Waterway, Illinois and Indiana.

### DOCKET 2786: WHITE RIVER NAVIGATION, ARKANSAS

*Resolved* by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on White River Navigation to Batesville, Arkansas, dated December 23, 1981, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, in the interest of navigation, flood control, and environmental restoration including Federally-owned lands within the White River Basin, Arkansas.

### DOCKET 2787: VERMILLION HARBOR, OHIO

*Resolved* by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on Vermillion Harbor published as House Document No. 231, 85th Congress, 1st Session and other pertinent reports, to determine whether changes to the recommendations concerning modifications to the breakwaters contained therein are advisable at the present time in the interest of flood damage reduction and related purposes in the vicinity of Vermillion Harbor, Ohio.

### DOCKET 2788: DUTCHESS COUNTY WATERSHEDS, DUTCHESS COUNTY, NEW YORK

*Resolved* by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Wappinger Creek Watershed, Pleasant Valley, New York, authorized in accordance with Section 212 of the Flood Control Act of 1950 (Public Law 516), 81st Congress, 2nd Session, and other related reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, storm damage reduction, environmental restoration, navigation, watershed management, water supply, and other allied purposes, in Dutchess County Watersheds, that drain directly into the Hudson River in Dutchess County, New York.

There was no objection.

☐ 1230

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to fifteen 1-minutes per side.

## FILIPINO VETERANS EQUITY ACT

(Mr. HONDA asked and was given permission to address the House for 1 minute.)

Mr. HONDA. Mr. Speaker, as we approach Veterans Day, I rise to urge Congress to support the Filipino Veterans Equity Act. This important piece of legislation will restore U.S. veterans status to the surviving soldiers of the 250,000 Filipinos who were called into military service to the United States Armed Forces by President Roosevelt on July 26, 1941.

Of the only 22,000 surviving Filipino World War II veterans, I want to highlight Faustino "Peping" Baclig, who currently resides in Los Angeles, California. Peping was among the 75,000 Filipino and U.S. soldiers subjected to the 90-mile trek from Mariveles to Tarlac, better known as the Bataan Death March. He survived the atrocities of Japanese occupation and fought side by side with the Americans, only to have his service as a U.S. national and a veteran denied by the 1946 Rescission Act.

We now have a unique moment to undo the injustice of that act and give honor and respect to this brave group of veterans. As Peping tells us, though, "They pay us to die, but they cannot pay us to live." For these men, the Filipino Veterans Equity Act will fulfill a promise we denied them for over 60 years, recognition of a grateful Nation that their service to our country is just as equal as the soldiers with whom they stood shoulder-to-shoulder on field of battle.

## FUNDING OUR VETERANS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, this is day 38. That is 38 days so far that our veterans have not had the use of the increased funding for their benefits and health care. That's $18.5 million a day not able to be used.

In June, this House passed this appropriation bill with a $6 billion increase in a bipartisan manner. On September 6, the Senate completed their bill. The President has agreed to sign this bill. Instead, the Democratic leadership has decided to use funding for our veterans as a smokescreen in an effort to pass billions in unrelated domestic spending.

Our veterans are not pawns in a political game. They are heroes. These funding issues should have been considered separately and on their own merits. Please join me in calling upon the Democratic leadership to put our veterans first and send a clean Veterans appropriation bill to the President now.

## IN SUPPORT OF EQUITY FOR FILIPINO VETERANS OF WORLD WAR II

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, Filipino veterans are those who answered the call of President Franklin Delano Roosevelt and served alongside our Armed Forces during World War II. They fought shoulder-to-shoulder with American servicemen, and we promised to provide full veterans benefits to them. While we have made some progress toward that goal, we have not yet achieved the full equity that the Filipino veterans deserve.

I am proud to be an original cosponsor of H.R. 760, the Filipino Veterans Equity Act, which, in essence, makes good on the promise that our government made to these brave men over 60 years ago.

Our Filipino veterans are in the twilight of their lives. Of the 250,000 soldiers that fought with us, only 18,000 survive today. Of that number, 2,000 reside in my State of Hawaii.

As we honor our veterans all across the country this Veterans Day, let us include those Filipino veterans who still await a promise unfulfilled.

## BIBLES PROHIBITED IN CHINA

(Mr. McCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOTTER. Mr. Speaker, as the world stumbles toward the Communist propaganda extravaganza labeled the Beijing Olympics, somewhere Chairman Mao is looking up at us and laughing.

According to the Catholic News Agency, Bibles and all other religious symbols are among Communist China's list of athletes' "prohibited objects" due to "security concerns."

Since the leader of the Free World, President Bush, has articulated his eagerness to attend Communist China's Olympics, I am compelled to ask three questions:

Mr. President, how many Bibles will you be taking to Beijing? Will you visit the five bishops and 15 priests in prison for opposing the Communist regime's official church? And will you tell China's Communist tyrants this fundamental truth: No good government denies God's presence.

## HONORING OUR VETERANS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to thank our Nation's veterans and their families for their dedication, their service and their sacrifice.

As we approach Veterans Day, I commend the Democratic leadership for working with our Senate colleagues to pass a Veterans appropriations bill last night. This bill is the largest increase in veterans funding ever, $3.7 billion over what the President asked.

This bill will provide our veterans with desperately needed health care services, including funds specifically allocated to treat the rising number of veterans with traumatic brain injury and PTSD.

To date, we have lost more than 4,000 troops and 30,000 troops have been wounded in Afghanistan and Iraq. We must do everything we can to take care of our servicemembers when they come home to their families and their communities, and we will bring them home. But until that day, this Congress will do everything we can to take care of our veterans and their families.

## BIPARTISANSHIP

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Bipartisanship. You hear this expression tossed around quite frequently in political circles, so much so that perhaps it has almost become a cliche.

Sadly, we don't see genuine examples of bipartisan cooperation in this Chamber enough, and this no doubt disappoints the American people. Over 140 days ago, Democrats and Republicans worked together to pass one of the largest necessary spending increases in the 77-year history of the Department of Veterans Affairs. To ensure the health and well-being of our veterans, this bill is a needed investment veterans care about and the care they need to receive.

Eight weeks ago, a similar version passed the Senate on a bipartisan basis. Instead of allowing the House and Senate to iron out minor differences yesterday, the House leadership insisted that veterans funding be held hostage for a wasteful, pork-barrel spending bill that would increase the deficit by $10 billion.

No doubt this shameful game further disappointed the already jaded public perception of Congress.

Let's get back to bipartisanship and swiftly pass this important legislation in its original form. Then together, on behalf of our veterans, we can all celebrate when it becomes law.

## VETERANS FUNDING BILL

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, as a veteran of the United States, I rise in support of the House bill on veterans funding.

Over the last 5 years, hundreds of thousands of Americans, military personnel, have bravely served this country in Iraq and Afghanistan.

I am proud that North Carolina is home to many of these soldiers and also has one of the highest veteran populations in the country. Unfortunately, VA health care is still not adequately prepared to care for those who are returning from combat. Today, nearly 400,000 veterans are faced with unreasonable delays for their claims to be processed.

Yesterday, this Democratic House once again fulfilled its commitment to our veterans by passing a conference report that is $3.7 billion over President Bush's request for veterans medical care, claims processing personnel and for facility improvements. The conference report includes the largest increase in funding in the 77-year history of the VA to fund these health care needs, as well as funds for 1,800 new processors to alleviate the claims backlog.

Despite a veto threat from this President, who is spending millions of dollars on roads, schools and health care in Iraq and Afghanistan, this House passed the VA funding bill on a vote of 269–142. The Senate should follow our lead, and the President should reverse his course and sign this vital bill into law.

## MASTER GUNNERY SERGEANT JAMES PETERSON

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, a man that is faithful to his family, church and community, MGySgt James Peterson is distinguished and honored as a true American veteran.

His unit invaded Iwo Jima on February 19, 1945, and he fought bravely to see the American flag flown over Mount Suribachi. He then served 30 months in the South Pacific, after which he was assigned to be a drill instructor at the recruit depot in San Diego.

In honor of our veterans who have served and are serving this country now, MGySgt James Peterson of Aiken, South Carolina, is truly an American soldier through and through. Americans are in debt for his service in the Marine Corps, and Mr. Peterson will always be honored as an American soldier who fought to defend American freedom.

## UNITED STATES-PERU TRADE PROMOTION AGREEMENT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. The dollar is dropping like a rock. We're borrowing $2 billion a day from overseas to buy things we don't make anymore. We've lost 4 million manufacturing jobs. Millions of middle-class Americans are seeing their pay stagnant or declining.

Our current trade policy is a dismal failure. It's a failed engine for our economy. Now comes the Peru Free Trade Agreement. The advocates tell you the burgeoning middle class of Peru, all three of them, are going to go out and be a huge market for the goods we don't make in America anymore.

They tout the breakthroughs on modest labor and environmental provisions. Well, the destructive multinational-written chapter 11 provisions remain at the center of this trade agreement. If trade is the engine that drives our economy, it needs an overhaul. Instead, with this bill, we are getting a new hood ornament, some sideview mirrors and a misbegotten cousin of NAFTA as a trade policy.

## WELCOME TO FRENCH PRESIDENT NICOLAS SARKOZY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to welcome French President Nicolas Sarkozy and thank him for addressing the joint session of Congress this morning.

As a person of French heritage, I know we are all grateful for his tribute to American veterans. France was our first ally in the American Revolution, as symbolized by the portrait of Marquis de Lafayette here in the Chamber. France remains an important partner in international affairs and a major investor in the American economy.

I am grateful that the midlands of South Carolina is home to three Michelin tire manufacturing plants. The Associated Press has recognized President Sarkozy as a blunt and uncompromising pro-American conservative.

With his leadership, I am confident our historic alliance will be strengthened as we pursue common goals of global economic development and face down a common enemy in the global war on terrorism.

I look forward to working with my colleagues and our friends of France in promoting our vibrant partnership.

In conclusion, God bless our troops, and we will never forget September 11th.

## "PRESIDENT NO" ATTEMPTS TO USE VETO PEN AS DISTRACTION FROM HIS FISCAL MANAGEMENT

(Mr. HODES asked and was given permission to address the House for 1 minute.)

Mr. HODES. Mr. Speaker, over the last couple of weeks, President Bush has turned into President Veto, saying "no" to a bill that would provide 10 million children access to health care and then saying "no" last week to a bill that would protect the lives and livelihoods of millions of Americans from the devastating impact of flooding.

After 6 years of signing any bill that came to his desk and disregarding the impact legislation would have on our Nation's fiscal well-being, President Bush is now trying to claim the mantle of fiscal responsibility.

Who, exactly, is the President trying to fool? He turned a $5.6 trillion surplus that he inherited from President Clinton into a $3 trillion deficit. That's a reversal of fortune of $8 trillion.

When Democrats took control of Congress, we vowed to restore fiscal sanity, and we began by restoring sensible pay-as-you-go rules. Every bill that we have brought to this floor has complied with these rules, but the President continues to imply that he is more fiscally responsible than this new Congress.

The American people should not and will not be fooled by this change in rhetoric.

## THE FRENCH PRESIDENT AND THE AMERICAN SOLDIER

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the French president addressed a joint session of Congress today, and he, like General Lafayette before him, talked about the American soldier, the warrior's courage, determination, resilience and love of freedom more than life itself.

As we approach Veterans Day, French President Nicolas Sarkozy's words are appropriate to show how the world, that has benefited from the American GI, view our military.

He said this morning:

"The men and women of my generation heard their grandparents talk about how in 1917 America saved France at a time when it had reached the final limits of its strength.

"The men and women of my generation heard their parents talk about how in 1944 America returned to free Europe from the horrifying tyranny that threatened to enslave it.

"Fathers took their sons to see the vast cemeteries where, under thousands of white crosses so far from home, thousands of young American soldiers lay who had fallen not to defend their own freedom but the freedom of all others, not to defend their own families, their own homeland, but to defend humanity as a whole."

Mr. Speaker, the world's freedom fighter has always been the American soldier.

And that's just the way it is.

□ 1245

## CONGRESSIONAL REPUBLICAN LEADERS ARE NOT COMMITTED TO A STRONGER CHIP BILL

(Mr. WU asked and was given permission to address the House for 1 minute.)

Mr. WU. Mr. Speaker, last night big, rich tobacco companies killed health care in Oregon for little poor kids. Now we in Congress must and can do better for our entire Nation.

But Republican leaders refuse to allow bipartisan negotiators to reach a compromise that would give 10 million American children the health care they need and deserve. The Republican leaders' refusal to negotiate only highlights their continued opposition to health care for the children of low-income working families.

Unfortunately, President Bush also remains unmoved by the health care needs of our children. The President has routinely refused to meet with congressional leaders, even to discuss the children's health care insurance program.

While President Bush works against children's health care, Republicans and Democrats will continue to work together to identify a compromise that will afford health care to 10 million American children. A bipartisan majority of us realize just how important it is to ensure that children have access. The health care of the 10 million American children and over 100,000 children in Oregon is simply too important to ignore.

## FREE TRADE AGREEMENTS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, every time the United States signs a free trade agreement with a developing country, this time the Bush Peru agreement, we end up outsourcing more wealth and more middle-class jobs. We're already in deficit with Peru under existing conditions. And just like Mexico, when we signed that agreement, we went from a surplus to a gigantic deficit.

If labor provisions in the agreement are so good, why are no trade unions in our country or Peru supporting the agreement? Could it be because the agreement does not require the Peruvians to comply with core labor "rights", but rather, with vague and unenforceable labor "principles" which are then cleverly placed in the preamble or the declaration of the agreement and not in the enforceable and binding core standards, as do the International Labor Organization conventions?

You know, this week the Peruvian miners are talking to us. They are on strike; 6,300 miners who mine gold and silver and zinc and copper and molybdenum in that country. They're on strike but the Peru Labor Ministry has ordered them back to work or they will lose their jobs in 3 days. Isn't it time for us to hear the voices of the people of Peru as well as the voices of the people of our own country who have lost so many jobs due to these unfair trade agreements?

Peru doesn't intend to enforce international labor rights.

## IMPEACH VICE PRESIDENT CHENEY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, yesterday I brought articles of impeachment before this House. The articles have been referred to the Judiciary Committee, and the people of the United States now have a chance to become engaged in a broad discussion about the importance of this action.

People ask, why now? Well, recently, the administration asked for millions of dollars to be included in the defense budget to retrofit Stealth B-2 bombers with 30,000-pound bombs that can be used to bomb nuclear research labs in Iran at Natans and Bushir. Think of the humanitarian and ecological disaster that would come from that kind of a bombing.

This administration, which took license to go to war based on lies, must be held accountable. And the Vice President must be held accountable for his role in bringing about the war against Iraq and in trying to beat the drums for a war against Iran.

As has been pointed out here, we have so many needs here at home. We have people who are losing their homes, losing their pensions, losing their jobs, losing their health care, and we must bring discipline in this House to hold this administration accountable unto the law, so we can begin to focus on a domestic agenda and stop waging aggressive war.

Impeach the Vice President.

## PRESIDENTIAL MEDAL OF FREEDOM RECIPIENTS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, on Monday, the President issued eight Presidential Medals of Freedom to eight great Americans. It was a beautiful service, and the President did our country proud at that program.

One of the recipients was the Reverend Benjamin Hooks, who's a resident of Memphis, one of my constituents, a great man who rose from a segregated South to the heights of the Federal Communications Commission and the NAACP in this country.

Also honored were Harper Lee, the author of "To Kill a Mockingbird," and Mr. Francis Collins, who did the Human Genome Project. You know, we're 99.9 percent the same, and that's what the Human Genome Project told us.

President Bush asked Rev. Hooks what can we do to move race relations forward. I'll tell President Bush some of the things we can do, Mr. Speaker. We can care about children and pass a children's health care program, many of those children being African Americans and minorities. And we can pass programs that allow for scholarships for young people at Historically Black Colleges and Universities.

There's much we can do, Mr. President. You did good on Monday. Let's keep doing good.

## 40TH ANNIVERSARY OF THE PUBLIC BROADCASTING ACT OF 1967

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, I rise in recognition of the 40th anniversary of the Public Broadcasting Act of 1967. Congress passed the act to advance both communications technology and quality programming. It now invests in over 1,000 local radio and television stations, providing every American with access to commercial-free educational and thought-provoking programming.

For years, parents in my home of St. Louis, Missouri, have turned to KETC-TV as their children's developing minds are broadened by programs like "Sesame Street." These same parents depend on KWMU for in-depth news coverage of local, national and global events.

With its mission to provide programs which inform, enlighten and enrich the public, the Corporation for Public Broadcasting has contributed to the development of our children, the public's interest, and the understanding of our world and the implementation of a new and better communications technology.

As the bill was signed into law on November 7, 1967, President Lyndon Johnson so eloquently stated, "While we work every day to produce new goods and create new wealth, we want most of all to enrich man's spirit." Thank you to the Corporation for Public Broadcasting for doing just that.

## 40TH ANNIVERSARY OF THE PUBLIC BROADCASTING ACT OF 1967

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, I join my colleague from Missouri in saluting the 40th anniversary of Public Broadcasting.

On the floor of the House we're surrounded by controversy on so many issues, but the unique achievement that is our system of public broadcasting really does bring us together.

In those 40 years we've evolved a powerful system with NPR and PBS, through the hundreds of stations around the country, 100 million viewers of public television a week. Many cities around the country especially my own Hometown, Portland, the number one radio station is its public radio station.

We have evolved a national voice that deals with issues of education, of music and public affairs. We've been able to prove empirically that the people who get their news from NPR actually have an identifiable, measurable, more accurate view of what's happening in the world.

Since public broadcasting was established in 1967, the Federal Government has spent trillions of dollars, but there is no investment during those last 40 years that has paid greater dividends for the American people.

## SCHIP NEGOTIATIONS

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, what we're hearing about the SCHIP negotiations sounds like this Congress is getting ready to literally throw the baby out with the bathwater.

We started with a less than perfect bill that would have covered close to 6 million children who are eligible. We're now heading to just above 3. And the proposed changes threaten to put up barriers that would even lower that number: removing outreach dollars will never get to the children we need to cover. Requiring proof of citizenship will scare naturalized citizens and the poor that we're trying to cover away.

Taking away authority of States to have income disregards will cause children now covered to lose it. Not covering parents will threaten the health of their children, if they're lucky enough to squeeze through the sieve that the House Republicans are trying to create.

Too little money to the States will keep them from even reaching their most modest goals, and trying so hard to get Republican votes may cause the measure to lose key ones from Democrats.

I'm beginning to think it would be better to just extend the current CHIP until we have more people here who are willing to do what is necessary to ensure that our children have access to good health and the better life that we owe them.

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## PROVIDING FOR CONSIDERATION OF H.R. 3685, EMPLOYMENT NON-DISCRIMINATION ACT OF 2007

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 793 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 793

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3685) to prohibit employment discrimination on the basis of sexual orientation. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions of the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. Amendment number 3 in the report of the Committee on Rules may be withdrawn by its proponent before the question is put thereon. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3685 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague from the Rules Committee, the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 793.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 793 provides for consideration of H.R. 3685, the Employment Non-Discrimination Act of 2007, under a structured rule.

The rule provides for 1 hour of general debate controlled by the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI.

The rule makes in order three amendments that are included in the Rules Committee report. The rule also provides one motion to recommit, with or without instructions.

Mr. Speaker, I am proud to rise today in support of the Employment Non-Discrimination Act of 2007 and passage of this rule. By passing this bipartisan legislation today, the House of Representatives will take another step, important step, towards equality for all Americans.

During the 230-year-plus history of our great Nation, the march towards equality under the law for all of our citizens has sometimes been slow, but it has been steady. Over time, Congress has outlawed discrimination in the workplace, based upon a person's race, gender, age, national origin, religion and disability, because when it comes to employment and hiring and firing and compensation and promotion, these decisions are rightly based upon a person's qualifications and job performance.

□ 1300

Sometimes the fight for equality has been slow in coming indeed. This legislation that outlaws job discrimination based upon sexual orientation that the Congress will pass today was first introduced over 30 years ago.

It is long past time to ensure that no one in our country can be discriminated against and fired from their job based upon who they are, whether it is their race, their color, whether they are a man or a woman, or whether they are gay. Private companies across America know this and are way ahead of the politicians here in Washington.

Many of our neighbors back home would be shocked to learn that millions of Americans can be fired from their jobs or refused work or paid less and otherwise subjected to employment discrimination without regard for the quality of their work and without any recourse under Federal law. While many States, cities, and counties across the country have outlawed job discrimination on their own, many States and localities have not. I am proud that the cities of Tampa and St. Petersburg that I represent have outlawed job discrimination against gays and lesbians, but our counties have not, unfortunately.

The Employment Non-Discrimination Act protects all Americans, no matter where they live, by making it illegal to fire, refuse to hire, and refuse to promote employees based upon a person's sexual orientation. See, in America no person should have to worry about the security of their job because of their sexual orientation. Our country bases employment evaluation on hard work and on a job well done. Making employment decisions on anything else is unacceptable. In fact, 90 percent of Fortune 500 companies in the United States have adopted policies similar to the legislation that the Congress will pass today. And a broad coalition of businesses and community organizations strongly support this landmark civil rights legislation, including the Human Rights Campaign; the Anti-Defamation League; Central Conference of American Rabbis; the National Education Association; the Leadership Conference on Civil Rights; and, I am proud to say, the NAACP.

I am proud that this Congress will stand up for equality for all Americans and stand behind our values and understanding that we do not discriminate against our neighbors for any reason, and we should be able to live comfortably with the knowledge that our neighbors will not discriminate against us. The passage of this legislation will remove a legitimate fear that exists among us that we may lose our job and be unable to provide for our families when someone decides to exercise intolerance and prejudices against us and our neighbors in the workplace.

Thanks to extraordinary leaders in Congressman BARNEY FRANK, Congresswoman TAMMY BALDWIN, Chairman GEORGE MILLER, Congressman ROB ANDREWS, Congressman CHRIS SHAYS, Congresswoman DEBORAH PRYCE, and so many others that will stand up for Americans here in this body today and pass this law, I thank them for their leadership and their commitment to equality for all Americans. And I agree with them that passing this historic nondiscrimination act will bring our Nation closer to our goal and our promise of equality for all Americans.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlewoman from Florida (Ms. CASTOR) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, Federal law bans job discrimination based on race, color, national origin, or gender. In addition to Federal law, 11 States have passed laws prohibiting discrimination on the basis of sexual orientation and gender identity, while another eight States bar discrimination on the basis of sexual orientation.

The Employment Non-Discrimination Act would extend Federal employment discrimination protections to employees on the basis of their actual or perceived sexual orientation.

Mr. Speaker, I strongly oppose discrimination in the workplace, and I believe that skills and job performance are essential for determining whether employees are hired, promoted, or dismissed. However, I do not think it is the place of the Federal Government to legislate how each and every workplace operates. As a former small business owner, I know that what brings success to one company does not necessarily bring success to another.

As I mentioned, a number of States have enacted State laws in this area. That is their right as States. Many small businesses and large corporations have chosen to adopt their own policies. That is appropriate as well, Mr. Speaker. This bill as written, though, raises a number of concerns, including that it would expand Federal law into a realm where perception, Mr. Speaker, would be a measure under discrimination law.

On Monday, my colleagues on the Rules Committee and Members testifying before the committee pointed out that debate on the bill, at least in committee, had been productive and a respectful one. Mr. Speaker, I am truly disappointed that moments later, the Democrat-controlled Rules Committee chose to report out a rule that denies the House and the American people the opportunity for a full and fair debate by prohibiting 99 percent of the Members of the U.S. House the opportunity to come to the floor and offer amendments.

For the last 2 weeks, Democrat leaders have had the opportunity to amend, alter, and change this bill. This editing and rewriting has been done behind closed doors and is contained within the Miller-Stupak amendment. Democrat leaders have acted to deny a public debate and to deny Republicans the opportunity to offer an amendment similar in scope to the Miller-Stupak amendment. This is not an open and honest way to run the House, and it is not what Democrat leaders promised the American people only a year ago.

This rule only makes three amendments in order, Mr. Speaker, but buried in this rule there is a special provision, a special provision, that allows amendment No. 3 in the report of the Committee on Rules to be withdrawn by its proponent before the question of adoption.

Mr. Speaker, what does this mean? It means that the Rules Committee decided to make three amendments in order but denies the House a vote on one of those amendments. I just have to wonder why the Democrat Rules Committee is denying a vote on this amendment. My friend from Florida was up there, and I would yield to the gentlewoman from Florida if she can tell me why this provision is in the bill to deny the House a vote on amendment No. 3.

I would yield to my friend if she would explain this for me.

Ms. CASTOR. Mr. Speaker, I am happy to answer.

I do wish Ms. BALDWIN would allow a vote on the amendment. I strongly support the amendment, as many of those in the Congress do. But this was her request, and this is the way the rule has been structured.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman for giving me that option. I can't remember how many times I have been in the Rules Committee talking about and asking Members who come forward with potential amendments what their choice would be, would they like to have an open rule or would they like to have a closed rule. And every time I hear, at least from the members of the Rules Committee, that the Rules Committee will decide.

Now, it sounds in this particular case that one Member decided that she didn't want a vote on it, so we deny everybody in the House an opportunity. The gentlewoman said that she would like to be able to vote on this. I will give her the opportunity to do so.

Mr. Speaker, I have to say I have served on this Rules Committee for a decade, and I cannot recall one instance when Republicans were in control that a rule allowed a Member to bypass House Rules and withdraw an amendment. I believe it is wrong for a substantive legislative issue to be raised on the floor only to deny Americans, through their representatives, a voice on that amendment.

Let's be clear about what is happening here. And that is that the rules of the House are being altered to block the House from voting on this amendment. It is clear and simple. We were elected to represent our constituents by casting a vote and votes, and today Democrat leaders are denying us a vote. I am extremely concerned with this unprecedented rule and I have an amendment, and I hope the gentlewoman will support me. My amendment would, in section 1 of the resolution, strike the sentence which begins, "Amendment No. 3 in the report of the Committee on Rules."

Mr. Speaker, I ask unanimous consent that the resolution be amended to reflect the change as offered in my amendment.

Ms. CASTOR. I object.

The SPEAKER pro tempore. Does the gentlewoman from Florida yield for that request?

Ms. CASTOR. No, I do not.

Mr. HASTINGS of Washington. Mr. Speaker, did I hear objection?

The SPEAKER pro tempore. The gentlewoman from Florida did not yield for that request.

Mr. HASTINGS of Washington. No, the question I have, I ask unanimous consent that the amendment be considered and adopted.

Ms. CASTOR. And I object.

The SPEAKER pro tempore. The gentlewoman from Florida must first have yielded for that request. She has yielded for debate only.

Ms. CASTOR. And I do not yield.

Mr. HASTINGS of Washington. Is my amendment now before the body?

The SPEAKER pro tempore. No. The gentlewoman from Florida yielded for debate only.

Mr. HASTINGS of Washington. Does the gentlewoman yield to me so that I can offer the amendment?

Ms. CASTOR. I do not yield.

The SPEAKER pro tempore. The gentlewoman from Florida does not yield for that purpose.

Mr. HASTINGS of Washington. I just want to make this clear, Mr. Speaker. I am asking unanimous consent to have the amendment that I described be considered. Now, if I have to engage the gentlewoman for that determination, I would be happy to do so, but I am asking unanimous consent that that be done. I am just asking for a ruling on this.

The SPEAKER pro tempore. The gentlewoman has yielded for the purpose of debate only. She did not yield for the purpose of propounding a unanimous consent request.

Mr. HASTINGS of Washington. So, Mr. Speaker, the way I understand your ruling, then, is that I hear no objection; so, therefore, my amendment should be made in order, and I would like to move the proper procedure as I don't hear any objection.

The SPEAKER pro tempore. The gentlewoman from Florida did not yield for the purpose of offering an amendment.

Mr. HASTINGS of Washington. So there has been an objection?

The SPEAKER pro tempore. No. The Chair cannot entertain the gentleman's request unless the manager of the resolution has yielded for that purpose.

Mr. HASTINGS of Washington. Will the gentlewoman yield? Did she reserve the right to object and would she yield at least to explain why she objected?

The SPEAKER pro tempore. All time was yielded for debate only. The gentleman is not entitled to propound that form of unanimous-consent request unless yielded to for that purpose.

### PARLIAMENTARY INQUIRY

Mr. HASTINGS of Washington. Parliamentary inquiry, Mr. Speaker.

If I attempt to amend this, what procedure would I go through in order to try to amend this rule?

The SPEAKER pro tempore. If the previous question were defeated, an amendment could be offered.

Mr. HASTINGS of Washington. Further parliamentary inquiry. Then the only means I have is through the previous question and not to ask unanimous consent?

The SPEAKER pro tempore. Or if the gentlewoman yields for that purpose.

Mr. HASTINGS of Washington. Will the gentlewoman yield so I can ask unanimous consent to amend the rule?

Ms. CASTOR. I thank my colleague, but I will not yield at this time.

The SPEAKER pro tempore. The gentlewoman has not yielded.

Mr. HASTINGS of Washington. I understand.

Well, if that's the case, then, Mr. Speaker, I accept the ruling, and I wish I had a more full description of why there is a problem not at least allowing potentially a vote on amendment No. 3.

Mr. Speaker, I have no other choice but to ask my colleagues, then, later on today to defeat the previous question so that I can amend the rule by striking the language that I described that allows the proponent of amendment No. 3 to withdraw their amendment before a vote.

☐ 1315

So, just let me be clear. When I offered this motion, by voting "no" on the previous question, Members will, therefore, be allowed to show their support or opposition on amendment No. 3, which would expand the bill's protections to persons discriminated against based on gender identity. This is defined in the amendment as "gender-related identity, appearance, mannerisms or other characteristics of an individual, with or without regard to an individual's designated sex at birth." Now, Members who choose to say "yes," then, on the previous question would, therefore, be showing their support for denying Members of this House an opportunity to vote on that issue.

So, Mr. Speaker, I would urge, and I will talk about this later, but I urge my colleagues to vote "no" when I offer that motion on the previous question.

With that, Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I am proud to yield 2½ minutes to a Member of Congress that continuously and forcefully speaks out for equality for all Americans, Congresswoman BARBARA LEE from California.

Ms. LEE. Let me thank the gentlelady for yielding, for her leadership, and for her fairness and her diligent work on the Rules Committee. Also, I want to thank Chairman BARNEY FRANK and Congresswoman TAMMY BALDWIN for their hard work in bringing this bill to the floor today.

First let me say that I was on the floor two nights ago, and Members of Congress so eloquently reminded us that this is National Bible Week. So as one who believes in the Scriptures, as a Christian, and as one who embraces what everything, Democrats and Republicans, were talking about the other night as it relates to love thy neighbor as thyself, we are responsible for the least of these. I know for a fact, like all of you know for a fact, that discrimination against anyone, and I mean anyone, is morally and ethically wrong, and it goes against the teachings of all of our great religions.

The Baldwin amendment, which recognizes that transgendered Americans should have all of the protections and the rights of any person in America, should be included in this bill. It should include the Baldwin amendment. Because if we believe in who we are as a country, and if we believe that discrimination is wrong against anyone, then how in the world can we leave out a significant number of Americans in this bill?

So, if it becomes law, transgendered Americans will still face discrimination in the workplace. And we must not let up until we ban discrimination against everyone.

I just want to say, in closing, that gender identity should not be allowed in terms of discrimination in terms of the laws that we pass. We should not allow discrimination against anyone based on gender identity, based on sexual orientation, based on race, religion, age.

This is America. This is America. And I think that the Baldwin amendment would take us one step closer to being the country and the America that we all believe in and that we all love.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1½ minutes.

You were speaking, if I heard you correctly, on the Baldwin amendment. Now, the way the rule is structured, there is potential for not a vote on that amendment. I'm going to offer a motion on the previous question to allow that to be voted. Now, if I understood what the gentlelady was saying in her remarks, she would like the opportunity to debate that and presumably vote on that. So I would hope that the gentlelady would join me in voting "no" on the previous question.

I yield to the gentlelady.

Ms. LEE. What I'm saying is I think that the Baldwin amendment should be part of the bill that we are debating today. I believe that discrimination against anyone in our country is wrong based on any——

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Speaker, I hope the gentlelady then will join with me in defeating the previous question so, in fact, we can have a vote on that amendment.

Ms. LEE. As I said earlier, I believe that discrimination against anyone is wrong in our country, and especially discrimination based on gender identity.

Ms. CASTOR. Mr. Speaker, I am pleased to yield 4 minutes to the chairman of the Financial Services Committee, a gentleman who has devoted a large part of his career to fighting discrimination and prejudice in the workplace, BARNEY FRANK from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I am impressed by the sincerity of the gentleman from Washington's advocacy on people who are transgender, and I hope that as we contemplate this strategy today people will fully examine that.

I regret the fact that there do not appear to be the votes in this House to include people who are transgender. And I am struck by the eagerness, frankly, of some people to use that group as a weapon with which to defeat the whole bill because these are people who are opposed not only to the inclusion of people who are transgender, but who have historically been opposed to including any protection for people at all.

I will yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

If the gentleman was listening to my remarks, I know he came in, unfortunately, after I had started making my remarks, but my whole point was suggesting that we have a process here where we can dispose of the measure, either for or against. That's all I'm saying.

Mr. FRANK of Massachusetts. I take back my time. That's all the gentleman said, but the effect would be to try to undermine the bill. When people who are opposed to the basic bill and opposed to the amendment lament the chance not to vote on an amendment which would undermine the bill, people should understand where we are.

I filed the bill that included people who are transgender. And earlier this year, I was very proud when this House passed a hate crimes bill which explicitly included people who are transgender. My recollection is the gentleman from Washington voted against that.

We are in the following situation in this country: We have had prejudices of various sorts. Sadly, prejudice increases as difference increases. We have made progress in, I believe, disputing the prejudice against people, like myself, who are gay. We have not, lamentably, made as much progress in people who are transgender. I agree that the argument is there for including everyone. I agree that there was an argument for including legal immigrants in the SCHIP bill.

The question we have is this: If we do not have the votes to go forward with as much as we would like to do, do we then abandon any effort? And do we allow those who are opposed to any progress at all in the anti-discrimination fight in this area to use a particular group as a way to prevent progress?

Mr. Speaker, I've been voting on anti-discrimination measures for 35 years when I first joined the legislature, and I have voted repeatedly to extend the protection to groups of which I am not a member, based on ethnicity, based on race, based on disability, based on age. I am now a beneficiary of the age one, but I wasn't when I voted for it. And I wish we had the votes in this House to ban discrimination of all sorts. I also wish that I had as much energy today as I did when I voted to ban AIDS discrimination when it wasn't eligible. I wish I could eat more and not gain weight. I wish a lot of things. But I will not act on my wishes irresponsibly.

I hope we will go forward today and do as much as we can. I believe that if we are able to muster the votes to tell millions of Americans who are gay and lesbian that they are not bad people, that it is not legitimate to fire them simply because of who they are, the message we send to those people, the message we send to high school students who go to school each day fearing the kind of torment that they will confront, that that will be the most significant advance we have made in fighting prejudice since the Americans with Disabilities Act. I wish we could do more. And if we are able to do this, I will continue my efforts to do more.

I am glad to see more recruits now to the effort to protect people who are transgender. I wish they were there when many of us were fighting many years ago.

I will make this prediction, that if we go forward today and adopt legislation that bans discrimination based on sexual orientation but does not ban discrimination based on gender identity, some of us will continue to fight to protect people based on gender identity, and many of those seeking to use that issue today will be our opponents as we go forward trying to do it.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 minute.

I appreciate my friend from Massachusetts for yielding to me and at least airing in a brief exchange where I was trying to explain my position base was on the procedure and the rule. He took back his time. And while I think he may have conceded that that's what I was talking about, he said something to the effect of that's not what you meant. Now, I think he is expanding what my thought process is, but I do appreciate the gentleman for at least yielding to me.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. HASTINGS of Washington. I will yield to the gentleman.

Mr. FRANK of Massachusetts. I simply wanted to point out that this proposal that we be allowed to vote on this issue comes from people who are opposed to it in all regards and who understand that the effect of that procedure would be to undermine our ability to make any progress at all.

Mr. HASTINGS of Washington. Reclaiming my time, I have a great deal of respect for the gentleman from Massachusetts, and he is one chairman who regularly comes to the Rules Committee and wants to have a full and open debate.

I think that the gentleman would have to concede that this is a very unusual step where we are self-building into the rule an opportunity to deny a vote on an amendment that was made in order. That is contrary to what I've heard the gentleman say many times.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. HASTINGS of Washington. Sure, I would be happy to yield.

Mr. FRANK of Massachusetts. Yes. The rule gives the opportunity to the supporters of including transgender inclusion the right to make that decision, not its opponents.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 15 seconds.

This is a very, very unusual procedure. And the whole point of a body like the United States Congress is to debate and dispose of issues. We are being denied that under the rule.

I yield 2 minutes to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in opposition to H.R. 3685, the Employment Non-Discrimination Act, and the rule that we have before us today. Primarily, I'm opposed to the measure's unclear wording that could easily lead to wide-ranging and serious consequences.

This bill would prohibit discrimination, which is a good thing, on extremely hard-to-define measures such as an individual's perceived characteristics. I think it's the perception and the "perceived" language in here that is very troubling to me as a former small business owner with up to 15 employees. It would be impossible for employers to operate a business while having to worry about being accused of mistreating someone based on the employee's "perceived characteristics." This ill-conceived, vague language is nothing more than a golden ticket for America's trial lawyers. This loose wording is also an invitation for accusations by disgruntled employees who want to take advantage of a poorly constructed law.

Like all of my colleagues, I believe congressional policies should strive to promote a tolerant society. I believe many Members, including myself, would vote for it without the "perception" language in it.

The gentleman from Massachusetts spoke before very eloquently, as he always does, and he said, our laws should not say that gay people are bad people. That's not what this bill says, nor has any bill that has come before us ever said that. When people that I come in contact with begin to disparage individuals who may be gay, I point out to them that, you know, you don't know whether your Aunt Jen, our son Bill, your grandson Paul or your granddaughter may be gay, so it's inappropriate.

You know, it's inappropriate to make disparaging comments about anyone who is gay because people really don't know the people around them, whether they are or whether they're not, and it's really none of their business.

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However, when that quest for intolerance in this bill leads us to costly and irresponsible ends, I think we must rethink the legislation. At a time when America faces so many challenges, the last thing Congress needs to be doing is finding a way to hand trial lawyers an avalanche of litigation to cash in on. I urge my colleagues to oppose this poorly drafted legislation. Let's go back to the drafting board with this.

Ms. CASTOR. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentlewoman for yielding.

Mr. Speaker, I am committed to the passage of an ENDA that protects lesbian, gay, bisexual and transgender employees. I have been a lead sponsor for proposals like ENDA every year since I became a member of the New York State Assembly 30 years ago. I am a proud original cosponsor of the original ENDA bill that would protect the entire LGBT community.

I believe that civil rights are best advanced by bringing forward a bill that adequately protects all members of the LGBT community. While this may be risky, it is not reason to accept defeat before the fact and to leave behind members of the community who desperately need protection against employment discrimination.

As we have seen in many States, the failure to include transgender people in civil rights legislation from the beginning makes it more difficult to extend protections later. My own State of New York, which enacted employment protections for lesbians and gays, has yet to extend these protections to the transgender community.

The Senate has yet even to introduce its version of ENDA. Indeed, even if Congress were to adopt a noninclusive ENDA, the President has already pledged to veto this legislation. So it is not a question, as the gentleman from Massachusetts said, of now choosing to protect a great number of people and leaving behind a smaller number of people as the price of so doing because we cannot pass this legislation into law and protect anyone this year, unfortunately. We must look to the future when we have a President who will support equality. I believe it is important we take a principled stand now and speak with a strong and united voice for equal rights for all Americans, whether they are lesbian, gay, bisexual or transgender in order to maximize the chance that when we can enact an ENDA bill into law, it will be an inclusive bill that protects everyone's rights. And we must better educate lawmakers and the public about the issues of gender identity and expression.

While I may disagree with some of my colleagues on strategy, I assure you that we are united in support of the ultimate goal, protection from employment discrimination for the entire LGBT community. No one should underestimate the strength of that common commitment or our dedication to seeing it realized. Transgender Americans, because of a lack of familiarity and understanding, are more likely to face employment discrimination and, therefore, more in need of protection from irrational discrimination that an inclusive ENDA would afford.

And removing gender identity from ENDA may also leave lesbian and gay employees vulnerable to discrimination for failing to conform to gender stereotypes. In other words, some employers and courts may take an overly restrictive view that an exclusive ENDA fails to protect lesbians who appear "too masculine" or gay men who appear "too effeminate." That is not our intent, nor do we believe it is an accurate reading of the bill, but congressional intent does not always carry the day. Splitting sexual orientation and gender identity disserves the entire LGBT community and invites the kind of legal mischief that has undermined other civil rights laws.

The fundamental issue is this: There are still too many places where it is entirely legal to discriminate against lesbian, gay, bisexual, or transgender employees. We must bring an end to this unfair, unacceptable and un-American situation.

When the House considers ENDA today, I will support the amendment introduced by Congresswoman BALDWIN to restore the protections from discrimination based on gender identity. Should that amendment fail, I will not be able to vote for the underlying bill because it fails to uphold adequately the American values of fairness, equality and inclusion, but I will continue to fight for a proper ENDA bill that includes all the people who need its help.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 7 minutes to a classmate of mine, the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank my distinguished friend from Washington.

Rather than comment generally on the bill here, I am going to focus on the rule. I will talk later on the bill itself.

As a senior member of the Education Committee, we went through this debate in committee, and I find it reprehensible that the process we have been following increasingly in this House is to shut off debate, that ironically in a bill that is supposedly expanding rights, we have another narrowly drawn rule that deprived me of offering several amendments that I offered in committee, has a gerrymandered rule for another amendment that is unique in history, has several others put in in the Rules Committee that are very unclear.

Let me go through a number of these different amendments. I offered an amendment in committee that was unanimously opposed by the Democrats in committee to eliminate the word "perceived." This is a legal nightmare. There is no other law. There is talk about how ADA has some things vaguely familiar. But it does not say "perceived." How in the world are you going to define "perceived"? As anybody who has any friends who have worked with and been acquainted with people who have a homosexual lifestyle, there are all types. This is open-ended. There is no list here of what is perceived to be homosexual. How is an employer supposed to figure out whether it is perceived? Does that mean if he is a Christian and has made statements, somebody can file a suit because they perceived they were discriminated, not based on any kind of actions that occurred but something that was perceived? This is a legal nightmare and a precedent that is absolutely terrible, and we can't even vote. We can't even have a vote to strike the word "perceived" and have a full debate on the word "perceived." What kind of an open process is that in the House?

I also had an amendment that would have provided some protection for Christians who have strong views in the workplace and will insert into the RECORD at this point a number of cases. An AT&T employee was fired because he wouldn't sign a statement that contradicted his religious beliefs on accepting homosexual behavior. A man was fired at Red Cross for not participating in Gay and Lesbian Pride Month and forcing him to observe that. Others have been fired for other reasons.

The question is not whether you can harass somebody in the workplace. That is already illegal. If you mock somebody, that is already illegal. If you commit a hate crime, that is already illegal. The question is, can you as a Christian express your views and not be persecuted? That, yes, in a sense it is at least a plurality of Americans profess Christianity, a smaller percent conservative Christianity, but we are moving so far as to restrict the rights in the workplace of Christians' even ability to hold or say anything about their views. People can't even have Bible studies in some places it has been ruled because that would be offensive to homosexuals in the workplace based on this law in some cities and have been upheld in the court.

Now, moving past the two amendments that were unanimously defeated in committee and then we weren't allowed to debate as a whole House, we have an amendment that was added in response to another amendment from PETE HOEKSTRA in committee that would have exempted Christian colleges. It was unanimously defeated by the Democrats in committee. Then suddenly in the Rules Committee we have it added with a religious exemption. The problem with the religious exemption, and here I would like to put into the RECORD a number of cases that show the problem with this. Loyola University was deprived of a religious exemption because even though it was founded by Jesuits, its charter requires its president to be a Jesuit and more than one-third of their trustees, they were denied because they didn't meet one of those criteria. A Friends School, a Quaker school, was denied a religious exemption because it had to have multiple proof that everybody there was Quaker and was following every rule. A private religious school was denied for similar type things. A business that wanted to run as a religious world view was clearly denied the religious exemption. An orphanage by the United Methodist Church was denied the ability because it had gone secular. They wanted to come back and be a Methodist church again and they were denied, and these were all court decisions, because they were no longer purely Methodists and they didn't have a right to go back and be Methodist. This is in addition to the 2,500 Christian bookstores in America. Only 14 percent are run by a church. Eighty-six percent are either for-profit or not primarily religious organizations.

Under this bill, they will be forced to hire homosexuals regardless of the personal views of Christian bookstores. This is going to happen in various independent organizations that are quasi-part of the church. Sometimes the church will operate a for-profit entity, that runs as a for-profit entity, that would not be predominantly for a religious purpose, but the proceeds go to the church, therefore, they will implement their church beliefs in it, even though it is a for-profit entity. None of that is exempted under this. We didn't even get a chance to debate this amendment. It just came in in the rule.

Now, we move to another amendment that suddenly appeared, or I guess we will be debating here on marriage. Somehow in response to debate in committee, they are saying that this won't affect the Defense of Marriage Act.

This is another lawsuit amendment because that is directly contrary to the fundamental part of the bill. My amendment tries to address part of this, but quite frankly, it is a legal quagmire.

Then we come to amendments that are allowed. We have had some debate on this gender equity for transgender and transvestite. Now, the challenge here is not whether you favor it or are against it. I heard my friend from New York say he was going to vote for it. He can't vote for it. We are not allowed to vote for it. We have been banned from having a debate. What happened to the day when we have a debate, you win or lose? To come in unprecedented, I have never heard, as a staffer or a Member, a rule coming in prohibiting in the rule a vote. This is an in-your-face tactic as part of this bill to not let us debate the religious underpinnings and the religious stuff, not debate "perceived," not debate protections for people who are individuals, not have a vote on transgender, and it's 5 minutes on each side to even debate it.

This is an abominable rule. It is a precedent-setting, terrible, terrible rule. I urge people to support my colleague Mr. HASTINGS' motion on the previous question and to vote against that so we can have some amendments to this rule and then vote against this abominable rule because it sets precedents we will regret for a long, long time no matter which party is in the majority.

### EXAMPLES OF DISCRIMINATION AGAINST RELIGIOUS EMPLOYEES

Christian employees who read Bibles during "diversity training" reprimanded and spend four years in lawsuits to obtain reversal. The ACLJ filed suit in April 1998 against the Minnesota Department of Corrections on behalf of Thomas Altman and Ken Yackly to force their employer to rescind the reprimands they received in 1997 after they silently read their Bibles at a state-mandated training session called "Gays and Lesbians in the Workplace." The employees contended that the training session was little more than a state-sponsored indoctrination aimed at changing their religious beliefs about homosexuality. Four years later, and several appeals later, the employees were finally vindicated.

AT&T employee in Denver fired for refusing to sign company-required pledge to recognize, respect and value sexual orientation differences within the company. In January 2001, an employee of AT&T was required to sign a new AT&T Broadband Employee Handbook with policies that conflicted with his religious beliefs by condoning the homosexual lifestyle. After notifying his supervisor that based on his religious belief he could not sign the certificate of understanding, he was fired.

Christian firefighter suspended for handing out tract entitled "The truth about homosexuality." Madison, Wis., firefighter Ron Greer nearly lost his job for giving his colleagues a tract entitled, "The truth about homosexuality." He was suspended and ordered to attend diversity training for violating the city's anti-discrimination code.

Hospice worker fired by gay supervisor for expressing Christian beliefs about homosexuality. Debra Kelly, a former hospice worker in Philadelphia, was fired for expressing her Christian beliefs about homosexuality. Her supervisor, a supporter of ACT-UP, a militant homosexual group, said Kelly was intolerant and unsuited for her position.

At Hewlett Packard's plant in Boise, Idaho, an employee with a 21-year record of meeting or exceeding expectations was fired for refusing to remove Bible verses about homosexuality from his cubicle. The employee allegedly posted the Bible verses in response to a poster near his cubicle that he perceived to be promoting GLBT relationships. HP openly admitted that its reasoning for firing the employee was "his overt opposition to HP's Diversity Advertising Campaign."

Man fired by American Red Cross for not celebrating homosexuality Michael Hartman was employed by the Red Cross in San Diego. The company sent a mass e-mail to all employees in 2005 promoting "Gay and Lesbian Pride Month," urging them to "observe" the celebration. Hartman, a Christian, communicated his religious objections to his supervisors and was promptly called in and told his communication was "inappropriate." Hartmann was fired.

Oakland city employees posting a flier on a company bulletin board forced to remove flier and threatened with discipline. Oakland, Calif., city employees Regina Rederlord and Robin Christy formed a group called the "Good News Employee Association" and posted a flier on a company bulletin board advertising a "forum for people of faith to express their views on contemporary issues of the day, with respect for the natural family, marriage and family values." After a lesbian employee complained of being offended by the flier, the city removed the flier and threatened the two women with adverse employment action for placing the fliers "in public view which contained statements of a homophobic nature and were determined to promote sexual orientation based harassment." A federal court upheld the city's action.

In Portland, Maine, city officials canceled a $60,000 grant for a Salvation Army meals-on-wheels program for senior citizens. Why? As a Christian denomination, the Salvation Army won't provide marital benefits to homosexual employees, thus running afoul of the city's "sexual orientation" law. When the Portland's "sexual orientation" ordinance was introduced, proponents argued, as they do often today, that it would merely ensure that "people won't be fired for being "gay."

A District of Columbia human rights commission ordered Georgetown University, a Catholic college, to violate church doctrine and sponsor a pro-homosexual group on campus. A court agreed, saying the District's "sexual orientation" law overrode the school's religious freedom. It didn't matter that neither "sexual orientation" nor sodomy are protected in the Constitution or that religion is specifically protected. In the hands of the judges, "sexual orientation" takes on a life of its own.

In 2003 Atlanta Human Rights Commission ordered a local golf club to extend spousal rights to gay member partners, Thankfully officials intervened, and the Georgia legislature promptly passed a law exempting private clubs from local anti-discrimination obligations.

In June, 2001, The District of Columbia's Commission on Human Rights fined the Scouts $100,000 and ordered them to reinstate two openly homosexual leaders. That decision was overturned in court, but the Scouts paid heavy legal fees.

In Arlington, Virginia, a video duplicator had been ordered by the Arlington County Human Rights Commission to produce video material for a lesbian activist or pay for someone else to duplicate the videos. The videos Vincenz wanted duplicated were two documentaries entitled: "Gay and Proud" and "Second Largest Minority". Tim Bono, argued that he could not, in good conscience (him being a Christian), produce material that promoted homosexual activity.

In 2006 the 9th Circuit Court in California ruled last year (06) that members of a Christian employees group for the city of Oakland could not use words like "marriage," "natural family," or "family values" in email correspondence or on posters in city offices where a wide variety of groups are allowed to post. The 9th circuit panel decided that such words were akin to hate speech because they made homosexual city employees uncomfortable.

### CASES WHERE COURTS WRONGLY DENIED RELIGIOUS EXEMPTION

*Fike* v. *United Methodist Children's Home of Virginia, Inc.*, 547 F. Supp. 286 (E.D. Va. 1982)—an orphanage founded by the Methodist Church, trustees required to be Methodists, sought to teach Christian doctrine and belief to the children. New President sought to take group in more secular direction and was fired, despite the entity's desire to recapture its original founding mission to be a thoroughly Christian (and Methodist) charity service. Court held it had become too secular in the interim, and denied religious exemption.

*Pime* v. *Loyola University*—Catholic University denied the general religious exemption under Title VII despite the fact that it was founded by Jesuits, its charter requires its President to be a Jesuit, and more than one third of its trustees are Jesuits.

*Doe* v. *Abington Friends School*, 480 F. 3d 252 (3d Cir. 2007)—religious school run and funded entirely by Quakers not entitled to early dismissal on religious exemption grounds in an Americans with Disabilities Act case, but was required to submit to extensive discovery demands of the plaintiff.

*EEOC* v. *Kamehameha School/Bishop Estate*, 990 F.2d 458 (9th Cir. 1993), *cert. denied*, 114 S. Ct. 439 (1993)—private Protestant religious school denied Title VII religious exemption even though it had numerous religious characteristics and activities.

*EEOC* v. *Townley Eng'g & Mfg. Co.*, 859 F. 2d 610 (9th Cir. 1988)—no exemption for manufacturing company whose owner had a clearly religious world view and wanted it to permeate the workplace.

Ms. CASTOR. Mr. Speaker, the Employment Non-Discrimination Act is sensitive to religious organizations and our fundamental religious beliefs and tenets, and it includes a very broad religious exemption. In fact, we are going to debate later on the Miller amendment that, if adopted, would make clear that ENDA exempts the same group of religious organizations that are currently exempt from prohibition on religious discrimination under title VII of the Civil Rights Act of 1964.

Now, we know not everyone, not every employer will agree that gay people should be protected from employment discrimination. But for the betterment and advancement of our society as a whole, ENDA would overrule that judgment so that Americans are treated fairly and equally. But nothing in ENDA or in any civil rights law that has come before us in the history of this country affects the ability, the God-given right of a person to hold contrary beliefs based on religion or otherwise.

At this time I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this is one of those moments where the House gets to demonstrate the degree to which we are truly committed to the unfolding of 14th amendment rights to due process and equal protection of the law. We get a chance to determine that today. I believe that people who happen to be gay, lesbian, bisexual or transgender are entitled to the full and equal protection of employment laws.

The principles behind the original draft of ENDA sought to embrace the fullness of a community which has experienced significant undermining of rights in the workplace. None of us can know, unless we have walked in somebody's shoes, but let's imagine for a moment that someone who presents himself or herself as being of another sex or gender, imagine what they must go through in their daily lives. And imagine we who take an oath to defend the Constitution would somehow separate the people from the claims of justice and from the claims of constitutional protection.

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We all love this country. We all love being Americans. But to be an American means really standing for those constitutional principles and really understanding that life, liberty and pursuit of happiness are something that everyone should have access to and that everyone should have equal protection of the law and due process.

I am very concerned, as my Republican colleagues are, that the Baldwin amendment can be offered and pulled back without a vote, because if it was given a vote, I would vote for the Baldwin amendment.

Mr. HASTINGS of Washington. Mr. Speaker, I will yield the gentleman from Ohio 30 seconds, if the gentleman will yield.

Mr. KUCINICH. Mr. Speaker, I was saying that I share the concern that my Republican colleagues have that we won't have a chance to vote on a Baldwin amendment, because I believe that this is not a Republican or Democrat issue.

Mr. HASTINGS of Washington. Mr. Speaker, reclaiming my time, I gave the gentleman time to hopefully respond to what I am going to suggest, and that is if he would vote "no" on the previous question, that would be to amend the rule to allow a vote under normal rules, normal order. So if you would join me in voting "no" on the previous question, you will have an opportunity to vote on that amendment.

Mr. Speaker, at this time I yield 2 minutes to the newest Member, the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today I rise to speak against H.R. 3685, the Employment Non-Discrimination Act, and the restrictive, undemocratic and authoritarian rule that the majority party has put before us today. Mr. Speaker, I realize that I am one of the newest Members of the House of Representatives, having been sworn in just 3 months ago, but I recognize a totalitarian regime when I see one.

In my short tenure here, the Democratic majority has made a mockery of the democratic process, and today's rule is a perfect example. For you good folks at home, this is what is happening in a nutshell. The Democrats sprung this bill on us that will grant special employment privileges and a protected minority status to anyone who defines themselves by their sexual orientation.

But that's not all. They gave us less than 24 hours, less than 24 hours' notice that this bill will be on the floor, because when the schedule for this week was sent last Friday, it made no mention of this discriminatory bill. And for good reason. They don't want the American people to realize they are undermining America's religious liberties in the House of Representatives.

But they didn't stop there. Then the Democratic majority decided to rig the process to block Republican amendments to even slightly improve this terrible and unfortunate bill. An authoritarian regime, right here in the House of Representatives, otherwise known as the Democratic majority.

I will vote against this rule, and I urge my colleagues to do so.

Ms. CASTOR. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), an outspoken advocate for equality for all Americans.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of the underlying bill and the Baldwin amendment. ENDA will offer real protections to tens of millions of Americans now. Right now, far too many workers go to work every day fearing that they could be fired on the spot, no questions asked, if their employer discovered their sexual orientation. This year, it is legal in 30 States to fire someone simply because he or she is gay, lesbian or bisexual.

Hardworking, tax-paying Americans shouldn't be forced into the shadows, and they should not have to live with the constant, legitimate fear that they could lose their jobs. That is why I strongly support providing protection from discrimination to transgender Americans, and I will not rest until their right to live their lives free of fear, discrimination, and intolerance is the law of this land.

Mr. Speaker, I know from my years on the city council where we worked to pass similar legislation and my years in the women's movement that we need to make history now and pass the underlying bill and protect people here in America now.

No one should be discriminated against because of his or her sexual orientation or perceived sexual orientation. And this bill will also lay the groundwork to provide sorely needed protections in the future to countless more Americans who need and deserve them.

This historic advance for civil rights has been more than three decades in the making—and it has not come easy.

When Bella Abzug first introduced a sexual orientation civil rights bill in 1974, she was able to enlist only one cosponsor, Ed Koch, my predecessor in the district that I represent. It stood absolutely no chance of passage.

We've come a long way since then, but our progress has been hard-fought and incremental.

Most of our greatest legislative victories have only been achieved step by step. The measure before us today is by no means complete or definitive.

The sad truth is that transgender Americans need and deserve protection from employment discrimination. All too often they bear the brunt of brutal bigotry, and are subject to unspeakable hatred and violence.

That is why I strongly support providing protection from discrimination to transgender Americans. And I will not rest until their right to live their lives free of fear, discrimination and intolerance is the law of the land.

In 1986, when I served on the New York City Council, we succeeded in passing legislation to bar discrimination on the basis of sexual orientation in employment and housing. That bill had come before the Council repeatedly since 1971. It took 15 years, but we finally managed to pass it. It was only later that the Council enacted specific protections for the transgender community.

Many said the 19th Amendment didn't go far enough when that passed. While it gave women the right to vote, it didn't address a host of social inequities between men and women, many of which persist today. Decades after that Amendment was ratified, we passed the Equal Pay Act and title VII. And, while we still haven't passed the Equal Rights Amendment, I remain optimistic that our day will soon come.

The New Direction Democratic Congress passed a hate crimes bill earlier this year that included important protections for lesbian, gay, bisexual, and transgender people. And we hope to have another important victory here today. I'm confident these incremental successes will lay the foundation for additional protections for the entire LGBT community in the future.

And so, while I deeply regret that transgender Americans are not protected by the legislation before us today, I nonetheless urge my distinguished colleagues to support it. I do so with the knowledge and the determination that we will be back to continue to press the fight for all Americans to live free from discrimination.

I urge my colleagues to help make history today by supporting this landmark legislation

**and taking this important step towards ensuring that discrimination based on sexual orientation will not be tolerated in the United States of America.**

**I would also like to thank Speaker PELOSI, Congressman FRANK, and Congresswoman BALDWIN for their leadership in this critical battle for civil rights.**

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), another outspoken advocate of equality for all Americans.

Mr. HOLT. Mr. Speaker, as a strong supporter of inclusive ENDA that provides employment protections for sexual orientation as well as gender identity, I am an original cosponsor of the original ENDA that was introduced earlier this year, the legislation we should be taking up today.

In my home State of New Jersey, we are proud to have a fully inclusive employment nondiscrimination law. We are proud of the New Jersey-based businesses that have corporate policies against discrimination based on gender identity, in addition to sexual orientation. Companies such as Johnson & Johnson, Merck and Prudential Financial prohibit employment discrimination based on gender identity, not only because they believe it's the right thing to do morally and ethically, but also they know it's a matter of corporate competitiveness and good for their companies.

Mr. Speaker, our distinguished colleague JOHN LEWIS often reminds us of the words of Dr. King, "The time is always right to do the right thing." Dr. King warned us against the tranquilizing drug of gradualism. I am concerned that when we break apart legislation, some pieces fall on the floor to get swept into the dustbin of history or to be considered only years later. We should not do this to members of our society who need and deserve the same protections as all other Americans.

I want to thank the members of Garden State Equality, New Jersey Stonewall Democrats, the New Jersey Lesbian and Gay Coalition for their hard work and tireless efforts for inclusive protections. I ask to include in the RECORD a letter from Johnson & Johnson Company supporting an inclusive ENDA bill and a copy of the statement of dissent by Representatives CLARKE, KUCINICH, SANCHEZ and me in the committee markup of this legislation.

JOHNSON & JOHNSON
SERVICES, INC.,
*Washington, DC, October 19, 2007.*

Hon. RUSH HOLT,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN HOLT: I would like to express Johnson & Johnson's support for H.R. 2015, the Employment Non-Discrimination Act (ENDA). This legislation is essential in providing federal protections to prevent workplace discrimination based on sexual orientation or gender identity.

At Johnson & Johnson, we recognize employees as the cornerstone of our success. For this reason, the company adheres to a vigorous Equal Employment Opportunity Policy that provides a working environment free of discrimination and harassment based on sexual orientation. This policy is consistent with our commitment to ensuring the respect of our employees and guaranteeing each individual a sense of security.

We believe that H.R. 2015 is a very important step towards addressing employment discrimination and fostering true equality. In addition to establishing federal protections, ENDA legislation also creates an enforcement mechanism through the Equal Opportunity Employment Commission (EEOC). This enforcement power has led to the monumental successes of the Civil Rights Act of 1964 and the Government Employee Rights Act of 1991. I look forward to working with you in the future to achieve our mutual goal of eradicating workplace discrimination. Please do not hesitate to contact me if I may provide further assistance.

Best regards,

SHANNON SALMON,
*VP, President Affairs.*

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CONGRESS OF THE UNITED STATES,
*Washington, DC, October 22, 2007.*

We dissent from H.R. 3685, a narrow version of the Employment Non-Discrimination Act (ENDA) that excludes protections based on gender identity. We are co-sponsors of H.R. 2015, the original version of ENDA introduced earlier this year, that would prohibit workplace discrimination based on sexual orientation and gender identity. While we agree with H.R. 3685's objective of prohibiting workplace discrimination on the basis of sexual orientation, we do not support the decision to remove gender identity from the bill because it leaves this legislation woefully incomplete. H.R. 3685 fails to expressly protect transgender people, who are among the most at risk for discrimination. The decision to strip gender identity from the bill was not based on substantive concerns about the bill's language, but rather on a perception that protecting this vulnerable group might jeopardize the bill's chances for clean passage on the House floor. We cannot support this rationale, which reinforces the very bias and discrimination that ENDA seeks to prohibit.

Transgender individuals and their families aspire to the same basic rights as other Americans, including equal access to gainful employment and fair housing in safe communities. Yet across this country, transgender people face extremely high rates of unemployment, poverty, and homelessness. Studies across the country reveal that transgender people suffer a 35% unemployment rate, with 60% earning less than $15,300 a year. As a result of this disparity in income and employment levels, a disproportionate number of transgender people cannot support themselves or their families, and many are literally forced onto the streets. Every American has the right to be free from discrimination in employment and to be judged solely on one's performance in the workplace—not on irrelevant characteristics such as sexual orientation and gender identity. We are eager to support legislation that addresses such discrimination, and we wish that we would have had an opportunity to do so in Committee.

We believe that Congress should pursue the path that state legislatures have uniformly followed for the past several years, which is to pass measures that include both sexual orientation and gender identity. Such inclusive laws have passed on the local and state level in jurisdictions in every region of the country. Nationally, 37% of the U.S. population lives in jurisdictions that prohibit gender identity discrimination. Currently, there are inclusive laws in twelve states and over 90 local jurisdictions, including Iowa, New Jersey, Colorado, and Oregon, which passed inclusive laws just this year. Congress should be reinforcing these efforts instead of undermining advancement on the state and local level.

We have heard overwhelmingly from constituents and civil rights organizations that passage of this non-inclusive bill will undermine the ultimate attainment of full employment protections for all LGBT individuals. We are not aware of a single gay or LGBT organization that has endorsed this bill. In contrast, over 300 organizations have formally opposed H.R. 3685 because it omits gender identity protections. These include national groups such as the National Gay and Lesbian Task Force, National Center for Lesbian Rights, Equality Federation, National Black Justice Coalition, National Association of LGBT Community Centers, Pride At Work (AFL–CIO), PFLAG (Parents, Families and Friends of Lesbians and Gays), and the National Center for Transgender Equality. Also in opposition is nearly every single statewide organization that represents the LGBT community in their state, including Equality Alabama, Equality California, Equality Illinois, Equality Maryland, Equality Advocates Pennsylvania, Garden State Equality, Empire State Pride Agenda, Equality Florida, Equality Maine, Equality Ohio, Equal Rights Washington, and Equality Texas.

For the reasons set forth herein, we respectfully dissent from H.R. 3685.

RUSH HOLT,
*Member of Congress.*
YVETTE CLARK,
*Member of Congress.*
LINDA T. SÁNCHEZ,
*Member of Congress.*
DENNIS J. KUCINICH,
*Member of Congress.*

Mr. HASTINGS of Washington. Mr. Speaker, I continue to reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentlewoman.

Mr. Speaker, I am waiting for some conservatives to come to the floor, I am waiting for some true intellectually consistent conservative Members of the other party who understand that in their mantra of government staying out of people's private lives, in their mantra of allowing the marketplace to work, allowing people to be judged by their hard work, by their tenacity, by their skill, I am waiting for those people to come to the floor and say that we believe in ENDA. We believe in the idea of not government selecting who's going to win but letting the marketplace do it.

We believe in our friends in the private sector, 350 or so Fortune 500 companies that already practice ENDA that we are going to be voting on today. Where are they? Where are those Members of my colleague's party that are shamed by their record on civil rights throughout the years and want to make it right now? Where are the Members of that party who are going to come forward and say, I don't want to explain to my grandkids why I was on the wrong side of another civil rights movement? Where are those Members of that party who claim to be conservative? Speak up now. This is your moment.

Mr. HASTINGS of Washington. Mr. Speaker, I continue to reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. ANDREWS), our distinguished chairman of the Education and Labor Subcommittee on Health, Employment, Labor and Pensions, a Member who has been outspoken in his fight against discrimination for all Americans.

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding, and I rise in support of the rule.

Mr. Speaker, I want to emphasize a point of agreement and a point of disagreement: There is a broad and growing agreement that members of the transgendered community should receive the full protection of the Federal law, and many of us are committed to work to achieve that day as soon as we possibly can. But there is a strong point of disagreement that I have heard from the minority side about the procedure on which we are taking up this bill.

We had a vigorous debate in the full committee about this bill and three concerns were raised. One was the issue of the transgendered community, and Ms. BALDWIN has in order an amendment, which she will decide the disposition of, so that issue can be raised. The second is the scope of the religious exemption, which my friends vigorously debated, and Mr. MILLER and Mr. STUPAK's manager's amendment raises that very same issue, and there will be a debate and there will be a disposition. Finally, there was some discussion as to the impact of this bill on the question of the definition of marriage, and the amendment of Mr. MILLER and Mr. STUPAK will make in order a debate and a disposition of that issue as well.

The purpose of the House, with all due respect to my friends on the other side, the purpose of the House is not to debate every issue for as long as it takes until everyone is done talking. The purpose of the House is to have a fair and reasonable proceeding and to decide, and that is what we are going to do here.

I would just say one final thing to my friend, and I know he is going to ask me to yield, and I will do so if he agrees to yield to me when my time has expired. But my friend speaks with great enthusiasm to bringing to a vote on the floor the question of transgendered people.

I would ask my friend why, for the previous 12 years that his group has had the majority here, they never brought the issue to the floor during those 12 years if they have such intense feelings in favor.

I would be happy to yield to my friend.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding, and I would probably respond to your direct question that for the same reason for the 20 years prior to that your party didn't bring it up either.

But what I want to say, and I thank the gentleman for yielding, the gentleman said that the purpose of the House is not to debate every issue. I would tend to agree with that. But I think that the gentleman would have to agree with me that when there are propositions that are made in order, whether it is a bill or whether it is an amendment, that they ought to be debated and disposed of by the House and not be covered up, if you will.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, the majority will have a chance to work its will, the House will have a chance to work its will on his proposition, and we will make a majority decision and he will either win or lose, which I think is fair and within the rules.

Mr. HASTINGS of Washington. Mr. Speaker, reclaiming my time, I am glad the gentleman would do that. I hope he would join me. I am just worried that this is so unprecedented for this to happen. That is the point I made from the outset, and that is the point I make right now.

Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I am the last speaker for my side, so I will reserve my time until it is time to close.

## MOTION TO ADJOURN

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 164, nays 254, not voting 14, as follows:

[Roll No. 1051]

YEAS—164

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Upton
Walberg
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—254

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer

Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOT VOTING—14

Bean
Buyer
Carson
Chandler
Cubin
Hastert
Jefferson
Jindal
LaHood
Markey
Oberstar
Paul
Stark
Westmoreland

☐ 1421

Messrs. ELLISON, McNERNEY, BERMAN and RANGEL changed their vote from "yea" to "nay."

Messrs. GORDON of Tennessee, MORAN of Kansas, BROUN of Georgia and HOBSON changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## PROVIDING FOR CONSIDERATION OF H.R. 3685, EMPLOYMENT NON-DISCRIMINATION ACT OF 2007

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I would inquire of my friend from Florida if she has any more speakers on her side.

Ms. CASTOR. Mr. Speaker, I'm the last Member to speak on my side. So I will reserve the balance of my time until my colleague from Washington has made his closing remarks.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I find that we are debating a rule that is rather ironic because the underlying bill that this rule would make in order is a bill about discrimination and ending discrimination, and yet the very rule, the very rule that we are debating, which makes three amendments in order, is a discriminatory rule because it does not treat all three amendments equal.

As I mentioned in my opening statement, Mr. Speaker, I will be calling for a vote on the previous question, and I strongly urge my colleagues to vote against the previous question.

Let me be clear, Mr. Speaker, by voting "no" on the previous question, Members will show their support for having a vote on amendment No. 3, which would expand the bill's protections to persons discriminated against based on gender identity. This is defined in the amendment as the gender-related identity, appearance, mannerisms, or other characteristics of an individual with or without regard to the individual's designated sex at birth.

As I said, those voting "no" on the previous question will be able to vote on this question. Those Members who vote "yes" on the previous question will be showing their support for denying Americans, through their representatives,.a voice on this issue.

Again, if the previous question is defeated, I will amend the rule by striking that provision in the language that denies having to seek unanimous consent to offer to withdraw the vote. If the previous question is defeated, the House will still be able to consider the employment nondiscrimination bill today.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, as I mentioned earlier, this rule, as it stands, discriminates against amendments made in order. My colleagues who entered into the debate today said they are against discrimination; therefore, I urge them to vote "no" on the previous question and for equality.

Mr. Speaker, with that, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, before the House today is the Employment Non-Discrimination Act of 2007 and the rule for debate. This bipartisan legislation from the people's House, the House of Representatives, marks another important step towards equality for all Americans.

You see, during the 230-plus-year history of our great country, the march toward equality under the law for all citizens has sometimes been slow, but it has been steady.

Over time, this Congress has outlawed discrimination in the workplace based upon a person's race, gender, age, national origin, religion and disability. When it comes to employment and hiring and firing and compensation and promotion, these decisions are rightly based upon a person's qualifications and job performance.

Our bill today will extend civil rights protections to sexual orientation.

☐ 1430

On this proud day of the 110th Congress, we will chart a new direction for civil rights. On this proud day, the Congress will act to ensure that all Americans are granted equal civil rights in the workplace. The underlying value of Americans everywhere is to be treated fairly in our jobs and workplaces.

On this hopeful day for America, we will stand up for citizens who previously lived in fear that they will lose their jobs due to their employers' prejudices.

I urge my colleagues to vote "yes" on this landmark civil rights act. I urge a "yes" vote on the previous question and on the rule.

Mr. WELCH of Vermont. Mr. Speaker, I rise in strong support of H.R. 3685, the Employment Non-Discrimination Act, or ENDA, which prohibits employment discrimination on the basis of sexual orientation.

Unfortunately, in 31 states, it is still legal to fire someone because that person is gay, lesbian, or bisexual. In 39 states, it is legal to do so if the person is transgender. I am proud that Vermont already protects individuals against employment discrimination based on both sexual orientation and gender identity. Vermont's 1992 Human Rights Law included sexual orientation protections in public and private employment, as well as public accommodations, education, housing, credit, insurance and union practices. In May of this year, Vermont included gender identity protections in employment, public accommodations, and housing. I applaud Vermont for these important steps and we must do the same on the national level.

When making employment decisions, employers should look at an individual's qualifications and the quality of the work they produce, not their sexual orientation or gender identity. The public strongly supports this notion.

Many employers have already acted on their own. Approximately 90 percent of Fortune 500 companies include sexual orientation in their nondiscrimination policies. More specifically, 49 of the Fortune 50 companies have a policy against employment discrimination on the basis of sexual orientation.

Progress is being made on the gender identity front as well. Approximately 25 percent of Fortune 500 companies include protections against gender identity discrimination in their corporate policies.

Where employers do not act, however, the Federal government must step in and extend this protection to employees across the country. Employees are currently protected from discrimination on the basis of race, gender, religion, national origin or disability.

If not enacted today, I believe this Congress will soon realize that gender identity protections, like in Vermont, are also necessary and I stand ready to join my colleagues in taking that next step.

The decision before us today is whether or not we take a giant step forward. Whether or not we as a Congress want to protect the millions of gays and lesbians across the country from employment discrimination. This legislation is a perfect example of how this Congress has made a commitment to a new direction. This new direction embodies the values of equality and fairness, making sure that workers, children, families, and communities can fully participate in the successes of our economy. This bill would have never seen the light of day in past Congresses.

I am glad that the rule makes in order the amendment by Representative BALDWIN to include "gender identity" protections in the bill. I urge all my colleagues to support the rule, support the Baldwin amendment, and support the underlying bill.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 793 OFFERED BY MR. HASTINGS OF WASHINGTON

In section 1 of the resolution, strike the sentence which begins "Amendment number 3 in the report of the Committee on Rules".

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on,whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. CASTOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—ayes 224, noes 192, not voting 16, as follows:

[Roll No. 1052]

AYES—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—192

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas

Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Aderholt
Biggert
Burgess
Buyer
Carson
Cubin
Dingell
Fortenberry
Hastert
Jindal
Knollenberg
LaHood
Oberstar
Paul
Towns
Westmoreland

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1449

Mr. SHULER and Mr. McINTYRE changed their vote from "no" to "aye."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 205, not voting 10, as follows:

[Roll No. 1053]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—205

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Buyer
Carson
Cubin
Davis (KY)
Jindal
LaHood
Oberstar
Paul
Reynolds
Westmoreland

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1459

Mr. DONNELLY changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 3685.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

### EMPLOYMENT NON-DISCRIMINATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 793 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3685.

☐ 1500

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3685) to prohibit employment discrimination on the basis of sexual orientation, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the Chair, and I yield myself 3 minutes.

Madam Chairman and Members of the House, it is disgraceful but true that in much of the United States, it is perfectly legal for employers to fire workers simply on the basis of their sexual orientation.

I am proud that today the House will vote on legislation to end this discrimination. It has no place in American society.

The legislation we are considering was first introduced in the House in 1975, more than 30 years ago, and in the last three decades, gay, lesbian, and bisexual Americans have waged a courageous campaign for their workplace rights. I regret that they have had to wait so long for this vote, but I am pleased that this historic day has finally arrived.

The Employment Non-Discrimination Act ensures that employment decisions are based upon merit and performance and not prejudice. Federal law and the laws of 30 States permit employers to discriminate against employees based solely on their sexual orientation. In those 30 States, employers can fire, refuse to hire, demote, or refuse to promote employees on the basis of sexual orientation alone.

Earlier this year, under Chairman ANDREWS, the Health, Employment, Labor and Pensions Subcommittee heard testimony from Michael Carney, a highly decorated police officer. Officer Carney was initially denied the opportunity to return to his job with the Springfield, Massachusetts Police Department because he is gay. Fortunately, Massachusetts is not one of the 30 States to deny these basic rights to gay workers, and Officer Carney was eventually able to return to his job.

But that was not the case for Brooke Waites, who testified at the hearing. Ms. Waites was fired from her job in telecommunications after her employer discovered that she was a lesbian. Since the State of Texas allows employers to fire workers based on sexual orientation, Ms. Waites had no recourse. She could not get her job back.

It's hard to believe that fully qualified, capable individuals are being denied employment or fired from their jobs for these completely nonwork-related reasons. This is profoundly unfair and certainly un-American. Unless we act to outlaw this discrimination, millions of American workers will continue to live with the legitimate fear that they could be fired or denied a job and wind up unable to provide for themselves and their families. That is why it is essential that this Congress act to protect the rights of all workers, regardless of their sexual orientation.

The Employment Non-Discrimination Act extends employment nondiscrimination protections to gay, lesbian, bisexual, and heterosexual people. It prohibits employers, employment agencies, and labor unions from using an individual's sexual orientation as a basis for employment decisions such as hiring and firing, promotion, or compensation. The bill prohibits employers from subjecting an individual to different standards of treatment based upon the individual's sexual orientation. The bill does not apply to businesses with less than 15 workers, private membership clubs, or the U.S. Armed Forces. And it does not apply to religious schools or other religious organizations.

I urge my colleagues to support this legislation.

Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I yield myself such time as I may consume.

I rise in opposition to H.R. 3685, a proposal fraught with burdensome mandates, litigation traps, and constitutional concerns.

This bill purports to prohibit discrimination in the workplace, a goal to which we are all committed. However, the reality of this bill's consequences does not match the rhetoric of its supporters.

This bill departs from the longstanding framework and structure of the Civil Rights Act of 1964 by establishing stand-alone protections exclusively on the basis of sexual orientation. This new protected class would be afforded protections on the basis of vague and highly subjective measures that will cause confusion in the workplace and will result in costly litigation.

For example, the bill extends protections on the basis of "perceived" sexual orientation, a characteristic that is subjective by its very definition. How would an employer credibly refute such an accusation? This proposal could result in the exact opposite effect its supporters intend by creating new pressures on employers to consider and even document their employees' sexual orientation, actual or how it is perceived, in order to guard against litigation. This is a highly inappropriate infringement on employee privacy and would actually increase the consideration of such characteristics in the workplace. Also, any argument that the term "perceived" is already included in existing civil rights statutes is simply not true. This is a new term, applied to a new situation, which will increase uncertainty and litigation.

Even more broadly, this bill encroaches on two fundamental principles we hold dear: the free exercise of religion and preservation of the institution of marriage. H.R. 3685 is inconsistent with the longstanding religious exemption contained in title VII of the Civil Rights Act. The bill adds additional layers of complexity in determining whether a religious organization is covered, setting up highly intrusive Federal interference with the free expression of religion.

We understand an amendment is to be offered later today that attempts to move closer to existing title VII provisions. However, it remains unclear whether this amendment, which has been rewritten repeatedly, does enough to protect faith-based institutions.

On the issue of marriage, the majority adds a provision that prevents employers from considering marital status as a job qualification, even though they have not provided any evidence that such a limitation is necessary. We are left to speculate that the real reason for this provision could be an attempt to undermine the fundamental right of States to define, protect, and preserve the institution of marriage. The bill establishes new limitations on hiring practices only in those States that have prohibited same-sex marriage.

By limiting these new restrictions to States that have defined marriage as an institution between one man and one woman, the bill has essentially identified traditional marriage as a form of discrimination. This bill, then, could become the first step in a radical effort to undermine State marriage laws.

Madam Chairman, this bill has been introduced in various forms and fashions for some three decades. It has been introduced in the House three separate times this year alone. This is evidence of the inherent complexity that comes with such a far-reaching proposal.

Later today, we will consider an amendment that seeks to broaden these new protections even further, to purportedly cover discrimination based on gender identity, despite the fact that this provision was stripped from the bill before it was taken up in committee. There are serious practical and legal concerns with this amendment, and many questions remain unresolved. This is an effort to make an end-run around the legislative process, considering the full scope of this proposal only when it is convenient for supporters.

The bill before us is a sweeping departure from longstanding civil rights law, and its consequences will be far-reaching. A number of valid questions have been raised about how this bill will align with existing State and Federal anti-discrimination policies and those policies that have been voluntarily adopted by employers. These questions remain unanswered.

Because of that, I must oppose this bill and encourage my colleagues to do the same.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), the Chair of the subcommittee that did a marvelous job in handling this legislation.

Mr. ANDREWS. I thank my chairman and friend for yielding.

Madam Chairman, we very often hear people say in this House that they oppose discrimination. Today there's a chance to do something more than just say that you oppose discrimination; you can vote against it.

I listened to the questions raised by my friend from California, the ranking member of the full committee, and I would like to address them.

My friend says that there are burdensome new mandates imposed by this bill. That is not the case. If an employer has 15 or fewer employees, they are not covered by it at all. And there's really nothing burdensome about the idea that you can't refuse to hire or fire or mistreat someone because of their sexual orientation. That's no more of a burden than having the same rules based on race or religion or nationality.

My friend says there are highly subjective measures, and he points to the use of the word "perceived" discrimination. He says that when we ban discrimination based on perception of sexual orientation, it creates too much confusion. The reality is that precisely the same legal concept has been part of our Federal law since 1989 under the Americans with Disabilities Act.

Listen to this. I know the word "perceived" is not in the ADA, but the legal concept is the same. One Federal judge in New York heard a case, and that judge says that the case was based on "harassment and discrimination based on her perceived disability." I'm not sure this judge is qualified, but most of the Senate does because it was Judge Michael Mukasey, who is now the President's nominee to be Attorney General of the United States. This doesn't create new confusion; it simply restates an existing principle.

On free exercise of religion, the gentleman from California is correct. There was some debate about the proper scope of the free exercise provisions in the underlying bill. Mr. MILLER's amendment, which we will hear shortly, imports precisely the same standard that has existed for the exercise of religion for the last 42 years under title VII.

The gentleman raises questions about marriage and says this is a radical attempt or a first step in a radical attempt to redefine marriage. Mr. MILLER's amendment will make it clear that precisely the opposite is true. Mr. MILLER's amendment will take the language that was approved by the House, signed by President Clinton, in the Defense of Marriage Act, which defines for Federal law purposes marriage as one man and one woman and import it into this bill.

Finally, the gentleman says this is a sweeping departure from civil rights laws. Nothing could be further from the truth. This is not a departure from civil rights laws. It's an inclusion of millions of Americans who should have been included for a very long time. It's a question of simple fairness. It's a question that says if you are a computer programmer or a bus driver or a carpenter, your job situation should be based on how well you drive the bus or how well you can program the computer, not on your sexual orientation.

☐ 1515

Mr. McKEON. At this time, Madam Chair, I'm happy to yield 5 minutes to the ranking member of the subcommittee involved, the gentleman from Minnesota, Representative KLINE.

Mr. KLINE of Minnesota. I thank my colleague, the gentleman from California, for yielding the time.

Madam Chair, I rise today in opposition to the Employment Non-Discrimination Act, H.R. 3685.

As the ranking member of the Health, Employment, Labor and Pension Subcommittee, I have reviewed this legislation in several different forms over the last several weeks. I've participated in debates and conversations that have brought this bill to the floor, and I have to report that this legislation is still flawed.

The bill before us is drafted in such a way that it creates confusion and uncertainty. My colleagues offered a number of amendments to correct the inherent problems in this bill. Unfortunately, one critical amendment offered by Mr. SOUDER removing the word "perceived" was not accepted by the majority. My colleague has already introduced that point of confusion; I would like to expand on it.

This bill, and I quote, "prohibits employers from discriminating against an individual because of an individual's actual or perceived sexual orientation." What does that mean, "perceived sexual orientation"? We do not know because the bill fails to provide a definition. This raises a number of practical and legal concerns. The term "perceived" is overly broad, vague, and will inevitably lead to increased litigation, lots of increased litigation.

We cannot abdicate our constitutional duty by knowingly creating a law that is so vague that the courts must necessarily determine a definition. This is, frankly, a trial lawyer's dream. I would point out that in the course of our hearings one of our colleagues did express faith in "Attorney World" to clarify this issue. Well, it is kind of funny; I just don't think that's a theme park that we want to visit.

Employers may have difficulty in identifying noninherent characteristics of a person but could still be liable. Under the statute, employers would be accountable to prove that they did not make an employment decision based on either their own perception of an individual's sexual orientation or on that person's perception of themselves. I can see why "Attorney World" could be called upon here. Employers would find themselves in the unenviable position of defending themselves in lawsuits by proving a negative, that they did not perceive the individual to be part of a newly protected class.

Further, the term "perceived" does not appear in any other civil rights legislation. Let me be clear, we are not talking about the definition of gays, lesbians and bisexuals; we are talking about those individuals that may be "perceived" to be such. The Civil Rights Act protects individuals on the basis of race, color, religion, sex or national origin. Nowhere do we see the term "perceived."

Madam Chair, those who favor this bill presented on the floor today are motivated only by the end goals of this legislation and are failing to recognize the difficulty presented by vague terms and loose definitions. We are left with a bill that is filled with confusion and uncertainty.

I would ask that my colleagues carefully consider the inherent problems in enforcement of this legislation and vote against H.R. 3685.

Mr. GEORGE MILLER of California. Madam Chair, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), one of the pioneers of this legislation.

Mr. FRANK of Massachusetts. I am grateful for the obscurity of the opposition's argument.

I first filed a bill 35 years ago to say that you couldn't fire someone because he was gay or she was a lesbian, and at the time people were very straightforward about their opposition. Times have changed. It is no longer fashionable to say that you ought to be able to discriminate against someone based on his or her sexual orientation, so we now get other arguments.

Let me say this: I have heard a number of people raise this argument that the real problem is that it says "perceived." I do not believe that a single one of them would change his or her position if we were to remove that. They are opposed to the notion that gay men and lesbians, people like me, should be allowed to prove themselves in the workplace without discrimination, but that's not a good argument to make. So we get "perceived" as the argument, and it is not a serious one.

In the first place, it's arguing about having to defend a negative; it's wrong, both legally and factually. The burden of proof is on the complainant. No employer has to prove a negative. It is the complainant who has the hard job of proving the positive. That's why historically statutes like this, every time we try to protect some people against discrimination, we go through two phases. First, beforehand, we get the most absurd exaggerations of the chaotic impact it will have. After the fact, they are rarely, unfortunately, enforced very vigorously. And by the way, if this "perceived," if this were a problem, we would have examples of it. Nineteen States have laws like this on the books, and how many examples have you had of the poor, befuddled employer who is so unable to perceive that he is put on the dock? None. This is a made-up issue made up by people who don't want to confront the real issue.

And here is the real issue: there are millions of our fellow citizens, Madam Chair, gay or lesbian, who live in fear that they could be fired because they live in States where there is no such protection. And we have had real examples of that. And what we say today is, no, you can't be fired because of that.

Why is "perceived" in there? Because otherwise you're opening a big loophole. By the way, this notion of "perceived," it is so unusual that it's in the American Disabilities Act and has been interpreted by several judges, Justice Alito, Judge Mukasey and Poser, three radicals who have enforced this.

So, let's not hide behind this semantic. That is not the genuine motivation for opposition to this bill on the part of anyone in this House. What they are saying is, we don't want to protect working men and women from this.

Madam Chair, I was accused in the last campaign by a former Member of this body of pursuing a radical homosexual agenda. Well, here it is in the House today, working, getting a job. That's what we are asking for, the right for people to go to work and be judged solely on how they work. Let's get rid of the semantic obscurantism.

Mr. McKEON. I am happy now to yield 3 minutes to a member of the committee, the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank our distinguished ranking member.

"Perceived" is, in fact, a real problem because many businesses simply won't go to court. Obviously they will negotiate or not bother with it. That's the type of intimidation tactics that occur.

I am against the underlying bill. I have never hidden that I'm against the underlying bill. I think it's a disaster for Christian bookstores, at least 85 percent of which would fall under this, all sorts of Christian colleges. Even with the well-intentioned amendment that certainly improves the bill that Chairman MILLER is offering, it still doesn't fix the underlying problems.

One prominent attorney says that basically religious rights have to be trumped by sexual rights in the workplace, and that's the goal of this act, and that this gives religious rights a secondary status in our society to sexual rights.

I want to address one other thing, and I apologize for bringing politics into this. In my last campaign, in the last 10 days of my campaign, a cookie-cutter ad was dropped on me that started with pictures of Speaker HASTERT and JERRY LEWIS. Then a little clip was inserted into the ad that said Speaker HASTERT visited my district and that I was proud to have him visit my district. Then pictures of Duke Cunningham came up, and then a picture of Bob Ney came up, then a picture of Mark Foley. Mark Foley's picture came out from the screen, referring to "Friends of MARK SOUDER" and said that MARK SOUDER has friends who have even had unnatural sex with minors, which was a smear on Mark Foley; nothing was either proven or even directly alleged that way. But for a party that ran cookie-cutter ads, in order to get the majority against me, every half hour referring to unnatural sex with minors that wasn't proven and smeared me, Mark Foley, and others, to stand down here, not allow a vote on gender because they wouldn't want to divide their party on the vote, not allow any direct votes on "perceived," not allow any religious protection votes, and then to attack us for being intolerant when your party used that ad against me and others is a tad cute.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Chairwoman, I rise in support of H.R. 3685.

Before I came to Congress, I was a human resources executive, and even then, during the 1970s, my company had a policy that prohibited discrimination based on sexual orientation. It boggles my mind that it has taken Congress this long to even try to catch up.

I acknowledge that today's bill is a good start, but it is just a beginning. Many of my constituents want this legislation to include provisions that were in the original version of the bill and in the amendment that Representative BALDWIN will introduce later today.

I share the concern that the legislation before us does not protect the transgendered people. Transgendered people are particularly subject to workplace discrimination, and nearly one-half of all transgendered people have reported employment discrimination at some point in their lives.

My home State of California is one of a dozen States which already provide this basic liberty, freedom from discrimination based on gender identity. We have done so because we recognize that transgendered people, like all people, deserve protection.

Today's bill is not perfect, but please know that today and every day I commit to working with my colleagues to pass this bill and to keep up the fight to expand protection for all peoples.

Mr. McKEON. I'm happy to yield 2 minutes to the gentleman from Ohio, JIM JORDAN.

Mr. JORDAN of Ohio. I thank the ranking member.

Madam Chair, I rise today to express my opposition to the so-called Employment Non-Discrimination Act.

Far from actually protecting new workers, this legislation will add confusion and contradictions to title VII's existing protections. We have already heard from speakers who talked about the "perceived" sexual orientation language in this bill. And it would violate the traditional bases used to determine protected status, those being an immutable characteristic, a history of economic disenfranchisement and political powerlessness. All of the protected classes that currently exist in title VII meet these standards, while those individuals this legislation seeks to protect do not. The current title VII protections are sufficient to protect our Nation's citizens. Expansion would only lead to confusion and more litigation. The previous Republican speaker talked about this. He talked about the contradiction that exists between sexual rights and religious rights. If this legislation is approved, it will certainly be challenged in court and produce a clash with religious freedom and expression.

And then, finally, two other things I would like to address. ENDA, I believe, has the potential to severely hurt business. Not only will the religious exemption fail to cover nondenominational religious elementary schools, high schools and colleges, but it may, in fact, force employers to violate their personal convictions and hire individuals that they determine may not be in the best interests of their business. Business owners with religious convictions should be free to apply those convictions to their hiring practices.

And I guess I would just close by saying, most importantly in my mind, this legislation, I believe, would undermine the institution of marriage and thereby undermine that key institution in our culture, which I believe in the end ultimately determines the strength of our entire society, and that being the family institution. You think about one of the reasons America is so great is because moms and dads and families sacrifice for the next generation. I believe this legislation has the real potential to undermine the importance of families in our culture and in our society and in our country.

For those reasons, Madam Chair, I would oppose the legislation. I thank the gentleman for yielding.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Madam Chair, I thank the gentleman for yielding.

For more than two centuries, this country has advertised itself as a land of opportunity, of capitalism and free markets, of rugged individualism, where economic success awaited anybody who was willing to play by the rules and work hard. We pride ourselves as a Nation that doesn't necessarily guarantee equality and economic success, but promises equality and opportunity for all Americans. Yet today, these doors of opportunity aren't open for all Americans.

Gay Americans currently hold the dubious distinction of being the only segment of our workforce that can be overtly denied an opportunity to contribute to our economy and to earn a living.

Madam Chair, corporate America has never been widely identified as a vanguard for social change, but in the case of ensuring opportunity for gay Americans, the private sector is way ahead of the Federal law by leaps and bounds.

□ 1530

At present, 90 percent of American Fortune 500 companies have policies in place similar to what would be required under ENDA. They do it out of a sense of fairness, but also because it makes financial sense. Their bottom line is enhanced when they can attract talented and productive workers, men or women, gay or straight, that can contribute to the company's success without fear of recrimination or workplace reprisal. The ability to apply oneself, work hard and succeed has been the American Dream. This quintessential American right to pursue that dream should not be abridged. It should not be abrogated. Rather, it should be protected by the very government that has flourished for more than two centuries because of that dream.

Madam Chairman, the concept of ENDA, the fundamental American right to earn a living, should be a principle around which everyone in this Chamber, regardless of party or ideology, should be eager to embrace.

Mr. McKEON. I am happy now to yield 3 minutes to the gentleman from Michigan, a member of the committee, Representative WALBERG.

Mr. WALBERG. I thank the ranking member for the opportunity to stand today in strong opposition to the ENDA Act. I use that acronym because I believe it is mistitled, that this is not a nondiscrimination act but rather a discrimination act, a reverse discrimination in many ways. But it certainly doesn't achieve what I think ought to be part of this society because it is a radical transformation of workplace discrimination law that stomps on the rights of private employers, adds new unfunded mandates and opens the judicial gates to a herd of endless litigation.

Pitting a newly protected class of individuals based on sexual orientation against our longstanding foundation of religious liberty will force job makers to walk a legal tightrope over which law to follow and which law to violate.

A business with as few as 15 employees will be slammed as new unfunded Federal mandates will provide additional protections for some employees, protections that may conflict with the ability of other employees to freely express their personal and religious convictions, again, without attempt to discriminate or treat wrongly. In fact, this legislation is so poorly written and broad, it will immediately serve as another way for trial lawyers to make a quick buck at the expense of small business owners. More lawsuits against jobs creators in my home State of Michigan, especially with recently passed tax increases, are the last thing employers in south central Michigan need to grow, prosper and thrive in a competitive environment.

ENDA is a fundamental departure from the longstanding principles of religious liberty as well, principles our country was founded upon. In fact, this will directly discriminate against people of traditional values and long-held faith principles. Rather than reducing discrimination, this legislation will instead reduce religious freedom and increase litigation.

The Founders of this great democratic Republic would invariably run afoul of this legislation if they were alive today. If you want to make a stand in favor of increasing lawsuits and penalizing small business owners at the benefit of trial lawyers, then by all means support this bill. If you want to chill the exercise of personal religious freedom, support this bill.

Madam Chairman, I, for one, am choosing to stand for the basic principle of religious freedom and nondiscrimination. I urge my colleagues to vote "no."

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Madam Chairman, as one who has suffered the stigma and painful effects of state-enforced legal discrimination based on my race for the first 20 of my 60 years, and having spent all of my professional life as an attorney and as an elected official fighting to eradicate unlawful discrimination based on race, creed, color, religion, gender, age, disability or national origin, and based on my study and understanding of the life and teachings of Jesus Christ, I cannot condone discrimination in employment based on sexual orientation.

The only appropriate consideration in employment should be the willingness and the ability to perform the job. Sexual orientation, unless it adversely affects job performance, is a private matter and should not be a basis for legal discrimination with the possible exception of the armed services and religious organizations.

Accordingly, after prayerful consideration, I must therefore support H.R. 3685, the Employment Non-Discrimination Act. I urge my colleagues to do the same.

Mr. KLINE of Minnesota. Madam Chairman, I am very pleased now to yield 3 minutes to our colleague from Texas, a former appellate judge, Mr. GOHMERT.

Mr. GOHMERT. Madam Chairman, my time is short. I'll get right to some of these issues. I just have a copy of the bill here.

Under the definition of "religious organization," it actually excludes by definition schools, institutions that have been started by churches in which they set up their own boards, because it requires that the institution has to be in whole or in substantial part controlled, managed, owned or supported by the religion. So free-standing educational institutions, bookstores, things like that, would be opened up. Because there is so much language, I think while the Boy Scouts felt they were safe by the past litigation, but this opens up that whole new can of worms and we can expect more litigation against the Boy Scouts.

To add in some of these things like, you can bring a lawsuit for discrimination if you don't like your conditions. I had one lawsuit that went nowhere because a woman claimed she was moved from working on copper to working on aluminum and that was an insult. Under this, that's a legitimate lawsuit if you have manifested, acted or had people perceive you in such a way that they think you may be homosexual.

What this does is it invites people to come apply for a job, and if they feel like they may not get a job, make utterances like, well, you think I'm gay, that's why, and they will have a lawsuit. I can guarantee you, many lawyers will encourage their clients, the employers, to pay something just to make it go away.

Training programs are listed. If you don't get the seminar, then you can go in and say, you didn't give me that trip because you think I'm gay. There may be a lawsuit there. In fact, you could, and lawyers in some circumstances, I would say most circumstances, will say, yeah, you ought to settle with these guys because they can take you to the cleaners.

There is a provision, though, here. Isn't it nice, we have a provision in here that says States shall not be immune under the 11th amendment. This legislation is just going to set aside an amendment to the Constitution legislatively. My goodness. That's pretty bold. Pretty bold. Then we get down to what the real issue may be here, attorneys' fees on page 18. You're getting attorneys' fees. All the tort reform that occurred on med mal, this will bring litigation many times over if this becomes law. But the good news for the United States is, we have a provision in here, the United States will not be subject to punitive damages. Don't have a provision like that for States and for employers. So look out.

What this Congress is now attempting to dictate is which religious beliefs and moral beliefs the majority believes are okay and which religious beliefs it feels are not okay. This will actually encourage people, whether they are gay or not, to flaunt or manifest what may be perceived to be characterizations to help the lawyers.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Chairman, more than 40 years ago, this House stood up in the name of America and did the right thing and passed sweeping civil rights legislation to protect men and women of all races from discrimination. By widening the circle of freedom to include those who stood outside its embrace, America strengthened the character of its democracy.

And that is exactly what we are doing today with this vote. The Civil Rights Act of 1964 has had a profound impact on our Nation. But the work to create a more just, equal Nation that began decades ago is unfinished. This morning, in 30 States across this country, millions of gay and lesbian Americans went to work knowing full well that they could be fired simply because of their sexual orientation. Their job performance would have nothing to do with their being fired. In too many places simply being gay can cost you your job.

We should all be able to agree that this type of discrimination is inconsistent with American values. But for too many gay and lesbian Americans, it is a reality. This Congress has a duty to make this form of discrimination a thing of the past. We should be gratified by the fact that many American employers already do the right thing and protect the rights of their workers. Many Fortune 500 companies take these type of policies. For those who say the private sector should be a guiding light for government, well, here is your chance to prove it.

Some employers have failed to protect their workers, though, so this Congress has been left with the duty to make sure our values are represented in our laws. The Employment Non-Discrimination Act offers basic protections that everyone enjoys and takes for granted, except gays and lesbians, and this law allows it to be true for them. But more importantly, this bill is yet another important step forward in ensuring that justice and genuine equality for every American is the law of the land.

Today, I hope my colleagues will join us to pass this critical legislation and continue this country's long-running commitment to eliminate discrimination in all its forms.

Mr. KLINE of Minnesota. Madam Chairman, I am very pleased now to yield 2½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Chairman, I rise in opposition to this ENDA bill. This bill, if signed into law, will have serious long-term implications on one of our most basic and treasured institutions, marriage. A Federal ENDA will provide activist judges with the legal ammunition to move toward the legalization of same-sex marriage. In fact, State ENDA laws are already being used by activist judges to impose gay marriage and civil unions on States.

One example is the landmark decision by the Massachusetts Supreme Court which determined that there was "no rational basis for the denial of marriage to same-sex couples." And this decision used the State ENDA laws in their argument. Another example took place in Vermont where the court ordered the State legislature to pass either a same-sex marriage or civil union law. Again, this case referenced existing State ENDA legislation. Another example is the New Jersey Supreme Court, which gave the State legislature 6 months to either pass a same-sex marriage law or civil union law, and the court cited New Jersey ENDA laws in defense of this ruling.

Although ENDA is bad legislation on its face, more importantly, it is just one component of a larger strategy. An editorial in an activist publication recently compared this approach to building a house. It explains that hate crimes legislation is the foundation, ENDA is one of the walls, civil unions is the roof structure, and marriage is the shingles.

The author states, "When all the various above issues have been resolved, think of all the money that would be freed up to focus on marriage. We can lobby the President and Congress on repealing DOMA, while targeting the weakest States to repeal their one man-one woman amendments."

The strategy as laid out above is clear. ENDA is merely a building block for efforts to overturn traditional marriage laws and to impose same-sex marriage on States. I urge you to protect traditional marriage and oppose H.R. 3685.

Mr. GEORGE MILLER of California. May I just say, Madam Chairman, it's a rather interesting set of remarks, except it has nothing to do with the underlying legislation that is before us today.

I yield for the purpose of unanimous consent to the gentlewoman from New York.

Mrs. MALONEY of New York. Madam Chairman, I rise in strong support of this bill, and I urge my colleagues to help make history today by taking this important step forward.

Madam Chairman, I rise in strong support of this bill.

I urge my colleagues to help make history today by taking this important step towards ensuring that discrimination based on sexual orientation will not be tolerated in the United States of America.

In the year 2007, it is legal in 30 states to fire someone simply because he or she is gay, lesbian, or bisexual.

Hardworking, tax-paying Americans shouldn't have to live with the constant, legitimate fear they could lose their jobs. No one should be discriminated against because of his or her sexual orientation or perceived sexual orientation.

This bill will also lay the groundwork to provide sorely needed protections in the future to countless more Americans who need and deserve them.

History has shown that progress in the struggle for civil rights has been hard fought and incremental.

Most of our greatest legislative victories have only been achieved step by step.

While the measure before us today is by no means complete or definitive, I believe that the passage of this measure today will lay the foundation to provide additional protections in the future for the entire LGBT community.

So while I deeply regret that transgender Americans are not protected by this bill, I nonetheless urge my distinguished colleagues to support it. I do so with the knowledge and the determination that we will be back to continue to press the fight for all Americans to live free from discrimination.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Madam Chairman, today is a very proud day for me. I am proud to be an American today because when this ENDA bill passes, what we will be doing is affirming traditional values, traditional values like tolerance, traditional values like minding your own business, traditional values like allowing fellow Americans to rise to the full measure of their ability, traditional values, values that have made this country endure and pass the test of time.

Opportunity and traditional values is what this ENDA bill is all about. This bill has nothing to do with the institution of marriage. This bill is about giving opportunity to fellow Americans so that we can reap the full benefit, the talent, the creativity, this hard-working ethic of both gay and lesbian and all Americans. All.

This bill today makes me proud to be an American and makes me very, very happy to vote for it, and I do hope all of our Members do.

Mr. KLINE of Minnesota. Madam Chairman, I am very pleased now to yield 4 minutes to the Republican whip, the distinguished gentleman from Missouri (Mr. BLUNT).

□ 1545

Mr. BLUNT. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I am in opposition to the bill. It goes without saying that the authors of our Nation's founding document understood better than most that freedom to practice one's religion represents one of the most fundamental, most inalienable rights bestowed on us. It was, after all, the reason that many came to America, the reason that many fought to found America. The Founders made sure to include the free exercise of religion among the first rights they included in the Constitution.

While the Founders saw the Constitution as a means of ensuring religious freedom and that that be protected at all levels, this bill, innocently enough, named the Employment Non-Discrimination Act, would actually have the effect of rolling back these protections, depending on where you happen to work. Perhaps even worse, it deliberately sets out to create a constitutional conflict between one's right to religious freedom and another's right to sue you for practicing it.

Madam Chairman, the tension this bill could create is not difficult to foresee in practice. For instance, if you chose to keep a Bible at your work station or perhaps even display in your cubicle a verse you found particularly meaningful, the legal question is simple created by this legislation: Can one or more of your coworkers seeing that passage, seeing that Bible, understanding there are passages there about homosexuality, bring suit against you and your employer on the grounds that mere presence of religious symbols constitutes a "hostile workplace" in which they are being forced to work?

The answer, it seems to me, depends more on where you work than whether or not the Bible's position on your desk is offensive. Employees, for example, at Southwest Baptist University, where I was the president before I came to Congress, would be exempt from the standards of this measure because they have a relationship with a specific denomination. But employees of either a Christian bookstore or a Muslim bookstore would be granted no such dispensation, potentially being forced to choose between upholding the faith positions upon which they are based and on which they acquire customers and complying with a law that says the free exercise of religion can be abrogated by a whim of Congress. This is the wrong decision for us to expect them to make. We are told, however, that any of the legal questions here will be decided and settled in court. The very reason the Constitution established this exercise of religion as the first of all the amendments is so these issues would not have to be settled in court.

There is really no reason here to create a new protected class. This bill puts this newly protected freedom on a collision course with the oldest of all the protected freedoms, the freedom of religion. The inevitable upshot of pitting two classes of people against each other, one protected by the Constitution, the other by Congress, is litigation, and lots of it. We don't need to create more reasons for litigation in the country. We don't need to create differences from court jurisdiction to court jurisdiction. We need to go back and look at this issue again. We need to defeat this bill today. I urge my colleagues to vote "no."

Mr. GEORGE MILLER of California. Madam Chairman, I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chairman, I yield 2½ minutes to my friend, the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I come before the House today in strong opposition to H.R. 3685, the Employment Non-Discrimination Act. However well-intended, the bill extends existing employment discrimination provisions of Federal law like those contained in title VII of the Civil Rights Act to prohibit employment discrimination based on sexual orientation.

Let me be clear. I don't condone discrimination against people for any reason whatsoever. I believe in civility and decency in society. But the problem here is that by extending the reach of Federal law to cover sexual orientation, employment discrimination protections, in effect, can wage war on the free exercise of religion in the workplace. In effect, as has been said already, this sets up something of a constitutional conflict between the right to religious freedom in the workplace and another person's newly created right to sue you for practicing your faith or acknowledging your faith in the workplace. This is, as has been said before, a deeply enshrined tradition in the American experiment, emanating, as it does, out of the first amendment of the Constitution of the United States.

Some examples: Under ENDA, employees around the country who possess religious beliefs that are opposed to homosexual behavior would be forced, in effect, to lay down their rights and convictions at the door. For example, if an employee keeps a Bible in his or her cubicle, if an employee displays a Bible verse on their desk, that employee could be claimed by a homosexual colleague to be creating a hostile work environment because the homosexual employee objects to passages in the Bible relating to homosexuality.

The employer is in a no-win situation as well. Either the employer has to ban employees from having a Bible at the workplace for their break time, or displaying Bible verses, and thereby face a lawsuit under title VII for religious discrimination, or the employer then has to continue to allow it and face a potential lawsuit under ENDA by the homosexual employee. This sets up a constitutional conflict headed for the courts, about which Congress should not involve itself.

Madam Chairman, I strongly oppose the Employment Non-Discrimination Act. We must stand for the right of every American to practice their faith according to the dictates of their conscience, whether it be in the public square or in the workplace. So I oppose the Employment Non-Discrimination Act and urge my colleagues to do likewise.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chairman, the record should reflect some accuracy in the point two of our friends just made that the proposition that the display of a religious artifact such as a Bible in and of itself creates a hostile work environment. There is not a shred of that in this bill, nor is there a shred of case law anywhere in the 42-year history of title VII that supports that claim. The majority certainly is welcome to supplement the record if we are wrong. I just don't see it.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Madam Chairman, the opponents of H.R. 3685 have asked the question: What does perceived sexual orientation mean? It's when folks proclaim to have some sort of psychic ability to know who's gay. They have so-called "gay-dar," so that a man who perhaps is slightly built or a woman like myself who has a deep voice is perceived to be homosexual and they could be discriminated against in the workplace.

I can tell you that hundreds of thousands of school children will pass through these Chambers in the years to come, and as the guides in the visitors bureau talk about the history of this Chamber, this will be a signature moment, and I want to be identified as one of the people who stood up to the last vestige of discrimination in our country.

Mr. KLINE of Minnesota. Madam Chairman, I am pleased now to yield 1½ minutes to my friend, the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Chairman, I would like to insert into the RECORD a letter from Agudath Israel of America on how this impacts Orthodox Jewish groups and their reasons they are opposing this, and an article by Andrew Sullivan, a gay editor of The New Republic, who correctly points out that, in fact, this does not meet the discrimination standards in the sense of, if we were having a situation in America where gays, homosexuals couldn't get jobs, it would be a different challenge.

But I wanted to make a couple of points. There is a great irony to this bill. In the faith-based debate, we couldn't get title VII included, and now the Democrats have included it in this bill.

The Democrats opposed the Defense of Marriage Act, and now they are putting it in this bill.

Why does the bill exempt the military? Why can government discriminate and the private sector not discriminate? How in the world is this going to be upheld in court, to be able to hold a standard that the military can discriminate, that religious groups can discriminate, but Christian bookstores can't discriminate?

Clearly, in this bill the majority has tried to provide political cover, a fig leaf, so they can try to move a bill through, knowing full well that once you have the underlying bill, these other protections are going to be stripped out over time. It is internally inconsistent and ironic that the very people who oppose these things now insert them in this bill.

Another irony in this bill is that apparently the Boy Scouts' paid employees fall under this, but their volunteers don't. But this raises a question, what if they get their mileage reimbursed? What if they get expense reimbursement? It leads to a question of what if they go on and off the payroll. What about if they get a tax deduction? A lot of the reasons religious organizations are concerned about this is that is, in fact, a government benefit. Once we have a law that states that discrimination against homosexuals is wrong, this is obviously open to court interpretation, as many others are.

This is a bill fraught with so many problems that it should not see the light of day.

AGUDATH ISRAEL OF AMERICA,
*Washington, DC, November 5, 2007.*

HONORABLE MEMBERS,
*House of Representatives.*

As the House of Representatives prepares to vote on H.R. 3685, the Employment Nondiscrimination Act, I write on behalf of Agudath Israel of America, a national Orthodox Jewish organization, to urge you to oppose the measure.

In an earlier correspondence, we explained in detail our key concerns regarding the legislation, particularly the shortcomings of the exemption for religious organizations set forth in Section 6. We will summarize them here:

Religious Freedom of Religiously-Controlled Charities Might be in Jeopardy. The exemption, by reference to Title VII, covers religious corporations and educational institutions controlled by religious corporations. Courts have given us no clarity as to whether Title VII protects independently-incorporated, secular, charities that are "in whole or in substantial part controlled, managed, owned or supported by a particular religion, religious corporation, association or society." Because this bill on its face fails to settle this issue, thousands of charities could be adversely affected.

Secular Institutions Employing Religious Workers will not be Protected. Secular social service agencies or religiously-related businesses that employ workers that abide by certain religious/traditional tenets would not be protected. Unlike Title VII, where discrimination based on religion, sex or national origin is permitted when such status is a "bona fide occupational qualification (BFOQ)," no similar provision is included in ENDA when "sexual orientation" is a BFOQ.

Religious Groups that Avail themselves of Protection May Face Retaliation. In recent years, traditional values groups that adhere to constitutionally protected membership policies based on sexual orientation have faced various forms of legal disability from local governments. Groups claiming ENDA's exemption should not be treated as pariahs. The bill should include protection against retaliation.

Thank you for considering our views

RABBI ABBA COHEN,
*Director and Counsel.*

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[From The Advocate, Apr. 14, 1998]

DO WE NEED THESE LAWS?—GAY RIGHTS—ARE WE REALLY ASKING FOR SPECIAL RIGHTS?

(By Andrew Sullivan)

Before I make myself irreparably unpopular, I might as well start with a concession. Almost all the arguments the fundamentalist right uses against gay "special rights" are phony ones. If there's legal protection for Blacks, Whites, Jews, Latinos, women, the disabled, and now men in the workplace, then it's hard to see why homosexuals should be excluded.

It's also true that such laws would ban discrimination against straights as well as gays, and so they target no single group for "special" protection. Nevertheless, there's a reason the special rights rhetoric works, and that is because it contains a germ of truth. However evenhanded antidiscrimination laws are in principle, in practice they're designed to protect the oppressed. So while the laws pretend to ban discrimination on the neutral grounds of sex, race, ethnicity, or disability, they really exist to protect women, Blacks, Latinos, the disabled, and so on. They are laws that create a class of victims and a battery of lawyers and lobbyists to protect them.

The real question, then, is this: Are gay people generally victims in employment? Have we historically been systematically barred from jobs in the same way that, say, women, Blacks, and the disabled have? And is a remedy therefore necessary? My own view is that, while there are some particular cases of discrimination against homosexuals, for the most part getting and keeping jobs is hardly the most pressing issue we face. Aided by our talents, by the ability of each generation to avoid handing on poverty to the next, and by the two-edged weapon of the closet, we have, by and large, avoided becoming economic victims. Even in those states where job-protection laws have been enacted, sexual orientation cases have made up a minuscule proportion of the whole caseload.

Most people—gay and straight—know this to be true; and so they sense that the push for gay employment rights is unconvincing and whiny. I think they're right. The truth is, most gay people are not victims, at least not in the economic sense. We may not be much richer than most Americans, but there's little evidence that we are much poorer. Despite intense psychological, social, and cultural hostility, we have managed to fare pretty well economically in the past few generations. Instead of continually whining that we need job protection, we should be touting our economic achievements, defending the free market that makes them possible, investing our resources in our churches and charities and social institutions, and politically focusing on the areas where we clearly are discriminated against by our own government.

The problems of gay and lesbian Americans are not, after all, systematic exclusion from employment. They are (to name a few off the top of my head): a recourse to the closet, a lack of self-esteem, an inability to form lasting relationships, the threat of another epidemic, exclusion from our own churches, and our own government's denial of basic rights, such as marriage, immigration, and military service. In this sense, employment discrimination is a red herring. National gay rights groups love it because they are part of the lobbyist-lawyer nexus that will gain from it and because their polls tell them it's the least objectionable of our aims. But anyone could tell them it's the least objectionable because it's the least relevant.

Of course, we're told that until we're protected from discrimination in employment, we'll never be able to come out of the closet and effect the deeper changes we all want. But this is more victim-mongering. Who says gay people can't risk something for their own integrity? Who says a civil rights revolution can only occur when every single protection is already in place? If African-Americans in the 1960s had waited for such a moment, there would still be segregation in Alabama.

Our national leaders should spend less time making excuses for us and more time challenging us to risk our own lives and, yes, if necessary, jobs to come out and make a difference for the next generation. An "equal rights" rather than "special rights" agenda would focus on those areas in which gay people really are discriminated against. After all, have you heard any fundamentalist "special rights" rhetoric in the marriage debate? Or in the military battle? Not a squeak. What you hear instead is a revealing mumble of bigotry in opposition. And in these areas of clear government discrimination, we stand on firm, moral ground instead of the muddy bog of interest-group politics. In an equal-rights politics, we reverse the self-defeating logic of victim culture. We are proud and proactive instead of defensive and cowed. And we stop framing a movement around the tired 1970s mantra of "what we want" and start building one around the 1990s vision of "who we actually want to be."

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 1 minute.

Madam Chairman, I appreciate the frustration of my colleagues on the other side the aisle. They really don't like this bill. They don't believe that we should be outlawing discrimination against gay and lesbian individuals. What they are upset about is that most of the handles that they thought they could grab on to to destroy the consensus for this bill are gone.

Why are they gone? Because we went through a markup. We listened to our colleagues on the other side, and we made adjustments. We had a religious exemption in that many of the religious organizations strongly supported. We listened to the debate. We went back to them and suggested that a straight exemption from title VII would be preferable for all of those involved.

So we have continued to listen as that process has gone through. And, yes, we have a bill here now that is far more acceptable to far more Members of the Congress of the United States because it does what it says it is going to do.

Madam Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Madam Chairman, I rise in support, but I am sorry we are not debating a more inclusive gender identity bill today, which I would have supported, and let me tell you why.

Employment discrimination strikes at a fundamental American value, the right of each individual to do his or her job without facing unfair discrimination. Transgendered people are among the most marginalized and vulnerable groups within the LGBT community.

I worked with a nationally known landscape architect as a member of the San Diego School Board that San Diegans know today as Vicki Estrada. Vicki Estrada spent the first 50 years of her life as Steve Estrada. Soon after Steve became Vicki, she was assured by a leader within the California Department of Transportation, where Vicki worked as a contractor, that she would be treated no differently.

Vicki had only a few problems with her transition, for two reasons: She had an internal advocate and the comprehensive protection of California State law. Others, Madam Chairman, are not so lucky, which is why it is so important for us to provide inclusive Federal protections.

I urge my colleagues to join me in continued support of the entire LGBT community, and I also urge them to join me in supporting this bill.

Mr. KLINE of Minnesota. Madam Chairman, for the purpose of making a unanimous consent request, I yield to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Chairman, I rise in strong support of this legislation.

Madam Chairman, the Employment Non-Discrimination Act (or ENDA) is a commonsense solution to a very serious problem in the workplace. It:

Prohibits employers from making decisions about hiring, firing, promoting or compensating an employee based on sexual orientation;

Makes clear that preferential treatment and quotas are strictly prohibited, and that no claims will be permitted based on statistics about gays and lesbians in the workforce.

Until the 109th Congress, ENDA had been reintroduced in every Congress since 1994.

Our staff members' sexual orientation is no business of ours, and is irrelevant to their ability to perform the job.

One frequent objection to ENDA is that it would extend "special rights" to homosexuals.

That is simply not the case.

Gays and lesbians don't want special rights, they want the same as other Americans: equal protection under the law.

And they deserve no less.

ENDA supporter and former senator Barry Goldwater wrote: There was no gay exemption in the right to "life, liberty, and the pursuit of happiness." Job discrimination against gays—or anybody else—is contrary to each of these founding principles. Anybody who cares about real moral values understands that this isn't about granting special rights it's about protecting basic rights.

Paul Allaire, the former Chairman of the Board of Directors for Xerox, which is headquartered in Stamford, recognized the importance of non-discrimination policies when he wrote: We view diversity awareness and acceptance as enablers to increased productivity. We strive to create an atmosphere where all employees are encouraged to contribute to their fullest potential. Fear of reprisals on the basis of sexual orientation only serves to undermine that goal.

When ENDA is passed—a process that may take some time—working Americans who happen to be gay or lesbian will only have to prove themselves in the workplace and the employment market on the basis of their talents and abilities, just like other Americans.

They will be able to do so without fear of dismissal for any reason unrelated to the workplace.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Chairman, I thank the gentleman from California, the chairman of the committee, for yielding the time.

Madam Chairman, America was regaled today by the President of France, and he talked about America's values. He said that is why the world loves America, because of its values.

Now, whether all the world loves America's actions all the time is another question, but they know that one of our cardinal values was that we believe that all men and women are created equal and endowed by their creator with certain inalienable rights, and among these are life, liberty and the pursuit of happiness. No one in America believes that you can pursue life, liberty and the pursuit of happiness without the opportunity to have employment.

In America, we have discriminated historically against various groups of people. Some because of the color of their skin. Some because of their gender. Some because of their religion. Some because of their ethnic origin. There have been all sorts of reasons throughout our history that we have discriminated against people.

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Madam Chairman, for more than 200 years our great Nation has fought for and advanced the timeless values and ideals that are embodied in our constitution: fairness, justice and equality under law.

And today through this bipartisan legislation, the Employment Non-Discrimination Act, we again take a momentous step in breaking down centuries of rank injustice, unthinking prejudice, and unjustified discrimination against gay and lesbian Americans.

It could be gays and lesbians, it could be African Americans, it could be Catholics, it could be Baptists like me. We have all been discriminated against from time to time. It could be a Jew. It could be somebody of any other arbitrary distinction.

What this country really believes is that we should not discriminate against anybody. It so happens this bill describes one somebody, but it really refers to everybody. And it really is saying in this just Nation, we believe in equal opportunity.

When the Congress passed the Civil Rights Act of 1964, it prohibited employment discrimination based on race and gender; discrimination that often was open and far too often regarded as acceptable.

Frankly, my colleagues, as we sit here in this Chamber, hopefully all 435 of us believe that if we had lived in another time a half a century ago or perhaps a century ago, we would have even then thought it was wrong to discriminate against somebody because of the color of their skin. But we know that too many of our predecessors voted to allow and to further discrimination against people because of their color.

I presume that some of those looked back after their service in this body maybe 10 or 20 years later and said, I am historically sorry that I cast that discriminatory vote. I hope that none of my colleagues find themselves in that place today or tomorrow, and tomorrow or 10 years from now.

We have expanded the scope of the law's protection to prohibit employment discrimination based on religion, color, national origin, and disability. Today, through this historic civil rights legislation, we would simply add sexual orientation as a protected class, because even in 2007, there is little doubt that gay and lesbian Americans are too often the object of discrimination, not because of their actions but because of who they are. America believes that's wrong. That's what President Sarkozy was saying today.

Madam Chairman, let us be clear. This legislation is consistent with our values, our ideals, and America's long history of social progress. Thus, the question before us today is not only whether we will choose to do the right thing and pass this bill, but whether we will choose to stand on the right side of history; saying to some of our fellow citizens yes, you may be different than we are, but you are entitled by our Constitution and by our God and by our values to equal treatment under law.

This legislation, in fact, is the logical extension of the law in some 20 States that prohibit employment discrimination based on sexual orientation. I should note that the Federal Government, we have taken that action. All the people who work for us, we bar discrimination against them based upon sexual orientation.

Madam Chairman, as the lead House sponsor of the landmark Americans with Disabilities Act, I harbor no illusions that this legislation will topple centuries of prejudice overnight or that we can legislate that prejudice out of existence. That is probably not possible. But what we can do, what we ought to in fairness do this day is say that it is not lawful in the United States to have that prejudice prevent the pursuit of happiness and the enjoyment of opportunities offered by this great, fair and just Nation.

I urge my colleagues to stand with great pride, to vote against discrimination in this great, just land we call America.

Mr. KLINE of Minnesota. Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Chairman, the function of this Congress is to answer the question: Who are we? And one of the most defining characteristics of who we are is that we are a meritocracy. That is the reason why we are as strong and as wealthy and as influential as we are all over the globe. People come from all parts of the globe to America because they know that they will be judged here on the basis of their goodness as a member of society and their ability as a contributor to our economy. That's all this legislation does.

The people that it is directed to have no more control over their sexual orientation than the color of their skin. All we are saying is that you will be judged on your ability to contribute, not on any other artificial distinction.

As a sponsor of ENDA, I would have favored the further amendment by Congresswoman BALDWIN, but the fact is that this is a civil rights struggle, and struggles take time. But this measure today is a powerful sign of enlightenment and progressive change in America. It is defining legislation. I urge all my colleagues to vote for it.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1½ minutes to the gentleman from South Carolina (Mr. CLYBURN), the distinguished majority whip in the House.

Mr. CLYBURN. Thank you, Mr. Chairman, for yielding me time.

Madam Chairman, I rise in strong support of the Employment Non-Discrimination Act. As a former civil rights activist in South Carolina who has been incarcerated a number of times for advocating equal treatment for all, I have come to find that our Nation's civil rights issues are in fact human rights issues.

Whether you are talking about allowing people of color to sit and eat at lunch counters or about ensuring that gay and lesbian Americans can freely go to work and earn a living without fear of being discriminated against, you are talking about basic human rights.

Madam Chairman, before I came to Congress, I spent 18 years as South Carolina's human affairs commissioner. In that position, I came to find that bigotry and homophobia are sentiments that should never be allowed to permeate the American workplace. Such intolerance does nothing but take us back to a dark moment in our Nation's history that most of us never want to revisit.

I implore my friends on the other side of the aisle to stop misconstruing this issue as a marriage issue. This is an employment issue, not a marriage issue. And this bill does nothing to infringe on the institution of marriage which I have cherished for more than 46 years.

By passing this bill, Members of the House go on record as wanting to end discrimination in the workplace and not allowing its ugly face to persist. I urge my colleagues to bring fairness to the American workplace and support this important legislation.

Mr. KLINE of Minnesota. Madam Chairman, I continue to reserve.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Madam Chairman, this bill is about discrimination, but it is also about economic competition.

Thinking about this bill today, I was thinking about the 1964 University of Washington Huskies football team that went to the Rose Bowl. They had a slashing, tough, brutal halfback named Dave Kopay, a boyhood hero of mine. He helped them go to the Rose Bowl. Later on after he goes to the NFL, we learn he is gay. If the UW hadn't put that guy in, there are several games they would not have won.

And if software companies don't hire gay software engineers, they will not be economically competitive with the rest of the world. In America, let's get one thing real clear: All good athletes play and all good software engineers engineer and all good workers work. That's the American way. Let's pass this bill.

Mr. KLINE of Minnesota. Madam Chairman, I continue to reserve.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Chairman, if our Constitution stands for anything, it is the ideal of individual liberty. To defend that liberty, we support democracy. But underneath both of those key values in the West, we believe in tolerance for our Federal citizens. Tolerance.

In Nazi Germany, they killed Jews and gypsies; but they also killed homosexuals. Thanks to us, the Nazis were defeated by the tolerant democracies of the West.

Our history is one of expanding tolerance. First, that all white men are equal; then all men; then all men and women. These are the civil rights achievements of the 20th century. Now it is our turn to offer protection for those of a different orientation.

From the Land of Lincoln, our country is the leader in advancing the toleration values of the West. This bill is already the law in the Land of Lincoln; but today, we go forward to make it the law for all.

Mr. ANDREWS. Madam Chairman, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS), a distinguished member of the Rules Committee.

Mr. HASTINGS of Florida. I thank the distinguished gentleman for yielding to me.

Madam Chairman, yesterday in the Rules Committee I commented that democracies should be about tolerance. Democracies and religions should be about tolerance.

Today we get an opportunity to manifest our tolerance within the body politic of this country. And it is an important day, just as 1964 was an important day for passage of the Civil Rights Act. As one who has stood in this struggle with brothers and sisters throughout this land to make this country live up to all of the creeds that are our values, American values, we cannot nor should we ever permit discrimination in the workplace or anyplace. It is wrong, it is intolerant, and it is un-American. I urge my colleagues to support this measure.

Mr. KLINE of Minnesota. Madam Chairman, could I inquire how many speakers my friend has?

The CHAIRMAN. Each side has 2½ minutes remaining.

Mr. ANDREWS. Madam Chairman, we have two speakers remaining, including the Speaker.

Mr. KLINE of Minnesota. Very well, then I will continue to reserve my time to close.

Mr. ANDREWS. Madam Chairman, I yield 1½ minutes to an icon in the protection of human and civil rights in our country, a hero for our generation, the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Madam Chairman, I want to thank my friend for yielding.

Madam Chairman, I for one fought too long and too hard to end discrimination based on race and color not to stand up against discrimination against our gay and lesbian brothers and sisters. During the 1960s, we broke down those signs that said "white" and "colored."

Call it what you may, to discriminate against someone because they are gay is wrong. It is wrong; it is not right. There is not any room in our society for discrimination. Today, we must take this important step after more than 30 long years and pass the Employment Non-Discrimination Act. It is the right thing to do. It is the moral thing to do.

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Let us do it, not just for this generation, but for generations yet unborn.

Today, we have an opportunity to bring down those signs. Now is the time to do what is right, what is fair, what is just. The time is always right to do right. Let us pass this bill.

Mr. KLINE of Minnesota. Madam Chairman, I yield myself the balance of our time.

Today, we're considering a truly far-reaching modification to civil rights policy. There are some here who want this proposal to go even further, and we've heard that, while many of us believe that it already goes too far.

The free exercise of religion is fundamental; yet this bill could infringe upon it. The right of States to define and protect marriage is fundamental; yet this bill would undermine it. When enacting new Federal mandates, we should be seeking policies that employers can successfully implement; yet this bill is vague and subjective and invites costly litigation.

We heard a discussion earlier about the concerns in employment law around a hostile work environment and what this newly protected class, how this would fit into that. It was asked, could an employee have a quote from the Bible that soundly condemns homosexuality, would that in itself create a hostile work environment. I would say we do not know the answer to that question. This is a boon for trial lawyers and court cases stacked up like cordwood.

Because of these concerns, Madam Chairman, the White House issued a Statement of Administration Policy indicating that if this bill were to reach the President's desk, his senior advisers would recommend that it be vetoed. The administration identified a number of concerns, both on a constitutional level and with the underlying policy. Unfortunately, these concerns have not been given the full attention they deserve in this debate.

The number of amendments has been seriously limited. We have seen an extraordinary step of putting in the rule a mandatory withdrawal of a proposed amendment. This deserves a fuller examination.

Republicans were prevented from offering key amendments that would have highlighted and attempted to correct some of the more glaring problems which we see in the underlying bill. As a result, Madam Chair, H.R. 3685 remains fatally flawed.

I oppose the bill and urge my colleagues to join me in voting "no" on this overreaching proposal.

Madam Chairman, I yield back the balance of our time.

Mr. ANDREWS. Madam Chairman, at this time, it is my honor to yield 1 minute to a woman of faith and strength, the leader of our House, our Speaker, the gentlelady from California.

Ms. PELOSI. Madam Chairman, I thank the gentleman for yielding and I thank Mr. ANDREWS of New Jersey for his leadership on this important issue. He knows, as does the chairman of the full committee, Mr. MILLER, that discrimination has no place in America. Our country is a great country because we recognized that long ago, but we have more work to do.

I thank them both for their strong leadership in fighting discrimination and thank them for, in the case of Mr. MILLER, decades of service and leadership on social justice. I commend Mr. ANDREWS for his commitment to protecting the rights of America's workers.

This is truly an historic day. Today, the House of Representatives will consider and hopefully pass for the first time the Employment Non-Discrimination Act, or ENDA. As someone who has looked forward to this day for 20 years that I have served in Congress, it is a joyous occasion. It simply would not have been possible without the outstanding leadership and courage of Chairman BARNEY FRANK and of Congresswoman TAMMY BALDWIN. Anyone who cares about a country without discrimination is deeply in debt to TAMMY BALDWIN and to BARNEY FRANK for their leadership in this regard.

While ENDA's victory will represent an historic victory, I share the disappointment of TAMMY BALDWIN, BARNEY FRANK and others who support including protection for transgender individuals in ENDA. While I had hoped that we could have included gender identity, I support final passage of ENDA because its passage will build momentum for further advances on gender identity rights and the rights of all Americans.

America is a country that is great and wealthy, but we cannot afford to squander the talents of any of our citizens, nor should we. We all benefit if everyone gets a chance to work hard and support their families. Yet today, in 30 States an American can be denied a job or fired because they are gay, lesbian, bisexual or transgender. This is wrong. Working Americans should be judged on one criterion, their job performance, and not be subjected to prejudice.

Madam Chairman, our history teaches us that progress on civil rights is never easy. It is often marked by small and difficult steps. We must take this step today toward the ideal of equality that is both our heritage and our hope.

I've heard the use of the word "tolerance" today, and I respect the use of that word, but if I may respectfully depart from it and say that in my community that is blessed with a diverse community, our diversity is of all kinds: religion, gender identification, religious faith and the rest. And I always say that the beauty is in the mix. And it's not that we're tolerant in my district in California in San Francisco; it is that we have so much respect for the role that each person plays in our society.

So tolerance, maybe; respect, definitely. But let me also add that it is the pride that we take in that diversity, and it is the pride that I take in the gay, lesbian, bisexual and transgender community that brings me to the floor today to urge a "yes" vote on this important legislation.

Ms. LINDA T. SÁNCHEZ of California. Madam Chairman, at the outset, I'd like to note that I did not vote for this bill in Committee, not because I don't support its goals—I do—but because I strongly believe that we could have done better by protecting more people from discrimination.

That is why I am proud to support the amendment by my colleague from Wisconsin, that will add a prohibition against gender identity discrimination. This amendment is needed because protecting transgender people is the right thing to do. We're talking about a small group of people, but a group that faces tremendous discrimination and that deserves to be protected from workplace discrimination just as much as anybody else.

Now that this bill is out of committee and on the floor, let me be clear, I will vote for it because it extends a basic right to millions of Americans. And that right is the right to go to work and earn a living.

That's all, just the right to support themselves and their families. It is a right that is so basic that I'm appalled that some in this Chamber actually oppose this bill.

What is so problematic about protecting Americans from losing their jobs, not due to job performance, but due to bigotry?

Americans believe that if you work hard and do your job, you should be rewarded. And Americans believe that this basic principle should apply across the board.

Poll after poll reveal that an overwhelming majority of Americans agree someone shouldn't lose a job or be denied a promotion simply for being gay or lesbian.

Americans also believe that it is already illegal to do so. Unfortunately, in many states, it isn't. That's why this bill is so important.

The passage of this bill is just one part of an overall effort to improve the lives of working Americans. So far this year, the New Direction Congress has already worked to increase the opportunities available to working Americans and their families.

We have increased the minimum wage.

We have made college more affordable by increasing Pell Grants and reducing interest rates on student loans.

We have investigated the Administration's failure to protect workers on the job, and begun efforts to ensure that the Occupational Safety and Health Administration and Mine Safety and Health Administration do their jobs: keep workers safe so they can go home to their families after a day's work free of injury and disease.

It is wrong to deny someone a job, a raise, or a promotion because of his or her real or perceived sexual orientation. And it is past time for Congress to say so.

Ending employment discrimination against gay, lesbian, and bisexual people by enacting ENDA is such a common sense solution, and so consistent with the American principles of freedom, justice, and equality that it's amazing to me that in 2007, we still haven't passed this bill.

Let's work together to make the "American Dream" a reality for millions of Americans. Let's vote for the Baldwin amendment and pass this bill.

Ms. ESHOO. Madam Chairman, I rise today to express my strong support for The Employment Non-Discrimination Act, ENDA. I was an original cosponsor of this bill when it was first introduced in 1994 and have supported it ever since.

This legislation is a long time in coming. For years we've had workplace protections in place for race, religion, gender, national origin, age, and disability, but nothing to cover sexual orientation. Surprisingly, in 2007, it's still legal to fire someone based on their sexual orientation in 30 different States. ENDA will extend Federal employment discrimination protections to include sexual orientation for all workers.

This bill will not impose new costs and obligations on employers. ENDA will not require employers to give benefits to partners of gay, lesbian, or bisexual employees, although I believe they should. ENDA will not set "quotas" for hiring or provide special rights to a unique class of citizens. ENDA will simply end one of the last areas of legal discrimination against Americans in the workplace today.

As introduced in the 110th Congress, this bill originally included protections for transgendered Americans in their jobs. While the bill that comes to the Floor today does not include this provision, it is something I strongly support and will continue to advocate for.

I take pride in being a citizen of a country that promotes tolerance and equality . . . but we must ensure these founding principles extend to all American citizens. I believe ENDA is the next step for us to take on the journey toward full equality for all Americans.

Mr. VAN HOLLEN. Madam Chairman, I rise today in support of H.R. 3685, the Employment Non-Discrimination Act of 2007. Currently American workers are not entitled to protection from discrimination in the work place based upon their sexual orientation. As a result, it is legal to fire or refuse to hire someone simply because they are gay or lesbian. That is simply wrong! This country has a rich history of battling discrimination. Over the years Congress has banned employment discrimination on the basis of race, color, religion, sex, national origin, disability and age. However, our work is not done; we must continue to fight against injustice and extend basic workplace protection to gays and lesbians.

The American people do not support workplace intolerance. A Gallup poll in May of this year found that 89 percent of the American people support equal treatment for gays and lesbians regarding employment opportunities. The sexual orientation of an employee should not factor into the determination of one's competence to perform a particular job. American values are rooted in fairness and opportunities for all, in basic recognition that employment, free of discrimination, is a basic civil right, a human right that must be extended without regard to one's sexual orientation.

My own State of Maryland, in 2001, enacted a law prohibiting employment discrimination on the basis of sexual orientation. I was proud then to have worked on its passage through the State legislature. I am proud today to stand before the House and help pass this bill through Congress. Legislation to promote fairness in employment for gays and lesbians at the national level is long overdue. It is time to take action and extend equality to all Americans.

Mr. LANGEVIN. Madam Chairman, I rise in strong support of H.R. 3685, the Employment Non-Discrimination Act. This important measure demonstrates Congress's commitment to combating prejudice and ensures that Americans will not be denied access to employment because of their sexual orientation.

Current Federal law prevents employment discrimination on the basis of race, gender, religion, national origin, or disability. As a person with a disability, I know how important those Federal protections are for people who want to contribute to the workforce. Unfortunately, too many Americans are still able to be fired based on their sexual orientation. I am proud I come from a State where discrimination based on sexual orientation is against the law, but in 30 States, a person may be fired from a job simply for being gay, lesbian, or bisexual. We need a strong Federal law to protect those Americans and end a practice that is contrary to the American promise of equality and opportunity for all.

The Employment Non-Discrimination Act would prohibit employers from using an individual's sexual orientation as the sole basis for employment decisions. As previously mentioned, Rhode Island is one of 20 States that have comparable State laws. Similarly, a growing number of companies are incorporating non-discrimination policies because they recognize that they should be recruiting and retaining the best individuals for the job, irrespective of a person's sexual orientation. However, despite these advances, too many Americans still face discrimination in the workplace. Today we have the opportunity to make a stand for civil rights and equality by passing ENDA.

I also want to voice my strong support for an amendment to be offered by the gentlewoman from Wisconsin, Ms. BALDWIN, which would prevent discrimination based on gender identity. Rhode Island is one of 12 States that protect gender identity in employment, and our experience has been a positive one. Transgender individuals often have their own set of challenges in the workplace, and we must ensure that their rights are protected as well. I am deeply disappointed that the underlying bill does not include gender identity, especially as I am a cosponsor of a fully inclusive ENDA. Today, the House of Representatives is sending a clear message to the Nation that no American should face discrimination at work or in society, and I think we are missing an unprecedented opportunity to make the measure as inclusive as possible. However, if the Baldwin amendment is unsuccessful, I pledge to work with her and other supporters to see this important provision enacted into law.

I would like to thank everyone who contributed to developing this legislation and bringing it to the floor for a historic vote. I urge all of my colleagues to make a strong stand for equal rights and support H.R. 3685.

Mr. STARK. Madam Chairman, I rise today in strong support of equal rights for all people. No job applicant should be discriminated against because of his or her race, religion, gender, ethnicity, age, disability, political affiliation—or sexual orientation or gender identity.

The Employment Non-Discrimination Act (ENDA, H.R. 3685) simply modernizes existing non-discrimination law to prohibit discriminatory employment practices on the basis of sexual orientation.

Everyone knows that employment discrimination against people based on their sexual orientation occurs daily in our country. Many of us know people who have been the victims of such discrimination. It is wrong and it should be against the law. I'm only sorry it has taken us so long to bring this bill forward.

This legislation succeeds in advancing civil rights. However, it still falls short of what needs to be accomplished. By no means is this bill as inclusive as it should be. It fails to include gender identity as a protected class. I commend Congresswoman BALDWIN for her efforts to include the transgender community in today's legislation. Had her amendment reached a vote on the House floor, I would have proudly supported it.

Our Declaration of Independence states that Americans have an inalienable right to liberty and happiness, neither of which can be achieved if equal rights are granted to some and not others. Today's bill continues to leave transgender individuals without equal protection from discrimination.

I support this bill because it brings the country one step closer to a prejudice-free workplace, but I implore my colleagues to work toward legislation that guarantees fair employment practices to all people.

Most of us look back on America's history and bemoan that women and non-whites had to struggle for rights that should have automatically been granted to them. If we as a Congress cannot stand against discrimination for a group of citizens who simply demand the right to be treated fairly in the workplace, we are no better than past legislators who opposed a woman's right to vote or the right of African Americans to sit in the same section of a bus or restaurant as whites. I urge my colleagues to do what is right and support this legislation.

Mr. HONDA. Madam Chairman, I rise today to support the Employment Non-Discrimination Act (ENDA), an important step forward in the fight for civil rights in the United States. It is high time for Congress to recognize and address the fear of persecution in the workplace experienced by gay, lesbian, bisexual, and transgender Americans. The Federal Government is right to follow the lead of 20 progressive states to extend federal employment protection to the lesbian and gay community, and I look forward to casting my vote in favor of this bill. ENDA ensures that American workers will be judged on their ability as workers instead of allowing ignorance and fear to bar them from contributing to the success of the Nation and enjoying the unalienable rights of "life, liberty, and the pursuit of happiness."

Sadly, more inclusive language was narrowed to exclude the most vulnerable, least understood group within the LGBT community, transgender men and women. I congratulate Representative BALDWIN on offering an amendment to re-insert this wording into the underlying bill and I proudly support her effort. Although this amendment was withdrawn, I was prepared to vote in its favor. Despite this compromise, I support final passage of the bill because I recognize that the perfect should not be the enemy of the good. I trust in my colleagues and my leadership that we will not stop the push for civil rights after consideration of this bill, and I reiterate my dedication to further expanding protection to transgender men and women.

Finally, I strongly object to the mischaracterization of this bill as anti-religious. Gay, lesbian, and straight people alike, strongly religious and strongly secular, support this important step in the struggle for civil rights. Yet, the authors of the bill have wisely sought a compromise for those who still hold a religious objection to these civil rights protections by crafting exemptions for religious organizations and schools.

I am proud to vote for this bill and urge my colleagues to do the same.

Ms. DEGETTE. Madam Chairman, I am a proud cosponsor of the original Employment Non-Discrimination Act (ENDA) that included gender identity.

I will support final passage of this legislation today because passing this bill is important and extending these protections is the right thing to do.

But I will cast my vote with deep regret the trangendered community has been denied the protections offered to gays and lesbians in this bill.

I did not support its removal from the overall legislation and am extremely disappointed that it will not be included when the House passes H.R. 3685.

I have cosponsored ENDA every session since I was first elected to Congress. I have strongly supported this legislation because it is an important step forward in eliminating discrimination against gay people.

I believe that all citizens should be treated equally in this country, regardless of their sexual orientation. Firing someone from their job, or evicting them from their home simply because of their sexual orientation, is immoral and undemocratic.

All members of the gay, lesbian, bisexual and transgender community should be protected from employment discrimination, and by not including gender identity we are essentially abandoning Americans who, frankly, are among the most discriminated against individuals in this country.

Mr. RYAN of Wisconsin. Madam Chairman, today, the House will consider H.R. 3685, the Employment Non-Discrimination Act of 2007. In essence, the bill would expand the protections of Title VII of the Civil Rights Act that prohibit discrimination on the basis of color, religion, national origin and gender to include sexual orientation. As H.R. 3685 has undergone various iterations over the previous months, I have spent a considerable amount of time weighing the implications this legislation would have on our society as a whole. My gravest concerns lie with how religious institutions would be affected. The protections afforded to these groups by our country's founders have been upheld for centuries, and I would not support any legislation that would erode those freedoms.

H.R. 3685, however, provides explicit and concrete exemptions for religious institutions that are similar to the ones included in Title VII of the Civil Rights Act. Specifically, religious organizations, define as "a religious corporation, association, or society; or a school, college, university, or other educational institution or institution," are exempted from complying with the requirements of this law. Effectively, where religious institutions are currently allowed to make hiring decisions on the basis of religion, this protection will be extended so these organizations can continue this practice. In addition, I feel strongly that non-denominational institutions, that is, religious institutions not affiliated or supported by a specific denomination, should be included in this exemption. With passage of the Miller amendment, H.R. 3685 will be adequately modified so that the hiring practices of non-denominational institutions are equally protected and will not be affected by the bill.

Given this, I intend to support the legislation pending before the House. I believe individuals should be judged based on merit and their ability to perform the tasks required rather than on perceived characteristics and unrelated biases.

One of the essential roles of the Federal Government is to protect the equal rights of individuals. H.R. 3685 is not a bill that grants special rights to a certain class of people. If this were the case, I would oppose the bill. This legislation simply protects the equal rights of individuals from workplace discrimination. Indeed, Congress is not alone in its attempt to end sexual orientation discrimination in the workplace. In fact, my home state of Wisconsin has had a very similar law in place since 1982. The legislation the House will consider is an extension of this type of protection. Congress has historically acted to protect workers from discrimination and I believe H.R. 3685 meets this objective.

Mr. WAXMAN. Madam Chairman, I rise in strong support of the Employment Non-Discrimination Act, or ENDA. This legislation is long overdue. Prejudice has no place in the workplace.

Nearly 10 years ago, the Federal Government set a bold example when President Clinton issued an executive order specifically outlawing discrimination based on sexual orientation in the federal government. Today, 22 States, the District of Columbia and more than 180 cities and counties nationwide have enacted laws prohibiting sexual orientation discrimination in the workplace. I am proud that my home State of California and my congressional district in Los Angeles have played a leading role in the effort to promote understanding, acceptance, tolerance, and equality for gay Americans.

But congressional leadership is sorely needed to set a national standard for this fundamental civil rights protection. The health of our democracy requires that all Americans be entitled to justice. Civil rights and human rights should not stop at State boundaries.

Like many civil rights battles before it, the fight for gay rights has been long, arduous, and frustrating. In recent years, we have faced many setbacks with anti-gay initiatives by President Bush and Republicans in Congress that serve only to fan the flames of intolerance and bigotry.

The tide is turning. Earlier this year the Democratic leadership in the House and Senate achieved victories with hate crimes legislation that would criminalize attacks against individuals based on their sexual orientation or gender identity. With the passage of ENDA, we will push further by making it illegal to fire, refuse to hire, or deny a promotion to an individual on the basis of sexual orientation.

As an original cosponsor of H.R. 2015, a more comprehensive version of this legislation, I am disappointed that H.R. 3685 does not protect against discrimination based on gender identity. I strongly support the amendment Representative BALDWIN will offer to include gender identity in H.R. 3685 and if that amendment is not adopted, I pledge to work for an ENDA that includes gender identity.

I look forward to passing this landmark legislation, which is a great leap forward for equal rights.

Mr. LEVIN. Madam Chairman, I rise in support of the Employment Non-Discrimination Act.

This day is long overdue. Freedom from discrimination in the workplace. A simple concept really. One should be judged by the quality of their work, not by the color of their skin, not by their age, not by their disability, and of course, not by their sexual orientation.

Thirty States continue to permit employers to discriminate against employees based solely on their sexual orientation. It is vital that we adopt federal protections to end this unjust discrimination that affects millions of Americans. The bill before the House today would extend the basic protections of the Civil Rights Act by prohibiting employment discrimination based on sexual orientation.

For all of my life, this country has been grappling with the issue of how to extend fundamental rights to every individual in our society. We all know the profound impact of the Civil Rights Act of 1964, which made it illegal to fire, refuse to hire, deny promotions or otherwise discriminate against employees based on race. While the Civil Rights Act was controversial in the years leading up to its enactment, one of our country's proudest moments was the day President Johnson signed it into law.

I very much regret that the Bush Administration is threatening to veto this legislation. Back in 1990, the first President Bush signed the landmark Americans with Disabilities Act, which barred workplace discrimination against qualified individuals with disabilities. It is unfortunate that the current Bush Administration has chosen not to build on this progress.

But today is about progress. Today we stand up for gay Americans and say it is long overdue that you have the protections needed in our Nation's employment laws. Tomorrow we continue to educate and outreach around the need to also prohibit employment discrimination on the basis of gender identity.

Mr. WELDON of Florida. Madam Chairman, I rise to express my concerns about H.R. 3685, the Employment Non-Discrimination Act (ENDA). Unfortunately, this bill goes far beyond simply providing protections against discrimination. If that had been the sole purpose of H.R. 3685, the authors would have closely tracked the Civil Rights Act. The fact that they chose not to follow the Civil Rights Act, but instead create a whole new statute belies their true motives. Because H.R. 3685 does not consider the rights of other protected classes by giving them less protection than have already been provided for them under Title VII of the Civil Rights Act, I believe this legislation is unfair and unwise.

Again, as has become the common practice with the new majority, this bill is on the floor with little review, no committee hearings, and little input from religious organizations and employees that will feel the largest impact from this legislation. Having a one-sided piece of legislation rushed to the floor is no way to pass legislation whose implications will be deeply felt by all Americans. This haste to the House floor, fear of constructive criticism, and failure to model this bill after other successful Federal civil rights legislation, is unwise and is plagued with pitfalls.

The Committee summarily rejected amendments to (1) broaden the exemption for religious schools not covered by the definition in H.R. 3685 to make it consistent with Title VII exemptions; (2) strike the vague and confusing "perceived" sexual orientation language; (3) prohibit retaliation against employees who may not agree with employer policies relating to this bill on the basis of sincerely held religious beliefs and; (4) remove the provision making it unlawful to condition employment in a State in which a person cannot marry a person of the same sex. One wonders why in the quest to protect one group, the authors of this bill are so willing to infringe and discriminate against the rights of others. In fact, I do not believe it is going too far to say that the authors of this bill are willing to infringe on the consciences of others in their attempt to create new protections.

H.R. 3685 contains a much narrower religious exemption than is provided under Title VII of the Civil Rights Act, which broadly exempts religious corporations, associations, societies, and educational institutions. There is strong evidence to suggest that non-denominational independent religious schools will not be exempt from complying with H.R. 3685 even though they are under Title VII. This issue has been glossed over by the Democratic leaders even though Congress specifically amended the Civil Rights Act in 1972 to forthrightly protect the mission-critical hiring rights of religious organizations.

A significant concern over H.R. 3685 is its inadequate protection for religious employers and those with deeply held religious convictions. Under Title VII, religious corporations, associations, societies and educational institutions are given broad exemptions. H.R. 3685 contains insufficient exemptions for religious organizations and companies with sincerely held religious beliefs. While houses of worship, missions, and some religious schools would be exempt, H.R. 3685's definition of "religious organizations" is a two-part test to determine if an educational institution qualifies for an exemption. In light of the broad exemptions provided in Title VII and the successful management of competing protections, why does H.R. 3685 feel it is necessary to subject religious organizations to intrusive snooping of the Federal Government to investigate if the organization is "religious enough?" This requirement indeed constitutes an excessive government entanglement with religion in violation of the First Amendment, and it is doubtful that it would survive scrutiny by the Supreme Court.

H.R. 3685 is vaguely drafted to prohibit employers from discriminating against an individual's actual or "perceived" sexual orientation or the actual or "perceived" sexual orientation of a person with whom the employee associates. Again, someone's "perceived" status is not included in any other civil rights legislation, including Title VII, which protects race, color, religion, sex, and national origin. Employers will now be subjected to claims and potential liability based on the highly subjective standard of someone's perception. With this legislation applying to essentially every company in the country with more than 15 employees, exposing employers to the threat of liability based on "perception" seems highly unwise and will create a lawyer's bonanza. This will force employers to defend themselves in claims and litigation by having to prove a negative—that they weren't able to perceive someone's sexual orientation. I'm sure this is welcome news for the nation's trial bar who will welcome vague loopholes to create Title VII claims to litigate. We should not open employers up to lawsuits because they were unable to "perceive" a person's sexual orientation, but that is what this bill does. This is especially an unfair burden on our small business owners, who will not be able to afford lengthy and costly litigation. This bill allows individuals to file suit, if their claims aren't resolved by the EEOC, for punitive damages up to $300,000.

H.R. 3685 will also needlessly create hostile work environments, as religious employees protected under Title VII will have their right to free religious expression challenged by the new rights created in ENDA for individuals based on their "actual or perceived sexual orientation." The balancing of these two will lead to an impossible balancing test of which law to follow and which to violate.

While I strongly oppose intentional discrimination in the workplace to anyone, H.R. 3685 would favor some classes of citizens over other already protected classes. I cannot support a bill that does not provide adequate and equal protections to religious organizations, especially religious educational institutions that will be forced to act against their consciences if this legislation becomes law.

Mr. BLUMENAUER. Madam Chairman, today I vote in favor of H.R. 3685, the Employment Non-Discrimination Act (ENDA) because all Americans deserve to be protected from discrimination in the workplace. As a new legislator, one of the first hearings I attended in Congress was on this very bill and while I am pleased to finally vote on it, I'm sad it took twelve years for this day to come.

I see today's vote as part of our nation's struggle to achieve civil rights—an effort to make our country more equitable, more just, and more fair, so that every child has the opportunity to pursue their dreams in a safe and accepting environment. As I look back on how we have achieved civil rights legislation, I am struck that each accomplishment was both monumental and yet disappointingly incomplete. I am saddened that the gender identity provision did not pass this time around, but remain committed to resolving this inequity in the future.

I appreciate the advocates in my district, and across the country, who have worked tirelessly to bring about today's successful passage of ENDA. I am confident we will continue these efforts to keep these issues at the forefront of our agenda. Together, we can put an end to the ugliness of intolerance and bigotry.

Ms. HIRONO. Madam Chairman, I rise today in support of H.R. 3865, the Employment Non-Discrimination Act of 2007 (ENDA), as well as in support of the amendment to the bill offered by Congresswoman TAMMY BALDWIN.

I would like to thank the chief sponsor of the bill, Congressman BARNEY FRANK, and GEORGE MILLER, Chairman of the Education and Labor Committee, for their leadership. This is truly a historic moment, which was largely made possible by their commitment to the democratic ideals of equality and fairness.

As an original cosponsor of the original ENDA, H.R. 2015, I am glad to be able to have this opportunity to debate the BALDWIN amendment to include anti-discrimination protections for transgender individuals. It is unfortunate that political realities made it difficult to bring an inclusive ENDA to the floor today in the first place.

However, I stand with Congresswoman BALDWIN in her courageous fight to provide for the inclusion of a group that is probably the most in need of workplace protections. I look forward to continuing to work with her and our likeminded colleagues in any effort to build upon the momentum of H.R. 3865 and provide employment protections for gender identity through future educational and legislative initiatives.

The Civil Rights Act of 1964 prohibited employment discrimination based on race and gender. The scope of protections has expanded since then to also bar employment discrimination based on religion, color, and national origin. And while versions of H.R. 3865 have been introduced in each Congress since 1975, this is the first time it will be voted on by the U.S. House of Representatives.

H.R. 3865 provides us with a historic opportunity to be able to respond to the prejudice and discrimination that face millions of Americans in our workforce. It is at moments like these, this ability to provide for civil rights progress, that I am truly proud to be a member of the Democratic majority making freshmen class.

I urge my colleagues to join me in voting for H.R. 3865 and working toward the inclusion of gender identity in future legislation. Mahalo (thank you).

Mr. UDALL of Colorado. Madam Chairman, this bill does not do all I want, but I will support it because of what it will do.

Earlier this year, I cosponsored H.R. 2015 because I think that in our country nobody should be denied a job on the basis of actual or perceived sexual orientation or gender identity and because I think we need a Federal law to supplement the laws that Colorado and some other States have enacted to reduce or prevent such unfair discrimination.

As a cosponsor, I hoped the House would take up H.R. 2015. So, I regret that instead we are considering a similar but not identical measure. Unlike the bill I have cosponsored, H.R. 3685 does not fully protect the full lesbian, gay, bisexual, and transgender community. And because of that, some supporters of the bill I have cosponsored have suggested that it would be better for Congress to pass no legislation rather than to enact this bill in its current form.

I understand their frustration, because I recognize that transgender people face particularly pervasive and severe bias in the workplace and society as a whole and have little protection against employment discrimination under existing State laws, municipal ordinances, or private employment policies.

But although I share their disappointment about the bill's shortcomings, I will support it because I am convinced that H.R. 3685 will improve protections for many thousands of people who might otherwise continue to face unjust discrimination.

Madam Chairman, history shows that legal progress against injustice does not come easily or swiftly.

For example, when Congress and the ratifying States approved the Constitution's 15th Amendment to try to assure the right to vote would not be denied on the basis of race, women were not included—and, although in 1893 Colorado's male voters amended our constitution to include women, other States excluded them until a further amendment took effect. Similarly, since then until the Civil Rights Acts of 1957 and 1964 and the Voting Rights Act of 1965, and subsequent amendments, it has required repeated legislative enactments to construct the structure of legal protections in place today.

Erecting that structure of protection took longer than it should have, but it would have taken longer still if Members of Congress had refused to vote for good measures because they were not good enough.

And while I would have wished it otherwise, I think that is the choice before the House today.

We can vote to further the spirit and intent of the 1964 Civil Rights Act—which protects against discrimination against employees or job applicants on the basis of race, color, religion, sex, or national origin—by expanding it to similarly bar discrimination based on sexual orientation. Or we can refuse to take that step because it is not the entire journey we want to complete.

I want to take that step, although I know it is not the only one needed. So I will vote for this bill.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise today in strong support of H.R. 3685, the Employment Non-Discrimination Act of 2007, introduced by my distinguished friend and colleague Representative FRANK. This important legislation extends the basic civil rights that we, as Americans, enjoy and cherish, to millions of gay, lesbian, and bisexual citizens.

This legislation also fulfills the vision and promise of our Founding Fathers who in the "Declaration of Independence" proclaimed: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." This legislation ensures that all of America's citizens inalienable rights to life, liberty and the pursuit of happiness are protected.

The Employment Non-Discrimination Act of 2007 will make it illegal to fire, refuse to hire, or otherwise discriminate against employees simply based on their perceived or actual sexual orientation.

I would like to thank my colleague, Mr. FRANK, for introducing this important legislation, as well as for his ongoing leadership on this issue. I would also like to thank Chairman MILLER, of the Education and Labor Committee, for bringing this legislation to the floor. Madam Speaker, today marks a historic occasion. This bill has been introduced in every Congress since 1975, and the October 18th vote in the Education and Labor Committee to report this legislation to the floor was the first vote ever taken on this legislation in the House of Representatives.

Madam Chairman, we live in a Nation that has long prided itself on predicating success on merit and hard work. In recent decades, we have fought to create a level playing field, to allow women, African Americans, and other minorities to compete in the workplace. In addition to employment legislation, we have worked to eliminate discrimination against members of minority groups. Earlier this Congress, we passed a landmark piece of hate crimes legislation, which crucially included crimes motivated by prejudice of sexual orientation.

H.R. 3685 speaks to our Nation's core values of equality and justice. There are currently no Federal laws prohibiting discrimination on the basis of sexual orientation. This means that in the 30 States that have not enacted State legislation to this effect, employers may make critical personnel decisions, including firing, refusing to hire, demoting, or refusing to promote employees solely based on the sexual orientation of the individual.

Madam Chairman, I strongly believe that employees should be hired or fired on the basis of their merits. Their jobs should not be threatened because of sexual orientation. Many U.S. companies have recognized that it is in the interest of U.S. companies, as well as U.S. citizens, to make employment decisions based on qualifications and job performance. Ninety percent of Fortune 500 companies now include sexual orientation in their non-discrimination policies. Many major American companies, including General Mills, Microsoft, Citibank, and Morgan Stanley, have expressed their strong support for legislation outlawing discrimination on the basis of sexual orientation. In addition, a May 2007 Gallup poll clearly indicated that non-discrimination on the basis of sexual orientation is broadly supported by the American people, with 89 percent of participants stating that they support equal treatment for gays and lesbians in determining employment opportunities.

However, anti-gay discrimination persists in the workplace. According to a 2005 survey, a quarter of gay, lesbian, or bisexual individuals disagreed with a statement that most employers in their area would hire openly gay, lesbian, or bisexual people. A 2007 study found that 16 percent of gay and lesbian individuals reported being fired from or denied a job because of their sexual orientation. A study recently released by the Journal of Applied Psychology found that 37 percent of gay and lesbian workers, across the United States, have faced discrimination based on sexual orientation. 10 percent indicated they had been physically harassed, while 22 percent had been verbally harassed. Nearly 20 percent stated that they had resigned from a job or been fired as a result of discrimination based on sexual orientation. This is precisely why I believe that this Congress must act today, to protect the fundamental rights of all American workers.

H.R. 3685, the Employment Non-Discrimination Act of 2007 (ENDA), contains many important provisions that will make important strides toward ensuring workplace equality for all Americans. This legislation prohibits employers, employment agencies, and labor unions from using the sexual orientation of an individual as the basis for employment decisions, including hiring, firing, promotion, and compensation. It extends Federal protections already guaranteed to individuals based on race, religion, sex, national origin, age, and disability to gay, lesbian, and bisexual works.

This legislation applies to private sector employers with 15 or more employees, as well as employment agencies, labor organizations, joint labor-management committees, Congress, and federal, state, and local governments. It authorizes the same enforcement powers, procedures, and remedies provided under existing Federal employment discrimination laws such as Title VII and the Americans with Disabilities Act.

Today's bill could go further. It could, and in my opinion should, also extend protections to individuals on the basis of gender identity. However, I believe that it is an important and significant step forward, and I look forward to working with my colleagues to enact fully inclusive legislation, to ensure that all Americans will ultimately be protected from workplace and employment discrimination.

I am pleased to support the amendment offered by my colleague, Mr. GEORGE MILLER. This amendment clarifies the religious exemption under ENDA, addressing concerns raised by some religious schools. It makes explicitly clear that religious organizations are given an identical exemption, under ENDA, to the one found in Title VII of the Civil Rights Act of 1964. This provision exempts religious corporations, schools, associations, and societies from religious discrimination claims. Mr. MILLER's amendment clarifies that both denominational and non-denominational religious schools qualify for exemption from ENDA. I thank my colleagues who joined me in supporting this amendment.

In addition, I would also like to express my support for the amendment offered by my colleague, Ms. BALDWIN, and my disappointment that it was not adopted. This amendment would have expanded ENDA's protections to persons discriminated against based on gender identity, defined as the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth. This amendment highlighted the activism and dedication of individuals such as Phyllis Randolph Frye, a lawyer in Houston who has struggled for the rights of transgender people for decades. Further, the language included in Representative BALDWIN's amendment addresses concerns of shared facilities, dress, and grooming standards, stating explicitly that the construction of additional facilities is not required. If this legislation is to truly achieve its goals of equal treatment for all Americans, this amendment is tantamount to that success. I therefore strongly hope that my colleagues will join me in enacting this amendment in the future.

Furthermore, I oppose the motion to recommit on the grounds that it was designed to either permanently derail or at least delay this historic legislation. In addition, the motion to recommit was regarding the definition of marriage, which is utterly separate from workplace discrimination.

Madam Chairman, this non-discrimination legislation is good for America: it benefits American citizens and American companies. Non-discrimination protects the civil rights of individuals, and it has proven good for business in some of our nation's most successful businesses. Our nation is built on the ideals of hard-work and equality, key values that are enshrined in today's legislation.

I urge my colleagues to join me in supporting this legislation, and in ensuring that all American workers enjoy basic employment protections.

Ms. SCHAKOWSKY. Madam Chairman, throughout my career, I have fought for equal opportunity and rights for all of our fellow citizens. Today, I rise in support of H.R. 3685, the Employment Non-Discrimination Act because I believe that discrimination in the workplace on the basis of sexual orientation, race and religion has no place in the United States. Yet, the fact remains discrimination exists. Throughout our Nation, gay, lesbian, bisexual and transgender Americans face discrimination without the protection of Federal law and as a result, hard working, skilled employees can be fired simply because of their sexual orientation.

I believe with every fiber of my being that this is wrong, that it is un-American. Performance at work should determine employment—not a person's sexual orientation which has no bearing on one's ability to do the job.

I applaud my good friends and colleagues, Representative BARNEY FRANK and TAMMY BALDWIN, for their tremendous leadership on this issue. While I support the bill before us today, I would like to take a moment to extend my sincerest regret that language from the original bill, which extended civil rights protections to transgender Americans, was excluded from the version we will vote on today.

When I came to Congress in 1999, I implemented an office employment policy that went beyond current Federal law to add sexual orientation and gender identity to existing protections. Many employers—private and public—have already taken this long overdue step. In my home town of Chicago and in the State of Illinois, we gave already have in place laws that protect gender identity as well as sexual orientation.

We must work for a Federal law that ensures every American is guaranteed the ability to get a job or promotion based on his or her ability. It has taken 33 years to pass legislation that bans discrimination in the workplace against individuals based on their sexual orientation. Today's vote is significant victory. But we must not let years pass before we make more improvements to Federal law to give transgender individuals the employment protections they deserve.

Mr. BACA. Madam Chairman, I rise today to ask for support of the Employment Non-Discrimination Act, ENDA, H.R. 3685.

People who do their jobs well, pay their taxes and contribute to their communities should not be singled out for unfair discrimination.

This notion lies at the core of American values. Yet, millions of Americans are fired from their jobs, refused work, or paid less because of their sexual orientation.

Sadly, this discrimination is legal in 39 States. This is why Federal protection is so important.

H.R. 3685 provides employment protections similar to those of the Civil Rights Act of 1964.

This bill will provide judges with the tools necessary to end discrimination.

It will protect Americans, hard-working Americans who deserve the same freedoms and governmental support given to all working Americans.

Please support this important legislation.

Mr. TIAHRT. Madam Chairman, I rise today in opposition to H.R. 3685, the Employment Non-Discrimination Act (ENDA). H.R. 3685 would extend existing employment-discrimination provisions of Federal law, including those in Title VII of the Civil Rights Act of 1964, to establish "a comprehensive Federal prohibition of employment discrimination on the basis of sexual orientation."

Although I join with all my colleagues in abhorrence to bigotry and discrimination, this disingenuous and vaguely-constructed overhaul of labor law is inconsistent with the free exercise of religion and weaken the fundamental Defense of Marriage Act.

The right to the free exercise of religion found in the Constitution, and as codified by Congress in the Religious Freedom Restoration Act (RFRA), must be firmly upheld. It is a cornerstone of our Nation's founding and our future. Our Government must not take any action that unduly burdens the free exercise of religion. Unfortunately, the ENDA does not live up to this constitutional standard. America's churches, synagogues, and religious non-profit organizations must maintain the right to employ those that share their particular religious or moral worldview. Although the sponsors of this act claim that the religious exemptions found in the legislation are adequate, they are simply not strong enough to pass constitutional muster or fulfill legislative intent in the RFRA.

Madam Chairman, ENDA would also weaken the landmark Defense of Marriage Act (DOMA) by giving Federal statutory significance to same-sex marriage rights under State law. Federal law states that marriage is between one man and one woman. Maintaining DOMA is essential in defending the sanctity of marriage. However, the passage of ENDA will provide activist judges around the country the legal ammunition to undermine state and federal marriage laws. Courts in New Jersey, Vermont, and Massachusetts have all used state legislation similar to ENDA as a springboard for mandating same-sex marriage or civil unions. In 2005 Kansas overwhelmingly passed the Traditional Marriage Amendment by 70 percent. The people of Kansas have spoken. With the path is so clearly defined in history, it would be irresponsible for Congress to pass ENDA.

Madam Chairman, bigotry and discrimination is clearly wrong. However, tampering with such bedrock legal and constitutional standards such as the freedom of religion and DOMA is not the right solution. I urge my colleagues to join with me in opposing this legislation.

Mrs. McMORRIS RODGERS. Madam Chairman, I rise today in opposition to the Employment Non-Discrimination Act because I believe it erodes our family values and the foundation of our Nation.

All people should live without fear of harassment. However, this legislation would create a newly protected class based on "perceived" sexual orientation. The term "perceived" and how it applies to the workplace will be subject to endless litigation and will ultimately be defined by the court system. It will open the door for anyone of any sexual orientation to claim to have been discriminated against on the basis of perceived sexual orientation. I am disappointed that this will become the latest example of unelected officials deciding an issue for the Legislative branch.

Meanwhile, faith-based institutions such as summer camps, Bible book stores or Christian schools will be the ones held hostage. The bill inappropriately excludes the hundreds or even thousands of religious schools that identify themselves as non-denominational. Unfortunately, the definition of a religious organization does not adequately cover religious schools that are not "controlled, managed, owned, or supported by a particular religion, religious corporation, association or society."

To attempt to meet exemptions, these faith-based institutions would be subject to highly inappropriate federal intrusion into their religious activities to determine, in essence, if they are religious "enough." Meanwhile it puts schools that are not directly associated with a church at risk. In Baltimore *Lutheran High School Assn* v. *Employment Security Admin.*, 490 A.2d 701 (Md. 1985), an unemployment case, the Maryland Court of Special Appeals ruled against the school declaring it was not "operated primarily for religious purposes." However, the school conducted mandatory chapel services and attempted to integrate a distinctly Christian worldview into all of its courses.

As this current bill would result in a fundamental departure from the longstanding framework of the Civil Rights Act, widespread litigation, a trampling of hiring protections for many faith-based institutions, and an undermining of state laws that define and protect marriage, I will vote to oppose it.

Ms. McCOLLUM of Minnesota. Madam Chairman, I rise today in support of the Employment Non-Discrimination Act (ENDA) because no American should ever fear being discriminated against in the workplace.

The Employment Non-Discrimination Act makes it illegal to fire, refuse to hire, or discriminate in any way against employees based on their sexual orientation. An employee should be judged on their qualifications and performance in the job, and only on their qualifications and performance in the job.

I am proud that as a member of the Minnesota House of Representatives, one of the first votes I cast was to ensure that every person in our State is protected from unjust discrimination regardless of race, religion, sexual orientation or gender. It is disappointing that there are still 30 States in our country where it is legal to fire someone because of their sexual orientation.

While not as comprehensive as Minnesota's civil rights law, ENDA is a good step in protecting every citizen in our country from job discrimination. H.R. 3685 simply provides basic employment protections for gay, lesbian, and bisexual workers.

This legislation addresses concerns that have been expressed by explicitly forbidding quotas or preferential treatment. It also ensures that both denominational and non-denominational religious schools and religious associations continue to have all exemptions currently allowed under the law. Further, H.R. 3685 does not change in any way the definition of marriage under Federal law.

I joined Chairman BARNEY FRANK to strike a provision regarding marriage criteria in employment, because it has no practical affect on civil rights laws and does not weaken the ability of this legislation to protect workers from being discriminated against based on sexual orientation.

Along with my colleagues, I am committed to working to protect, strengthen, and guarantee the rights of all workers in our country. I am a cosponsor of H.R. 2015, the original version of ENDA, which included protections for gender identity. Had I had the opportunity to vote to include gender identity rights in this legislation, I would have supported it.

Current law bars employment discrimination based on race, religion, sex, national origin, age, or disability. Further, the Federal Government already prohibits discrimination based on sexual orientation. It is time to extend these protections to all Americans. I urge my colleagues to join me in voting for H.R. 3685.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 3685

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Employment Non-Discrimination Act of 2007".

### SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to provide a comprehensive Federal prohibition of employment discrimination on the basis of sexual orientation;

(2) to provide meaningful and effective remedies for employment discrimination on the basis of sexual orientation; and

(3) to invoke congressional powers, including the powers to enforce the 14th amendment to the Constitution, and to regulate interstate commerce and provide for the general welfare pursuant to section 8 of article I of the Constitution, in order to prohibit employment discrimination on the basis of sexual orientation.

### SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) COMMISSION.—The term "Commission" means the Equal Employment Opportunity Commission.

(2) COVERED ENTITY.—The term "covered entity" means an employer, employment agency, labor organization, or joint labor-management committee.

(3) EMPLOYEE.—

(A) IN GENERAL.—the term "employee" means—

(i) an employee as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f);

(ii) a Presidential appointee or State employee to which section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16(a)(1) applies;

(iii) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) or section 411(c) of title 3, United States Code; or

(iv) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies.

(B) EXCEPTION.—The provisions of this Act that apply to an employee or individual shall not apply to a volunteer who receives no compensation.

(4) EMPLOYER.—The term "employer" means—

(A) a person engaged in an industry affecting commerce (as defined in section (701)(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(h)) who has 15 or more employees (as defined in subparagraphs (A)(i) and (B) of paragraph (3)) for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but does not include a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986;

(B) an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 applies;

(C) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 or section 411(c) of title 3, United States Code; or

(D) an entity to which section 717(a) of the Civil Rights Act of 1964 applies.

(5) EMPLOYMENT AGENCY.—The term "employment agency" has the meaning given the term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)).

(6) LABOR ORGANIZATION.—The term "labor organization" has the meaning given the term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

(7) PERSON.—The term "person" has the meaning given the term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).

(8) RELIGIOUS ORGANIZATION.—The term "religious organization" means—

(A) a religious corporation, association, or society; or

(B) a school, college, university, or other educational institution or institution of learning, if—

(i) the institution is in whole or substantial part controlled, managed, owned, or supported by a particular religion, religious corporation, association, or society; or

(ii) the curriculum of the institution is directed toward the propagation of a particular religion.

(9) SEXUAL ORIENTATION.—The term "sexual orientation" means homosexuality, heterosexuality, or bisexuality.

(10) STATE.—The term "State" has the meaning given the term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(i)).

(b) APPLICATION OF DEFINITIONS.—For purposes of this section, a reference in section 701 of the Civil Rights Act of 1964—

(1) to an employee or an employer shall be considered to refer to an employee (as defined in paragraph (3)) or an employer (as defined in paragraph (4)), respectively, except as provided in paragraph (2) below; and

(2) to an employer in subsection (f) of that section shall be considered to refer to an employer (as defined in paragraph (4)(A)).

### SEC. 4. EMPLOYMENT DISCRIMINATION PROHIBITED.

(a) EMPLOYER PRACTICES.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because of such individual's actual or perceived sexual orientation; or

(2) to limit, segregate, or classify the employees or applicants for employment of the employer in any way that would deprive or tend to deprive any individual of employment or otherwise adversely affect the status of the individual as an employee, because of such individual's actual or perceived sexual orientation.

(b) EMPLOYMENT AGENCY PRACTICES.—It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of the actual or perceived sexual orientation of the individual or to classify or refer for employment any individual on the basis of the actual or perceived sexual orientation of the individual.

(c) LABOR ORGANIZATION PRACTICES.—It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of the actual or perceived sexual orientation of the individual;

(2) to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment, or would limit such employment or otherwise adversely affect the status of the individual as an employee or as an applicant for employment because of such individual's actual or perceived sexual orientation; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) TRAINING PROGRAMS.—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of the actual or perceived sexual orientation of the individual in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) ASSOCIATION.—An unlawful employment practice described in any of subsections (a) through (d) shall be considered to include an action described in that subsection, taken against an individual based on the actual or perceived sexual orientation of a person with whom the individual associates or has associated.

(f) NO PREFERENTIAL TREATMENT OR QUOTAS.—Nothing in this Act shall be construed or interpreted to require or permit—

(1) any covered entity to grant preferential treatment to any individual or to any group because of the actual or perceived sexual orientation of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any actual or perceived sexual orientation employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such actual or perceived sexual orientation in any community, State, section, or other area, or in the available work force in any community, State, section, or other area; or

(2) the adoption or implementation by a covered entity of a quota on the basis of actual or perceived sexual orientation.

(g) DISPARATE IMPACT.—Only disparate treatment claims may be brought under this Act.

### SEC. 5. RETALIATION PROHIBITED.

It shall be an unlawful employment practice for a covered entity to discriminate against an individual because such individual (1) opposed any practice made an unlawful employment practice by this Act; or (2) made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

### SEC. 6. EXEMPTION FOR RELIGIOUS ORGANIZATIONS.

This Act shall not apply to a religious organization.

### SEC. 7. NONAPPLICATION TO MEMBERS OF THE ARMED FORCES; VETERANS' PREFERENCES.

(a) ARMED FORCES.—

(1) EMPLOYMENT.—In this Act, the term "employment" does not apply to the relationship between the United States and members of the Armed Forces.

(2) ARMED FORCES.—In paragraph (1) the term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) VETERANS' PREFERENCES.—This title does not repeal or modify any Federal, State, territorial, or local law creating a special right or preference concerning employment for a veteran.

### SEC. 8. CONSTRUCTION.

(a) EMPLOYER RULES AND POLICIES.—

(1) IN GENERAL.—Nothing in this Act shall be construed to prohibit a covered entity from enforcing rules and policies that do not intentionally circumvent the purposes of this Act, if the rules or policies are designed for, and uniformly applied to, all individuals regardless of actual or perceived sexual orientation.

(2) SEXUAL HARASSMENT.—Nothing in this Act shall be construed to limit a covered entity from taking adverse action against an individual because of a charge of sexual harassment against that individual, provided that rules and policies on sexual harassment, including when adverse action is taken, are designed for, and uniformly applied to, all individuals regardless of actual or perceived sexual orientation.

(3) ACTIONS CONDITIONED ON MARRIAGE.—An unlawful employment practice under section 4 shall include an action described in that section that is conditioned, in a State in which a person cannot marry a person of the same sex, either on being married or being eligible to marry.

(b) EMPLOYEE BENEFITS.—Nothing in this Act shall be construed to require a covered entity to treat a couple who are not married, including a same-sex couple who are not married, in the same manner as the covered entity treats a married couple for purposes of employee benefits.

### SEC. 9. COLLECTION OF STATISTICS PROHIBITED.

The Commission shall not collect statistics on actual or perceived sexual orientation from covered entities, or compel the collection of such statistics by covered entities.

### SEC. 10. ENFORCEMENT.

(a) ENFORCEMENT POWERS.—With respect to the administration and enforcement of this Act in the case of a claim alleged by an individual for a violation of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b and 2000e–16c),

in the case of a claim alleged by such individual for a violation of such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1));

(4) the Attorney General shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b and 2000e–16c);

in the case of a claim alleged by such individual for a violation of such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b(a)(1)), respectively;

(5) the President, the Commission, and the Merit Systems Protection Board shall have the same powers as the President, the Commission, and the Board, respectively, have to administer and enforce chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title; and

(6) a court of the United States shall have the same jurisdiction and powers as the court has to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b and 2000e–16c) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e–16b(a)(1));

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)); and

(D) chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title.

(b) PROCEDURES AND REMEDIES.—The procedures and remedies applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures and remedies applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(2) the procedures and remedies applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) in the case of a claim alleged by such individual for a violation of such section;

(3) the procedures and remedies applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in the case of a claim alleged by such individual for a violation of such section; and

(4) the procedures and remedies applicable for a violation of section 411 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of such section.

(c) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleged by a covered employee (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) for a violation of this Act, title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleged by such a covered employee for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

### SEC. 11. STATE AND FEDERAL IMMUNITY.

(a) STATE IMMUNITY.—A State shall not be immune under the 11th amendment to the Constitution from a suit described in subsection (b) and brought in a Federal court of competent jurisdiction for a violation of this Act.

(b) REMEDIES FOR STATE EMPLOYEES.—

(1) IN GENERAL.—

(A) WAIVER.—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th amendment to the Constitution or otherwise, to a suit brought by an employee or applicant for employment of that program or activity under this Act for a remedy authorized under subsection (c).

(B) DEFINITION.—In this paragraph, the term "program or activity" has the meaning given the term in section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

(2) OFFICIALS.—An official of a State may be sued in the official capacity of the official by any employee or applicant for employment who has complied with the applicable procedures of section 10, for equitable relief that is authorized under this Act. In such a suit the court may award to the prevailing party those costs authorized by section 722 of the Revised Statutes of the United States (42 U.S.C. 1988).

(3) EFFECTIVE DATE.—With respect to a particular program or activity, paragraphs (1) and (2) apply to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(c) REMEDIES AGAINST THE UNITED STATES AND THE STATES.—Notwithstanding any other provision of this Act, in an action or administrative proceeding against the United States or a State for a violation of this Act, remedies (including remedies at law and in equity, and interest) are available for the violation to the same extent as the remedies are available for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) by a private entity, except that—

(1) punitive damages are not available; and

(2) compensatory damages are available to the extent specified in section 1977A(b) of the Revised Statutes (42 U.S.C. 1981a(b)).

### SEC. 12. ATTORNEYS' FEES.

Notwithstanding any other provision of this Act, in an action or administrative proceeding for a violation of this Act, an entity described in section 10(a) (other than paragraph (4) of such section), in the discretion of the entity, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee (including expert fees) as part of the costs. The Commission and the United States shall be liable for the costs to the same extent as a private person.

### SEC. 13. POSTING NOTICES.

A covered entity who is required to post notices described in section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–10) shall post notices for employees, applicants for employment, and members, to whom the provisions specified in section 10(b) apply, that describe the applicable provisions of this Act in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964.

### SEC. 14. REGULATIONS.

(a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), the Commission shall have authority to issue regulations to carry out this Act.

(b) LIBRARIAN OF CONGRESS.—The Librarian of Congress shall have authority to issue regulations to carry out this Act with respect to employees and applicants for employment of the Library of Congress.

(c) BOARD.—The Board referred to in section 10(a)(3) shall have authority to issue regulations to carry out this Act, in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), with respect to covered employees, as defined in section 101 of such Act (2 U.S.C. 1301).

(d) PRESIDENT.—The President shall have authority to issue regulations to carry out this Act with respect to covered employees, as defined in section 411(c) of title 3, United States Code.

### SEC. 15. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or regulation or any law or regulation of a State or political subdivision of a State.

### SEC. 16. SEVERABILITY.

If any provision of this Act, or the application of the provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of the provision to any other person or circumstances shall not be affected by the invalidity.

### SEC. 17. EFFECTIVE DATE.

This Act shall take effect 6 months after the date of the enactment of this Act and shall not apply to conduct occurring before the effective date.

The CHAIRMAN. No amendment to the bill is in order except those printed in House Report 110–422. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Amendment No. 3 in the report may be withdrawn.

### AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–422.

Mr. GEORGE MILLER of California. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GEORGE MILLER of California:

Strike paragraph (8) of section 3(a) (and redesignate paragraphs (9) and (10) of such section as paragraphs (8) and (9), respectively).

Strike section 6 and insert the following:

### SEC. 6. EXEMPTION FOR RELIGIOUS ORGANIZATIONS.

This Act shall not apply to a corporation, association, educational institution, or society that is exempt from the religious discrimination provisions of title VII of the Civil Rights Acts of 1964 pursuant to section 702(a) or 703(e)(2) of such Act (42 U.S.C. 2000e–1(a); 2000e–2(e)(2)).

In section 8(b), strike ", including a same-sex couple who are not married,".

At the end of section 8, insert the following:

(c) DEFINITION OF MARRIAGE.—As used in this Act, the term "married" or "marry" refer to marriage as such term is defined in section 7 of title I, United States Code (referred to as the Defense of Marriage Act).

The CHAIRMAN. Pursuant to House Resolution 793, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 4½ minutes.

Madam Chairman, I rise in support of an amendment to this ENDA legislation that I and Mr. STUPAK have written to ensure that this law will protect religious liberties of religious corporations, societies, associations, and in particular, religious schools, including those religious schools that are not affiliated with any particular church or denomination. Our amendment would make it clear that the ENDA exemption matches the religious exemption found in title VII of the Civil Rights Act of 1964. Under my amendment, a religious corporation, association, or school would be categorically exempt from ENDA.

In addition, our amendment also clarifies that the references to the term "married" refer to the Federal definition of marriage as between one man and one woman, as enacted in the 1996 Federal law referred to as the Defense of Marriage Act.

With respect to the religious exemption, this issue has been the cause of a lot of confusion in the past weeks. The religious exemption that was part of the ENDA bill that passed out of the Education and Labor Committee on October 18 was exceptionally broad; however, several nondenominational religious schools raised concerns that they might not be covered under the ENDA exemption.

For example, the president of Wheaton College in Naperville, Illinois, sent a letter to Representative TIM WALBERG in advance of the Education and Labor Committee's markup on ENDA. Mr. WALBERG then shared that letter with the entire committee, and our Republican colleagues argued that Wheaton College, which is clearly a religious school despite the fact that it is not controlled by or affiliated with any specific church, may not be covered by the ENDA exemption. That argument was incorrect.

Wheaton, along with other religious schools and organizations such as the Council for Christian Colleges and Universities, asked that we "ensure that the act categorically exempts religious organizations as in section 702(a) of title VII," and we have done precisely what Wheaton College and the Council for Christian Colleges has asked us to do.

Under this amendment, if a religious organization, including a religious school, is exempt under either section 702(a) or the arguably broader section 703(e)(2), then that organization or school is exempt from ENDA, period. So, if a school qualifies for either one of those exemptions under title VII, it is categorically, as they requested, exempt from ENDA. By directly referencing title VII, we also ensure that the many decades of case law on title VII's religious exemption is imported to ENDA.

This amendment provides clarity for religious schools that have experience with the title VII exemption, and it should satisfy all of their legitimate concerns about ENDA.

Let me be clear, the title VII exemption, and therefore, the ENDA exemption, applies to both nondenominational religious schools like Wheaton and church-affiliated schools. And as one court explained, "Even though a Christian corporation or organization is nondenominational, it nevertheless may subscribe to particular religious views with which other Christians do not agree, and conversely, it may disagree with the religious views of other Christians." And to go on, the court said, "This is precisely the situation for which the title VII exemptions were enacted; the exemptions allow religious institutions to employ only persons whose beliefs are consistent with the views of the religious organization." And that is the purpose of this exemption. That is the purpose of this amendment.

In addition to clarifying the scope of the ENDA religious exemption, my amendment also specifically states that the references to marriage in ENDA refers to the definition of marriage as defined in Federal law. Specifically, these terms in ENDA are given the meaning provided by the Federal law that is referred to as the Defense of Marriage Act, which defines marriage for Federal purposes as the union of one man and one woman. That is the definition that applies to ENDA, and my amendment makes that definition absolutely clear.

Madam Chairman, because our amendment offers strong protections for religious organizations, including nondenominational or nonaffiliated religious schools, and because our amendment clarifies that the Defense of Marriage Act operates to define the term "marriage" in this bill, I trust that the Miller amendment will receive a large bipartisan vote in its favor.

Madam Chairman, I would like now to yield 4 minutes to my cosponsor of this legislation, Mr. STUPAK.

Mr. STUPAK. Madam Chairman, I thank the chairman of the committee.

I rise in support of the Miller-Stupak amendment to the Employment Non-Discrimination Act of 2007.

This amendment makes two important clarifications. First, our amendment asserts and clarifies that any religious organization that is currently covered by the Civil Rights Act of 1964 would be exempt from the Employment Non-Discrimination Act. This will continue to protect religious organizations, including corporations, schools, associations, and societies from religious discrimination claims.

For the past 40-plus years, religious high schools, colleges and other organizations throughout the Nation have been allowed to hire individuals based on that institution's religious principles.

Today, as we adopt employment protections based on sexual orientation, these principles should be upheld.

Continuing America's long-standing separation of church and State, this amendment will ensure that the Federal Government does not unconstitutionally infringe on religious organizations' hiring practices.

Religious schools and organizations throughout my district and throughout this Nation will continue to freely practice their beliefs without being afraid of being charged with discrimination.

Several major religious organizations support the inclusion of a religious exemption in ENDA, including the U.S. Conference of Catholic Bishops, Union of Orthodox Jewish Congregations of America, and the General Conference of the Seventh-day Adventist Church.

The Miller-Stupak amendment also upholds the Defense of Marriage Act. It also clarifies that any reference to "marriage" within ENDA refers to the legal union between one man and one woman as husband and wife.

In 1996, a bipartisan group of 342 Members, including myself, voted in favor of the Defense of Marriage Act. Marriage is between a man and woman. I support including a clear definition of marriage as a union between a man and woman in this legislation.

No American should have to face discrimination in the workplace, regardless of their race, gender or sexual orientation. However, religious organizations should be able to hire individuals who agree with their religious beliefs.

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It is also important to make it explicitly clear that marriage is a union between a man and a woman and that no part of the Employment Non-Discrimination Act could be misconstrued to undercut the Defense of Marriage Act.

I urge my colleagues to join with me and the chairman in voting for this amendment. With the inclusion of this amendment, I encourage Members to vote for final passage of the Employment Non-Discrimination Act.

I ask for a "yes" vote on the Miller-Stupak amendment.

Mr. GEORGE MILLER of California. Madam Chairman, I reserve the balance of my time.

Mr. McKEON. Madam Chairman, I rise to claim the time in opposition to the amendment. However, I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 10 minutes.

There was no objection.

Mr. McKEON. Madam Chairman, I yield myself such time as I may consume.

With this amendment, the majority tries to correct fundamental flaws related to hiring protections for faith-based institutions and the preservation of marriage. I will reluctantly support this relatively futile attempt, but let me be clear, on the issues of faith-based protections and the institution of marriage, this amendment fails to solve the problems. As such, even with adoption of this amendment, the underlying bill should be defeated.

For months, my colleagues and I have raised substantive legal and policy concerns related to this legislation. After a series of legislative false starts, the bill brought to the floor continues to pose a number of challenges. The amendment offered by Chairman MILLER is an obvious attempt to address a few, but certainly not all, of the issues we have identified.

We expressed concern that the bill created a new anti-discrimination framework outside the existing scope of title VII of the Civil Rights Act of 1964. Among other things, this allowed for a new set of provisions to dictate the hiring rights of religious organizations, thereby stripping faith-based institutions of their long-standing title VII protections.

I appreciate that the majority has recognized and agreed with our concerns about how this bill would intrude on religious freedom. In response to those concerns, the amendment moves closer to title VII. Inexplicably, however, it still leaves out an important piece of current law.

Chairman MILLER says his amendment fully restores protections to faith-based institutions. It does not. We expressed concern that the bill could undermine the rights of States to define, protect and preserve the institution of marriage. The Miller amendment deletes troublesome provisions related to employee benefits for same-sex couples and references the Federal Defense of Marriage Act, which defines marriage as a union between one man and one woman. Unfortunately, despite these steps, or perhaps even because of them, the bill taken as a whole continues to create potential conflicts between State and Federal marriage laws.

Chairman MILLER says his amendment protects the rights of States to define and preserve traditional marriage. It does not.

A Presidential veto threat has been issued on constitutional and policy grounds. This amendment fails to fully address those concerns. I reluctantly support passage of this amendment to partially address a few of the problems we have identified throughout this bill's troubled legislative path.

But I remind my colleagues that this amendment is not enough. The bill remains a litigation trap that undermines marriage and provides insufficient protections to faith-based organizations. Even after supporting this amendment, I urge my colleagues to reject the underlying bill.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Does the gentleman have additional speakers? We only have one speaker left and we have the right to close.

Mr. McKEON. Who has the right to close?

The CHAIRMAN. The gentleman from California (Mr. McKEON) has the right to close.

Mr. McKEON. Madam Chairman, I am happy to yield at this time 2½ minutes to the gentleman from Georgia, Representative BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Madam Chairman, the House of Representatives is debating H.R. 3685, the Employment Non-Discrimination Act, today.

As well meaning as the title of this bill sounds, I want my constituents in the 10th Congressional District of Georgia and all Americans to know why this legislation is bad for Georgia and bad for America. Just like the ill-conceived hate crimes legislation that this Democratic majority passed, this bill will increase discrimination, yes, increase, and not decrease it.

I believe in the Constitution of the United States as our Founding Fathers intended. The first amendment to our Constitution expressly protects religious freedom. So while I am opposed to discrimination, I am also opposed to creating special rights and privileges for certain classes, and that is exactly what this bill does. This bill would elevate one person's desire for a particular job over another person's right to practice and honor their religious beliefs.

If H.R. 3685 is signed into law, and I pray that it will not be, it would deny the civil rights of employers, and it would abridge the freedom of association enshrined in our first amendment.

ENDA will force employers, including Christians, Muslims, Jews and people of other faiths to hire individuals that are diametrically opposed to their fundamental belief system. If they stand up for their religious beliefs and refuse to hire those opposed to their faith, they will be sued. In fact, one thing the bill will accomplish is to dramatically increase lawsuits against employers.

Further, while the Democratic majority will argue that religious organizations are exempt, the highly nuanced definition contained in this bill for religious organizations and religious educational institutions is so bad as to make this exemption essentially meaningless. The bill would grant special employment privileges and protected minority status to anyone that defines themselves by their sexual orientation. Further, an employer can be sued for not only making an employment decision based on a person's sexual orientation, but on his perception of their orientation.

Countless individuals and organizations, including Christian and Jewish schools, Christian bookstores and even religious daycare providers will be forced to either hire a homosexual or transgender individual or face prosecution.

This legislation is unnecessary and is unconstitutional. I urge my colleagues on both sides of the aisle to do the right and courageous thing and to vote "no" on H.R. 3685.

Mr. McKEON. Might I inquire how much time we have left?

The CHAIRMAN. The gentleman from California (Mr. McKEON) has 4½ minutes. The gentleman from California (Mr. GEORGE MILLER) has 3 minutes.

Mr. McKEON. At this time, I would be happy to yield 3½ minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I want to thank Chairman MILLER. As a former Republican staff director on the Children and Family Committee when he was chairman of that, and working with the committee, I found, as he said earlier, that he listened to the Hoekstra amendment committee and made some adjustments that, in fact, occasionally he is right. It's occasional, but occasionally he is right. This addressed some of our concerns. It did not address all of our concerns.

As you know, when you are dealing with religious law or any law, it isn't at the heart of the matter, it's at the fringes. In communion, can minors take real alcohol and wine? Can Native Americans smoke peyote?

Here we're not dealing, and this amendment helps clarify that, we're not dealing with religious colleges. We're not dealing with the church proper, but law in the United States is we deal with religious discrimination, the ability to deal whether sexual discrimination trumps religious discrimination, which is fundamentally what this bill is about, that people who hold deeply held religious beliefs, which is part of Orthodox Jewish teaching, fundamentalist Muslim teaching and, in the Bible, unlike civil rights, where civil rights were led by William Wilberforce in England, by the abolitionists in America because the Bible was not explicit. But here, in fact, the Bible is explicit. The Koran is explicit. The Torah is explicit. And people have deeply held religious beliefs. So 85 percent of the Christian bookstores in America would not be covered by this protection. Certain types of church camps would not be, depending on how it's handled. Group homes that are often independent and do not have an overt religious message that grew out of the faith message of a church but do not necessarily now have an overtly religious mission, they're part of the outgrowth of the religion, would be covered. They wouldn't be able to have a husband and wife be the house parents under this bill. Religious law is a lot more complex than it was presented today.

One of the other challenges here is when we are trying to talk about how do we debate in public life over people of faith and which party are they going to be in, how are we going to reach out to this, the American people have heard in this debate today people who seriously are uncomfortable with this debate. We don't like to talk about this type of thing. I have tried to treat everybody in my life, regardless of how they have been in this Congress or friends back home or people I have worked with, with respect and dignity and do not practice personal discrimination.

But I have heard my religion and my religious belief called prejudiced, bigoted, hate-filled, that the predominant religions in America have had their basic beliefs, those who believe in a literal Bible, have seen their faith smeared today on this House floor, and I am very disappointed in much of the tone. I understand the passion. I understand why people who have a homosexual life-style feel they have been discriminated against, but this is a classic question in our country. If, in fact, nobody could get a job, we would be facing a different challenge today. I openly admit that.

But the challenge here is do people who have deeply held religious convictions based on the fundamental text of their faith have the right to practice their faith, too, or are they going to be trumped? This amendment is a step, but it's only a step.

Mr. GEORGE MILLER of California. Madam Chairman, I yield the remaining time to the gentleman from New Jersey (Mr. ANDREWS).

The CHAIRMAN. The gentleman from New Jersey is recognized for 3 minutes.

Mr. ANDREWS. I thank the chairman for yielding.

Madam Chairman, I rise in support of this well-thought-out amendment from Chairman MILLER and Mr. STUPAK. I think it quite fairly addresses some of the concerns people have raised.

First, with respect to religion, on October 3, 2007, the president of Wheaton College wrote to our colleague, Mr. WALBERG from Michigan. President Litfin worried about the scope of the religious exemption in the underlying bill, and here is what he said: "I urge you to remove the problematic religious definition language currently in ENDA and ensure that the act categorically exempts religious organizations as in section 702(a) of title VII of the Civil Rights Act."

Here is what the amendment in front of us says: "This act shall not apply to a corporation, association, educational institution, or society that is exempt from the religious discrimination provisions of title VII of the Civil Rights

Act of 1964 pursuant to section 702(a)," precisely what was asked for.

Second, I have heard concerns that there is preferential treatment or special rights for persons protected under this bill. The gentleman and others should read page 8 of the underlying bill, subparagraph (f), which is captioned "No Preferential Treatment or Quotas." Let me read from it: "Nothing in this Act shall be construed or interpreted to require or to permit any covered entity to grant preferential treatment to any individual or any group because of the actual or perceived sexual orientation of such individual."

It's helpful to read the bill.

Finally, we have heard suggestions that somehow the institution of marriage is undermined. It's very important to read the second part of Mr. MILLER and Mr. STUPAK's amendment, subsection (c) and I will read it: "As used in this Act, the term 'married' or 'marry' refer to marriage as such term as defined in section 7 of title I," which is the Defense of Marriage Act which explicitly defines marriage as a union between one man and one woman.

These were concerns that were raised. They are met. I respect and appreciate the fact that the ranking member of the full committee will vote "yes" on this amendment. So will I, and so will an overwhelming majority so we can proceed to passage of this bill with a strong bipartisan majority.

I urge a "yes" vote on this amendment.

Mr. MCKEON. Madam Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from California is recognized for 1 minute.

Mr. MCKEON. This is an emotional issue, it's a serious issue, and I think it's hard for some of us, I know on this, to control our passions. It's disturbing that some are offended, have been offended during the debate today, and I feel badly about that.

My concerns are more with the flaws that I see in the bill. I am concerned that we are all trying to end discrimination. I don't think you do that by passing laws. I think we have to engage people in their hearts, in their minds and try to work with that approach.

While this amendment does not correct or even address all of the challenges created by the underlying legislation, I recognize the incremental steps it takes. I appreciate the chairman for making this effort at trying to resolve these issues. I will support its passage.

Madam Chairman, I yield back the balance of my time.

□ 1645

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

### AMENDMENT NO. 2 OFFERED BY MR. SOUDER

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-422.

Mr. SOUDER. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 2 offered by Mr. SOUDER:
> Strike paragraph (3) of section 8(a).

The CHAIRMAN. Pursuant to House Resolution 793, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Madam Chairman, I yield myself 3 minutes.

My amendment is very simple. It strikes paragraph 3 of 8(a). It does that because, what this clause does, in the name of protecting homosexuals, actually takes out any ability of any business, any youth home, any group, any organization to have any kind of marriage criteria. This doesn't go to the defense of marriage question directly, although it builds in inherent contradictions, because the last amendment, in attempting to address that, merely bred confusion and contradiction inside of the bill, which will have to be resolved by courts. Defense of marriage makes it so that, for example, somebody married in Vermont or Hawaii doesn't have to have their marital status recognized in Indiana. But it doesn't address the fundamental question of can marriage be a criteria.

In fact, this bill even goes beyond that. It doesn't allow you to have any kind of criteria on any type of sexual behavior. It isn't just about homosexual behavior. It isn't clear that any organization can have any guidelines on adultery, on polygamy or anything else, because by eliminating marriage, by eliminating any kind of sexual standards, it's unclear what standards you can have that relate to sex at all. So if you have any kind of ministry goal and aren't a profoundly Christian organization that falls under the very narrow definition of the last amendment, you're in deep trouble here.

So you can't find things like we've seen just recently on the Web site that says things like house parents, cottage parents, counselor parents, family teaching couples. Any organization that wants to try to do this cannot do so. This obviously comes in for Christian child care centers. This is going to come in, which are not overtly Christian missions, it's going to come into exercise centers that may be operated by religious organizations. It comes into all Christian bookstores, obviously, into different counseling centers that maybe both secular and Christian counseling will not be covered by their ability to say that in order to do family counseling you have to be married and you have to subscribe to certain kinds of sexual standards. They will be prohibited, because they aren't covered by title VII under a narrow definition of title VII.

My amendment would eliminate all this. It doesn't fix the bill. I admit, it doesn't change my opinion on the underlying bill, but it helps solve a deeper problem that was created, and I understand why it was created, because those who want to protect homosexuals didn't want to have a back-door way to, in effect, discriminate against them. But by doing this, they set up another class of discrimination, once again pitting sexual discrimination up against the right to practice religious liberty.

I'll reserve the balance of my time.

Mr. GEORGE MILLER of California. I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Madam Chair and members of the Committee, I first want to correct some of the mistaken assumptions that I think Mr. SOUDER just made in his remarks.

He claims that the language of section 8(a)(3) would undermine the definition of marriage that some States have chosen to adopt. This is untrue. Even after ENDA becomes law, regardless of whether section 8(a)(3) remains in the bill or is taken out, the States, for purposes of State law, decide marriage issues for themselves. Nothing in ENDA would change that. Nothing in ENDA would alter the Federal laws referred to in the Defense of Marriage Act.

Second, Mr. SOUDER makes a claim that section 8(a)(3) would have prevented an employer from firing an employee who has extramarital sex. Frankly, I don't see anything in the text of 8(a)(3) that discusses extramarital sex. In fact, I don't see anything anywhere in the text of ENDA that discusses extramarital sex, and I can't understand how Mr. SOUDER's come to this conclusion about extramarital sex. But the entire issue is just a diversion from what ENDA actually does.

ENDA is very simple. ENDA will prevent employers from firing a perfectly qualified gay, lesbian or bisexual employee just because of that employee's sexual orientation.

Madam Chairman, in short, I will vote for this amendment, but the fact of the matter is I don't think it is necessary. But Mr. SOUDER has pursued this course, and I think that it's important. Another important provision of ENDA is the nondiscrimination section that already outlaws employers from discriminating based upon sexual orientation through any pretext policy including the pretext of marital status.

Moreover, many States, including Mr. SOUDER's home State in Indiana, have already created State laws that allow a plaintiff to sue their employer based upon marital status discrimination. And those State laws would further protect against pretextual discrimination against gay and lesbian Americans.

Finally, I want to explain in more detail why I will vote for Mr. SOUDER's amendment. I have realized that section 8(a)(3) is redundant. It is unnecessary. The concern that section 8(a)(3) has sought to address and will actually be addressed in many cases by section 4 of ENDA.

Let me explain this concern. When Mr. FRANK and other original ENDA sponsors and I wrote this bill, we were worried that a clever discriminatory employer might realize he could not fire a gay employee specifically because of his or her sexual orientation, so the discriminatory employer might decide to create a pretextual reason for firing that person; in this case, the fact that the employee is not married or does not have the right to get married. That's why we drafted section 8(a)(3).

However, the thing that convinced me to vote for the Souder amendment is the fact that section 4 of ENDA, which my committee marked up and favorably reported, makes the Souder amendment practically irrelevant. Section 4 of ENDA is the portion of the bill that will very clearly prohibit the discrimination based upon sexual orientation. So if an employer is actually discriminating based upon sexual orientation, but is pretending that the decision is based upon marital status, the gay plaintiff will have the opportunity to convince a Federal jury of that fact.

Consider the following example: A large accounting firm that has no policy whatsoever about whether its accountants should be single or married. That's not hard to picture because not many accounting firms anywhere in America have a policy that requires an accountant to be married. Being a good accountant is the reason that they hire people.

Then imagine that one of the accountants in a branch office let's his coworkers know that he is gay. Now let's say that the branch office has a homophobic manager who the very next day sends out a memo announcing a new policy in the branch office that all accountants will have to be married to keep their job. The manager has figured out this new policy will allow him to fire gay or lesbian accountants, and it happens only to an accountant who is unmarried.

Also imagine that after sending out the memo, the homophobic branch manager sends an e-mail to some of his colleagues explaining: "Now that we have our new marriage policy, we can fire that disgusting homosexual accountant."

That gay accountant will be able to file a lawsuit pursuant to ENDA. And that's the point of this legislation. They will be able to put evidence before a Federal jury and to try and convince them he was really fired because of sexual orientation, not because of marriage policy. And that is why this legislation exists.

My point of this scenario that I've just described to you is that already covered by section 4 of ENDA stating that the same thing of section 8(a)(3) is just redundant. For all of these reasons I will vote for the amendment offered by Mr. SOUDER. Even if 8(a)(3) is stricken from ENDA, I believe that the gay plaintiff will still be able to succeed in court and have a meritorious claim.

I reserve the balance of my time.

Mr. SOUDER. I yield myself such time as remains.

The CHAIRMAN. The gentleman is recognized for 2 minutes.

Mr. SOUDER. I appreciate the Chairman's explanation, and there's no use to belabor a point when you've won.

At the same time, I do want to clarify a couple of things inside that.

A, my amendment is far too weak to reach my own goals, and I realize that. I was hoping it could be adopted because I think it improves the bill.

B, I think that the chairman correctly stated the challenge here and the inherent inconsistency in the bill. By merely removing this clause, it didn't allow, in effect, a bill that was intended to protect gay people into other areas, in marriage criteria and other sexual things, because that could have been far more reaching because many organizations have in one man-one woman marriage clauses, also fidelity clauses with the marriage clause, which is why I refer to that.

In this mix, however, I understand that in the purposes of the bill, without the protection that you announced, in fact, somebody could try to get around the intent of the bill. And I understand what you're trying to address.

So, in conclusion, while my amendment, I think, doesn't fix or still has inherent contradictions, still is going to lead to lawsuits, still lead to all sorts of questions, nevertheless, it will improve the bill.

I appreciate the chairman's willingness to support this amendment. It's an incremental improvement. It doesn't fix much, but at least it's another small step.

I yield back.

Mr. GEORGE MILLER of California. How much time do I have remaining?

The CHAIRMAN. The gentleman from California has 30 seconds.

Mr. GEORGE MILLER of California. I yield 15 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Chairman, we have these laws in 19 States. Nothing like that fantasy has ever come forward. There is a saying that if it ain't broke, don't fix it. If it doesn't exist, you can't fix it.

They have made this up. We have had the experience for over 25 years with laws exactly like this in 19 States.

Mr. GEORGE MILLER of California. I yield 15 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Just on the underlying bill, every American deserves to have a nondiscriminatory workplace, and that means whoever you are, whatever faith, whatever sexual orientation, you deserve a nondiscriminatory workplace.

I rise to support this legislation and ask my statement to be put into the RECORD and to ensure that my constituents in Houston, Texas, can be free of discrimination in the workplace.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

### AMENDMENT NO. 3 OFFERED BY MS. BALDWIN

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–422.

Ms. BALDWIN. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. BALDWIN:

Throughout the Act, insert "or gender identity" after "sexual orientation" each place it appears.

In section 3(a), after paragraph (5) insert the following (and redesignate succeeding paragraphs accordingly):

(6) GENDER IDENTITY.—The term "gender identity" means the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

In section 8(a), insert after paragraph (2) the following (and redesignate succeeding paragraph accordingly):

(3) CERTAIN SHARED FACILITIES.—Nothing in this Act shall be construed to establish an unlawful employment practice based on actual or perceived gender identity due to the denial of access to shared shower or dressing facilities in which being seen unclothed is

unavoidable, provided that the employer provides reasonable access to adequate facilities that are not inconsistent with the employee's gender identity as established with the employer at the time of employment or upon notification to the employer that the employee has undergone or is undergoing gender transition, whichever is later.

(4) ADDITIONAL FACILITIES NOT REQUIRED.—Nothing in this Act shall be construed to require the construction of new or additional facilities.

(5) DRESS AND GROOMING STANDARDS.—Nothing in this Act shall prohibit an employer from requiring an employee, during the employee's hours at work, to adhere to reasonable dress or grooming standards not prohibited by other provisions of Federal, State, or local law, provided that the employer permits any employee who has undergone gender transition prior to the time of employment, and any employee who has notified the employer that the employee has undergone or is undergoing gender transition after the time of employment, to adhere to the same dress or grooming standards for the gender to which the employee has transitioned or is transitioning.

The CHAIRMAN. Pursuant to House Resolution 793, the gentlewoman from Wisconsin (Ms. BALDWIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. BALDWIN. Madam Chairman, I yield myself 3½ minutes.

Madam Chairman, in the United States, the law forbids discrimination in employment on the basis of a person's race, color, sex, religion or national origin. It forbids discrimination based on age or disability, perceived or real. These protections were not easy to achieve, but we are better for them.

Today, ENDA seeks to expand the law to prohibit job discrimination against people because of their sexual orientation, and my amendment would also include gender identity.

We have worked steadily over the years to rid our Nation of irrational hate and fear against gay and transgender Americans that too often results in violent hate crimes, ostracism, bullying and discrimination in employment, housing, public accommodations or education.

Today, at least 282 cities and towns and 19 States across the country have protections against discrimination based on sexual orientation in both public and private sector jobs. And more than 93 local jurisdictions in 11 States have laws that include protections based on gender identity.

195 American businesses employing more than 8.3 million American workers have exemplary policies that protect gay, lesbian, bisexual and transgender employees, consumers and investors; 58 percent of these firms provide employment protections on the basis of gender identity.

It is time for Congress to catch up to our communities and American businesses. Today we can strengthen our laws against discrimination in the workplace.

While gay and lesbian Americans are now out and accepted in record numbers, not everyone understands the issue of gender identity. Few understand how a person's body might not match their internal sense of gender.

□ 1700

This is not a new phenomenon. It is not a fad. And it is certainly not a reason to lose one's job.

Some have asked why it is essential to include protections for transgender Americans in this legislation. The answer is that this community shares a common history with the rest of the lesbian, gay, and bisexual community, a history of suffering, discrimination, and too often violence, just for being who they are.

The importance of nondiscrimination laws cannot be overstated. Substantively, they provide legal remedies and a chance to seek justice. Symbolically, they say that in America we judge our fellow citizens by their integrity, their character, their talents; and not their sexual orientation or gender identity, race or religion, age or disability.

Irrational hate and fear have no place in our society. If we truly believe in life, liberty, and the pursuit of happiness; if we truly want to protect the most vulnerable in our society; if we continue to profess that all men are created equal, then we must work towards achieving the American Dream for all, and not just for some.

Madam Chairman, I reserve the balance of my time.

Mr. SOUDER. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. SOUDER. If I may inquire, do I have the right to close?

The CHAIRMAN. Yes, the gentleman does.

Mr. SOUDER. Madam Chairman, I yield myself 4 minutes.

This amendment both would protect transgender in the sense of people who have had sex change operations, and transvestites, people who dress up as the opposite sex, who are not covered, apparently, under the underlying bill.

This bill was to come in front of our committee. Ostensibly, partly because there was a major convention, a disruption occurred on the other party's side over this particular amendment, and the bill was withdrawn. Then continued debate occurred, and in committee a number of the Democrat members voted against the bill because this amendment wasn't included, and, presumably, that was going to be so the amendment could be offered on the floor and people would have a right to vote on this.

I don't really need a right to vote on it. I think most people probably know where I stand on the issue. But I think that to not have a vote on an amendment like this is a political ploy. It's a political ploy in the sense of what appears to be happening here is that the majority doesn't want to have the embarrassment of their side dividing on an issue. Or maybe they're afraid that our people would actually vote for this amendment and put it over the top to kill the bill, but I would suggest on a vote like this, that would be extremely unlikely. I think it's more that they want to shield their Members from having a difficult vote. Therefore, they can go out and tell the transgender community, oh, we tried, but, in fact, in a very peculiar rule, it appears that the intention is to keep us from calling for a vote and having Members actually show where they stand on this issue, not where they give speeches on this issue but where they actually stand on this issue. Clearly, the word "perceived" in an amendment that I had been denied for this bill would have had a huge relevance also to this particular category.

The challenge before us as we look at this, and from a conservative perspective, we have heard repeatedly today from multiple speakers, from the opening debate on rules, through the general debate, through here, that we are eventually going to move in this direction. And yet we are told that we as conservatives are paranoiac, that religious organizations are going to be protected, this and that, it's going to be protected.

We have seen the Democrats move and add a title VII protection that they opposed over in the faith-based for years on this House floor. We saw them add a defense of marriage clause, which they had opposed for years. We've seen them move even to the point of including, contrary to what the majority leader said that the government is applying this, know that the military is exempt from having this bill applied to them, inconsistency. Clearly, they are willing to tolerate major changes in the majority's position in order to move the bill, which moves people on the other side to ask, what's the point of moving the bill if there are this many compromises? Oh, they've been saying all day long that they're going to expand this bill. Once it becomes law, it's going to go to court to resolve the different things. Hence, some of us believe that many of the things that were added today, on the marriage clause, on the religious exemption clause, the blocking of this amendment to be offered, were to make the bill more palatable. As my friend the chairman of Financial Services said, you can't get everything in the first thing. It's to make it more palatable to, in effect, move it in place.

And this isn't the end of the day here. This is the start of a move that many of us who just simply don't approve of the lifestyle, there are many different things we don't approve of, but this is a deeply held position of faith by millions of Americans. And this is an attempt, a start, of what's likely to be an increasing effort to have sexual liberties trump religious liberties.

Madam Chairman, I reserve the balance of my time.

Ms. BALDWIN. Madam Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from Wisconsin is recognized for 1½ minutes.

Ms. BALDWIN. My amendment reflects my belief that we should be acting on an inclusive ENDA, covering both sexual orientation and gender identity. Now, those of us in politics know that it is much easier to protect a provision in a bill from removal on the floor than it is to add a provision to a bill once it has been reported out of committee. This amendment is no exception to that rule. But while I believe that a roll call vote on this amendment would demonstrate strong support for an inclusive ENDA, I believe that it will fall short of adoption.

People have asked why I pressed for and insisted upon bringing an amendment to the floor and maintaining the option to withdraw it without a vote. The reason is simple: I believe that those who will be left behind by this bill deserve to hear on this House floor that you are not forgotten and our job will not be finished until you too share fully in the American Dream.

So at the moment at which the closing arguments are made, I will withdraw this amendment with a commitment to my colleagues and all Americans committed to equality of opportunity and ending discrimination that I will do everything within my power to make this measure whole again.

The CHAIRMAN. Does the gentlewoman yield back her time?

Ms. BALDWIN. If I withdraw right now, I will preclude the gentleman from making his closing. I do not want to preclude him from doing that; so I will just wait to withdraw until he has finished with his remarks.

Mr. SOUDER. I have the right to close since I am defending?

The CHAIRMAN. The gentleman has the right to close and has 1¼ minutes remaining.

Mr. SOUDER. I will reserve the balance of my time until she yields back. I have the right to close.

The CHAIRMAN. The gentlewoman from Wisconsin's time has expired.

Mr. SOUDER. Madam Chairman, I strongly oppose this amendment. I believe the majority of the House opposes this amendment.

Mrs. MALONEY of New York. Madam Chairman, I rise today in strong support of the amendment offered today by my distinguished colleague, Congresswoman TAMMY BALDWIN.

Transgender Americans need and deserve protection from employment discrimination. All too often they bear the brunt of brutal bigotry, and are subject to unspeakable hatred and violence inspired by fear and ignorance.

That is why I strongly support this amendment to provide protection from job discrimination to transgender Americans.

Congress took an important step earlier this year when we passed a hate crimes bill that included protections for lesbian, gay, bisexual, and transgender people.

It is unfortunate that there is not at this time the same degree of support in the House to pass this measure.

Discrimination based on gender identity and gender expression should simply not be tolerated in the United States of America.

And, while there may not be enough support for us to pass this amendment today, I pledge to work with my distinguished colleague from Wisconsin and other like-minded Members to educate and persuade this House of the need to enact protections from discrimination for transgender Americans.

We will not rest until the right of every American, regardless of his or her gender identity or gender expression, to live free of fear, discrimination and intolerance is the law of the land.

I urge my distinguished colleagues in this House to strike a blow for justice and tolerance by passing this amendment.

Mr. SOUDER. Madam Chairman, I yield back the balance of my time and call for a recorded vote.

Ms. BALDWIN. Madam Chairman, I withdraw the amendment.

The CHAIRMAN. Pursuant to House Resolution 793, the amendment is withdrawn.

### PARLIAMENTARY INQUIRY

Mr. SOUDER. Parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SOUDER. Since I moved for a recorded vote before the amendment was withdrawn and because I had the right to close, how did she get recognized over my motion?

The CHAIRMAN. The gentlewoman withdrew the amendment before the Chair put the question on the amendment.

Mr. SOUDER. But why did you recognize her when I had the right to close?

The CHAIRMAN. The gentleman made the closing remarks in debate. Then the amendment was withdrawn.

### PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. Is it in order to demand a roll call before the Chair has put the voice vote?

The CHAIRMAN. No.

### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GEORGE MILLER of California.

Amendment No. 2 by Mr. SOUDER of Indiana.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

### AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 1 printed in House Report 110–422 offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 402, noes 25, not voting 10, as follows:

[Roll No. 1054]

AYES—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer

Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—25

Barrett (SC)
Barton (TX)
Blackburn
Broun (GA)
Cannon
Culberson
Davis (KY)
Foxx
Gohmert
Goode
Johnson, Sam
Jones (NC)
Lee
Lewis (KY)
Linder
Marchant
McCaul (TX)
Pitts
Schakowsky
Shuster
Stark
Tsongas
Velázquez
Wasserman Schultz
Woolsey

NOT VOTING—10

Braley (IA)
Buyer
Carson
Christensen
Cubin
Jindal
LaHood
Oberstar
Paul
Westmoreland

### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Two minutes remain in this vote.

☐ 1735

Mr. STARK, Ms. WOOLSEY, Ms. VELÁZQUEZ and Ms. SCHAKOWSKY changed their vote from "aye" to "no."

Messrs. FORBES, MILLER of Florida, LAMBORN, SALI, BURTON of Indiana, ADERHOLT, KINGSTON, AKIN and Ms. WATERS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 2 OFFERED BY MR. SOUDER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 2 printed in House Report 110–422 offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 325, noes 101, not voting 11, as follows:

[Roll No. 1055]

AYES—325

Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Cleaver
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Jackson (IL)
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Norton
Nunes
Obey
Olver
Ortiz
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—101

Abercrombie
Ackerman
Allen
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Capps
Castor
Clarke
Clay
Clyburn
Cohen
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
Dingell
Ellison
Engel
Farr
Filner
Giffords
Gillibrand
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hinchey
Hodes
Holt
Honda
Inslee
Israel
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kennedy
Kilpatrick
Kucinich
Lantos
Larsen (WA)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Matsui
McDermott
McGovern
McNulty
Meeks (NY)
Michaud
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler
Napolitano
Pallone
Payne
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Scott (VA)

Serrano
Shays
Shea-Porter
Sherman
Slaughter
Smith (WA)
Solis
Stark
Sutton
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

### NOT VOTING—11

Boren
Braley (IA)
Buyer
Carson
Christensen
Cubin
Jindal
LaHood
Oberstar
Paul
Westmoreland

### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

☐ 1744

Mrs. LOWEY changed her vote from "aye" to "no."

Ms. CORRINE BROWN of Florida, Messrs. NEAL of Massachusetts, CLEAVER, WALZ of Minnesota, UDALL of Colorado and GENE GREEN of Texas changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SNYDER) having assumed the chair, Mrs. TAUSCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3685) to prohibit employment discrimination on the basis of sexual orientation, pursuant to House Resolution 793, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

☐ 1745

### MOTION TO RECOMMIT OFFERED BY MR. FORBES

Mr. FORBES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FORBES. In its present form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Forbes moves to recommit the bill, H.R. 3685, to the Committee on Education and Labor with instructions to report the same back to the House promptly with the following amendment:

In section 8(c) (as amended), strike "As used in" and insert the following:

(1) As used in

At the end of section 8(c) (as amended), insert the following:

(2) Nothing in this Act may be construed to modify, limit, restrict, or in any way overturn any State or Federal definition of marriage as between one man and one woman, including the use of this Act as a legal predicate in litigation on the issue of marriage.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, one of the big concerns that many of us have with legislation of this type is that courts across the country have used it to establish public policy, and then certain judges have taken that and determined from that public policy that they are going to redefine the institution of marriage.

In considering this bill, I am deeply troubled by not only what is in the bill, but where I believe this bill is leading us. And you don't have to take my word for it. A memo from the Marriage Law Project at Catholic University's Columbus School of Law noted this:

"ENDA is about more than jobs. It is also about marriage. ENDA is based on the idea that State laws restricting marriage to the union of one man and one woman are a 'subterfuge' for discrimination against homosexuals and bisexuals. If the courts accept the proposition that marriage is a 'subterfuge' for discrimination on the basis of sexual orientation, the Defense of Marriage Act will be struck down as unconstitutional."

And that is the goal, Mr. Speaker. This legislation will ultimately allow activist judges across the country to redefine the institution of marriage. The majority might say that is not their intent, but I guarantee that is exactly what will happen if ENDA passes as it is. If we don't vote to stop it, then we are tacitly allowing one of our most sacred institutions to be torn down.

This legislation will provide certain activist judges with the legal justification to strike down State and Federal marriage laws that define marriage as between one man and one woman. State ENDA laws are being used by activist judges to impose same-sex marriage and civil unions on States. State courts are using ENDA and other similar laws to justify the argument that the government has no rational basis to continue discriminating in the area of marriage. And this is not something that might happen down the road. It has already happened in three States: Massachusetts, Vermont and New Jersey.

In Massachusetts, the supreme court there decided in Goodridge v. Department of Public Health that there was no rational basis for the denial of marriage to same-sex couples. In that case the court cited a list of State statutes, including nondiscrimination laws, as evidence that the State should not discriminate in the area of marriage. The court's opinion laid it out clearly, writing, "Massachusetts has a strong, affirmative policy of preventing discrimination on the basis of sexual orientation." You can't get any clearer than that on how nondiscrimination laws can be used to undermine marriage.

However, even before the Massachusetts decision, the supreme court of Vermont in 1999 ordered the State legislature to pass either a same-sex marriage or civil union law. The Vermont court relied in part on the fact that the State had a law preventing discrimination based on sexual orientation. The court said it would be irrational and thus not meet the rational basis test to argue that the State could refuse to allow same-sex marriage or civil unions when they clearly already had a law prohibiting discrimination on the basis of sexual orientation.

Most recently, New Jersey's courts have gotten into the game. In 2006, the New Jersey Supreme Court gave the State legislature 6 months to pass either a same-sex marriage law or a civil union law. In Lewis v. Harris the court stated, "New Jersey's legislature has been at the forefront of combating sexual orientation discrimination and advancing equality of treatment towards gays and lesbians. In 1992, through an amendment to the law against discrimination, New Jersey became the fifth State in the Nation to prohibit discrimination on the basis of affectional or sexual orientation."

Mr. Speaker, I rise today to ensure that this bill does not become the building block that some may want to use to destroy the institution of marriage. The motion simply says this: That nothing in this act may be construed to modify, limit, restrict, or in any way overturn any State or Federal definition of marriage as between one man and one woman, including the use of this act as a legal predicate in litigation on the issue of marriage.

On the wall in my office, I have a framed copy of the Declaration of Independence and the pictures of our Founding Fathers. This wall serves as a reminder to me of the ideals and institutions our country was founded on. Yet every day we see people trying to rewrite our history and tear down those ideals and institutions.

This country is great because of the ideals of our Founding Fathers, but eventually if we chip away at enough of our values, we will lose our foundation. This is what is happening and will continue to happen unless we stand up and make sure it doesn't.

Marriage between a man and woman has been the cornerstone of strength in our country, and while it may be under attack from all sides, I believe it is an institution worth protecting. This motion allows us to take a stand for marriage, for our country, and, at least for today, puts a stop to those that are trying or may try to use this legislation as a predicate to change those laws. This motion would ensure that the intentions of this Congress are clear and unambiguous.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Before I begin, I have an inquiry: If I could yield to the gentleman from Virginia, the proponent of the motion, would he consider my making a unanimous consent request to change this to a "motion of forthwith," so the House could simply adopt this "forthwith" and go to dinner?

Mr. FORBES. I would object.

Mr. FRANK of Massachusetts. Well, this is now clear. This is a motion to do this promptly. "Promptly" means at the speediest nine calendar days, because it does not, as the Parliamentarian has informed us in writing, waive any of the rules for committee meetings, for Rules Committee, et cetera. So the purpose here, the intent, perhaps not the purpose, but the unmistakable intent would be to put this off until after we are due to adjourn November 16. And for what purpose? For the purpose of restating what has already been stated.

It is interesting, Mr. Speaker, and I take some encouragement from this, that opponents of the principle of nondiscrimination don't want to debate it on its merits. We haven't heard any defense of discrimination. We just have a parliamentary maneuver to protect it.

This is not about marriage. In fact, this is not a recommit. It is a statement. It says "nothing in this act may be construed." Correct. No one who reads English could think to the contrary.

But, just to make sure, the gentleman from California offered a motion, and the minority tried to have it not be roll-called, and you voted for it, Members of the House. It says, "As used in this act, the terms 'married' or 'marry' refer to marriage as defined in section 7, title I of the U.S. Code, the Defense of Marriage Act." The Members of the House just voted overwhelmingly to reaffirm that definition.

So what do we have? A motion now simply to delay by reaffirming the last vote.

The gentleman from Indiana thought there was some other language that might lead to a marriage problem, so we adopted that. So this is the third effort to say the same thing. It is not to say the same thing, but to defeat it.

I would say this. I would recommend to my friend from California, who has done such a good job on this, once we have concluded this, report this out as a separate bill, this third reiteration, if it gives people some comfort.

I asked the gentleman to make it "forthwith." If there was a real need to do this, it would be now part of the law and we would be voting. It is "promptly" because it adds nothing to the bill, nothing, literally nothing; it subtracts nothing. It is simply a motion to delay.

I now want to address that. I want to address the motion to delay.

Mr. Speaker, we say here that we don't take things personally, and usually that is true. Members, Mr. Speaker, will have to forgive me. I take it a little personally.

Thirty-five years ago, I filed a bill to try to get rid of discrimination based on sexual orientation. As we sit here today, there are millions of Americans in States where this is not the law. By the way, 19 States have such a law. In no case has it led to that decision. The Massachusetts law passed in 1989, that did not lead to the decision in 2004. Unrelated.

But here is the deal. I used to be someone subject to this prejudice, and, through luck, circumstance, I got to be a big shot. I am now above that prejudice. But I feel an obligation to 15-year-olds dreading to go to school because of the torments, to people afraid that they will lose their job in a gas station if someone finds out who they love. I feel an obligation to use the status I have been lucky enough to get to help them.

I want to ask my colleagues here, Mr. Speaker, on a personal basis, please, don't fall for this sham. Don't send me out of here having failed to help those people.

We have already today twice voted overwhelmingly to repudiate any suggestion that this had anything to do with marriage. What you have is a ploy by people who want to keep discrimination on the books, who want to deny protection to so many vulnerable victims of discrimination, but they at least understand that is not something you can say explicitly. So they give us this sham.

I ask, I ask again, would the gentleman allow us to adopt this forthwith? I would yield to the gentleman for that purpose so we can make that forthwith.

Mr. FORBES. Mr. Speaker, I would be glad, if the gentleman would yield me some time.

Mr. FRANK of Massachusetts. I asked the gentleman a simple question.

Mr. FORBES. If the gentleman doesn't want me to respond, then I won't.

Mr. FRANK of Massachusetts. The response is "no." I was ready to yield to make this "forthwith" so this extra language which does nothing could be added. But if you don't do that, as they won't, and you vote for this, you are killing this bill. Understand that. Nine days later it is too late for this bill and we are out of this.

So I will close with this. Yes, this is personal. There are people who are your fellow citizens being discriminated against. We have a simple bill that says you can go to work and be judged on how you work and not be penalized. Please don't turn your back on them.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FORBES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by a 5-minute vote on passage of the bill, if ordered, and suspension of the rules and adoption of House Concurrent Resolution 236.

The vote was taken by electronic device, and there were—yeas 198, nays 222, not voting 13, as follows:

[Roll No. 1056]

YEAS—198

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe

Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

### NAYS—222

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

### NOT VOTING—13

Boren
Braley (IA)
Buyer
Carson
Cubin
Giffords
Herger
Jindal
LaHood
Oberstar
Paul
Shuster
Westmoreland

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1816

Mr. TAYLOR changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HERGER. Mr. Speaker, on rollcall No. 1056, the Forbes motion to recommit H.R. 3685—Employment Non-Discrimination Act with instructions, I was unavoidably detained and missed the vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 184, not voting 14, as follows:

[Roll No. 1057]

### YEAS—235

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McNerney
McNulty
Meek (FL)
Meeks (NY)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

### NAYS—184

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Clarke
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Doolittle
Drake
Duncan
Edwards
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Holt
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nadler
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Towns

Turner
Upton
Velázquez
Walberg
Walsh (NY)
Wamp
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Boren
Boyd (FL)
Braley (IA)
Buyer
Carson
Cubin
Giffords
Jefferson
Jindal
LaHood
Oberstar
Olver
Paul
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on the vote.

□ 1823

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RECOGNIZING THE CLOSE RELATIONSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF SAN MARINO

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 236, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 236, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 0, not voting 36, as follows:

[Roll No. 1058]

YEAS—396

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—36

Ackerman
Bartlett (MD)
Bilirakis
Boren
Braley (IA)
Buyer
Cannon
Carson
Carter
Conyers
Cubin
DeGette
Doggett
English (PA)
Giffords
Gingrey
Harman
Hirono
Jindal
LaHood
LaTourette
Lee
Lewis (KY)
Loebsack
Maloney (NY)
McDermott
Oberstar
Paul
Pitts
Ramstad
Rohrabacher
Roybal-Allard
Smith (WA)
Stark
Westmoreland
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on the vote.

□ 1832

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3222, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

Ms. MATSUI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–435) on the resolution (H. Res. 806) providing for consideration of the conference report to accompany the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## PROVIDING FOR CONSIDERATION OF H.R. 3688, UNITED STATES-PERU TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 801 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 801

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3688) to implement the United States-Peru Trade Promotion Agreement. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The bill shall be debatable for three hours, with 45 minutes in favor of the bill controlled by Representative Rangel of New York or his designee, 45 minutes in favor of the bill controlled by Representative McCrery of Louisiana or his designee, 45 minutes in opposition to the bill controlled by Representative Michaud of Maine or his designee, and 45 minutes in opposition to the bill controlled by the Minority Leader or his designee. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. During consideration of H.R. 3688 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 801 provides for consideration of H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act, under the closed rule required by the fast track law. The rule provides for a total of 3 hours of debate, equally divided by proponents and opponents of the underlying bill.

I rise today in support of the rule and the underlying legislation, H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act. I want to congratulate Chairman RANGEL, Chairman LEVIN and members of the Ways and Means Committee on bringing this trade agreement before us today.

Mr. Speaker, last week we passed legislation to help strengthen our current trade adjustment assistance program to protect American workers. Our country faces increased pressure as a result of globalization, and we must continue to reaffirm our commitment to the American workforce. It is evident that we need to change our current trade strategy.

At the same time, we must also acknowledge the positive impact that international trade has had on our economy. International trade currently accounts for a quarter of our gross domestic product.

Competition has proven to spur innovation and create new jobs. In my home State of California, we know that our IT companies need exports of semiconductor chips. Our farmers need the markets of Europe, Asia and Latin America. And our entertainment industry, financial services and telecom companies need to sell their services to grow and create jobs.

But it also affects industry in America. We know that, and that is why we have a balanced approach to our trade agreements.

Mr. Speaker, the trade agreement before us today is part of the broad context in which we should consider trade policy. It will establish an important precedent for how we craft future trade agreements.

Under the new Democratic Congress, free trade agreements must provide strong labor and environmental protections. They are essential to promoting healthy workplaces and competition for American employees and around the world.

Congress must consider each agreement on its merits. In some cases, these agreements will meet increased access for American producers and service providers. In other cases, these agreements could mean more competition and would significantly impact our workers and communities.

I understand that many of my colleagues have strong views on trade, but one thing we can all agree on and be proud of is the fact that our leadership worked vigorously to ensure that democratic principles were included in the Peru agreement.

In previous free trade agreements, these principles were noticeably absent. The initial Peru Free Trade Agreement draft reflected the "business as usual" approach that this administration has based its trade policies on. Democratic leadership went to Peru, met with the Peruvian president and prominent members of its Congress and developed a new free trade agreement, one that includes the strongest labor and environmental chapters in any of the world's over 300 bilateral free trade agreements.

It is not CAFTA. This is the first free trade agreement of its kind. It is a new free trade agreement, one that incorporates fully enforceable internationally recognized labor standards; that also promotes international environmental standards, including combating illegal logging, protecting the ozone layer, and our oceans; and an agreement that will provide Peruvians with lifesaving medicines. All three provisions are unprecedented in any free trade agreement and all three are core democratic principles that we should all be proud of.

This agreement is also about leveling the playing field for U.S. companies to compete in the Peruvian market. The Andean Trade Preference Act passed in 1991 and expanded in 2001 allowed Peruvian companies to benefit from duty-free trade with the United States. Meanwhile, U.S. goods exported to Peru continued to face tariffs as high as 12 percent.

The agreement before us today will give U.S. businesses immediate, duty-free access for more than 80 percent of U.S. consumer and industrial goods. This agreement will also allow us to forge a closer alliance and relationship with one of our southern neighbors. It is no secret that other countries are investing heavily in that part of the world. This agreement will send a strong message to our southern neighbors that the United States is here to help promote openness in their government and their economy.

In closing, I urge my colleagues to look at each free trade agreement based on its merits. It is easy to promote or oppose free trade unequivocally and not look at the facts of each agreement. I am confident that this agreement will benefit our Nation, benefit our workers, and benefit our businesses. This agreement will serve as a model free trade agreement for years to come.

Once again, I want to congratulate Mr. RANGEL and Mr. LEVIN for their hard work.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume. I express my appreciation to my colleague from Sacramento for yielding me the customary 30 minutes.

I have to begin by saying that as I saw my friend from Sacramento stand up, I couldn't help but think about the many years in the early 1990s that I worked very closely with her late husband, Bob Matsui, on trade agreements. We worked very closely on the North American Free Trade Agreement and a wide range of other agreements. I would just like to say that I know that he would be very proud to see his wife, DORIS, here participating and working very hard on this agreement.

I also have to say that I am very pleased to see so many of my colleagues and for us to, as the gentlewoman from Sacramento just said, working in a bipartisan way on this. We have the distinguished chairman of the Committee on Ways and Means, my very good friend from New York (Mr. RANGEL), talking to JERRY WELLER from Illinois, who has been a great champion of free trade for a long period of time.

I am particularly glad to see people like the distinguished chairman of the Trade Subcommittee, Mr. LEVIN, with whom I have, over the past several decades actually, engaged in a rigorous discussion and exchange on a lot of trade issues. We have had a different perspective in the past.

While I am not in complete agreement with every single aspect of this, I am very proud to be joining in support of his initiative here. Of course, I see Mr. CROWLEY who has worked hard.

On our side sitting right here, Mr. Speaker, we have our distinguished friends from Florida, the DIAZ-BALART brothers, sandwiching our great friend, Ms. ROS-LEHTINEN, as they have demonstrated a very strong commitment to security and economic development within this hemisphere.

So I will say that we are at this moment beginning a debate on what I truly believe is one of the most important national security issues as well as economic growth issues for the United States of America, the U.S.-Peru trade agreement.

The vote on this implementing bill has been a long time in coming, as my colleague from Sacramento said. We have pending trade agreements with three Latin American countries, Colombia and Panama, in addition to this Peru agreement. And I hope very much, Mr. Speaker, since from my perspective, and I know not everyone agrees with me, but I believe very passionately, as I know my colleagues sitting here with me on the second row agree, that these three trade agreements are very, very important and the arguments in behalf of their passage are, in fact, very, very similar. As I said, we begin today with Peru, and I believe we will pass this bill with a large bipartisan majority.

I want to again commend my great friend, CHARLIE RANGEL, and our ranking member, JIM MCCRERY, with whom Mr. RANGEL has worked very closely on these trade agreements. I congratulate both of them for having worked so hard on this. They have worked to restore what I believe is so critically important, and that is the bipartisan tradition of trade.

I failed to mention Mr. NEAL. I do, of course, recognize my friend from Massachusetts, who is obviously working on and has got to be supportive of this since he is sitting next to the chairman of the Ways and Means Committee. I believe, Mr. Speaker, that we are now restoring this great bipartisanship when it comes to trade and I think it's a great day for this institution.

The Peru agreement is an excellent place to begin to renew that support for open trade as an institution, because the economic benefits will be largely focused on the one thing we all seem to agree on. What is the one thing that every single American agrees on when it comes to the issue of trade? That is exports.

We all agree that we want to open up new markets. I don't believe that a single one of my colleagues would consider arguing that exporting goods and services from the United States of America is a bad thing.

□ 1845

We're all in agreement increasing our exports to foreign markets is very positive for American workers, producers and our economy at large. And the reality is that exports are central to the issue of trade with Peru. Why? Because we have long had an open door to products coming from Peru into the United States. Congress created and extended a system of trade preferences for Peru, Colombia and other countries as well, which allows their goods to enter the U.S. market. So the U.S. consumer can have access to those tariff free. These preferences have enjoyed overwhelming bipartisan support, overwhelming bipartisan support for these preferences that allow Peruvian, Colombian, Panamanian goods and services to come into this country duty free. That's existed and, again, that has enjoyed bipartisan support.

What we need to do now is we need to make sure that we take the step, having opened up our markets to them, to make sure that we open up their markets for U.S. goods and services.

That's what all three of these agreements, Mr. Speaker, are all about. We unilaterally extended duty-free access to our market because we wanted to help create real opportunities for workers and producers in this region to enter the worldwide marketplace.

Now, these preferences have been very successful. They've boosted exports to the United States and gave workers in those countries, Colombia, Peru and Panama, they gave these workers an alternative to the drug trade and other illicit industries. They've helped to usher in a new peaceful, prosperous era for all three of these countries, Peru, Colombia and Panama, where poverty is diminishing and, as well all know, democracy is solidifying.

Now it's time to make this a reciprocal arrangement. U.S. exports, things made by Americans, our workers, should get the same treatment in their markets as Panamanian, Peruvian and Colombian workers get with access to our markets. With this Peru Free Trade Agreement, we will begin to level the playing field for American workers.

I happen to believe that comprehensive, broad-based liberalization brings about the greatest economic benefits. I know some in this body might disagree. But as I've said, we all recognize the benefits of increased exports. Having opened the door on imports, we now must give our own exports equal footing.

Those who would oppose this agreement today should recognize that they oppose nothing less than the promotion of American exports, the promotion of products made by U.S. workers.

A vote, Mr. Speaker, against the Peru Free Trade Agreement is not a vote against free trade. It is a vote against giving Americans, American workers, a fair shot.

But the significance of this agreement reaches far beyond economics, as I said at the outset. Just as our system of trade preferences was rooted in foreign policy, so is this agreement; our system of trade preferences dealing with the drug problem that Mr. RANGEL's been involved in for decades, and I've enjoyed working with him in that battle. Just as that is, this also is very similar in that it is dealing with a foreign policy objective of ours.

We have come to realize that one of the greatest challenges of the 21st century is the promotion and strengthening of democratic institutions throughout the globe.

This is a battle for hearts and minds. It is a struggle to ensure that liberty and the rule of law prevail over tyranny. And we heard that stated so eloquently right in this Chamber at 11 o'clock this morning when we had that spectacular speech delivered by Nicolas Sarkozy, France's new President. It is a struggle to ensure that opportunity and prosperity prevail over hopelessness that turns into extremism.

Mr. Speaker, this is a challenge that has risen in the far corners of the globe, but it also exists right here in our own backyard. Today, Latin America, as we all know, is at a crossroads. Where armed conflict, drug wars, poverty and stagnation were the norm just a few years ago, a quiet revolution of economic and political liberalization has begun to transform a continent. Slow, steady reform has put much of this hemisphere on the right path.

But there has been a resurgence in antiliberalization forces that does threaten this reform. We all know that Hugo Chavez in Venezuela is systematically dismantling the institutions of democracy and free markets in his own country and exporting his authoritarian agenda to his neighbors. We all know that all we need to do is look at his circle, his close circle of friends: Mahmoud Ahmadinejad, Fidel Castro, Daniel Ortega. That demonstrates the level of tyranny to which he aspires. He has already drawn Evo Morales in Bolivia and Rafael Correa in Ecuador into his orbit. Hugo Chavez and his assault on free government and free markets is a direct threat to the American ideals and the ideals, again, that were outlined so eloquently by President Sarkozy this morning, those ideals of liberty and prosperity. We want them prevailed throughout the world and we certainly want to take every step that we can to ensure that those principles of freedom and liberty and prosperity thrive right here in this hemisphere.

And yet there are bulwarks for these American ideals in the region, and Peru is a key example. Peruvian President Alan Garcia himself embodies the struggle between these two visions. He first served as President of Peru in the 1980s, governing with antiliberalization philosophy. He presided over a withering economy that offered very little hope to Peruvians. And he said to us when we, in a delegation, visited with him when we were with our great Commerce Secretary, Carlos Gutierrez, that the statist populace vision of the past has failed. At that point, Mr.

Speaker, he presided over that withering economy that offers, as I said, very, very little hope to Peruvians. But unlike most of us in politics, President Garcia is today getting a second chance. Nearly two decades after his first term, he has returned to the presidency and he has learned from his mistakes. He's been a champion of this agreement and our goal of solidifying the economic and political reform that has taken place. He is part of the anti-Chavez vision for Latin America, and he is joined by other allies in reform like President Uribe in Colombia, like President Torrijos in Panama.

We have a very clear choice today, Mr. Speaker. We can strengthen the hand of Hugo Chavez, or we can strengthen the hand of the liberalizers and proponents of democracy and free markets. This is the battle for hearts and minds, and it's taking place right here in the Western Hemisphere. We know who our good friends are, and Peru, Colombia and Panama lead the pack. It's no coincidence that we embarked on trade negotiations with all three of these very important allies of ours.

I would have liked to have had a vote on each of these critical agreements today. I very much wish that we could be voting on all of them today. But I'm pleased to at least begin with Peru. And I will say again that I very much look forward to our voting, I hope just as soon as possible, on the agreements with Colombia and Panama, because the exact same arguments that I have propounded are similarly applied to Colombia and Panama, the arguments I've made for Peru. All three share the same benefits and all three pose the same risks if we fail to implement them. All three extend our trade system, our trade preference system to American workers and producers, and all three are critical to our quest to strengthen and solidify political and economic freedom throughout Latin America.

I urge my colleagues to support this rule and the underlying trade agreement. And I urge the Democratic leadership, Mr. Speaker, to move as quickly as possible to bring forward the pending agreements with Colombia and Panama. And I urge them not to let politics undermine liberty in our hemisphere.

I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, I'm really not sure why we're under this great rush to make these agreements, especially with a couple of countries that were named that do not have good human relations records and are not bastions of freedom. I don't understand, and I think most Americans don't understand, why we are so anxious to cut some kind of a deal, when we know that Americans are losing jobs.

I walk through my own community and I see empty factories. I look around the State of New Hampshire and I see people have lost jobs, and people shrug and say to me, the jobs have gone overseas. They may not understand exactly what the trade agreement was, but they know they lost their jobs.

And in December, once again, we'll see a factory close in New Hampshire. This is a great tragedy. We may discount 20 jobs, 100 jobs, 200 jobs here and there, but ultimately what we're saying to Americans is we're sending your jobs overseas, and we hope that you'll be retrained, and we hope that you'll be able to finance your home and finance your car and educate your children. But really, this globalization effort is in your best interest. And you know, sometimes it is.

Democrats are not against free trade. But what we are for is fair trade and making sure that our own people can maintain their lifestyle and that they'll have worker benefits and that they'll be able to retire, just like the generation before.

I'm holding in my hand an article from The Washington Post from today, and Harold Meyerson wrote, and he's so right, "Why the Democratic rush on trade? Globalization does pose real challenges to working and middle-class Americans. Democrats should wait until they're in a position, say, in 2009, to begin to restore some security to Americans' economic lives before they return to cutting trade deals. Their electoral prospects, and the Nation's economic prospects, demand no less."

I'm a freshman here, and I came in with a lot of other freshmen who heard across their districts the worries of middle-class, working-class Americans worried about their futures. We share that worry, and that's what's made us stand here tonight.

Why can't we have a moratorium? Why rush? Why take the chance?

Moving to other nations for cheaper labor is not fair to Americans and, in the end, will hurt our own country.

So I urge my colleagues to say "no" to these deals.

Mr. DREIER. Mr. Speaker, at this time I'm very happy to yield 3 minutes to my good friend and hardworking colleague on the Rules Committee, the gentleman from Miami (Mr. LINCOLN DIAZ-BALART), a great champion of freedom.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend and I thank you, Mr. Speaker.

The goal, Mr. Speaker, of our trade policy should be free trade among free peoples. And this agreement that we bring to the floor today, I think, is so important for many ways. If there is a nation that not only is a friend, but that has withstood extraordinary challenges, including violence, terrorism, extraordinary attacks to its free institutions, it is our neighbor and our friend, Peru. And they have, the prior administration with President Toledo, now the administration of President Alan Garcia, they have repeatedly demonstrated that they wish to deepen their relations with the United States, that they wish to tie their economic future to the United States. And tonight is our opportunity to respond and say to our friend, Peru, we recognize the steps you have made. We recognize not only the good-faith efforts that you've made to come to this agreement and to, by the way, renegotiate it after the political dynamic change. The situation changed here a year ago, and a renegotiation was required by the new leadership in this Congress of President Garcia.

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And the Peruvian Government demonstrated once again good faith and walked the extra mile to come to this agreement. This agreement is in the interest of the United States, of the workers in the United States, and it's in the interest of Peru.

When I say "free trade among free peoples," Mr. Speaker, I think it's important to realize that peoples throughout the world should have an opportunity to raise their voices, to be heard, to form civil society, environmental groups, labor groups, to fight for their rights, to fight for their human rights, for their legal rights. In Peru, despite extraordinary challenges, there is freedom, and people can organize, as they can in the United States, in civil society, in environmental organizations and labor organizations and others to demand their rights and speak up when their rights are violated. That's the great difference when we, for example, trade with a democracy with great challenges like India or a tyranny like, for example, Communist China. I always like to point out the difference. Free trade with free peoples.

Tonight we enter into an agreement with a free people that is, in addition to being free, a great friend of the United States. So it is my privilege tonight to ask for our colleagues to support this rule and the underlying legislation.

Ms. MATSUI. Mr. Speaker it is my privilege to yield 2 minutes to the gentleman from New York, chairman of the Ways and Means Committee, my friend (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I'm going to be extremely brief because I expect to be speaking at a later time on the bill. But I could not resist coming to the floor to protect the integrity of the Speaker and the members of the Ways and Means Committee, both Republican and Democrat.

There may be, as a matter of conscience, that people feel that they have to oppose this bill or oppose trade or commitments they have made to other people. But to suggest that the leader of this House and those Republicans and Democrats who worked on the Ways and Means Committee and passed this out with a recorded vote without a vote against it were trying to have Americans lose their jobs here is not only unfounded, but it's unfair.

And if anyone really just wants to count the numbers, then ask our farmers, ask our machine people, ask our television or electronic people how much they are going to export to Peru because of the removal of tariffs and how much is coming into this country.

So you can be against trade. You can be against the agreement. It may not go far enough. It may not be everything you want. But I think it is wrong and unfair to suggest that we are deliberately trying to have people here, hardworking people, many who have suffered because of loss of jobs, and perhaps it has been because of trade or the indifference of people to invest in these families or in these communities, but this bill does not cause Americans to lose jobs. It's abundantly clear that the balance is on America's side in terms of removal of the tariffs. And for those of you who come from agricultural communities, ask your farmers. For those of you who come from machines that remove communities and mining materials, ask those manufacturers. And ask the people that would create the jobs whether or not it's good for them and good for the community.

So you can be against trade. You can be against South America. You can be against anything. But to suggest that those that do support this bill will cause Americans to lose their jobs is untrue and unfair.

Mr. DREIER. Mr. Speaker, at this time I'm happy to yield 3½ minutes to my very good friend from Miami (Ms. ROS-LEHTINEN), ranking member of the Committee on Foreign Affairs.

Ms. ROS-LEHTINEN. I thank the gentleman from California for the time.

I am extremely pleased, Mr. Speaker, that we are considering the Peru Free Trade Agreement tonight. The decision to move forward with legislation that expands our commercial relations with Peru signals the importance that this agreement holds for U.S. economic and security interests in the Andean region and, in fact, in Latin America as a whole. The benefits to both of our countries are significant.

By removing barriers on our exports to Peru, this agreement will add $2.1 billion per year to our U.S. economy. The positive impact will be felt across the country. With almost one-fifth of the total bilateral merchandise trade between the U.S. and Peru moving through my home State of Florida, I know firsthand the importance of this agreement for our home State economies and our constituents.

Within the first year of the agreement's implementation, Florida's total economic output is estimated to rise by $143 million and total earnings for Florida's workers are estimated to be $35 million higher than in the absence of this free trade agreement. The benefits that Peru currently enjoys under the Andean Trade Promotion and Drug Eradication Act only stand to multiply under passage of this FTA. By enhancing these opportunities for economic growth via the free trade agreement, the U.S. is strengthening legal economies that provide viable alternatives to illicit drug production. More than mere trade deals, these agreements are a major factor in defining the future of U.S. interests in the Western Hemisphere and our commitment to a strong, stable, democratic neighbor.

Therefore, although we are focused tonight, Mr. Speaker, on the agreement with Peru, we cannot lose sight of its importance within the broader regional context of the pending agreements with Colombia and Panama. For example, recent studies show that if the Colombian Free Trade Agreement is not approved and those with Peru and Panama are, Colombia's GDP will be hurt by over 2 percent. Reinforcing Colombia's economy is a prerequisite to its ability to continue to fight the drug lords and the FARC terrorists. President Uribe of Colombia has committed himself and his country to the principles of a secure, more democratic society amidst a growing tide of authoritarian regimes in the region. And there will be a significant cost to the American economy from the failure to approve the Colombian Free Trade Agreement. Over 600,000 jobs in the United States are estimated to depend on exports to Colombia, jobs that will be put at risk if that trade agreement is not approved.

Each of the trade agreements is an important element in our twin goals of ensuring our continued economic growth and reinforcing our allies in the region.

I strongly support passage of this bipartisan agreement, and I urge my colleagues to do as well.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise today to oppose the Peru Free Trade Agreement.

This Peru Free Trade Agreement does not guarantee American jobs will stay right here in the United States. That is the bottom line: jobs that need to stay right here in the United States.

American families have lost jobs because past trade agreements did not lead to the creation of jobs right here at home. American families are earning less now than they did before. Three million jobs have been lost, and we have an $800 billion trade deficit.

We need to create jobs here. We need to help hardworking families who are struggling. Many of these American families that are struggling today to make it, we need to help them. American workers deserve it. Americans at home deserve to benefit from the global economy. We need to protect jobs, and I state we need to protect jobs from further offshoring caused by unfair trade agreements, and we have seen what has happened.

Now is not the time to rush ahead with more of the same damaging NAFTA-CAFTA style trade policies that have proven to hurt the American workers, and we have seen how it has hurt the American workers and the livelihoods of many, that will benefit all and not just the wealthiest few. .

Vote for American workers and not for the Peru Free Trade Agreement.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas who serves on the Ways and Means Committee (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, today we take an important step forward in developing a comprehensive 21st century trade policy, recognizing that the benefits of trade cannot be measured solely in the volume of commerce that crosses international borders. A modern trade policy considers the impact of trade on workers and the environment, and this pact does that. Yet we have not fully achieved the goal of effective safeguards, and I believe that we are taking a step in the right direction; we're just not quite to the final destination. I believe it is better to approve this agreement as a step of genuine progress than to reject it.

This agreement includes unprecedented action to prevent illegal logging that is decimating rainforests in South America. For the first time in this agreement, environmental infractions can be enforced with something that is more than a mere parking ticket. That's what was done in prior agreements where governments wrote fines to themselves no matter how great the environmental degradation. And today, finally, we have recognition in this trade agreement of the importance of multilateral environmental agreements that have been totally disregarded in previous trade pacts.

So this is real progress. But I am pleased that our chairman and the Trade Subcommittee chairman have recognized that there is more work that we can do and there are plans to conduct hearings, the first ever hearings in the Ways and Means Committee, on the environmental effects of trade as well as on the investor-state provisions.

While our legislative intent is unequivocal regarding the agreement's preamble that "no foreign investors have greater rights than do American citizens," the potential harm to our health, our worker safety, and our environmental laws from abuse of investor-state provisions demand the removal of outmoded and flawed language that keeps cropping up in these agreements and should not appear in future agreements.

Acknowledging that we are making real progress with this agreement is really a recognition of just how far behind we have been. After years of total indifference to the concerns of workers and the environment, this agreement addresses those concerns, and almost any change represents progress. Today we move forward, and eventually together I believe that our ultimate goals will be fulfilled.

Ms. MATSUI. Mr. Speaker, I would like to yield 3 minutes to my new colleague, the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, like many of my colleagues, I am for fair trade, not simply free trade. And I would associate myself with comments already made today, "free trade for free people." Yet already reported recently, miners in Peru are facing having their strike declared illegal and shut down. That doesn't sound very free to me.

This Peru FTA, I will acknowledge I am happy to see the positive developments in the labor and environmental standards. For me, however, they don't go quite far enough. I believe that the Congress has a constitutional role and responsibility to be able to amend these trade agreements no matter whom they are with or how large or small they may be.

□ 1915

Trade negotiations have successfully passed before without fast track authority or closed rule type of treatment, and I think that should be the case today.

The Peru agreement, as currently structured, to me is symptomatic of the larger problem: allowing an unelected trade representative, and not the duly elected representative of the American people, to decide what is best in our trade policy.

The current agreement does not provide for enforceable environmental protections, especially with regard to the lumber industry in sensitive areas of Peru's environment. The agreement, as currently written, would help force the privatization of Peru's Social Security system. The agreement would devastate Peru's already faltering rural agricultural economy.

Congress forced the trade representative to include minimal standards, in my opinion, and these things have been called a breakthrough. I think there should be credit where credit is due, and they have been an improvement. But at the end of the day, if we are to rely on the trade representative and the Bush administration to enforce the trade agreement, I don't think that's an enforceable agreement.

I tried to offer an amendment which would allow for a private right of action to allow American citizens to enforce the provisions of the trade agreement to be carried out and enforce those labor and environmental provisions to be fully fulfilled. But, however, due to the nature of this debate, no such amendment was allowed, and I think that's to the detriment of us all.

I believe that we must work to return to a time when Congress and the elected representatives of the people were allowed to amend our trade agreements. Organized, negotiated and fair trade amongst nations is one of the most important issues facing our Nation, indeed, our world. Its great importance demands that it be given the attention that such an issue deserves.

Ms. MATSUI. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise in opposition to this rule and the United States-Peru Free Trade Act.

In the past few weeks, I have heard time and time again from many of my colleagues that the Peru Free Trade Agreement is a groundbreaking agreement crafted by the Ways and Means Committee and the Bush administration. I've been told that this agreement incorporates enforceable obligations that require Peru to adopt and enforce labor standards and uphold international environmental standards. That is a start. But I ask my colleagues, who will enforce the labor standards? Who will enforce the environmental standards? The Bush administration? I don't think so. This administration has a disgraceful record of enforcing trade agreements and trade laws. We cannot assume this administration will now start to enforce trade agreements. Furthermore, this agreement doesn't provide the administration any funding to enforce the free trade agreement if they wanted to. Most importantly, the Peru Free Trade Agreement fails to address food safety, toy safety and drug safety concerns facing our constituents.

As chairman of the Oversight and Investigations Subcommittee, I have conducted numerous hearings and investigations on drug and food safety. Our committee found that products are entering our country every minute without appropriate inspection. We found that importers don't know how the product was made and whether the imports are safe. Why do we Americans allow countries to bring their inferior, unsafe toys, food and drugs into our country?

The Peru agreement includes the WTO Sanitary and Phytosanitary Agreement. By incorporating the WTO's Sanitary Agreement, the U.S. will be giving up the ability to increase inspection of imports to ensure safety. The goal of the WTO Sanitary Agreement is to allow free passage of food. This means our food can move freely between the two countries without proper inspection and without proper regulation on how the food is grown, processed, stored or shipped here to the United States.

At a time when we're questioning the ability of the Consumer Product Safety Commission and the FDA to protect the health and well-being of our children, our seniors and, indeed, all Americans, I don't think we should be allowing Peru "free passage" of food and drugs into the United States.

We simply cannot afford to pass another harmful trade agreement that fails to protect our families from contaminated foods and drugs and toys.

The changes the proponents of the Peru Free Trade Agreement keep touting are minimal at best, and are inadequate to assure a level playing field for American businesses, American jobs and the American economy but most importantly it does not protect the American people.

I urge my colleagues to join me in voting against the Peru Free Trade Agreement.

Protect the American consumer.

Vote no on the final passage.

Mr. DREIER. Mr. Speaker, at this time, I'm happy to yield 4 minutes to a very hardworking and thoughtful member of the Trade Subcommittee of Ways and Means, a great champion of economic and democratic liberalization in this hemisphere, my friend from Morris, Illinois (Mr. WELLER).

Mr. WELLER of Illinois. Mr. Speaker, I rise in support of this rule as well as this trade agreement.

You know, exports are pretty important to the State that I represent. We have jobs at stake that are dependent on exports in Illinois. In fact, for manufacturing, one out of five manufacturing jobs in Illinois depend on exports. 17,000 Illinois companies depend on exports. And when it comes to agriculture, 40 percent of all the corn and soybeans and farm products produced in Illinois depend on exports. So trade makes a big difference, and trade agreements are important.

We win with trade agreements. You look at the record; since 2002, we have nine countries that we have free trade agreements with. In those countries, our exports grew by 19 percent, which is 50 percent faster than the overall growth in exports. Morocco grew 67 percent, Bahrain grew 40 percent, Chile grew 30 percent. We have free trade agreements with 7 percent of the world's countries, representing 14 percent of the gross domestic product of the globe, but those free trade agreements represent half of the exports from America. And free trade in the last dozen or so years has created 16 million new jobs.

We've got a good trade agreement before us tonight. Peru is a strong ally and friend of the United States. We have an agreement before us that's good for Illinois and it's good for America. On day one, 80 percent of our exports of consumer and industrial products become duty free immediately. Illinois already exports $198 million in exports to Peru. And it's predicted that exports from key industries will rise as much as 57 percent as a result of this agreement. That's not just the big companies. Small and medium-size enterprises also benefit from tariff elimination. My biggest manufacturer is Caterpillar. They make the yellow construction equipment; 8,000 workers in my district dependent on Caterpillar for their jobs. Today, they face a 12 percent tariff on the equipment that they want to export to Peru. On a million dollar mining truck, that's $120,000 tariff tax. It goes away on day one.

And those union workers at Caterpillar, and I would note, 8,000 workers, half of the production in Joliet, the biggest city in my district, is exported today. So they depend on trade.

So, the Peru agreement creates jobs in Illinois. Illinois manufacturers are expecting to see a 51 percent increase in exports. And I would note that Peruvian products coming into Illinois today face no tariffs, but Illinois products going to Peru do.

And the Peru Trade Agreement is also good for Illinois farmers. Soybeans become duty free immediately; many new markets for Illinois farmers. And before this agreement, Illinois pork and corn were at a competitive disadvantage with our competition in South America, Chile and Argentina, who don't face the high tariffs we do, and so they undercut us on prices, hurting our farmers. This agreement helps Illinois pork, corn, soybean, and other agricultural producers. In fact, farm organizations will tell you, those representing producers will tell you that the Peru and Colombian agreements are the best ever negotiated to break down barriers for American farm products. It is estimated that agriculture alone will see a $700 million increase in exports as a result of the Peru Free Trade Agreement.

This trade agreement also has broader implications. As you know, there are some negative forces threatening democracy in Latin America today, and Peru is a shining example of a working democracy with strong leadership. And President Toledo and President Garcia, his successor, are making a difference. Poverty is being reduced; real jobs are being created.

Peru is an economic success story. You don't see Peru resorting to anti-American rhetoric and populist rhetoric. You see Peru being a responsible partner with its neighbors. This trade agreement is part of their strategy to reduce poverty.

Let's vote for this agreement.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, today we're voting on a historic trade agreement with Peru. Let me thank CHARLIE RANGEL and SANDY LEVIN for the diligence they demonstrated in negotiating with the administration.

This trade deal is about exports. Make no mistake about it, Mr. Speaker, the labor and environmental provisions in the Peru FTA are big steps towards a more progressive trade policy where trade benefits are spread more broadly in a global economy.

Regarding labor, the FTA includes a fully enforceable commitment that Peru adopt and maintain the five basic international labor standards. Peruvian President Garcia has already implemented changes to Peru's legal framework to allow compliance with international labor standards. A key provision allows the United States to challenge any violation of Peru's commitments to labor standards. Like the labor provision, the environmental provisions in the Peru FTA are also unprecedented. This legislation before us not only makes significant steps in the right direction, but it also moves aggressively in stopping illegal logging.

In addition to the significant reductions in tariff and nontariff barriers to U.S. exports, again, it's about exports, the agreement also includes important provisions relating to generic medicines, government procurement, and investment protections.

Mr. Speaker, the importance in progress associated with the Peru FTA will allow a lot of Democrats tonight for the first time to vote for an FTA. I know the decision is not easy, but it's a testament to the new and improved course that American trade policy has undertaken, which reflects the best of American values.

Mr. Speaker, the legally binding labor and environmental standards in the Peru FTA is a universe apart from CAFTA. This is not CAFTA. This is not NAFTA, which only received a handful of Democratic votes. Implementation of the FTA will give momentum to other efforts to secure forward-thinking FTAs.

This is the result of CHARLIE RANGEL and SANDY LEVIN's hard work and dedication, and I urge support of this legislation.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentlelady for yielding and rise in opposition to the rule, which should be open.

Every time we sign a free trade agreement with a developing country, we end up outsourcing more wealth and middle-class jobs. If these agreements were working, America wouldn't have an $800 billion trade deficit, with 20,000 jobs lost for every billion dollars of that deficit. What an unprecedented wipe out of jobs and productive wealth in this country. The sliding value of the dollar proves it, our staggering debt levels prove it, and the growing stock market instability proves it.

Let me give you some history. When they said we had to pass NAFTA back in the 1990s, we had a trade surplus with Mexico. Since NAFTA's unfortunate passage, every single year we have fallen into greater and greater debt with Mexico. A million of our jobs are outsourced. We didn't create a million jobs. And 2 million Mexicans were thrown off their farms and created an unending flow of illegal immigration to this country.

Then they told us, well, sign China PNTR; that will make a big difference. We were already in debt with China when PNTR was signed, and guess what? It only got worse. We have an historic trade deficit with China now, and we're getting from them contaminated dog food and toys with lead and all of the rest. And now they tell us, well, Peru is next. We've already got a trade deficit with Peru. Del Monte and Green Giant have opened up production facilities in Peru to absorb some of the 2 million Peruvian farmers that are going to be upended by this agreement, just as what happened with Mexico's campesinos under NAFTA.

Jordan, they said, was a breakthrough agreement, had environmental provisions, labor provisions; So, what's happened, even the Jordanians admit, it's not enforced.

You know, in considering another free trade agreement today, this New Direction Congress offers up more of the same, again, out of step with the American people.

The environmental and labor provisions are nonbinding; they're in the general preamble. This is like saying you support the preamble to our Constitution but not the Bill of Rights and all the case law that supports it. That's why no labor unions are supporting this in the United States or Peru. In fact, a major Peru miners' union is on strike right now, and they were told by the Government of Peru today that the strike was illegal and said if the workers don't return to work, they will be terminated in 3 days.

So I ask, why are no U.S. or Peruvian trade unions supporting the agreement?

Could it be because the agreement does not require the Parties to comply with core labor "rights", but rather with vague and unenforceable labor "principles, which are then cleverly placed in the Preamble or Declaration of the agreement, not in the enforceable and binding core standards as do the International Labor Organization Convention?

Oh, let us grow up.

So, I have a better idea. Rather than pass another so called "free trade" agreement with another foreign country, that has weak rule of law and masses of poor people, let's negotiate a free trade agreement with ourselves! That would be a first. For Congress to pay some attention to the American people.

A free trade agreement with the U.S. might result in jobs from other places being returned here to workers who have fallen out of the middle class.

It might mean we would again be a nation that produced something rather than just traded in foreign goods.

Can you imagine—America might again make televisions, electronics, shoes, clothing, washing machines and irons, windshield wipers, electric wiring harnesses, toys, crayons, dishes, forks and spoons, well, the list is endless. Imagine if we had a trade agreement that put our workers and communities first. Now there's a novel thought.

Imagine, if the diminishing middle class believed this Congress actually represented them.

I urge my colleagues to vote "no" on this Peru agreement and finally begin to develop a new trade model that results in job creation in America and balanced global trade accounts. When that happens, America's middle class will again begin to grow.

I urge my colleagues to vote "no" on this Peru agreement, and submit the following article for the RECORD:

[From Dow Jones Newswires, Nov. 7, 2007]

### UPDATE: PERU DECLARES NATIONAL MINING SECTOR STRIKE ILLEGAL

(by Robert Kozak)

LIMA.—Peru's Labor Ministry Wednesday declared a national mining sector strike to be illegal.

Peru's National Federation of Mining, Metallurgy and Steel Workers Monday started the nationwide strike, aiming to pressure the government to pass laws to give mining sector workers more benefits.

The ministry said workers had defied a government resolution ordering them back to work and in some cases had blocked highways. Workers now have three days to return to work or face being fired.

An official with the mining federation said directors are meeting with government officials to see whether advances made in formulating laws giving them more benefits would allow them to lift the strike.

The government said 6,300 workers were on strike as of Tuesday, some 5.26% of the total work force in the sector.

The strike hasn't seriously cut production at any of the major mines in Peru, and mining sector activity has returned to a more normal state, a high-level mining sector official said Wednesday.

"Today the activities are practically normal at the companies. I think that the workers have come to understand that they don't need to paralyze activities to insist on the platform that the federation has," the president of the private-sector National Society of Mining, Petroleum and Energy, Ysaac Cruz, said in a broadcast interview.

"The strike has had very little impact, and at some mines only a small group took part," Cruz added.

A spokesman for Minera Yanacochia, Latin America's largest gold mine, said that all workers there were back on the job. That mine is run by Newmont Mining Corp. (NEM), with a 51.35% stake. Compania de Minas Buenaventura SAA (BVN) holds a 43.65% share in Yanacocha.

The mining federation had held a similar strike from April 30 to May 4. The government said then that only 10% of workers in the mining sector supported that walk out, although union members said the number was higher.

The mining federation wants, among other things, to increase the number of workers on staff, to increase worker profit sharing to 10% of profits from 8%, and to eliminate a ceiling on that profit sharing, which limits the extra payments to a total of 18 monthly salaries.

Peru is the world's largest producer of silver, and among the top five in zinc and copper. It is also a major producer of gold, and produces other minerals such as tin and molybdenum.

□ 1930

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to respond to my friend from Ohio with two quick points, and, that is, we do, in fact, have tremendous opportunities for Peruvian products to come into the United States. This agreement, in fact, responds to that by opening up the Peruvian market.

The second point is that Whirlpool, which is a great company in Ohio, will see 9,000 jobs from exports to Peru with a 400 percent increase.

Ms. KAPTUR. Will the gentleman yield?

Mr. DREIER. I am happy to yield.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. KAPTUR. I would just say to the gentleman, Peru's chief export to us is gold, gold from the second largest gold mine in the world, and those Whirlpool jobs and Maytag jobs are half of what they used to be in this country because they shut them down in Galesburg, Illinois and in Newton, Iowa. Don't talk to me about washing machine jobs.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should heed the gavel and get additional time when their time has expired.

Mr. DREIER. Mr. Speaker, I thank you very much for maintaining order here in the House.

At this time I am very happy to yield 3 minutes to my very good friend from Miami (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I stand today to express my strong support for the Peru Free Trade Agreement. I am also a strong supporter of free trade with free nations. It is important to note that we already have a unilateral trade deal with Peru. That deal has helped Peru fix and help solve a big part of their poverty problem. It has helped stem the violence and the insurgency that were so prevalent there in the 1980s.

In the last decade, Peru has become one of fastest growing economies in Latin America, with a GDP growth of 8 percent last year. The United States is Peru's number one trading partner. Enacting this bilateral trade preference will increase the number of American small- and medium-sized businesses that benefit from trade. More trade and more exports to this democratic neighbor means more jobs for American workers.

Not only is Peru, Mr. Speaker, a strong trade partner, it has become a strong partner fighting narco-trafficking and countering that anti-democratic sentiment that is fueled in the region by Fidel Castro and Hugo Chavez. It is in our national security interest to strengthen our ties with this strong democracy, this democratic ally.

Again, Mr. Speaker, I support free trade with free, democratic nations, and I support free trade that is beneficial to American businesses and American workers and American jobs. That is why I am pleased that we are voting today to enact this vital trade agreement with this strong ally in Latin America. I hope that this vote will lead to the swift enactment of the already negotiated trade deals with our other strong allies in Latin America, and those being Panama and Colombia.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to one of the key brokers of this agreement, the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. As the Speaker and the majority leader made clear months ago, and Mr. RANGEL and myself, what we are talking about today is about Peru, not Colombia, not Panama, not Korea. We are talking about a basic issue, and that is in terms of liberalization, do you try to shape its course or let it happen willy-nilly?

The crucible in terms of that issue has been core labor standards and environmental standards. That was the basis of the fight over NAFTA, over CAFTA and over the trade bill of 2001. The basic fact is that in this agreement, not in the preamble, in this agreement, ILO core labor standards are there, enforceable like everything else, and so are environmental standards. So it's a question of whether you shape trade agreements or just let it happen. And we say shape them.

Again, the crucible has been initially labor standards and environmental standards. So this is the antithesis of CAFTA. This is a historic breakthrough. This is the first step towards a new trade agreement. We should not turn our back on it. We should build on it.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I thank the gentlewoman for yielding.

I am asking Members who are committed to fair trade to vote against the Peru Free Trade Agreement. I can think of a million reasons to oppose this agreement. Let's start with over 3 million jobs lost because of NAFTA. Workers in my State have lost their jobs due to trade. They don't want trade adjustment assistance. They want their jobs.

The bill's supporters claim that enhanced environmental standards in this FTA will preserve our natural resources. So where is the strong support from the Sierra Club, Greenpeace and Friends of the Earth? Supposedly the new labor provisions will improve conditions for workers in Peru and create jobs for workers here at home. So where is the support from labor? The two largest Peruvian labor unions are asking us to oppose this trade deal because it will hurt their workers.

If this is, in fact, a new direction on trade, don't you think we'd hear from the support from these groups? It is time for a trade policy that benefits workers and creates jobs, not policy that encourages companies to take their investment elsewhere. Yet we are not listening. By passing this bill, we are continuing the same disastrous results that came under NAFTA and CAFTA.

I didn't come to Washington so that I could ignore the needs of my constituents back home. I came to Washington to give a voice to those who need it. So let's start listening to the voices of the people back in our districts and take a new direction on trade, to start creating a new trade regime that will benefit all of us.

I ask Members to oppose the Peru Free Trade Agreement. Speaking about trade adjustment assistance that passed this body last week, before it left this body the President came out and said he was going to veto trade adjustment assistance. Is that working in a bipartisan manner? No, it is not.

I encourage Members to oppose the Peru Free Trade Agreement.

Mr. DREIER. Mr. Speaker, I am very happy to yield 1 minute to a very strong free trader, my friend from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I just want to pay tribute at this time to Mr. RANGEL, Mr. MCCRERY and everyone who has put this trade deal together. This is a difficult thing to do. It is always easier to see the shuttered business and to say that's because of trade rather than to look at the opportunities and jobs that are created because of free trade. Free trade lifts our standard of living. It lifts the standard of living for those in other countries that enjoy its benefits as well.

This is the best part of Congress, to see on a bipartisan level people coming together to do what is best for people everywhere. I just want to commend those who put this together. This is a good rule. This is a good bill. Let's move forward with this. Let's move forward with the other free trade agreements with Panama, Colombia and Korea.

Mr. DREIER. I reserve the balance of my time, Mr. Speaker.

Ms. MATSUI. Mr. Speaker, I yield 1 minute to the Speaker of the House.

Ms. PELOSI. I thank the gentlewoman for yielding and thank her for her excellent work as a member of the Rules Committee in managing this important rule to the House.

Mr. Speaker, I know that this is a difficult issue for Members to decide upon because it goes right to the heart of family life in America. It's about the job security, the economic security, the health security of America's families. And the issue of trade has been one that has been controversial, and frankly, I have largely been more on the other side of it than I am tonight.

I rise in support of the Peru Trade Agreement, and I want to tell my colleagues why. They will have to make up their own minds. But I want to take the opportunity to talk about it in the context of the last, say, 20 years. That is how long I have been in Congress.

For most of that time, I have fought with a Democratic President and a Republic an President, starting with President Bush 41, Father Bush, and throughout the Clinton administration on the issue of China trade. I saw it clearly as a threat to the economic security of America's working families. I could see the patterns that were developing there. But all along, those powers that be always said, no, this is the enlightened course.

At the time, when we started this debate on China, which was right after the massacre in Tiananmen Square, the trade deficit between the U.S. and China, the trade deficit we suffered, was around $5 billion a year. $5 billion a year. It sounded like all the money in the world to us at the time, $5 billion a year. How much leverage could we have to open China's markets? To stop them violating our intellectual property? To have them free the prisoners arrested in Tiananmen Square? To have them stop proliferating weapons of mass destruction? We fought so much leverage.

But Washington, D.C. was very much influenced by the Government of the People's Republic of China. And so all of the powers that be told us, if only we went down the path that they were recommending, that markets would be open to us, that political reform would come, all of these things, China would stop proliferating weapons of mass destruction to places like Iran and Pakistan, to name a few.

What happened was none of the above. But strictly on the issue of trade, say, 17, 18, years ago, a trade deficit of about $5 billion a year. Stick with us, they told us, and great things would happen in this relationship. Oh, they did. For China. The trade deficit now with China is approximately $5 billion a week. A week. It went from $5 billion a year to $5 billion a week. And all of the economic consequences that go with it, and all of the inferiority of product, threatening the food safety, the medicine safety, the toy safety in our country. That's what the sophisticated people told us that we should do was to go along the course that we have. The violation of intellectual property. That piracy is legendary. Of course, nothing has changed except we are now in about a $250 billion deficit to China.

I bring that up because many of us in this room fought that fight. We invested a lot into it. And we were always cast aside as Luddites and unsophisticated people and Stone Age and didn't understand. But we do understand that the American workers paid a price for that. The markets didn't open to our products. Even with WTO that didn't happen. And, again, the deficit speaks for itself.

So I say from that level of passion and familiarity with the issue and being in the fight for a long time, that when I saw an opportunity for us to have labor and environmental standards as a core part of our trade agreements, it marked a drastic difference from what even a Democratic President was willing to give on that score, even a Democratic President. We couldn't get that in the Clinton administration.

So I want to commend Mr. RANGEL and Mr. LEVIN, the two chairmen, for the excellent work that they did. I tell you the China story just as a background as to how difficult it was before. No matter what the evidence, no matter how clear it was, others saw it differently, and they saw it wrong.

So here we are today trying to make some distinctions, trying to make some distinctions about trade agreements that are better than others. I don't think any of them are perfect on either end. And so my reason for supporting this is, as a leader in the Democratic Party, is I certainly believe that part of the legacy of our great party is the legacy of John F. Kennedy who said that free trade was a part of who we are as a country and that international trade would be good for our economy. But we want not only free trade, we want fair trade.

☐ 1945

We are going to be Uncle Sam instead of "Uncle Sap" in these trade relationships. It had to be fair. It had to be right for our workers.

As I say, this opportunity came along in a bipartisan way to say that unless labor and environmental standards were part of a trade agreement, it couldn't even be considered. It didn't mean it would be considered, but that was the threshold that all of these agreements had to cross. And then they would be judged on their individual merits in terms of the agreement between our two countries.

Recognizing the fear and apprehension and uncertainty that exists in many families and homes across America because of their jobs going overseas, the businesses closing, their communities having a downturn, can't sell their home, all the consequences that go with that, the chairman put forth legislation that passed the House last week, which I hope that the President of the United States will sign. I think it is essential, essential, if we are going to accomplish anything on trade, on immigration or anything else, that people know that we share the concerns that they have and that we are doing something about it. So the trade adjustment in terms of training and opportunity and health care and all of those things was very, very important.

That was done in the context of other things to address the needs of America's working families. Hopefully we can pass SCHIP to get 10 million children to have their health insurance, pass legislation to make college more affordable, raise the minimum wage, have an Innovation Agenda that says if we are going to compete in the world, we must innovate. We can't just complain about trade, we must innovate. And that innovation begins in the classroom, and it takes us right back to our college affordability, our initiatives of K–12, early childhood education and the rest.

So I think we have to certainly be concerned about the impact of trade. It is self-evident and it is a challenge for us. But we cannot turn our backs on it. And I absolutely refuse to have the Democratic Party be viewed, and I say this to my Republican colleagues, I know you don't want to be viewed, but I have a responsibility also to my Democratic colleagues, I don't want this party to be viewed as an antitrade party.

So, let's make some distinctions. Take every trade agreement on its own merit. The Peru Free Trade Agreement rises to the level of acceptance. I am not saying it is perfect. It rises to the level of acceptance. Labor and environmental principles are in the core of the bill. Other changes we wanted to see were made by the Parliament in Peru. They passed the laws or they made the changes we said they needed to have.

So if you are ever going to support any trade agreement, I would think this would be the easiest one to do. Other trade agreements have other obstacles that have to be dealt with. I don't think we should shut the door on anything, because that gives nobody any motivation to make any change in what we would like to see as a free flow of goods to and from these countries.

It is frustrating, and I respect everything that has been said by my colleagues in this debate. I think it is all legitimate. Some, like MARCY KAPTUR, have been in this fight for a long time. Working families in America have no greater champion to advocate for the best possible outcome for them.

But, again, viewing in the context of we want to have an economy that is fairer, that we have a progressive economic agenda where many more people participate in the economic success of our country, that is why we raised the minimum wage and make college more affordable, et cetera, and that is why we are promoting our Innovation Agenda for energy security and reversing global warming, so we can create many more jobs, so America's farmers can fuel America's energy independence, where we will send our energy dollars to the Midwest and not to the Middle East. This is a bigger picture than the Peru Free Trade Agreement.

The Peru Free Trade Agreement is not a big deal in terms of trade agreements, but it is an important step into saying we can make distinctions about trade relationships that are grossly unfair to the American worker, greatly oppressive to the workers in their own countries and are not making people freer. And to those that are in furtherance of growing our own economy while helping to lift other economies in the world, I think in this case the Peru Free Trade Agreement goes in that direction.

So, that is why, my colleagues, I am supporting this. It may seem to be a departure to some of you from where I have been on other trade agreements. But it is a marked difference, a marked difference from where we were before, whether it was President Bush I, whether it was President Clinton, and where we are now.

Those many who have been on one side or the other of this all say it is an amazing accomplishment to have gotten that done. And for that, whatever the outcome of this vote is, for that I want to once again pay tribute to Chairman RANGEL and Chairman LEVIN, chairman of the subcommittee, for the great leadership and the work they did. I just want you to know why I was supporting this bill.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California has 2½ minutes remaining.

Mr. DREIER. Mr. Speaker, it is a great privilege for me to rise and join my California colleague, Speaker PELOSI, in support of this rule and in support of the underlying legislation.

We began this morning here with a brilliant address delivered by the new President of France, Nicolas Sarkozy. In that speech, he talked about the need for greater economic liberalization and the move towards markets. He talked about a new day in France and the fact that he is doing everything that he possibly can to make sure that they create new opportunities for economic growth and success in that country.

Well, Mr. Speaker, we all know that the United States of America, as President Sarkozy said, is the strongest, most powerful nation in the world, economically, geopolitically and militarily. And, Mr. Speaker, this agreement is about making sure that within our hemisphere, we have an opportunity, an opportunity to open up new markets for U.S. workers.

Now, I stumbled through an exchange with my friend from Ohio when I was talking about a great Ohio company, Whirlpool. What I was trying to say is that Whirlpool has projected that they will have a 400 percent increase in their level of exports from Ohio to Peru. And what does that mean? Whirlpool projects that it will create 9,000 new jobs for workers in Ohio.

Mr. Speaker, Peru, Colombia, Panama, through trade preferences that we have joined together in a bipartisan way in granting, have had access to the U.S. consumer. This agreement is not about free trade. It is about opening up new opportunities for U.S. workers, and it is about the security of this hemisphere.

Mr. Speaker, I urge my colleagues to support this rule and to support the underlying legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the U.S.-Peru Free Trade Agreement represents a new kind of policy, a new generation of free trade agreements. Since World War II, our international trade policy has been driven by a broad commitment to expanding economic opportunity for Americans. Producers from across the country must have access to international markets to stay competitive in an increasingly global economy.

However, we must carefully construct each agreement in a way that is fair, sound and beneficial to all countries involved. The administration's initial agreement with Peru was none of the above. I am proud that our leadership took an unprecedented and hands-on approach to ensure that this particular agreement incorporated the values and principles of the American people.

Mr. Speaker, this agreement is different than previous agreements. The labor and environmental protections in this agreement are stronger than any other previous free trade agreement. As our Nation's trade policy moves forward, I urge our colleagues to consider each potential free trade agreement on its merits. We cannot dwell on past flawed agreements. We must look toward the future with full confidence in our companies and in our workers and say that American products can compete with anyone, anywhere, at any time.

Mr. Speaker, we must lead by example, and I commend Mr. RANGEL and Mr. LEVIN for the diligent work on this agreement.

Mr. Speaker, I urge a "yes" vote on the previous question and on the resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Ms. KAPTUR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 349, noes 55, not voting 28, as follows:

[Roll No. 1059]

### AYES—349

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Bonner
Bono
Boozman
Boswell
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeGette
Delahunt
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Hall (TX)
Harman
Hastert
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pascrell
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wynn
Yarmuth

### NOES—55

Altmire
Baldwin
Boyda (KS)
Brown-Waite, Ginny
Burgess
Conyers
Costello
Courtney
Culberson
Davis (IL)
DeFazio
DeLauro
Doyle
Duncan
Ellison
Filner
Goode
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hayes
Hoekstra
Holden
Hunter
Jones (NC)
Kaptur
Kennedy
Kildee
Kucinich
Langevin
Lipinski
McCotter
McIntyre
Michaud
Mollohan
Pallone
Payne
Perlmutter
Peterson (MN)
Rahall
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Sherman
Shuler
Stupak
Sutton
Taylor
Tiberi
Walz (MN)
Waters
Whitfield
Wu

### NOT VOTING—28

Bishop (UT)
Boehner
Boren
Boucher
Braley (IA)
Buyer
Carson
Cubin
Davis, Tom
Diaz-Balart, L.
Giffords
Hinojosa
Jindal
LaHood
Lewis (CA)
Miller (FL)
Miller, George
Murphy, Tim
Myrick
Oberstar
Paul
Radanovich
Stark
Stearns
Udall (CO)
Watson
Young (AK)
Young (FL)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2023

Mr. MOLLOHAN, Mr. GRIJALVA, Ms. WATERS and Mr. PAYNE changed their vote from "aye" to "no."

Messrs. WAMP, PETERSON of Pennsylvania, HALL of Texas, and GOHMERT changed their vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2602. An act to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility".

The message also announced that the Senate, having had under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3043) "An Act making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.", it was

*Resolved*, That the Senate defeated the conference report on a point of order raised under Rule XXVIII, paragraph 3; be it further

*Resolved*, That the Senate recedes from its amendment, to the aforesaid bill, with an amendment.

## LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, I know this will come as an extraordinary disappointment to all of the Members in the House, but in consultation with my friend the minority whip, and in consultation with Mr. LEVIN, the chairman of the subcommittee, and Mr. RANGEL, and I have not talked to Mr. McCRERY and I apologize for that, but I think that the way we will proceed, we will proceed to debate tonight, I'm trying to elongate this announcement because so many times people are so angry at me for scheduling. I think it's one of the few opportunities I get to make people a little bit happy. But we will save 20 minutes of debate. We will do all but 20 minutes of the allocated debate. There are four sides to this. Five, five, five and five, we will save for tomorrow, and we will commence that at the conclusion of the 1-minutes. There are 10 a side. So that will take about 20, 25 minutes, and we will commence the closing of debate, and then we will have the vote on this bill immediately following that debate.

Mr. RANGEL. Would the gentleman yield on this?

Mr. HOYER. I yield to the gentleman.

Mr. RANGEL. You know, the committee's put a lot of time on this bill, but after considerable thought, I just thought it would be fair to tell the majority leader that I agree with you 100 percent.

Mr. HOYER. I knew this was going to be a good night.

## UNITED STATES-PERU TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 801, I call up the bill (H.R. 3688) to implement the United States-Peru Trade Promotion Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3688

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Peru Trade Promotion Agreement Implementation Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Additional duties on certain agricultural goods.
Sec. 203. Rules of origin.
Sec. 204. Customs user fees.
Sec. 205. Disclosure of incorrect information; false certifications of origin; denial of preferential tariff treatment.
Sec. 206. Reliquidation of entries.
Sec. 207. Recordkeeping requirements.
Sec. 208. Enforcement relating to trade in textile or apparel goods.
Sec. 209. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Confidential business information.

Subtitle C—Cases Under Title II of the Trade Act of 1974

Sec. 331. Findings and action on goods of Peru.

TITLE IV—PROCUREMENT

Sec. 401. Eligible products.

TITLE V—TRADE IN TIMBER PRODUCTS OF PERU

Sec. 501. Enforcement relating to trade in timber products of Peru.
Sec. 502. Report to Congress.

TITLE VI—OFFSETS

Sec. 601. Customs user fees.
Sec. 602. Time for payment of corporate estimated taxes.

### SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the free trade agreement between the United States and Peru entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Peru for their mutual benefit;

(3) to establish free trade between the United States and Peru through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement.

### SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the United States-Peru Trade Promotion Agreement approved by Congress under section 101(a)(1).

(2) COMMISSION.—The term "Commission" means the United States International Trade Commission.

(3) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(4) TEXTILE OR APPAREL GOOD.—The term "textile or apparel good" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)), other than a good listed in Annex 3-C of the Agreement.

## TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

### SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Peru Trade Promotion Agreement entered into on April 12, 2006, with the Government of Peru, as amended on June 24 and June 25, 2007, respectively, by the United States and Peru, and submitted to Congress on September 27, 2007; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on September 27, 2007.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Peru has taken measures necessary to comply with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Peru providing for the entry into force, on or after January 1, 2008, of the Agreement with respect to the United States.

### SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

### SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

### SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met, has expired; and

(4) the President has consulted with the committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

### SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 21 of the Agreement. The office shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2007 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 21 of the Agreement.

### SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.16.1(a)(i)(C) or article 10.16.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

### SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, this Act (other than this subsection) and the amendments made by this Act shall cease to have effect.

## TITLE II—CUSTOMS PROVISIONS

### SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.3.13, and Annex 2.3 of the Agreement.

(2) EFFECT ON GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Peru as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Peru regarding the staging of any duty treatment set forth in Annex 2.3 of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Peru provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 2.3 of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

(d) TARIFF RATE QUOTAS.—In implementing the tariff rate quotas set forth in Appendix I to the Schedule of the United States to Annex 2.3 of the Agreement, the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States.

### SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE NTR (MFN) RATE OF DUTY.—The term "applicable NTR (MFN) rate of duty" means, with respect to a safeguard good, a rate of duty equal to the lowest of—

(A) the base rate in the Schedule of the United States to Annex 2.3 of the Agreement;

(B) the column 1 general rate of duty that would, on the day before the date on which the Agreement enters into force, apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good; or

(C) the column 1 general rate of duty that would, at the time the additional duty is imposed under subsection (b), apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good.

(2) SCHEDULE RATE OF DUTY.—The term "schedule rate of duty" means, with respect to a safeguard good, the rate of duty for that good that is set forth in the Schedule of the United States to Annex 2.3 of the Agreement.

(3) SAFEGUARD GOOD.—The term "safeguard good" means a good—

(A) that is included in the Schedule of the United States to Annex 2.18 of the Agreement;

(B) that qualifies as an originating good under section 203, except that operations performed in or material obtained from the United States shall be considered as if the operations were performed in, and the material was obtained from, a country that is not a party to the Agreement; and

(C) for which a claim for preferential tariff treatment under the Agreement has been made.

(b) ADDITIONAL DUTIES ON SAFEGUARD GOODS.—

(1) IN GENERAL.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, the Secretary of the Treasury shall assess a duty, in the amount determined under paragraph (2), on a safeguard good imported into the United States in a calendar year if the Secretary determines that, prior to such importation, the total volume of that safeguard good that is imported into the United States in that calendar year exceeds 130 percent of the volume that is provided for that safeguard good in the corresponding year in the applicable table contained in Appendix I of the General Notes to the Schedule of the United States to Annex 2.3 of the Agreement. For purposes of this subsection, year 1 in that table corresponds to the calendar year in which the Agreement enters into force.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty on a safeguard good under this subsection shall be—

(A) in years 1 through 12, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(B) in years 13 through 16, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.

(3) NOTICE.—Not later than 60 days after the Secretary of the Treasury first assesses an additional duty in a calendar year on a good under this subsection, the Secretary shall notify the Government of Peru in writing of such action and shall provide to that Government data supporting the assessment of the additional duty.

(c) EXCEPTIONS.—No additional duty shall be assessed on a good under subsection (b) if, at the time of entry, the good is subject to import relief under—

(1) subtitle A of title III of this Act; or

(2) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(d) TERMINATION.—The assessment of an additional duty on a good under subsection (b) shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Schedule of the United States to Annex 2.3 of the Agreement.

### SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, such reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Peru or the United States).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of Peru, the United States, or both;

(2) the good—

(A) is produced entirely in the territory of Peru, the United States, or both, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 3–A or Annex 4.1 of the Agreement; or

(ii) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 3–A or Annex 4.1 of the Agreement; and

(B) satisfies all other applicable requirements of this section; or

(3) the good is produced entirely in the territory of Peru, the United States, or both, exclusively from materials described in paragraph (1) or (2).

(c) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of a good referred to in Annex 4.1 of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV - VNM}{AV} \; 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term "RVC" means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term "AV" means the adjusted value of the good.

(iii) VNM.—The term "VNM" means the value of nonoriginating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV} \; 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term "RVC" means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term "AV" means the adjusted value of the good.

(iii) VOM.—The term "VOM" means the value of originating materials that are acquired or self-produced, and used by the producer in the production of the good.

(4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE GOODS.—

(A) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 4.1 of the Agreement shall be calculated by the importer, exporter, or producer of the good, on the basis of the following net cost method:

$$RVC = \frac{NC - VNM}{NC} \; 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AUTOMOTIVE GOOD.—The term "automotive good" means a good provided for in any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or any of headings 8701 through 8708.

(ii) RVC.—The term "RVC" means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term "NC" means the net cost of the automotive good.

(iv) VNM.—The term "VNM" means the value of nonoriginating materials that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) MOTOR VEHICLES.—

(i) BASIS OF CALCULATION.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the formula contained in subparagraph (A), over the producer's fiscal year—

(I) with respect to all motor vehicles in any one of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of the United States or Peru.

(ii) CATEGORIES.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, is in the same class of motor vehicles, and is produced in the same plant in the territory of Peru or the United States, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of Peru or the United States, as the good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in the territory of Peru or the United States as the good described in clause (i) for which regional value-content is being calculated.

(D) OTHER AUTOMOTIVE GOODS.—For purposes of determining the regional value-content under subparagraph (A) for automotive materials provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) the fiscal year of the producer of such goods,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to 1 or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for such goods that are exported to the territory of Peru or the United States.

(E) CALCULATING NET COST.—The importer, exporter, or producer of an automotive good shall, consistent with the provisions regarding allocation of costs provided for in generally accepted accounting principles, determine the net cost of the automotive good under subparagraph (B) by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with respect to the automotive good so that the aggregate of these costs does not include any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (c), and for purposes of applying the de minimis rules under subsection (f), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation by the producer; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Peru, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Peru, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Peru, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Peru, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of Peru, the United States, or both.

(e) ACCUMULATION.—

(1) ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF ANOTHER COUNTRY.—Originating materials from the territory of Peru or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of such other country.

(2) MULTIPLE PRODUCERS.—A good that is produced in the territory of Peru, the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(f) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 4.1 of the Agreement is an originating good if—

(A)(i) the value of all nonoriginating materials that—

(I) are used in the production of the good, and

(II) do not undergo the applicable change in tariff classification (set forth in Annex 4.1 of the Agreement),

does not exceed 10 percent of the adjusted value of the good;

(ii) the good meets all other applicable requirements of this section; and

(iii) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good; or

(B) the good meets the requirements set forth in paragraph 2 of Annex 4.6 of the Agreement.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90, that is used in the production of a good provided for in chapter 4.

(B) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90, that is used in the production of any of the following goods:

(i) Infant preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.10.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90.

(iv) Goods provided for in heading 2105.

(v) Beverages containing milk provided for in subheading 2202.90.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11 through 2009.39, that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90.

(D) A nonoriginating material provided for in heading 0901 or 2101 that is used in the production of a good provided for in heading 0901 or 2101.

(E) A nonoriginating material provided for in chapter 15 that is used in the production of a good provided for in any of headings 1501 through 1508, or any of headings 1511 through 1515.

(F) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(G) A nonoriginating material provided for in chapter 17 that is used in the production of a good provided for in subheading 1806.10.

(H) Except as provided in subparagraphs (A) through (G) and Annex 4.1 of the Agreement, a nonoriginating material used in the production of a good provided for in any of chapters 1 through 24, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(I) A nonoriginating material that is a textile or apparel good.

(3) TEXTILE OR APPAREL GOODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification, set forth in Annex 3–A of the Agreement, shall be considered to be an originating good if—

(i) the total weight of all such fibers or yarns in that component is not more than 10 percent of the total weight of that component; or

(ii) the yarns are those described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)(vi)(IV)) (as in effect on the date of the enactment of this Act).

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Peru, the United States, or both.

(C) YARN, FABRIC, OR FIBER.—For purposes of this paragraph, in the case of a good that is a yarn, fabric, or fiber, the term "component of the good that determines the tariff classification of the good" means all of the fibers in the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TARIFF TREATMENT.—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term "inventory management method" means—

(i) averaging;

(ii) "last-in, first-out";

(iii) "first-in, first-out"; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Peru or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of such person.

(h) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 4.1 of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are classified with and not invoiced separately from the good, regardless of whether such accessories, spare parts, or tools are specified or are separately identified in the invoice for the good; and

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(3) REGIONAL VALUE-CONTENT.—If the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 3-A or Annex 4.1 of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) INDIRECT MATERIALS.—An indirect material shall be treated as an originating material without regard to where it is produced.

(l) TRANSIT AND TRANSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territory of Peru or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Peru or the United States; or

(2) does not remain under the control of customs authorities in the territory of a country other than Peru or the United States.

(m) GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 3-A and Annex 4.1 of the Agreement, goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless—

(1) each of the goods in the set is an originating good; or

(2) the total value of the nonoriginating goods in the set does not exceed—

(A) in the case of textile or apparel goods, 10 percent of the adjusted value of the set; or

(B) in the case of a good, other than a textile or apparel good, 15 percent of the adjusted value of the set.

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term "adjusted value" means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), adjusted, if necessary, to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) CLASS OF MOTOR VEHICLES.—The term "class of motor vehicles" means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(3) FUNGIBLE GOOD OR FUNGIBLE MATERIAL.—The term "fungible good" or "fungible material" means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(4) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term "generally accepted accounting principles" means the recognized consensus or substantial authoritative support in the territory of Peru or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements. The principles may encompass broad guidelines of general application as well as detailed standards, practices, and procedures.

(5) GOOD WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF PERU, THE UNITED STATES, OR BOTH.—The term "good wholly obtained or produced entirely in the territory of Peru, the United States, or both" means any of the following:

(A) Plants and plant products harvested or gathered in the territory of Peru, the United States, or both.

(B) Live animals born and raised in the territory of Peru, the United States, or both.

(C) Goods obtained in the territory of Peru, the United States, or both from live animals.

(D) Goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Peru, the United States, or both.

(E) Minerals and other natural resources not included in subparagraphs (A) through (D) that are extracted or taken from the territory of Peru, the United States, or both.

(F) Fish, shellfish, and other marine life taken from the sea, seabed, or subsoil outside the territory of Peru or the United States by—

(i) a vessel that is registered or recorded with Peru and flying the flag of Peru; or

(ii) a vessel that is documented under the laws of the United States.

(G) Goods produced on board a factory ship from goods referred to in subparagraph (F), if such factory ship—

(i) is registered or recorded with Peru and flies the flag of Peru; or

(ii) is a vessel that is documented under the laws of the United States.

(H)(i) Goods taken by Peru or a person of Peru from the seabed or subsoil outside the territorial waters of Peru, if Peru has rights to exploit such seabed or subsoil.

(ii) Goods taken by the United States or a person of the United States from the seabed or subsoil outside the territorial waters of the United States, if the United States has rights to exploit such seabed or subsoil.

(I) Goods taken from outer space, if the goods are obtained by Peru or the United States or a person of Peru or the United States and not processed in the territory of a country other than Peru or the United States.

(J) Waste and scrap derived from—

(i) manufacturing or processing operations in the territory of Peru, the United States, or both; or

(ii) used goods collected in the territory of Peru, the United States, or both, if such goods are fit only for the recovery of raw materials.

(K) Recovered goods derived in the territory of Peru, the United States, or both, from used goods, and used in the territory of Peru, the United States, or both, in the production of remanufactured goods.

(L) Goods, at any stage of production, produced in the territory of Peru, the United States, or both, exclusively from—

(i) goods referred to in any of subparagraphs (A) through (J), or

(ii) the derivatives of goods referred to in clause (i).

(6) IDENTICAL GOODS.—The term "identical goods" means goods that are the same in all respects relevant to the rule of origin that qualifies the goods as originating goods.

(7) INDIRECT MATERIAL.—The term "indirect material" means a good used in the production, testing, or inspection of another good but not physically incorporated into that other good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of another good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the other good but the use of which in the production of the other good can reasonably be demonstrated to be a part of that production.

(8) MATERIAL.—The term "material" means a good that is used in the production of another good, including a part or an ingredient.

(9) MATERIAL THAT IS SELF-PRODUCED.—The term "material that is self-produced" means an originating material that is produced by a producer of a good and used in the production of that good.

(10) MODEL LINE OF MOTOR VEHICLES.—The term "model line of motor vehicles" means a group of motor vehicles having the same platform or model name.

(11) NET COST.—The term "net cost" means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and non-allowable interest costs that are included in the total cost.

(12) NONALLOWABLE INTEREST COSTS.—The term "nonallowable interest costs" means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the country in which the producer is located.

(13) NONORIGINATING GOOD OR NONORIGINATING MATERIAL.—The terms "nonoriginating good" and "nonoriginating material" mean a good or material, as the case may be, that does not qualify as originating under this section.

(14) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—The term "packing materials and containers for shipment" means goods used to protect another good during its transportation and does not include the packaging materials and containers in which the other good is packaged for retail sale.

(15) PREFERENTIAL TARIFF TREATMENT.—The term "preferential tariff treatment" means the customs duty rate, and the treatment under article 2.10.4 of the Agreement, that are applicable to an originating good pursuant to the Agreement.

(16) PRODUCER.—The term "producer" means a person who engages in the production of a good in the territory of Peru or the United States.

(17) PRODUCTION.—The term "production" means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(18) REASONABLY ALLOCATE.—The term "reasonably allocate" means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(19) RECOVERED GOODS.—The term "recovered goods" means materials in the form of individual parts that are the result of—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(20) REMANUFACTURED GOOD.—The term "remanufactured good" means an industrial good assembled in the territory of Peru or the United States, or both, that is classified under chapter 84, 85, 87, or 90 or heading 9402, other than a good classified under heading 8418 or 8516, and that—

(A) is entirely or partially comprised of recovered goods; and

(B) has a similar life expectancy and enjoys a factory warranty similar to such a good that is new.

(21) TOTAL COST.—

(A) IN GENERAL.—The term "total cost"—

(i) means all product costs, period costs, and other costs for a good incurred in the territory of Peru, the United States, or both; and

(ii) does not include profits that are earned by the producer, regardless of whether they are retained by the producer or paid out to other persons as dividends, or taxes paid on those profits, including capital gains taxes.

(B) OTHER DEFINITIONS.—In this paragraph:

(i) PRODUCT COSTS.—The term "product costs" means costs that are associated with the production of a good and include the value of materials, direct labor costs, and direct overhead.

(ii) PERIOD COSTS.—The term "period costs" means costs, other than product costs, that are expensed in the period in which they are incurred, such as selling expenses and general and administrative expenses.

(iii) OTHER COSTS.—The term "other costs" means all costs recorded on the books of the producer that are not product costs or period costs, such as interest.

(22) USED.—The term "used" means utilized or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 3–A and Annex 4.1 of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title consistent with the Agreement.

(2) FABRICS AND YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—The President is authorized to proclaim that a fabric or yarn is added to the list in Annex 3–B of the Agreement in an unrestricted quantity, as provided in article 3.3.5(e) of the Agreement.

(3) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 (as included in Annex 3–A of the Agreement).

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 (as included in Annex 3–A of the Agreement).

(4) FABRICS, YARNS, OR FIBERS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN PERU AND THE UNITED STATES.—

(A) IN GENERAL.—Notwithstanding paragraph (3)(A), the list of fabrics, yarns, and fibers set forth in Annex 3–B of the Agreement may be modified as provided for in this paragraph.

(B) DEFINITIONS.—In this paragraph:

(i) The term "interested entity" means the Government of Peru, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good.

(ii) All references to "day" and "days" exclude Saturdays, Sundays, and legal holidays observed by the Government of the United States.

(C) REQUESTS TO ADD FABRICS, YARNS, OR FIBERS.—(i) An interested entity may request the President to determine that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Peru and the United States and to add that fabric, yarn, or fiber to the list in Annex 3–B of the Agreement in a restricted or unrestricted quantity.

(ii) After receiving a request under clause (i), the President may determine whether—

(I) the fabric, yarn, or fiber is available in commercial quantities in a timely manner in Peru or the United States; or

(II) any interested entity objects to the request.

(iii) The President may, within the time periods specified in clause (iv), proclaim that the fabric, yarn, or fiber that is the subject of the request is added to the list in Annex 3–B of the Agreement in an unrestricted quantity, or in any restricted quantity that the President may establish, if the President has determined under clause (ii) that—

(I) the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Peru and the United States; or

(II) no interested entity has objected to the request.

(iv) The time periods within which the President may issue a proclamation under clause (iii) are—

(I) not later than 30 days after the date on which a request is submitted under clause (i); or

(II) not later than 44 days after the request is submitted, if the President determines, within 30 days after the date on which the request is submitted, that the President does not have sufficient information to make a determination under clause (ii).

(v) Notwithstanding section 103(a)(2), a proclamation made under clause (iii) shall take effect on the date on which the text of the proclamation is published in the Federal Register.

(vi) Not later than 6 months after proclaiming under clause (iii) that a fabric, yarn, or fiber is added to the list in Annex 3–B of the Agreement in a restricted quantity, the President may eliminate the restriction if the President determines that the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Peru and the United States.

(D) DEEMED APPROVAL OF REQUEST.—If, after an interested entity submits a request under subparagraph (C)(i), the President does not, within the applicable time period specified in subparagraph (C)(iv), make a determination under subparagraph (C)(ii) regarding the request, the fabric, yarn, or fiber that is the subject of the request shall be considered to be added, in an unrestricted quantity, to the list in Annex 3–B of the Agreement beginning—

(i) 45 days after the date on which the request was submitted; or

(ii) 60 days after the date on which the request was submitted, if the President made a determination under subparagraph (C)(iv)(II).

(E) REQUESTS TO RESTRICT OR REMOVE FABRICS, YARNS, OR FIBERS.—(i) Subject to clause (ii), an interested entity may request the President to restrict the quantity of, or remove from the list in Annex 3–B of the Agreement, any fabric, yarn, or fiber—

(I) that has been added to that list in an unrestricted quantity pursuant to paragraph (2) or subparagraph (C)(iii) or (D) of this paragraph; or

(II) with respect to which the President has eliminated a restriction under subparagraph (C)(vi).

(ii) An interested entity may submit a request under clause (i) at any time beginning 6 months after the date of the action described in subclause (I) or (II) of that clause.

(iii) Not later than 30 days after the date on which a request under clause (i) is submitted, the President may proclaim an action provided for under clause (i) if the President determines that the fabric, yarn, or fiber that is the subject of the request is available in commercial quantities in a timely manner in Peru or the United States.

(iv) A proclamation under clause (iii) shall take effect no earlier than the date that is 6 months after the date on which the text of the proclamation is published in the Federal Register.

(F) PROCEDURES.—The President shall establish procedures—

(i) governing the submission of a request under subparagraphs (C) and (E); and

(ii) providing an opportunity for interested entities to submit comments and supporting evidence before the President makes a determination under subparagraph (C) (ii) or (vi) or (E)(iii).

### SEC. 204. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (17) the following:

"(18) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 203 of the United States-Peru Trade Promotion Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.".

### SEC. 205. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following new paragraph:

"(10) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES-PERU TRADE PROMOTION AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 203 of the United States-Peru Trade Promotion Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, promptly and voluntarily makes a corrected declaration and pays any duties owing with respect to that good."; and

(2) by adding at the end the following new subsection:

"(i) FALSE CERTIFICATIONS OF ORIGIN UNDER THE UNITED STATES-PERU TRADE PROMOTION AGREEMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a PTPA certification of origin (as defined in section 508(h)(1)(B) of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin provided for in section 203 of the United States-Peru Trade Promotion Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

"(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a PTPA certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certification was issued.

"(3) EXCEPTION.—A person shall not be considered to have violated paragraph (1) if—

"(A) the information was correct at the time it was provided in a PTPA certification of origin but was later rendered incorrect due to a change in circumstances; and

"(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.".

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

"(i) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE UNITED STATES-PERU TRADE PROMOTION AGREEMENT.—If U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement of the Department of Homeland Security finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin provided for in section 203 of the United States-Peru Trade Promotion Agreement Implementation Act, U.S. Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may suspend preferential tariff treatment under the United States-Peru Trade Promotion Agreement to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until U.S. Customs and Border Protection determines that representations of that person are in conformity with such section 203.".

### SEC. 206. RELIQUIDATION OF ENTRIES.

Subsection (d) of section 520 of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1)—

(1) by striking "or"; and

(2) by striking "for which" and inserting ", or section 203 of the United States-Peru Trade Promotion Agreement Implementation Act for which".

### SEC. 207. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by redesignating subsection (h) as subsection (i);

(2) by inserting after subsection (g) the following new subsection:

"(h) CERTIFICATIONS OF ORIGIN FOR GOODS EXPORTED UNDER THE UNITED STATES-PERU TRADE PROMOTION AGREEMENT.—

"(1) DEFINITIONS.—In this subsection:

"(A) RECORDS AND SUPPORTING DOCUMENTS.—The term 'records and supporting documents' means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

"(i) the purchase, cost, and value of, and payment for, the good;

"(ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and

"(iii) the production of the good in the form in which it was exported.

"(B) PTPA CERTIFICATION OF ORIGIN.—The term 'PTPA certification of origin' means the certification established under article 4.15 of the United States-Peru Trade Promotion Agreement that a good qualifies as an originating good under such Agreement.

"(2) EXPORTS TO PERU.—Any person who completes and issues a PTPA certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

"(3) RETENTION PERIOD.—The person who issues a PTPA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued."; and

(3) in subsection (i), as so redesignated—

(A) by striking "(f) or (g)" and inserting "(f), (g), or (h)"; and

(B) by striking "either such subsection" and inserting "any such subsection".

### SEC. 208. ENFORCEMENT RELATING TO TRADE IN TEXTILE OR APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Peru to conduct a verification pursuant to article 3.2 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination of the Secretary that—

(A) an exporter or producer in Peru is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods; or

(B) a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203, or

(ii) is a good of Peru,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that there is insufficient information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support that claim;

(2) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that the person has provided incorrect information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that a person has provided incorrect information to support that claim;

(3) detention of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine the country of origin of any such good; and

(4) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that the person has provided incorrect information as to the country of origin of any such good.

(c) ACTION ON COMPLETION OF A VERIFICATION.—On completion of a verification under subsection (a), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make the determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that there is insufficient information to support, or that the person has provided incorrect information to support, any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support, or that a person has provided incorrect information to support, that claim; and

(2) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine, or that the person has provided incorrect information as to, the country of origin of any such good.

(e) PUBLICATION OF NAME OF PERSON.—In accordance with article 3.2.6 of the Agreement, the Secretary may publish the name of any person that the Secretary has determined—

(1) is engaged in circumvention of applicable laws, regulations, or procedures affecting trade in textile or apparel goods; or

(2) has failed to demonstrate that it produces, or is capable of producing, textile or apparel goods.

### SEC. 209. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 203;

(2) the amendment made by section 204; and

(3) any proclamation issued under section 203(o).

## TITLE III—RELIEF FROM IMPORTS

### SEC. 301. DEFINITIONS.

In this title:

(1) PERUVIAN ARTICLE.—The term "Peruvian article" means an article that qualifies as an originating good under section 203(b).

(2) PERUVIAN TEXTILE OR APPAREL ARTICLE.—The term "Peruvian textile or apparel article" means a textile or apparel good (as defined in section 3(4)) that is a Peruvian article.

### Subtitle A—Relief From Imports Benefiting From the Agreement

### SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Peruvian article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Peruvian article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Peruvian article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Peruvian article under this subtitle.

### SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—

(1) IN GENERAL.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) LIMITATION ON RELIEF.—The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c).

(3) VOTING; SEPARATE VIEWS.—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination referred to in paragraph (1) and any finding or recommendation referred to in paragraph (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public the report (with the exception of information which the Commission determines to be confidential) and shall publish a summary of the report in the Federal Register.

### SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2.3 of the Agreement in the duty imposed on the article.

(B) An increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 8.2.2 of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 2 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section by up to 2 years, if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) INVESTIGATION.—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date that is 9 months, and not later than the date that is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) NOTICE AND HEARING.—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) REPORT.—The Commission shall submit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 4 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States to Annex 2.3 of the Agreement, would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which such termination occurs shall be, at the discretion of the President, either—

(A) the applicable rate of duty for that article set forth in the Schedule of the United States to Annex 2.3 of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set forth in the Schedule of the United States to Annex 2.3 of the Agreement for the elimination of the tariff.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on—

(1) any article that is subject to import relief under—

(A) subtitle B; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); or

(2) any article on which an additional duty assessed under section 202(b) is in effect.

### SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set forth in the Schedule of the United States to Annex 2.3 of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which that period ends.

### SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

### SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking "and"; and

(2) by inserting before the period at the end ", and title III of the United States-Peru Trade Promotion Agreement Implementation Act".

## Subtitle B—Textile and Apparel Safeguard Measures

### SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request for action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall publish in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

### SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the elimination of a duty under the Agreement, a Peruvian textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits and losses, and investment, no one of which is necessarily decisive; and

(B) shall not consider changes in consumer preference or changes in technology in the United States as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

### SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President provides under section 322(b) may not be in effect for more than 2 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 1 year, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 3 years.

### SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to an article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

### SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

On the date on which import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief.

### SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 5 years after the date on which the Agreement enters into force.

### SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

### SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information received in connection with an investigation or determination under this subtitle which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information, the party shall also provide a nonconfidential version of the information in which the confidential business information is summarized or, if necessary, deleted.

## Subtitle C—Cases Under Title II of the Trade Act of 1974

### SEC. 331. FINDINGS AND ACTION ON GOODS OF PERU.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article of Peru that qualify as originating goods under section 203(b) are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING IMPORTS OF PERU.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the President may exclude from the action goods of Peru with respect to which the Commission has made a negative finding under subsection (a).

## TITLE IV—PROCUREMENT

### SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking "or" at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting "; or"; and

(3) by adding at the end the following new clause:

"(vii) a party to the United States-Peru Trade Promotion Agreement, a product or service of that country or instrumentality which is covered under that agreement for procurement by the United States.".

## TITLE V—TRADE IN TIMBER PRODUCTS OF PERU

### SEC. 501. ENFORCEMENT RELATING TO TRADE IN TIMBER PRODUCTS OF PERU.

(a) ESTABLISHMENT OF INTERAGENCY COMMITTEE.—Not later than 90 days after the date on which the Agreement enters into force, the President shall establish an Interagency Committee (in this section referred to as the "Committee"). The Committee shall be responsible for overseeing the implementation of Annex 18.3.4 of the Agreement, including by undertaking such actions and making such determinations provided for in this section that are not otherwise authorized under law.

(b) AUDIT.—The Committee may request that the Government of Peru conduct an audit, pursuant to paragraph 6(b) of Annex 18.3.4 of the Agreement, to determine whether a particular producer or exporter in Peru is complying with all applicable laws, regulations, and other measures of Peru governing the harvest of, and trade in, timber products.

(c) VERIFICATION.—

(1) IN GENERAL.—The Committee may request the Government of Peru to conduct a verification, pursuant to paragraph 7 of Annex 18.3.4 of the Agreement, for the purpose of determining whether, with respect to a particular shipment of timber products from Peru to the United States, the producer or exporter of the products has complied with applicable laws, regulations, and other measures of Peru governing the harvest of, and trade in, the products.

(2) ACTIONS OF COMMITTEE.—If the Committee requests a verification under paragraph (1), the Committee shall—

(A) to the extent authorized under law, provide the Government of Peru with trade and transit documents and other information to assist Peru in conducting the verification; and

(B) direct U.S. Customs and Border Protection to take any appropriate action described in paragraph (4).

(3) REQUEST TO PARTICIPATE IN VERIFICATION VISIT.—The Committee may request the Government of Peru to permit officials of any agency represented on the Committee to participate in any visit conducted by Peru of the premises of a person that is the subject of the verification requested under paragraph (1) (in this section referred to as a "verification visit"). Such request shall be submitted in writing not later than 10 days before any scheduled verification visit and shall identify the names and titles of the officials intending to participate.

(4) APPROPRIATE ACTION PENDING THE RESULTS OF VERIFICATION.—While the results of a verification requested under paragraph (1) are pending, the Committee may direct U.S. Customs and Border Protection to—

(A) detain the shipment that is the subject of the verification; or

(B) if the Committee has requested under paragraph (3) to have an official of any agency represented on the Committee participate in the verification visit and the Government of Peru has denied the request, deny entry to the shipment that is the subject of the verification.

(5) DETERMINATION UPON RECEIPT OF REPORT.—

(A) IN GENERAL.—Within a reasonable time after the Government of Peru provides a report to the Committee describing the results of a verification requested under paragraph (1), the Committee shall determine whether any action is appropriate.

(B) DETERMINATION OF APPROPRIATE ACTION.—In determining the appropriate action to take and the duration of the action, the Committee shall consider any relevant factors, including—

(i) the verification report issued by the Government of Peru;

(ii) any information that officials of the United States have obtained regarding the shipment or person that is the subject of the verification; and

(iii) any information that officials of the United States have obtained during a verification visit.

(6) NOTIFICATION.—Before directing that action be taken under paragraph (7), the Committee shall notify the Government of Peru in writing of the action that will be taken and the duration of the action.

(7) APPROPRIATE ACTION.—If the Committee makes an affirmative determination under paragraph (5), it may take any action with respect to the shipment that was the subject of the verification, or the products of the relevant producer or exporter, that the Committee considers appropriate, including directing U.S. Customs and Border Protection to—

(A) deny entry to the shipment;

(B) if a determination has been made that a producer or exporter has knowingly provided false information to officials of Peru or the United States regarding a shipment, deny entry to products of that producer or exporter derived from any tree species listed in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249); or

(C) take any other action the Committee determines to be appropriate.

(8) TERMINATION OF APPROPRIATE ACTION.—Any action under paragraph (7)(B) shall terminate not later than the later of—

(A) the end of the period specified in the written notification pursuant to paragraph (6); or

(B) 15 days after the date on which the Government of Peru submits to the United States the results of an audit under paragraph 6 of Annex 18.3.4 of the Agreement that concludes that the person has complied with all applicable laws, regulations, and other measures of Peru governing the harvest of, and trade in, timber products.

(9) FAILURE TO PROVIDE VERIFICATION REPORT.—If the Committee determines that the Government of Peru has failed to provide a verification report, as required by paragraph 12 of Annex 18.3.4 of the Agreement, the Committee may take such action with respect to the relevant exporter's timber products as the Committee considers appropriate, including any action described in paragraph (7).

(d) CONFIDENTIALITY OF INFORMATION.—The Committee and any agency represented on the Committee shall not disclose to the public, except with the specific permission of the Government of Peru, any documents or information received in the course of an audit under subsection (b) or in the course of a verification under subsection (c).

(e) PUBLICLY AVAILABLE INFORMATION.—The Committee shall make any information exchanged with Peru under paragraph 17 of Annex 18.3.4 of the Agreement publicly available in a timely manner, in accordance with paragraph 18 of Annex 18.3.4 of the Agreement.

(f) COORDINATION WITH OTHER LAWS.—

(1) ENDANGERED SPECIES ACT; LACEY ACT.—In implementing this section, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Homeland Security, and the Secretary of the Treasury shall provide for appropriate coordination with the administration of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.).

(2) OTHER LAWS.—Nothing in this section supersedes or limits in any manner the functions or authority of the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Homeland Security, or the Secretary of the Treasury under any other law, including laws relating to prohibited or restricted importations or possession of animals, plants, or other articles.

(3) EFFECT OF DETERMINATION.—No determination under this section shall preclude any proceeding or be considered determinative of any issue of fact or law in any proceeding under any law administered by the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Homeland Security, or the Secretary of the Treasury.

(g) FURTHER IMPLEMENTATION.—The Secretary of Agriculture, the Secretary of the Interior, the Secretary of Homeland Security, and the Secretary of the Treasury, in consultation with the Committee, shall prescribe such regulations as are necessary to carry out this section.

(h) RESOURCES FOR IMPLEMENTATION.—Not later than 90 days after the date on which the Agreement enters into force, and as appropriate thereafter, the President shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the resources, including staffing, needed to implement Annex 18.3.4 of the Agreement.

### SEC. 502. REPORT TO CONGRESS.

(a) IN GENERAL.—The United States Trade Representative, in consultation with the appropriate agencies, including U.S. Customs and Border Protection, the United States Fish and Wildlife Service, the Animal and Plant Health Inspection Service, the Forest Service, and the Department of State, shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on—

(1) steps the United States and Peru have taken to carry out Annex 18.3.4 of the Agreement; and

(2) activities related to forest sector governance carried out under the Environmental Cooperation Agreement entered into between the United States and Peru on July 24, 2006.

(b) TIMING OF REPORT.—The United States Trade Representative shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives under subsection (a)—

(1) not later than 1 year after the date on which the Agreement enters into force;

(2) not later than 2 years after the date on which the Agreement enters into force; and

(3) periodically thereafter.

## TITLE VI—OFFSETS

**SEC. 601. CUSTOMS USER FEES.**

(a) Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking "October 21, 2014" and inserting "December 13, 2014".

(b) Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking "October 7, 2014" and inserting "December 13, 2014".

**SEC. 602. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.**

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 (26 U.S.C. 6655 note) is amended by striking "115 percent" and inserting "115.75 percent".

The SPEAKER pro tempore. Pursuant to House Resolution 801, the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY), or their designees, each will control 45 minutes in favor of the bill; and the gentleman from Maine (Mr. MICHAUD) and the gentleman from Ohio (Mr. BOEHNER), or their designees, each will control 45 minutes in opposition to the bill.

The Chair understands that the gentleman from Louisiana (Mr. MCCRERY) also is the designee of Mr. BOEHNER. As such, Mr. MCCRERY controls a total of 90 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this historic, indeed, piece of legislation, and soon I would ask unanimous consent that you allow me to yield the balance of this time to Mr. LEVIN, who may not be able to be here the remainder of the night, and then I will come back to manage the rest of the time.

But I really want to thank Speaker PELOSI for having the broad understanding that this great Nation of ours cannot afford the luxury of having a Republican or Democratic trade policy.

What makes this Nation great is that people perceive us as being a country that will speak when we have any trade agreement, and that when the Democrats took the majority, we certainly did not want a Democratic trade bill. It was so embarrassing to have foreign trade ministers talk to Republicans and talk with the Democrats and saw we're a divided Nation.

She authorized those of us to work with the administration to see whether or not we can bring something that sounded as though it was the United States Congress speaking and being directed to allow them to be the delegations and negotiators.

I can tell you that JIM MCCRERY played such an important role, along with WALLY HERGER, and of course, I can't say enough about SANDY LEVIN being able to work with me and the staffs for the first time in over a decade. And on this issue, as so many other issues, you could not find a difference as we found the Republican staff and the Democratic staff in working not just during the day but working at night, working with the Peruvians and even going over there with some of us, with Mr. LEVIN and Ms. SCHWARTZ, went to talk with President Garcia and to see the respect and admiration they had with this great country, that they wanted to show their friendship and to have exchanges and to have us a stronger country.

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I know that, politically speaking, there are some people that find it very difficult to talk about supporting trade. They made commitments to a lot of people. Therefore, they have to do what they think is best.

It's absolutely ridiculous to believe that we can create jobs without trade. If we just are able to consume everything we manufacture, all the food that we grow, and not be able to have markets abroad, then this is not the great Nation that she is or hopes ever to be. So what we are talking about now is what's good for the country. We have to admit that we have done a terrible job in not recognizing the needs of people who have lost their jobs, lost their families, lost their industry, lost their community, lost their pride.

Mr. MCCRERY and I, we think that we have been able to convince the administration, as we go before the Business Roundtable and say our multinationals can't do just what's good for their shareholders, they have to do what's good for America. And if globalization and technology have hurt some of these communities and destroyed their will to want to be able to say that in this great country they have opportunities for themselves or their children, well, treat us just as good as you treat the developing countries. Bring your ideas, bring the technology and the Ways and Means Committee will provide the incentives to make certain that we can get back, and these communities may not be doing the same thing, but God knows they would be able to do something.

Here we have a bill that you don't have to be a trade specialist to know that if people are manufacturing and growing in the United States, and we are dealing with a developing country, and they are not only our friends, but they want to work with us, then we have an opportunity to tear down the trade barriers and to be able to get into their markets as they are able to get into our markets so easily.

And so there are those people that cannot vote for it, but I think that because our great Speaker and the Republican leadership allowed Mr. MCCRERY and I and SANDY and WALLY HERGER to negotiate something, it doesn't mean that every trade agreement is going to be one that everyone can agree to. What it does mean is that in every trade agreement, America's trade policy is going to be a part of it. How do you treat human beings? How do you treat child labor? How do you treat American investors? And how do you treat the environment? That's a great step forward.

I would hope, as the Speaker said, that as people are listening to who is calling in, remember the world is calling in. The world is watching how we treat friends, and people all over this country would not want us to believe that we are anti-fair trade and trade that creates jobs.

Some people thought I was being personal when I said don't say this trade agreement loses jobs, this is the only place that people are doing anything, growing anything, can work with people who want to do business with us. It's a great, historic opportunity.

Mr. Speaker, I do hope that people would want to be a part of this changing thing, where once again people would know that when you do business with the people of the United States, you're not doing business with Democrats because we control the House and Senate, and you're not doing business with Republicans, you're doing business with Americans who want to do the best for them, the best for this great country, to improve our quality of life. We can't do it by party, but we can do it by principle.

I thank you for this opportunity and I would ask consent to yield the balance of this time to Mr. LEVIN to be able to control until such time as he has to leave.

The SPEAKER pro tempore. The gentleman reserves the balance of his time.

Without objection, the gentleman from Michigan will control the time.

There was no objection.

Mr. MCCRERY. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I first want to endorse the remarks of my colleague, the chairman of the Ways and Means Committee, Mr. RANGEL.

Indeed, had it not been for his efforts and Chairman LEVIN's efforts, we would not be here on the floor about to pass the Peru Free Trade Agreement. There is no reason why this country should not have a bipartisan trade policy that is endorsed by both the executive branch and the legislative branch of government.

For too long, for whatever reasons, we have avoided trying to create that agreement that a majority of both major political parties in this country could stand behind and promote breaking down barriers to trade around the world.

I am hopeful that through the chairman's work and through Chairman LEVIN's work with the administration, we have at least gotten to first base on creating a policy that will allow us to move forward as one Nation trying to create a freer flow of goods and services around the world for the betterment, not just of this country, but for all the world.

I want to echo the words of Chairman RANGEL and say that I couldn't agree more with his words or his sentiment.

I also want to express my appreciation for the majority staff and the minority staff of the Trade Subcommittee of the Ways and Means Committee for lending their considerable talents to this effort. I think it's safe to say that without their efforts, without their cooperation, we wouldn't be here today. We wouldn't have the bipartisan framework that we announced back in May to allow us to get this far. I want to thank the staff for their hard work.

Needless to say, I rise in very strong support of this free trade agreement. I am glad we are here. I wish we had been here sooner, but we are here today, and it's a great day for that reason.

On May 10, precisely, Congress and the administration established that framework for advancing the four free trade agreements the United States has negotiated, Peru, Colombia, Panama and Korea. The Peru Free Trade Agreement is the first of those four trade agreements that Congress is considering.

As the Speaker said earlier, at least we have that framework in place that can allow us to look at free trade agreements that have been negotiated. Then each one, yes, of course, must be considered on its own merits. At least we have that framework in place, and that will allow us to, I am very hopeful, consider later in this Congress the Colombia FTA, the Panama FTA and the Korea FTA.

Trade is often blamed for the loss of jobs in this country, and certainly we know that there are losses of some jobs directly related to trade. But the truth is that trade creates a great many jobs in this country, and those jobs generally are high-paying jobs.

Trade also significantly increases the standard of living for Americans, as well as the peoples of other nations around the world by providing us with a wide variety of affordable goods, goods that are not only affordable but available.

Anybody who appreciates fresh produce in the winter or coffee with their breakfast should be a fan of free trade. Too often trade is portrayed as only having negative consequences for the United States' economy. But the facts are clear that today, more than ever, trade is the engine of economic growth in the United States.

As a senior economist at Goldman Sachs was saying last week, "Trade is the only thing holding up manufacturing." This is why passing this legislation, and then, I hope, moving expeditiously to pass the free trade agreements with Colombia, Panama and Korea is so critical to the economic well-being of the United States.

By the same token, we should also make sure that any workers adversely affected by trade have access to training and support. I am hopeful we will move in this Congress a bipartisan trade adjustment assistance reauthorization.

In light of the significance of trade to the United States' economy, Congress should promote our continued economic growth by passing the United States-Peru Trade Promotion Agreement. Today, virtually all imports from Peru come into the United States duty-free, while United States exports of goods and services to Peru face significant barriers, tariffs in Peru. It's a one-way street in favor of Peru today because of the trade preferences that are in effect.

This legislation before the House today will create a two-way street so that our goods and services can go to Peru with the same preferences, no tariffs, or very low tariffs that Peru goods and services come today to the United States. Not passing this agreement would perpetuate the competitive disadvantage faced by United States exporters into Peru.

Therefore, the impact of passing this bill should be crystal clear. This trade agreement will result in increased United States exports and an improvement in the United States trade balance with Peru.

I had the opportunity to travel to Peru recently with several of my colleagues and Secretary of Commerce Gutierrez earlier this fall. I saw firsthand how important this agreement is to Peru and to the entire region and how this agreement will strengthen an important ally of ours in that region.

Peru is resisting the efforts of Venezuela's authoritarian President Hugo Chavez to wage a war of words and ideas in Latin America against the United States. In fact, Chavez blatantly intervened in Peru's democratic elections, espousing sentiments against the United States and the principles for which America stands, democracy, free markets, liberty. On June 4, 2006, Peruvian voters decisively rejected Chavez's candidate in Peru and instead chose Alan Garcia to be their next president. The election was a sign of support from Peru that they reject Chavez's fiery populism and instead continue supporting Peru's current policies of economic engagement with the United States and market reform.

Congress should acknowledge the support of the people of Peru and pass this legislation by a strong margin. We should then turn to the remaining FTAs that have been negotiated.

I hope that the bipartisan spirit that resulted in the May 10 framework and the imminent passage of this legislation can help us make clear to all Americans that trade is a benefit for this country and that we must continue to pursue trade agreements that open markets for United States exports or risk letting our companies and workers being left behind in the global economy.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I would like to yield 1 minute to a gentleman who has been a strong advocate for fair trade deals, Mr. WU of Oregon.

Mr. WU. Mr. Speaker, I want to express my great respect to Chairman LEVIN and Chairman RANGEL and deep appreciation for the improvements that they have achieved in this bill compared to past trade bills. I came to Congress, ran for a Federal office, substantially to promote democracy, human rights and the rule of law, both at home and abroad. Trade agreements are one of the few, one of the key levers to promote democracy, human rights and the rule of law abroad.

So I regret that I cannot vote for this bill tonight because it does not put human rights on an equal footing with environmental and labor protections. But I do hope to work with the chairman and people on both sides of the aisle of goodwill to reach a day, some day, when human rights will be included in trade deliberations on an equal footing with environmental and labor protections.

Mr. McCRERY. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois, a member of the Ways and Means Committee, Mr. WELLER.

Mr. WELLER of Illinois. Let me begin by congratulating the chairman of this committee, Mr. RANGEL, and the chairman of the Trade Subcommittee, Mr. LEVIN, as well as the two ranking Republicans, Mr. McCRERY and Mr. HERGER, for their leadership in bringing this important trade agreement to the floor. I also want to congratulate Ambassador Susan Schwab, our trade negotiator, as well as her predecessor, Rob Portman, in their good work and frankly also congratulate the leadership of Peru, particularly President Garcia and former President Toledo and their administrations.

Mr. Speaker, trade is important to my State of Illinois. One out of five jobs in Illinois is dependent on exports, and 40 percent of the agricultural products in the State of Illinois are dependent on exports.

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In fact, 17,000 Illinois companies export. And trade agreements are working for Illinois. My State benefits, my district benefits. In fact, if you look at the nations that we have free trade agreements with, they represent almost half of all our exports today, even though they represent only 7 percent of all the nations. And free trade, in the last 10, 12 years has created 16 million jobs nationwide, thousands in my own State. And this trade agreement here is good for Illinois manufacturers; it's good for Illinois farmers.

You know, my friend Mr. McCRERY pointed out that the current status quo, which was renewed recently by this Congress, gives Peru a pretty good deal. Their manufactured goods, their farm products come into the United States duty free. But our products made in Illinois, manufactured goods and farm products, face tariffs going into Peru.

Well, this trade agreement makes trade with Peru a two-way street. On day one of this trade agreement going into effect, 80 percent of the tariffs on manufactured products from Illinois are eliminated.

Now, I have 8,000 workers, 8,000 union workers who make yellow construction equipment, well-recognized household name, in my district. And half of the product they produce is exported. This agreement's good for them.

But under the current status quo, those mining trucks, those off-road construction equipment that are produced in Joliet and Decatur, they face a 12 percent tariff. And that equipment's a $1 million piece of equipment. That's $120,000 tariff tax imposed on that yellow piece of equipment when it's exported to Peru today.

And under this trade agreement, that tariff is eliminated on day one, allowing U.S.-made, Illinois-made construction equipment to be more competitive with their Japanese and Asian competition. It means jobs in Illinois.

And I would note, if you care about agriculture in Illinois, farmers will tell you that the Peru and Colombia trade agreements are the best ever for agriculture. This agreement deserves bipartisan support.

Mr. LEVIN. I now yield 2 minutes to our caucus Chair, and a member of the Ways and Means Committee, the very distinguished Member from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I first want to thank both the chairman of the Ways and Means Committee, also Congressman LEVIN, as well as the minority leader, Congressman McCRERY, for their leadership on this issue.

This bill picks up exactly where the last trade agreement with Singapore and Jordan was, where we were putting a human face on globalization; that is, having labor environmental standards inside those trade agreements. The last 6 years we walked away from that bipartisan agreement. This restores that bipartisan agreement and again returns America to where, when it comes to opening markets around the world to American products, we stand together for that opportunity.

But make no mistake about it. While that is one piece of an overall economic strategy, this is a good piece, it's an important piece, opening markets to American-made products.

But, in addition to this, we must have an economic strategy that deals with people's retirement insecurities, their health care insecurities as it relates to their costs and opportunities, as well as educational opportunities for their children. If you don't have that as part of this strategy, we only have one piece of that economic strategy. This is an important piece, and it continues, I think, the responsibility we have to open markets across the world to American-made products.

But we must finish our effort on dealing with globalization as it relates to the opportunity, not just the opportunities abroad, but the challenges here at home to make sure people and more and more Americans have an opportunity to be winners in this globalization rather than see globalization as a threat to their own economic security.

So, although I do support this, and I support this aggressively because this is a good deal, it returns us to the bipartisanship, and most importantly, in my view, this begins to once again put a human face on globalization and allows the American employees and workers who are struggling every day to see this as globalization, not as a threat to their economic security, but as an opportunity. If we do that, globalization and more people will be winners.

Mr. McCRERY. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota, a valued member of the Ways and Means Committee (Mr. RAMSTAD).

Mr. RAMSTAD. I thank the ranking member for yielding. And I, too, want to applaud Chairman RANGEL, Chairman LEVIN, and Ranking Member McCRERY for the new spirit of bipartisanship and collaboration on the committee, which has resulted in this agreement getting here this evening, remarkable accomplishment. The Ways and Means Committee voted this out on a unanimous vote, unanimous bipartisan vote.

And, Mr. Speaker, I rise in strong support of H.R. 3688, the U.S.-Peru Trade Promotion Agreement Implementation Act. I've long been an ardent supporter of trade expansion.

Mr. Speaker, the bottom line is jobs. Fully 95 percent of the world's population lives outside the United States. The global economy's projected to grow at three times the rate of the United States economy. So, it doesn't take a mathematician to figure that we must take steps to make sure American farmers, manufacturers and service providers remain competitive in the international marketplace.

We also must make sure our products have fair access to foreign markets. Job creation depends upon both factors.

But this agreement is about more than expanding markets for U.S. goods and services. In fact, it's about more than job creation. It will also have a significant geopolitical impact.

As we all know, and as has been said on the floor tonight, South America's on the precipice of choosing between the free market, democratic West and the autocratic, dictatorial model being peddled by Venezuelan President Hugo Chavez.

Chavez continues to lure Latin American countries into his fold through false promises and blatant, unabashed bribery. This agreement that we're debating here tonight offers a legitimate alternative for Peru, an alternative to make significant economic strides and alleviate poverty, while providing increased market opportunities for both countries, U.S. businesses as well as Peruvian businesses, because, you see, Mr. Speaker, as most people in this body understand, trade is a win-win proposition. Both win when we expand trade, both countries.

The empirical data, Mr. Speaker, clearly shows the benefits to both countries, both economies. And as a Member who has a personal history with the Peruvian people, who's gone on several missions with our mission group from home, I urge Members not to ignore the humanitarian benefits as well as the geopolitical benefits that come along with passage of this agreement.

Finally, Mr. Speaker, I want to send my sincere thanks and gratitude to our Peruvian counterparts who worked so hard to make this agreement a reality. Former President Toledo and former Ambassador Ferraro worked tirelessly to address the concerns of many of us here in this body, especially on the Ways and Means Committee, came and met with us at least three times. Many of us went over to Peru to meet with them. Also President Garcia and Ambassador Ortiz.

Mr. Speaker, let's do the right thing for American workers and vote "yes" on this trade agreement.

Mr. MICHAUD. Mr. Speaker, I now would yield to a gentleman who has been in this body for a number of years, who has seen firsthand the devastation of bad trade deals such as Peru, the gentleman from Michigan (Mr. KILDEE) for 3 minutes.

Mr. KILDEE. Mr. Speaker, all trade agreements suffer from the same fundamental flaw: They are not self-enforcing. Trade agreements depend upon vigorous enforcement, which requires official complaints be made when violations occur.

None of the six Presidents with whom I have served here in the Congress have shown any eagerness to file complaints when agreements are violated. I certainly have no faith in President Bush to show any enthusiasm to enforce this agreement.

Congress should not hand this administration yet another trade agreement because past agreements have been more efficient at exporting jobs than goods and services.

My city of Flint, Michigan, has dropped in population from 190,000 to 118,000. Much of this loss is due to trade agreements. If you want to put the human face on trade, come and look at the sad faces in Flint, Michigan.

Mr. Speaker, shortly after NAFTA was passed, workers at Delphi in Flint were ordered to package up manufacturing machinery for transport to Mexico. They were actually exporting their jobs to another country in packing crates.

And to add insult to injury, the following year, the U.S. Department of Commerce was reporting the increase of exports to Mexico, and they included that machinery from Flint, Michigan. They included that exportation of jobs as progress. This was the United States Department of Commerce. This was not the Mexican Department of Commerce bragging how jobs had been exported to Mexico.

I appeal to all Members of Congress to vote "no" on this. But I appeal especially to my fellow Democrats not to turn their backs on those American workers who suffer from the export of their jobs. They want a paycheck in Flint, Michigan, not a TAA unemployment check. And the chance of TAA becoming law is far from certain.

I urge you, particularly on this side of the aisle, to stop the exportation of American jobs and vote "no" on this free trade agreement.

Mr. McCRERY. Mr. Speaker, at this time I would yield 5 minutes to the distinguished minority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding. I thank him for his hard work, the hard work of my good friend, the chairman of the committee, Mr. LEVIN, of Mr. HERGER, for working to bring this important bill to the floor.

Americans can and do compete all over the world. They can and do compete successfully all over the world. And it's particularly important that we compete in our own neighborhood.

Many of us, over the last several years, have begun to look at what's happened in the last two decades to our neighbors to the south and their relationships with us, and we saw those relationships drifting away. One way to strengthen those relationships is to strengthen this opportunity to work together, this opportunity to trade together, this opportunity to have legal systems that encourage investment and trade. And we can do that.

The point's been made already by speakers on both sides of the aisle that for some time now, Peru, Colombia, Panama, the CAFTA countries that are now moving in and have moved into a permanent trade relationship with us, for some time now they've been able to ship all of the things into our market without duties that they could possibly ship into our market.

In fact, as we've discussed these trade bills in the past, I've had Members on both sides of aisle ask me, well, if they can send everything in here they want to send in, why would they even want this arrangement?

Of course, the reason is not the immediate economics to them, because the immediate economics to them are already very good. The reason is the long-term tie and relationship of their economy to our economy, the strength it gives them in this hemisphere to be a partner, a trading partner with the United States. And we see that happen.

The projection on this opportunity alone is that U.S. exports to Peru will increase by over $1 billion a year; not much projection on increase early on from Peru, because, remember, they're already sending everything here that they want to without tariffs. This removes the barriers not for them; they've already been removed. This removes the barriers for us.

And our neighborhood's important. Our hemisphere is important. The United States has been blessed in many, many ways. And as we see the opportunities grow for people in all of the Americas, that's actually good for us. One billion dollars in exports means $1 billion in manufactured goods from this country, some services from this country going to Peru. And I think that Peru should only be the beginning of what we do over the next few months.

Following on CAFTA, Peru, Panama, Colombia, all of which have, at this moment, the access to our markets they would have after the agreement, we need access to their markets.

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We need that permanence of relationship. We need that reaching out to say that we are in this hemisphere together, we are in a global economy, and the part of that economy that we should all benefit from the most is the economy closest to us. And Mr. McCRERY and Mr. RANGEL have worked hard to establish a framework here that's the framework for the work we do tonight and tomorrow but also is the framework for what we do in the rest of this Congress.

I urge my colleagues to look not just at the economic impact of these agreements but also the geopolitical impact, the impact in our neighborhood, the impact in our hemisphere, the opportunity of these countries to work to eliminate illegal trade and particularly to eliminate illegal drug trade, the opportunity in these countries to open their markets to us as we have opened our markets to them. I urge my colleagues to give support to this agreement as we look at the future of other agreements and other opportunities.

Americans can compete. Americans are competing. And this agreement will prove the American ability to compete in yet one more country.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to another distinguished member of the Ways and Means Committee, Mr. TANNER.

Mr. TANNER. Mr. Speaker, trade is not a political issue; trade is an economic issue. The economics of this agreement are such that Peru, if you voted for the Andean trade preference, already has access to our markets without regard to tariffs and duty. This is the other side of the coin and will allow us to immediately export into Peru cotton, soybeans, soybean meal, crude soybean oil, beef, wheat, sorghum, peanuts. This is the other side of the Andean Trade Preference Act. So if you believe, as I do, that in this country we can grow more food than we can consume, we can make more stuff than we can buy and sell to each other, then it's not a political argument; it's an economic fact of capitalism that whoever is engaged in that excess production is going to lose their job because we cannot eat all the food we can grow and we can't buy and sell to each other all the stuff we make.

So how do we save jobs in this country? By exporting manufactured goods and agricultural products that we can grow and that we can make. This allows us to do better than current law.

Now, if you want to vote "no," what do you get? You get status quo. I thought that's what we were trying to change. We don't like status quo. We want more jobs in America. How do you get more jobs? You get more jobs by allowing people who are engaged in excess production to sell it to somebody else out of this country. That's what it's about.

There is one more aspect that I would like to touch on briefly, the national security aspect. South America is going to go one way or the other. I was just in Colombia, South America this last weekend. Chavez and Venezuela is against this. Are you with Chavez or are you with America? That really is basically what I am trying to talk about.

Mr. McCRERY. Mr. Speaker, I yield 5 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. I thank the gentleman for yielding.

I must tell you, Mr. Speaker, I have seen this FTA evolve and I have watched it, representing as I do an area of the country where we have seen both the positives and the negatives of globalization and of trade, and I watched this FTA fully prepared to be skeptical.

Mr. Speaker, I am very pleased today to rise in strong support of this free trade agreement on the strength of the fact that it clearly will further advance America's economic as well as political and foreign policy interests.

As you know, Mr. Speaker, since 1991 our country's commercial partnership with Peru has been driven by unilateral preferences extended to Peru under the Andean Trade Preference Act. Over the past 16 years, Peru clearly has demonstrated its commitment to that agreement in both terms of political and institutional resources. After making significant strides in shifting away from production and shipment of illegal drugs, Peru has become a proven ally and has established itself as a steadfast partner in combating narcotics trafficking, countering regional terror groups, and helping to supply America's energy needs. Approval of this trade agreement will be a critical signal to the Peruvian people and not only help to promote closer ties but to open the door to a new era of trade for our country.

We recognize that the Peruvian economy is roughly the size of the State of Louisiana that the distinguished ranking member represents. It is roughly the size of Louisiana as of 2005. While Peru is not an enormous market, it is still a significant opportunity for U.S. exports.

In 2006, 98 percent of Peruvian exports entered the United States duty-free under the Andean trade pact. The U.S.-Peru Trade Promotion Agreement levels the playing field by moving beyond one-way preferences to full partnership and reciprocal commitments under which U.S. exports also benefit from duty-free treatment. Under this agreement, 80 percent of U.S. exports would become duty-free from day one and other tariffs on exports would be phased out.

The International Trade Commission has estimated that U.S. exports to Peru will grow by $1.1 billion, or more than double the estimated growth of imports from Peru. Additionally, the ITC estimates that the big winners in the U.S. economy will be value-added products, especially in the machinery and equipment sector. The largest import gains from Peru, the ITC estimates, will be inputs, such as basic metals as gold and copper.

In addition to being economically complementary, this agreement will provide substantial new opportunities for American farmers' agricultural exports, break down barriers facing U.S. service providers, and strengthen protections for workers. In fact, the U.S.-Peru Trade Promotion Agreement marks a significant milestone with its inclusion of the most advanced labor obligations of any bilateral or regional trade agreement.

Specifically, this trade pact will require Peru to adopt and maintain fundamental labor rights, as stated in the International Labor Organization Declaration Principles and Rights at Work. This includes freedom of association, collective bargaining rights, the abolition of child labor, among others. Mr. Speaker, these standards are an enforceable part of the agreement, and that is in itself a seminal reform.

Mr. Speaker, there are additional components that I think make this FTA particularly compelling, including enforceable environmental standards. This is a high standard agreement that furthers the commercial and foreign interests of the United States of America.

What this is not, and I emphasize this to my constituents, this is not another NAFTA. This is not a threat to our manufacturing base. I think this is precisely the kind of agreement that many of us have argued for for years.

Isn't it time, if we want a stronger trade policy, that we take "yes" for an answer? If we embrace this free trade agreement, we have an opportunity to use it as a model for future trade agreements, and that in turn will strengthen the hand and level the playing field for American companies and American workers.

For all of my colleagues who share that goal, please vote for this FTA. Please send that message.

Mr. MICHAUD. Mr. Speaker, I now would yield 3 minutes to a gentleman who is very outspoken about fair trade deals, the gentleman from Ohio, Congressman KUCINICH.

Mr. KUCINICH. I thank the gentleman from Maine for his own leadership.

The U.S.-Peru Free Trade Agreement continues the destructive trade policies that spur the exodus of good-paying jobs and undermine the ability of working people to protect their living standards.

Our workers and our communities have been hurt by the devastating impacts of our flawed trade policies. Since 2001, over 3 million valuable manufacturing jobs have been lost by U.S. workers due to the unsound NAFTA model of trade analogous to the U.S.-Peru Free Trade Agreement we are considering tonight. Yet the Bush administration insists on continuing to implement the same policies that have off-shored jobs and left hard-working Americans in precarious circumstances.

Common sense suggests that our trade policies must continue to promote and expand Buy American practices that support American competitiveness. Instead, this agreement undermines Buy American programs.

This destructive trade bill requires that all firms in Peru, Peruvian or otherwise, be granted equivalent access to outsourced U.S. Government work and Buy American program contracts as our own U.S. firms. Suggesting that Buy American should include Peruvian businesses indicates that the multinational corporations are the real beneficiaries of the free trade agreement.

This body successfully fended off the Bush administration's attempts to privatize our Social Security system in 2005. It should follow that this body would hold firm on this principle for other nations as well.

However, there are provisions in the Peru FTA that would allow U.S. firms to exact compensation if the Peruvian Government reverses the partial privatization of their own social security system. Citibank would reap a windfall if Peru did what the U.S. Congress has voted to do, roll back the privatization of Social Security.

Furthermore, the U.S.-Peru FTA threatens the citizens and workers of Peru. The two main labor federations of Peru have expressed opposition to the agreement over concerns for the workers of both of our nations.

As corporations cut U.S. jobs and relocate in search of lower labor costs, the U.S.-Peru FTA threatens to expand sweatshop labor in Peru and casts doubt on the adequate enforcement of worker protections. In a country already fraught by high poverty levels and a growing gap between the wealthy and the poor, the U.S.-Peru FTA will further exacerbate Peru's difficulties with provisions that ultimately promote privatization and deregulation of basic necessities such as water and electricity.

Agricultural provisions of this agreement threaten the well-being of Peru's peasant farmers. These provisions are expected to cause displacement of farmers and increased hunger. Peru has over 7 million citizens living in rural communities, with agriculture helping to sustain one-third of its population. It is estimated that over 4.5 million Peruvians are malnourished and without much-needed income.

I urge the defeat of this trade agreement and standing up for the American worker.

Coca cultivation requires minimal technology, produces four yields annually and is profitable. Because the Peru FTA includes provisions requiring Peru to reduce tariffs on U.S. agricultural products it is predicted that many Peruvian farmers will turn to the illicit cultivation of coca to earn a living.

Experts predict that these agricultural provisions of this NAFTA style deal threaten an increase of undocumented migration into the

U.S. This has implications for our immigration system, a system that is already badly in need of humane reform.

Terms in the U.S.-Peru FTA for drug makers will harm Peruvian patients who need lifesaving medications. The provisions ensure that patients in Peru will struggle to afford necessary drugs.

Corporations will be able to challenge domestic environmental and public health laws in international tribunals. This gives corporations the ability to circumvent accountability and undermine laws that exist to protect people and the environment.

Failed trade policies that threaten natural resources and our environment have been the status quo for too long and will only continue under the U.S.-Peru FTA.

Like prior trade agreements, the U.S.-Peru FTA will not bring global prosperity and wellbeing, but will instead bolster powerful corporations. I urge my colleagues to oppose the U.S.-Peru FTA.

Mr. LEVIN. How much time is there?

The SPEAKER pro tempore (Mr. SNYDER). The gentleman from Michigan has 29½ minutes remaining tonight. The gentleman from Louisiana has 56½ minutes remaining tonight. The gentleman from Maine has 33½ minutes remaining tonight.

Mr. McCRERY. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. HERGER), the ranking member of the Trade Subcommittee of the Ways and Means Committee, be allowed to allocate the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

□ 2115

Mr. HERGER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina, Mr. ROBIN HAYES.

Mr. HAYES. I want to thank Chairman RANGEL, Chairman HERGER and Chairman McCRERY for their great work. Unfortunately, I must rise today in opposition to H.R. 3688, the U.S.-Peru Trade Promotion Agreement.

My opposition to this agreement stems from what the American Manufacturing Trade Action Coalition calls a continuation of a flawed trade policy of trade deficits, offshoring and job losses.

Auggie Tantillo, the executive director of AMTAC goes on to state, "Congress spending the entire year focusing on an unpopular Peru FTA instead of passing a strong anticurrency manipulation bill is an enormous disappointment to U.S. manufacturers desperate for relief from China's predatory trade practices." Folks, I could not agree more. I don't see where this particular legislation helps combat the largest threat to our Nation's manufacturing base, China.

As many of you know, manufacturing, the textile industry in particular, has taken a massive hit in both loss of jobs in businesses due directly to unfair trade practices by China and their fixed currency. Without a level playing field for our textile workers, businesses, and the manufacturing sector in general, the demise of our manufacturing industry will continue to take place all over the country.

I'm a cosponsor and strong supporter of the Currency Reform for Fair Trade Act, which was sponsored by Congressmen DUNCAN HUNTER and TIM RYAN. This important piece of legislation will level the playing field for American companies by stipulating that countervailing trade cases targeting government subsidies can be brought against nonmarket economies such as China, and it does it in a WTO-compliant manner.

Another issue I'm concerned with is the lack of enforcement of our current trade laws, in particular with textile enforcement. Textile enforcement is vital to the future of the U.S. textile industry and its workforce. The U.S. textile and apparel industry is critical to the economic national security of our Nation.

The industry contributes almost $120 billion to our Nation's GDP. However, we are putting this industry and its workforce in harm's way if Customs does not continue to utilize all enforcement tools, such as seizures, detentions and special operations to help our Nation's industrial base.

Folks, we need to get our priorities right here. We need to focus on preserving American jobs and American businesses. We have lost too many jobs. Too many companies have been hurt because of unfair Chinese trade practices and lack of proper enforcement. It's time to start fighting back.

Mr. LEVIN. I yield to the gentlelady from New York for a unanimous consent.

Mrs. MALONEY of New York. I thank the gentleman for yielding.

I congratulate the dean of our delegation for his leadership on this important agreement, and I rise in strong support.

Mr. Speaker, I rise in support of the U.S.-Peru Free Trade Agreement.

This agreement represents a new direction for trade agreements.

This agreement will provide greater market access for and remove tariffs on American goods with a country that already enjoys the export of a number of goods to the United States duty-free.

Working off the historic agreement negotiated by Democrats in May of this year, this agreement has been negotiated to include critical labor and environmental provisions and will help ensure the economic and national security of the region.

It was the lack of these environmental and labor standards that led me to vote against the North American Free Trade Agreement (NAFTA) and the Central American Free Trade Agreement (CAFTA).

Among the labor standards negotiated in this agreement are worker rights and protections for which we have fought these many years.

As a result of the May 10 agreement negotiated by House Democrats, the labor chapter of the Peru FTA includes a fully enforceable commitment that countries adopt and enforce the five basic international labor standards.

In addition, this agreement also includes commitments to enforce a sixth set of rights—those pertaining to acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health.

This agreement includes critical new environmental provisions.

It requires Peru to adopt, maintain, and enforce obligations under seven common multilateral environmental agreements; specify numerous concrete steps that Peru must take to curb illegal logging and impose a clear schedule for doing so; and it gives the United States an unprecedented set of enforcement tools to ensure that Peru meets its environmental commitments.

These provisions are a far cry from the "enforce your own laws" of NAFTA and CAFTA.

Beyond the labor and environmental standards negotiated in this agreement, I believe this agreement is a vital instrument towards economic and political security.

Having a strong and stable ally in Latin America will allow aid to the United States in our continued battle against narcotic trafficking.

Again, I support this agreement and I urge its passage.

Mr. LEVIN. Mr. Speaker, I yield myself 15 seconds.

I just want to say to our distinguished colleague from Ohio (Mr. KUCINICH), who raised the Social Security issue, it's simply not accurate. If you look at the language within the FTA, there is no basis for these claims regarding the inability of Peru to unprivatize its Social Security system.

Mr. Speaker, I yield 2 minutes to the gentlelady from Ohio.

Mrs. JONES of Ohio. I thank the gentleman for yielding.

To the Chair of the committee, Mr. RANGEL, Ranking Member McCRERY, the subcommittee Chair of this trade agreement, I come from the same community as DENNIS KUCINICH, and I've seen the loss of jobs in Ohio, in northeast Ohio and across Ohio, from CAFTA and NAFTA. But it's my belief, having served on this committee for the past 4 years, and having had an opportunity to travel to Peru, that this is a good agreement.

My newspaper used to say, Well, STEPHANIE, why do you travel so much? Why do you go places? What impact does it have on your voting? I said, Well, how can I make a decision on international issues if I don't travel to the country to see what's going on? And I had the opportunity to travel to Peru about 2 years ago under the leadership of Chairman Thomas, and at the time, President Toledo was the President of Peru. Ambassador Ferraro was the ambassador, and he gave me the opportunity to sit down and have a discussion with farmers, with union people and others with regard to what this agreement would do for Peru. I also happened to have a staffer whose name was Jorge Castro who was from Peru, and I had a chance also to speak with his father who was employed in that country.

This is an opportunity for us to step away from the tradition, to look at a trade agreement that focuses on environmental issues, to look at a trade agreement that focuses on labor standards, and to step back and say, well, maybe this is our opportunity to say, well, here we can, once again, try and not only lift up the people of America, but to lift up the people of another country, to have a chance to talk to those farmers about growing and having something other to do than being involved in the drug trade, to have an opportunity to say to the people of Peru, it's time for a difference, and that the United States will give them an opportunity to do something different.

All of my colleagues have talked about the change in labor standards, the change in environmental agreements, but I stand here, as some of my other colleagues have said, to put a face on these agreements, because it's very easy for us to step back and say, well, these jobs were lost by this. We haven't lost jobs by the Andean Trade Agreement with Peru. We have an opportunity to open doors for them and open doors for us. And I encourage my colleagues, who I have stood with, I am a 100 percent labor voter, but I stand here this evening to say, let's give them a chance, let's give them an opportunity, get broader and change our piece.

Mr. HERGER. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin, a member of the Ways and Means Committee, ranking member of the Budget Committee, Mr. RYAN.

Mr. RYAN of Wisconsin. I thank the distinguished ranking member of the subcommittee for yielding.

Mr. Speaker, if you're not going to vote for this trade agreement, you're probably not going to vote for any trade agreement that's before us.

This trade agreement is a no-brainer. This trade agreement is a bipartisan agreement. This trade agreement shows what you can get accomplished when we all work together.

This trade agreement recognizes the fact that we have one-way trade right now with Peru, and with this agreement we have two-way trade. Ninety-seven percent of all of Peru's exports come into the U.S. duty free; only 2.8 percent of our goods go to Peru duty free. This lets us send our stuff there duty free. This gives us the same opportunity to send our exports as we already give the Peruvians.

Now, what we hear often on the floor about why trade agreements are so bad, it's usually the trade deficit. Well, here is one interesting statistic, Mr. Speaker; 85 percent of the trade deficit comes from countries we don't have trade agreements with. You see, when we get trade agreements, we get good agreements for our country. We get the rule of law. We get enforceable contracts. We get access to their markets. Why is that important? It's important to get access to other markets because 97 percent of the world's consumers are not here in America; they're overseas. Ninety-seven percent of the world's consumers are elsewhere outside of this country.

We are a mature country, a fast economy, a mature economy. We have a high standard of living relative to the rest of the world. And if we want to enjoy that high standard of living, if we want to build on that high standard of living, if we want to fulfill the American Dream, which our parents and grandparents always taught us, which is, in America, you leave the next generation better off than your generation, you've got to find more markets and more consumers for our products.

We cannot possibly consume all that we make and all that we do because only 3 percent of the world's consumers are here. That's why we have to open markets; that's why we have to have access.

This is a good agreement for foreign policy reasons. This is saying to the reformers in Latin America, we're with you. This is saying to the human rights movement, to individual rights, to democracy, we are with you. America stands with you. That is so important at a time when you have a threat knocking on the door from people like Chavez next door in Venezuela.

Let me just read a few statistics of some of the recent successes of some of our recent free trade agreements with respect to our exports, which creates jobs, and how this has helped grow America's standard of living.

Since we've had free trade agreements with these countries, here is the success: Our exports to Jordan, up 92 percent; our exports to Chile, up 150 percent; our exports to Singapore, up 49 percent; our exports to Australia, up 25 percent; our exports to Morocco, up 67 percent; our exports to Bahrain, up 40 percent. Our exports are up 15 percent this year alone. That's one of the reasons why our economy grew at an astounding rate of 3.9 percent last quarter alone, because of exports. And we all know, the statistics are very clear, that exports produce good-paying jobs.

So, Mr. Speaker, this is a chance to strike a blow for enforceable contracts, for the rule of law, for worker rights in Latin America, and for jobs here in America.

Again, as I mentioned in the start, this is a no-brainer. I want to thank the chairman of the Ways and Means, Mr. RANGEL, for his work on this. I want to thank our ranking member, Mr. MCCRERY, for his work on this. And I also want to thank the people who really sweat this thing out at the negotiating table, the people at the USTR, and our Ambassador, Susan Schwab, for all of the hard work they put into this. This is one step in the right direction. Panama and Colombia are two more steps in the right direction.

I urge adoption of this.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts, Representative LYNCH.

Mr. LYNCH. I don't know what it means when someone calls something a no-brainer and then he takes credit for it, but I rise in opposition.

First of all, I want to say that I have enormous respect for the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. LEVIN), and Mr. NEAL, who is also part of this, Mr. MCCRERY, Mr. HERGER. Look, while I commend my friends for their work in incorporating the International Labor Standards in this agreement, and that is an accomplishment, and I concede that, I must say that, for the record, Peru has already adopted the eight core International Labor Standards in their country already, and yet the record also indicates that, number one, based on the ILO reports, that we've got 2 million children working right now in Peru. It also indicates, the same reports, that 33,000 people are currently subject to forced labor in the Amazon region. Our own State Department reports that there is extensive noncompliance with the minimum wage guidelines, and that more than half of the population in Peru earns the minimum wage. You know what the minimum wage in Peru is? $3.60 a day. There was a gentleman up here earlier tonight who said that Peru's economy was the size of Louisiana. I just beg to differ on that point. The World Factbook indicates it's less than half. But these conditions are far from free trade.

Here's what it boils down to. And I appreciate the work that's been done here today, but I work with a lot of the financial services companies in the United States in an effort to try to get fair treatment of our financial service companies around the world. I fly into places like Afghanistan, Pakistan, Jordan and Turkey to try to get those central bankers in those countries to treat our financial institutions, our banks and our investors fairly. We asked them to specifically adopt world standards that are reliable, adopt transparency standards that are reliable, and we force them, we compel, through our economic strength, to meet that standard. But here, when it comes to requiring free trade and fair treatment of American workers, we have a general statement here. We have no real tough enforceability and accountability standards like we require of people who deal with our financial services companies around the world, and I think that is a big mistake.

We don't export democracy through the Defense Department. We do it through these trade agreements. And we've got to fight for the American worker like we fight for these multinational corporations.

□ 2130

Mr. HERGER. Mr. Speaker, I yield now 4 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of this agreement and thank the gentleman for yielding.

Foreign trade is vital to the United States economy and to my home State of New Jersey. Since 1945, the world's markets have become progressively more open thanks in large part to leadership exhibited by our own country. Our Nation's citizens have benefited. Ambassador Susan Schwab, our United States Trade Representative, indicates that U.S. annual incomes are $1 trillion higher because of these trade promotion agreements, which equates to $9,000 per year for the average American family. In just the last decade, such free trade agreements have helped raise our Nation's gross domestic product by nearly 40 percent and add more than 16 million jobs.

Additionally, trade creates more and better jobs. Manufactured exports support over one in six manufacturing jobs, an estimated 5.2 million jobs in the United States. Agricultural exports are responsible for 926,000 jobs. Interestingly enough, U.S. jobs supported by exports pay American workers more, an estimated 13 to 18 percent above the national average.

In my home State, international trade is a driving force in our economy. In 2006, merchandise exports from New Jersey were valued at $27 billion, which places us ninth among all 50 States and represents a $10 billion increase since 2002. Such increases benefit not just New Jersey's manufacturing sector, but also positively impact transportation, logistics and warehouse activity across our State. It is also worth noting that in 2006, New Jersey exported $53 million in goods to Peru.

Indeed, a recent report presented to the New Jersey Commerce and Economic Growth Commission states, "New Jersey has the greatest opportunity of any State to prosper in the new global age due to its location within the global and continental grid and its systems-wide resources."

Beyond the economic benefits, trade builds important international partnerships that encourage security and prosperity abroad. This agreement, while relatively small in comparison to others, as well as other pending agreements with Colombia and Panama, present vital opportunities to expand our economic freedom, fight narco-terrorism, expand export opportunities, and build strategic alliances with key allies in the Americas.

In addition, this agreement would eliminate tariffs for U.S. companies, expand trade in areas such as textiles and agriculture and give our own financial services companies more market access. Failure to execute this pact and others like it would not bode well for our ability to take advantage of vast global markets. Indeed, as others have said, over 95 percent of the world's consumers are outside the United States.

But more importantly, limiting foreign trade counters America's long-held belief in free enterprise and open markets. We can compete as a nation in the global marketplace if we reject protectionism and continue to remove barriers to free and fair trade with countries around the world. If not, we will only have our own politics and shortsightedness to blame for the outcome.

I encourage my colleagues to join me in supporting this agreement.

Mr. LEVIN. It is now my pleasure to yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership.

Mr. Speaker, I have dedicated over 30 years to environmental efforts. As a Member of this Congress, I successfully fought to enhance environmental provisions in the Singapore Free Trade Agreement. I have carried these arguments and opportunities in China, Indonesia and Vietnam. I didn't support CAFTA because President Bush and the partisan Republican leadership abandoned efforts to work in a bipartisan fashion and rebuffed our efforts at environmental protection.

I can't express my appreciation to our chairman, Mr. RANGEL, and to the chairman of the subcommittee, Mr. LEVIN, for empowering members to work with the environmental community to make sure that their voices were heard. And we have been able to enshrine in this agreement enforceable, multilateral environmental agreements in the FTA for the first time in history. Absolutely unprecedented.

We have already been able to use the force of these agreements to clarify the protections of threatened Peruvian forest wilderness using the leverage we have already got even before it was enacted. This is not remotely NAFTA. We have all learned from that experience. It is not CAFTA, which I didn't support. We have given the critics what they said they wanted within labor protection and within the environment.

I urge in the strongest possible terms that we vote a new beginning in trade. Adopting these stringent labor and environmental protections in the agreement will serve as a foundation for United States trade policy from this point forward, and I urge its adoption.

Mr. HERGER. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. I thank the gentleman for yielding and for his leadership on this issue and so many others.

Mr. Speaker, a number of my colleagues have come to the floor today to argue passionately, as we have just heard, about the principles of free trade and whether we should pass the trade agreement between the United States and Peru. This is a historic moment for U.S.-Andean relations. The United States and Peru have agreed to formalize this mutually beneficial economic relationship with this groundbreaking U.S.-Peru trade promotion agreement.

This agreement opens new markets for U.S. businesses and provides strong protections for U.S. workers and companies. Additionally, it furthers the Peruvian market-oriented policies and advances the agenda that has made Peru one of the fastest growing emerging economies.

Mr. Speaker, this stands in sharp contrast to the policies of Venezuelan President Hugo Chavez. We are at the beginning of a new day in the Andean region, and this trade agreement is the first step in a successful campaign to spread democracy, expand free trade, and stabilize the region while also taking a stand against poverty and crime.

For our part, this agreement builds on Peru's many strengths and solidifies an important economic relationship between our two nations, presenting new market access for U.S. businesses, farmers, ranchers and consumers. U.S. exporters currently face Peruvian tariffs while Peruvian exporters are not generally subjected to any tariffs. This point has been raised many times but cannot be raised enough. We are working in a one-way street that has been working against us. This is the time to fix that and make this trade fair.

In my home State of Minnesota, we exported over $24 million worth of goods to Peru in 2006. These exports cut across all industries, from high tech computer manufacturers to our local farmers. Passage of this agreement would provide immediate elimination of tariffs on nearly 90 percent of current U.S. exports to Peru. This would allow producers and exporters the opportunity to not only preserve but to increase market share in Peru. As our market share increases, it naturally follows that prices and income increase and jobs.

A vote in favor of this bill supports job growth, sustains small- and medium-sized businesses and enhances agricultural competitiveness.

Mr. Speaker, I would ask that my colleagues here today join me in support of this important legislation and vote in favor of America's workers, America's farmers and American businesses.

Mr. MICHAUD. I am pleased to recognize the gentleman from California, Congressman SHERMAN, for 3 minutes.

Mr. SHERMAN. I thank the gentleman for yielding.

I have heard a lot of folks talk about the substance of this agreement. They started reading the agreement at the front. They saw the substance. They see the labor and the environmental standards. I think they are reading it in the wrong way. With an agreement like this, you need to start reading it from the back where the enforcement provisions are supposed to be.

So let us test the enforcement mechanisms in this agreement. Let me put forth an extreme possibility, an extreme example. Let's say there is a military coup in Peru. Let's say the junta is rounding up labor leaders. Let's say they start executing those labor leaders, God forbid. Let's say they televise those executions and they are being conducted by the head of the junta himself. What enforcement is there in this agreement? Only so much as George Bush decides to have. If he chooses to do nothing, then no action by any court of this country, no private action, no act by this Congress will be of any effect.

In contrast, importers will have an absolute right to enforce their rights to low tariffs on the Peruvian goods they bring into this country because if the tariff is lower, no customs agent of the United States could try to collect a higher amount. President Bush has never inconvenienced a multinational corporation. When in Guatemala, labor leaders like Marco Ramirez and Pedro Zamora were killed, President Bush did nothing. When dozens and more, scores of labor leaders in Colombia are killed, President Bush tells us we should have a free trade agreement.

The only provisions in this agreement that provide for enforcement can be nullified at the whim of a man who has no intention of enforcing this agreement. If you vote for this agreement, it's because you have faith in George Bush to enforce it.

Mr. HERGER. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. I thank the gentleman from California.

Like others before me, I want to say to Mr. RANGEL and to Mr. LEVIN, to Mr. MCCRERY and others on our side, thank you for working on this trade agreement. Absolutely I am opposed to it. I have been here for 14 years and for 14 years I have seen the American worker become less than a middle-class person and just trying to pay the bills. I don't know how with this Peru Free Trade Agreement that we can believe we are going to do a whole lot to help with the trade deficit of this nation, with the lost jobs of so many Americans.

The United States has lost more than 3.1 million jobs since 2001. The United States is projected to run a trade deficit of over $200 billion with China. We even have a trade deficit with Mexico.

Where in the world is this country going? I said yesterday to a friend of mine, "I'm afraid we are in the last days of a great nation. When the basic Judeo-Christian values begin to crumble, the economy begins to fall apart, where is America going?"

This is not the right trade bill. We could have the right trade bill, just like we should have had with CAFTA. We almost defeated CAFTA on this floor but lost it by five or six votes. Peru has less than one-tenth of the U.S. population, and more than 50 percent of all Peruvians live in poverty.

Mr. Speaker, it is absurd to expect Peru to become a major consumer of U.S. finished products. If we really want to do something for America, why don't we do what is necessary and say to China, stop manipulating your currency to combat the predatory practices of trading partners like China; pass legislation to eliminate the $379 billion disadvantage to U.S. producers and service providers caused by foreign VAT taxes. That is something we should be working on. Ensure the safety of foreign-made products sold to the United States from toys to food. We really need to do those kind of things before we start passing these trade agreements that some fat cat somewhere is going to make big bucks while the workers of America continue to go downhill and worry about paying their utility bills, paying for their children to go to school, paying the gasoline prices.

Mr. Speaker, one other point and then I am going to close. I am a conservative Republican. I have believed for so long that we could come together and we could work together for the good of the American people, that we are losing the middle class in America. And a lot of that loss is simply because of good-paying jobs.

Mr. Speaker, I know we will not defeat this, but I pray to God that we will not forgot America's strength, and America's strength is the workers of this country.

☐ 2145

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND), and I would ask unanimous consent that our very distinguished chairman of the Ways and Means Committee control the rest of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 2 minutes.

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this Peruvian Trade Agreement. We know that it has been increasingly difficult to pass measures out of this Congress in a bipartisan fashion, and it is unfortunate. I still believe that this Congress functions best when you can work in a bipartisan manner.

The vote tomorrow on the Peruvian Trade Agreement will be different. It will be different because we are embarking upon a new historic template on these trade agreements, one that embodies core international labor standards and environmental standards for the very first time in these trade agreements, fully enforceable, like any other provision in the agreements.

This debate tonight isn't about whether the United States of America should remain positively engaged with other countries around the world, whether we should be trading. We are less than 4 percent of the world's population. Of course we have to trade.

Rather, the debate is what the rules of trade should be, and will we do everything we can to begin elevating standards upwards across the globe or to continue to see this race to the bottom for the lowest common denominator. With core labor standards and environmental standards in the body of the agreement, we are, for the first time, leveling the playing field for our workers so they can successfully compete in the global marketplace.

But I also believe that trade is more than just goods and products and services crossing borders. It is an important part of our diplomatic arsenal, because when goods and products do cross borders, I believe armies don't.

I commend the leadership of our committee, the leadership of our respective parties, and also the President and Susan Schwab, our USTR, for coming to agreement on this historic trade measure.

But there is one cautionary note I would give to the current administration and future administrations, and it is the best argument that the opposition has here tonight, and that is if administrations refuse to enforce these provisions, it will prove increasingly more difficult to pass future trade agreements out of this body and we will continue to lose the confidence of the American people.

Mr. Speaker, I encourage my colleagues to support the agreement.

Mr. HERGER. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I thank Ranking Member HERGER and the chairman of the Ways and Means Committee for leading, I think, a terrific bipartisan effort.

I rise today in support of expanding our Nation's export markets by passing the bipartisan Peru Trade Promotion

Agreement. The agreement will create significant new opportunities for American farmers, ranchers, businesses and certainly consumers by opening new markets and reducing trade barriers, leveling that playing field.

More than two-thirds of current U.S. farm exports to Peru will become duty free immediately. This trade agreement gives U.S. farmers an advantage over competitors. For example, U.S. exporters of wheat and white corn currently pay a 17 percent tariff in Peru, while Argentina pays only 3.4 percent and controls two-thirds of Peru's market.

You eliminate the 17 percent tariff and give U.S. grain exporters a leg up. According to the American Farm Bureau Federation, U.S. agriculture exports could exceed $705 million, an increase of over 1,000 percent from current levels. In addition, Peru has committed to recognize the U.S. meat inspection system as the equivalent to its own, thereby allowing imports from facilities approved by our own USDA. Peru has committed to specific sanitary and phytosanitary terms, removing barriers to imports of U.S. beef, pork, poultry and rice.

Opening export markets has long been a priority of mine. Earlier this year I hosted an export seminar which drew forward-thinking individuals from across my district. They recognized just how vitally important access to foreign markets can be to our economy.

In 2006, Nebraska's agriculture exports worldwide were around $3.3 billion. A total of 1,125 companies exported goods from Nebraska in 2005. Of those, 877 were businesses with fewer than 500 employees. Despite high tariffs and other barriers on most agriculture products, including beef, corn and soybeans, U.S. exporters shipped more than $209 million in agriculture products to Peru.

Nebraska would benefit from this free trade agreement which provides U.S. suppliers with access to foreign markets and levels the playing field with our competitors. As the Omaha World Herald newspaper put it in today's edition, "Greater trade opportunities hold clear benefit for the Midlands. In terms of Nebraska's economic interests alone, tariffs would be sharply reduced on the State's primary exports to Peru: chemical manufactures, machinery, and processed foods."

But more than just economic interests, this agreement builds trust between two countries. By opening the doors for our exports, we also open lines of communication. We help improve lives. We foster a sense of community.

Agriculture markets are tremendously important to my district and the Nation as a whole, and I hope to help Nebraska's products continue to compete in the global marketplace. But I also want to help America remain the greatest Nation in the world. We can do so by opening the lines of trade and communications to trading partners across the globe.

Mr. Speaker, I urge support for this bipartisan measure.

Mr. MICHAUD. Mr. Speaker, I yield 6 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding. I only wish we could have had these moments before the Ways and Means Committee itself, the respect Members should be afforded when their State's lost over 200,000 jobs and our Nation millions of jobs to these trade agreements. At least we have earned the respect. I am sorry that we only get 5 minutes on the floor. So many people are depending on us.

We know that every time this country signs a free trade agreement with a developing country we end up outsourcing more wealth and middle-class jobs. U.S. companies are shuttering faster than we can count. If these trade agreements were working, America's trade deficit would not be ringing in at over $800 billion this year, and for every billion, 20,000 more jobs lost in this country. What an unprecedented wipeout of productive wealth and of jobs and of lives. The sliding value of the dollar proves it, our staggering debt levels prove it, and the growing stock market instability proves it.

If we put it in perspective, we were told that when NAFTA passed, and I voted against that in 1993, our Speaker voted for it, our majority leader voted for it, I remember that vote very clearly, we were told that though we had a surplus with Mexico, it would grow. What happened? We have fallen into deeper and deeper deficit with Mexico every year. And over 2 million Mexican peasants were upended from their farmland, creating an endless flow of illegal immigration to this country, because we were not allowed to offer amendments to provide adjustment provisions in those agreements for the people of the Third World. Shame on us.

Then we were told, well, let's move to China. When the China PNTR was signed, we weren't in trade balance with China; we were actually in trade deficit. But after PNTR was signed, the deficit doubled and tripled. The Speaker talked about that tonight. It didn't get any better; it just got worse. And now we are getting all of the tainted food and the toys with lead and so forth.

The Jordan Free Trade Agreement had environmental and labor provisions. They said, that is the dawn of a new decade. Just what they are saying tonight. Guess what? No enforcement. We know that. They don't intend to do that. They never did.

Now tonight we look at Peru. Now, with Peru we are already in deficit; in fact, over $3 billion in deficit with Peru. I hope the Ways and Means Committee staffer is adding this up, because, you see, the numbers are in the wrong direction. That is why the value of the dollar is terrible.

What is interesting about Peru, though, what is the largest export from Peru to the United States? Gold. Gold. How convenient. And Peru is the largest silver producing country in the world.

Look at the commodities markets. In whose interest would it be to bring in more of that here? And we have heard that Caterpillar now wants to move its production to serve those mines down in Peru. They are not going to send tractors from Illinois to Peru. They are going to move the production to Peru and pay those workers nothing. We have seen the pattern before. Now, please, don't take us to be idiots.

We think about Del Monte and Green Giant. They used to manufacture. They had all of their product processed in Watsonville, California. I have been there. My uncles used to work there. Guess what? It is gone down there.

Do you think they pay these farmers anything? No. We are going to lose 3 million Peruvian farmers. They are going to be upended just like the Mexican campesinos were. Have we no heart? Some people have no heart. We have heart. We are down here tonight. We can't forget them.

I remember Congressman KUCINICH was talking about Citigroup. Citigroup. They just wrote off $11 billion Sunday night, in the wee hours of the night so maybe nobody would notice. Citigroup has got a little problem with subprime mortgages, so they want to manage now the pensions of the world.

They can't manage Social Security yet, so guess where they are going? They are going to Peru. They want to manage those dollars, and lots of other pension funds in this country. They are in trouble. They made mistakes. They robbed the American people, and I sure hope they don't come to this Congress for help, because we shouldn't be paying to bail them out. They are going to go to Peru, and under this agreement, it makes it easier for them to do that.

Tonight I genuflect, not before the Ways and Means Committee, but before the mine workers of Peru who are on strike. They went on strike Monday because these gold exporting firms are making billions. They doubled their dividends in companies like Newmont, which just happens to be an American company that owns the biggest gold mine in Peru, in South America. Actually, it is the second largest gold mine in the world.

I genuflect before those mine workers because here is what they have been told. Though the company has doubled its dividends to its shareholders, they won't give the workers anything. That is one of the most dangerous jobs in the world. Do you think they care? They are cleaning up on Wall Street selling that gold. Go to New York. Watch how that happens. Will they help those workers? No. What the company has told them, what the government has told them, the government said, Go back to work or you lose your job in 3 days. You are fired.

That is who we are doing business with, my friends?

I am an old-line Democrat. I came here to represent the majority of people in this country who are being dispossessed by Wall Street, dispossessed by the global corporations that think they are worth nothing. And we had best have a majority of a majority here tomorrow stand for the workers of this continent who still believe that we are the beacon of freedom and that they matter.

God bless this country, and God bless our workers.

Mr. HERGER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of U.S.-Peru Free Trade Agreement. I regret that heretofore the 110th Congress has been a decisively antitrade Congress, and that is why I want to thank Majority Leader HOYER and Chairman RANGEL for at least bringing this free trade agreement to the floor for a vote. It represents a modest step in the right direction.

One thing is very clear tonight when you look at the facts, and that is if a Member will not support the U.S.-Peru Free Trade Agreement, they will support no trade agreement. And as long as I have been a Member of Congress, I guess I never cease to be amazed, and I certainly have not been amazed that trade, still for some reason, seems to be controversial.

We have over 200 years of history teaching us that free trade delivers a greater choice of goods and services to our American consumers, and those greater choices mean more competition. More competition has helped lower prices, and this allows American families to buy more using less of their hard-earned paychecks. It means more money to make a down payment on a home. It means more money to send a child to college. It means more money to help a parent with long-term care.

According to Federal Reserve Chairman Ben Bernanke, increased trade since World War II has helped boost U.S. annual incomes by over $10,000 per household; yet the forces of protectionism want to take that away from the hard-working American family. He goes on further to say that eliminating all remaining trade barriers could raise U.S. incomes anywhere from $4,000 to $12,000 a year. Another opportunity for hard-working American families being denied by the forces of protectionism.

Let's specifically look at the trade agreement before us. In 2006, 98 percent of Peru's exports to the U.S. came into our markets duty free. Let me repeat that just in case somebody didn't hear; 98 percent of Peru's exports to the U.S. came into our markets duty free. But U.S. exports to Peru still face high tariffs.

Under the free trade agreement before us, 80 percent of U.S. exports of consumer and industrial goods will now enter Peru tariff free immediately, with the remaining tariffs to be phased out over the next 10 years.

I take particular note, representing the Fifth Congressional District of Texas, that this agreement is particularly good for American agriculture, whose success is heavily dependent upon the export market. Currently, 99 percent of Peruvian agricultural exports enter the U.S. duty free, again, 99 percent, while U.S. agricultural exports currently face an average tariff in excess of 16 percent.

Under this trade agreement, two-thirds of American agricultural exports will immediately enter Peru duty free, including beef, cotton, wheat and soybeans. And beef is particularly important to many of my constituents in the 5th Congressional District of Texas.

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I simply don't understand the argument that claims that this trade agreement is somehow unfair. What's unfair is the status quo. That's what is unfair. The U.S.-Peru Free Trade Agreement turns what is currently a one-way trade street into a two-way street. And let's remember again, 98 percent of their goods already come to our country duty-free.

Mr. Speaker, competition works. Trade works. We have over 200 years of history to prove it. But beyond all of the obvious economic benefits of free trade, we must recognize that fundamentally this is an issue of personal freedom. Nations don't trade with nations, people trade with people. And with the exception of national security considerations, every American ought to have the right to determine the origin of the goods and services they want to purchase, and that includes a sweater made in Peru. Who in this Chamber is going to go tell a hardworking schoolteacher in Mesquite, Texas: No, you can't buy that $15 sweater from Peru, you have to buy that $31 sweater that is made in Oklahoma. That is the sweater you have to buy. And if you can't afford it, I'm sorry, but your little child is just going to have to do without that sweater.

Mr. Speaker, maybe this institution has the power to do that, but does it have the right? I don't think so, Mr. Speaker. This is the land of the free. Countless generations have fought and sacrificed for the blessings of liberty, and that includes the liberty of trade. To be anti-trade is to be anti-freedom. It's that simple.

Mr. Speaker, we have 200 years of history to show that America has benefited from free trade. We need to support this trade agreement.

Mr. RANGEL. Mr. Speaker, I would like to recognize the gentleman from New Jersey (Mr. PASCRELL) who is not only one of the best informed members on the Ways and Means Committee on trade, but he has done a heck of a job around this country explaining why this particular free trade agreement is good for America and good for our trading partners, for 3½ minutes.

Mr. PASCRELL. Mr. Speaker, this is a great day. Tomorrow will be a great day, also. I have finally found a trade agreement I could agree with. And the reason why, for the first time, Members from both sides of the aisle have had a say in what that is. Article I, section 8 is alive and well.

I want to tell my friend from Texas, I'm sorry he left the floor, this is the United States-Peru Trade Promotion Agreement Implementation Act. This is not the United States-Peru free trade. See, that got us into trouble. I want to just correct him that we have the right title because free trade is what got us into trouble. We need fair trade. That's what this legislation is all about.

So I rise in strong support of H.R. 3688. This is a bipartisan bill. This is a carefully crafted measure that deserves broad support.

There is not a single group that I have dealt with recently who hasn't said, and I have sat with all of them, at the very least that real progress has been made in the Peru deal. Even the most vociferous opponents, who may be in this room right now, of this trade deal state clearly that noticeable achievements have, indeed, occurred.

The new provisions on workers rights and the environment represents significant accomplishments in crucial areas. And for that, Mr. RANGEL and Mr. LEVIN, Democratic leadership should be commended, and I salute you both.

You don't protect good-paying American jobs by freezing trade. You don't do it that way. You don't correct the imbalances in trade by stopping trade. For the first time in a trade agreement, we finally have fully enforceable obligations that require both FTA parties to adopt and effectively enforce core labor rights as stated in the 1998 ILO declaration.

By the way, my friends who oppose this legislation, take a look and put this in context. Since 1934, both parties have gone back and forth as to who believes in free trade more. Both parties. Neither party is privy to virtue on this issue of trade. Let's get that straight.

If you look back into the 1960s and 1970s, the same situation. Democrats were on this floor pointing fingers at the opposition saying: We need free trade. We need trade that is unbridled.

Check the record. Check the record.

And then we had just the opposite happen after Jimmy Carter became President. I believe that trade can yield broad benefits to many if done right. My belief is that trade agreements have been ill-conceived and crafted clearly not with the best interests of working families. I have voted against all of them. But this is a good one.

This trade agreement marks a significant step forward. The enemy of the good is the perfect. And while this trade agreement may not be perfect, and by the way no one on this floor is, no bill is. This is a good piece of legislation.

Mr. Chairman, I salute you. Mr. Ranking Member, I salute you. You've done a great job.

Mr. HERGER. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I want to thank my great colleague for yielding to me. And let me just say, Mr. Speaker, that I am unalterably against this deal because I think it doesn't fix the basic defect that we have seen in every trade deal that we have made in recent years. That defect is, as most of my colleagues know and understand, that the competitors to American businesses get their value-added taxes rebated to them by their home governments and they in turn charge us what effectively is a tariff in the same amount as that value-added tax when our products go to their country, and we didn't change this in this Peru Free Trade Agreement. It's not really free trade, it's only free coming in one direction, and that's our direction.

Let me explain that very simply. If this podium costs $100 and it is made in Peru and it is going to be shipped to the United States, their value-added tax is 19 percent. That means that as they build this podium in Peru, as they add wood and metal and labor, they pay their government 19 percent value-added tax. That is how they pay their tax burden. We have a direct tax burden known as an income tax and a corporate tax.

When they take this particular podium down to the docks to be shipped to the United States, the Government of Peru will give them their money back. They will rebate their taxes to them. Effectively that company will be working tax-free.

Now, if you made the other podium in the United States and we shipped it to them under this deal, when that podium gets to Peru to be sold on their showroom floors, the American manufacturer will face a 19 percent fee or tariff. So the Government of Peru under this deal will be allowed to subsidize their guys to the tune of 19 percent and penalize our guys to the tune of 19 percent.

Let me just say this is an unfair deal. This is the reason why America has massive trade deficits even to countries that have higher labor rates than the United States. Until we fix that basic defect, all these trade deals are bad deals and they accrue to the detriment of the American worker and the American businessman.

Vote "no" on this. And I regret I will not be here tomorrow. I have to be away from the floor. I wish the vote could have been held tonight. This is a bad deal.

Mr. MICHAUD. Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. I would like to yield 2 minutes to Mr. BECERRA, an outstanding member of the House leadership as well as an outstanding member of the Ways and Means Committee, and I thank him for all the fine work he has done.

Mr. BECERRA. I thank the chairman and also the ranking member, Mr. MCCRERY, and Mr. HERGER, the ranking member of the subcommittee, as well as Mr. LEVIN for the work that they have done to put before us a bill that we can support in a bipartisan fashion.

I think the gentleman from New Jersey said it best: There is nothing in life that is free. The longer we continue to talk about trade agreements as if they are free, we miss the mark. It is not about a free trade deal, it is having a deal that is good for both sides of that agreement.

And in this deal, while it is not perfect, we find improvements were made that for the first time in the history of this Congress will give us a chance to vote on something that says that we will treat workers as well as we treat widgets. We will treat people as well as we treat products. We will protect our workers as well as we protect these widgets. That is something we have never done before on the floor of this House. For me, that makes this deal worth voting for because while we would like to do much better, the perfect should not get in the way of making progress. Here what we have is a bipartisan deal that will move us forward.

It is difficult to believe, but in my first 14 years in this Congress, I saw us have a policy and debate on trade descend to the point where it became a partisan tool that made it very difficult for all of us as Americans who represent 300 million other Americans to come forward together.

This is a chance for us to work together not as Republicans, not as Democrats, but as Americans to move forward an agenda for the people who work in this country who produce so many of those goods, for the people who produce all of those phenomenal products that make this a great Nation. It is our chance to prove that trade is an American agenda, not a political agenda, not a partisan agenda.

I am looking forward to the chance to move forward even better trade deals that recognize that we have to protect and promote the rights of workers.

Mr. HERGER. Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RANGEL. I would like to yield 2½ minutes to Mr. CROWLEY who makes our New York State proud and makes the Ways and Means Committee proud and is a great Member of this great Congress.

Mr. CROWLEY. I thank my good friend and colleague and the Chair of the Ways and Means Committee which I so proudly serve on.

I want to thank all those involved in this debate this evening. This has been a very good debate and one that I think has been fairly conducted.

I think, though, it is important to look back on the historic nature of this particular agreement. I say that coming to you as one who has not been a purist on this. I have not been blind in voting for or against free trade agreements. I have looked at free trade agreements and I have weighed them and I have balanced them.

I want to remind my colleagues, some of whom are new and don't know who I am and what I am about, I did not support WTO for China. I did not support PNT for China. I did not support a number of the free trade agreements in the past. But when you look at this free trade agreement as I have, I support this fair trade agreement, this fair trade agreement, because it is the right thing to do.

This is a good agreement. It is worthy of the support of every Member of this House. On May 10 of this year, the chairman of this committee and the chairman of the Subcommittee on Trade, along with our Speaker, reached agreement on a new template moving trade forward in this Congress. You have to remember that the agreement with Peru was reached in the last Congress. The Peruvian government agreed to that agreement. We had a change in government. We adopted a new template. The Peruvian government took that template, reopened their agreement and passed it again this year.

They adopted the labor standards and the environmental standards. The labor standards include freedom of association, the right to collectively bargain, elimination of forced and compulsory labor, abolition of child labor, and elimination of employment discrimination, not to mention the advancements we have made in environmental protection. They are not just environmental and labor rights, they are part and parcel with human rights.

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They are part of their rights and the values of our country that we'd like to have.

Now, just briefly on Peru. Peru has been a country that has been developing, and this is an opportunity for them to develop a middle class, a stronger middle class that will want more of our U.S. products.

As we mentioned earlier, they already have duty-free and quarter-free access to the United States. This is about opening up their borders to what we make.

Once again I want to thank the chairman for your hard work, Mr. LEVIN as well, the Speaker and the other side of the aisle for this joint effort that's been made in a bipartisan way. I wholeheartedly support this agreement.

Mr. HERGER. Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I have six speakers and it just seems to me that if other people are reserving their time, then I yield 2 minutes to the gentlelady from Pennsylvania (Ms. SCHWARTZ), who not only served well on the committee but was a part of the team that went to Peru with Congressman LEVIN to make certain that we were able to convince the President, the corporate leaders and the Congress that America was their friend and wanted to do the right things. It is with great pride that I yield 2 minutes to the gentlelady.

Ms. SCHWARTZ. Mr. Speaker, I thank the chairman for his kind words.

I rise in strong support of the Peru Free Trade Agreement which passed the Ways and Means Committee with an impressive unanimous vote. This agreement represents a new direction for trade policy in the United States.

For the first time, the trade agreement before us includes fully enforceable labor and environmental standards. The lack of these standards was exactly why many Democrats, including myself, opposed the Central American Free Trade Agreement in 2005.

Inclusion of such standards is a significant achievement and will mean better working conditions for Peruvian workers, a cleaner environment in Peru, and expanded economic opportunity for both of our countries.

That is why so many organizations who were previously opposed to bilateral trade agreements have praised the Peru FTA. For instance, the AFL–CIO called the Peru FTA, "an important step toward a trade model that will benefit working people."

The United Auto Workers said the agreement represents, "substantial progresses in achieving this long-standing objective of the labor movement."

Chairman RANGEL and Chairman LEVIN did remarkable work to advance a new kind of trade agreement. I'm proud of what we were able to accomplish to further this agreement when the three of us traveled to Peru in August and met with Peruvian President Alan Garcia.

President Garcia is a true friend of the United States. Building a strong economic relationship with Peru will also build a stronger political and diplomatic relationship with this important ally in Latin America.

Every Member who votes for this agreement can feel proud that they've supported a trade agreement that represents the interests of Americans.

I urge a "yes" vote on this agreement. It's pro-worker, it's pro-business development, and it's pro-environment. It is a new kind of trade agreement for the United States. Vote for the trade agreement with Peru.

Mr. HERGER. Mr. Speaker, could I inquire how much time each side has.

The SPEAKER pro tempore. The gentleman from California (Mr. HERGER) has 29½ minutes left tonight. The gentleman from New York (Mr. RANGEL) has 12¼ minutes left this evening. The gentleman from Maine (Mr. MICHAUD) has 22 minutes left this evening. I deducted 5 minutes, 5 minutes and 10 minutes to get to those numbers.

Mr. HERGER. Mr. Speaker, I reserve.

Mr. MICHAUD. Mr. Speaker, before I yield to the gentlelady from California 5 minutes, I'll take 20 seconds to make very clear, there's not one labor organization that has sent a letter out saying that they support this trade deal. They don't support this trade deal, and to cherry-pick some of the language in the letter that they've sent I think is not correct.

Mr. Speaker, I yield 5 minutes to the gentlelady from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in strong opposition to H.R. 3688, which would implement the U.S.-Peru Trade Promotion Agreement.

This is not a choice between trade and protectionism. It's a choice between fair trade, which can benefit working families across the Nation, and unfair trade, which benefits the wealthiest few at the expense of the rest of us.

While there are some welcome, but minor, improvements to the Peru FTA, as compared to NAFTA and CAFTA, the agreement essentially is not good enough. I feel like I'm at a used car lot and the dealer is trying to sell me a beat-up old NAFTA lemon with a brand new paint job and trying to tell me that it's a great car.

Well, we learned with NAFTA that there are no refunds for the American people when they're sold a bad bill of goods. Let's learn from our mistakes and reject this Peru FTA junker.

To serve the American people, we must work for real trade reform, not just put a Band-Aid on a trade model that has been bleeding jobs from this country since 1994.

Supporting this new deal requires us to believe in two things: one, the actual benefits of the NAFTA free trade model; and two, the promises of the Bush administration.

Considering the first question, the actual benefits of the NAFTA model are about as real as the tooth fairy. NAFTA was supposed to solve illegal immigration by developing a robust economy in Mexico that would give hardworking people the opportunity to provide for their families without having to leave their homeland behind. That didn't work.

Instead, undocumented immigration has actually increased. Subsidized crops from the U.S. pushed millions of farmers off their land, and many of those displaced farmers ended up emigrating to the United States, whether or not they had proper documentation, just so they could find work to support their families.

CAFTA, another so-called improvement on the NAFTA model, was supposed to include bold new safety and wage protections for workers. But these protections are disappointingly weak, allowing countries to downgrade their own labor laws.

We've learned that the NAFTA free trade model is designed to favor the wealthiest few and corporate bottom line, at the expense of small businesses, workers, families and our communities.

As to the second question, I think this administration has made it pretty clear that it has no interest in enforcing labor laws.

The BP Texas City explosion, the Sago and Crandall Canyon mine disasters, and the failure to protect 9/11 first responders and cleanup workers who have developed serious breathing ailments, these are just a few of the more notorious examples of this administration's dereliction of duty to provide even the most basic protection to workers: the right to work in a safe environment.

So long as we have to rely on this administration to protect the rights and safety of working men and women, we will continue to be disappointed.

To some in this House, the only redeeming value of this trade agreement seems to be that it's not as bad as the deals with Colombia and Korea. But that argument misses the point. When they say "not that bad," we have to stand up for the American people and say "not good enough."

Finally, the Peru FTA offers inadequate protection for numerous endangered species that live in the forest of Peru, like the giant river otter and the jaguar. If it's such a great agreement, why has no environmental group gone on record as supporting or embracing this agreement. I ask my colleagues that and I don't think they have an answer.

Let me just remind my colleagues that I've heard over and over on the floor tonight that the enemy of the good is the perfect. Well, from where I sit, the enemy of the good is the bad, and this is a bad agreement.

We now have a choice before us. We should choose to vote "no" to a nondemocratic process, "no" to benefiting big business at the expense of the little guy, "no" to ignoring the will of the American people, and "no" on the Peru FTA.

Mr. HERGER. Mr. Speaker, I reserve the remainder of my time.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Alabama (Mr. DAVIS), an outstanding member of the Ways and Means Committee and thank him for the support that he's given to us on all of our issues.

Mr. DAVIS of Alabama. Mr. Speaker, let me make two points, if I can, about this agreement tonight.

Almost everyone on the Democratic side of this Chamber has at some point in time in the last 7 years had some point to decry the Bush administration's tendencies toward unilateralism. Almost everyone on the Democratic side has had some occasion to say that we wish the Bush administration would abandon its tendency to go it alone in this world.

If we take that rhetoric seriously, Mr. Speaker, if we take seriously the idea that we cannot dig ourselves into a barricade and isolate ourselves when it comes to national security, the same logic has to apply when it comes to economics.

I fundamentally disagree with Mr. JONES's point earlier that the U.S. is in decline. We're not in decline. There's nothing wrong in this country that better policies in the White House would not fix. Because we're not in decline, because of our underlying strength and underlying robustness, we ought to be using the economic power that we have to lift up workers here and to see what we can do to lift up workers around the world, and that vision is exactly what this agreement is about.

Second point, Mr. Speaker, the template for this agreement was not written by this President or this USTR. It was written by CHARLIE RANGEL, the chairman of the Ways and Means Committee; co-signed by SANDY LEVIN, one of the strongest supporters of labor in this Chamber; and co-signed by the Speaker of the House who yields to no one in her support of organized labor. This is the template and the vision that the Democratic Caucus constructed.

And I hear some of my friends on the Democratic side of the aisle who say, well, we don't count on enforcement from the Bush administration. I don't. I count on the fact that beginning January 20, 2009, there's going to be a new sheriff in town.

I close, Mr. Speaker, by saying this. This agreement will be enforced by a new Democratic President of the United States. It will reflect Democratic values and sometimes, Mr. Speaker, principled leadership requires taking "yes" for an answer.

This agreement and the foundations around it are what this Democratic Caucus has been seeking for 5 years. Sometimes you have to take "yes" for an answer.

Mr. HERGER. Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I reserve.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the distinguished Member from the State of Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, in this debate tonight, it's almost like we're having two conversations. There's the conversation about the trade agreement and there is the conversation about larger economic issues, from environment to jobs to a whole lot of other issues.

On the Peru Free Trade Agreement, Mr. RANGEL and the Ways and Means Committee have done a great job of putting together a good agreement. It negotiates a reduction in tariffs and nontariff barriers to help us economically, and they've also added in labor protection, which we never got. I voted personally against CAFTA because they hadn't been included. As Mr. DAVIS just said, those agreements are exactly what those of us in the Democratic side of the aisle have been asking for for a long time.

But the issues that are raised tonight are about the economic challenges in this country, about jobs lost and transitions. And I totally agree with the people who raised those issues, that those are important issues and incredibly difficult challenges for middle-class workers in this country and for the working poor that we have not addressed.

Where I disagree with them is the convenient take of simply blaming trade agreements for that. Trade agreements simply reduce tariffs and nontariff barriers so that the cost of doing business goes down.

Now, if we have made any mistake on the pro-trade side of the aisle, it's overselling that. It's presenting it as a panacea that will grow the economy and benefit everyone and cause no pain. They can't solve that problem. The trade agreement can't solve all of the challenges that are presented for poor workers throughout the world. It's a step forward.

We have lost jobs in this country because of global competition and technology primarily, not because of trade. The rest of the world stepped up and decided to participate in the economy. China, the former Soviet Union, countries that were never there before, now they're there. They're competing and we're losing jobs.

But it is a mistake both to blame trade and to not focus on the issues that could actually help: health care, a fairer tax policy, issues I know that the chairman is working on; issues that would actually help workers in this country instead of laying it all at the feet of the Peru Free Trade Agreement, an agreement that simply reduces tariff and nontariff barriers to free up the flow of goods and help grow the economy.

It's a good agreement, and we should support it.

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Mr. HERGER. Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the distinguished Member from Utah (Mr. MATHESON).

Mr. MATHESON. I thank the chairman for yielding and I also commend Chairman RANGEL for his work on this agreement. I think it represents a great step forward on the trade agenda.

Mr. Speaker, I think that it's human nature to have difficulty accepting change. Change can be traumatic, and we are in a world that's changing. In a globalized world where technology is taking us to new places, this flatter world that Tom Friedman talked about in his book, that's a change. The question is, do you stick your head in the sand and ignore change, or do you embrace change and try to take advantage of it?

That's the fundamental issue I think we ought to be talking about in terms of engaging the rest of the world, engaging the rest of the world in economic opportunity in a changing world. Mind you, globalization is a mixed bag, and there are positives and negatives that come out of it, but the question is, as a country, do we want to try to embrace that opportunity?

This agreement represents a wonderful step in embracing that type of opportunity for this country. Beyond the economic benefits, which a lot of speakers have talked about today, there are also the benefits of relationships with these other countries. The eight living former Secretaries of State have all encouraged Congress, in fact, urged Congress to move ahead with this agreement, to build better ties with the country of Peru, a good democratic friend in a region of the world where there are some unsettled countries. This is good policy in terms of how we have those relationships in South America.

I encourage my colleagues to step away a bit from some of the rhetoric, as with many issues, that comes out that is not necessarily accurate. I encourage my colleagues to look at the substance of this agreement and see how Chairman RANGEL has made such progress in coming up with a responsible new agenda for trade with this Democratic majority.

As I started, I will close the same way, I commend the chairman, he has stepped up to the plate in a substantive way. He is moving forward.

I urge passage of the Peru FTA.

Mr. HERGER. Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. I yield 2 minutes to the outstanding gentlelady from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Speaker, I rise in support of this agreement.

I commend Chairman RANGEL and Chairman LEVIN as well as Ranking Members MCCRERY and HERGER for their important leadership on this issue.

I am encouraged to see bipartisan support of the U.S.-Peru Trade Promotion Agreement which recognizes the opportunity to expand potential to 5,000 small and medium U.S. companies that export almost $800 million of goods and services to Peru. These small and medium businesses represent 80 percent of U.S. exports to Peru. They will have an even greater opportunity with this agreement to compete on a more level playing field.

The current Andean trade preference allows Peruvian exporters access to our markets without tariffs while our own exporters are competitively disadvantaged by tariffs. Americans need not fear competition. When we remove barriers, we will innovate, we will adapt, we will compete, and we will succeed in the global market. For those who are rightfully concerned about jobs, we should remember that our small and medium businesses, these same businesses that export to countries like Peru, are creating 80 percent of our domestic job growth.

American employers will now have the ability to fairly compete to expand and enter new markets and, in the process, further strengthen our local and our national economies. I urge my colleagues on both sides of the aisle to support this agreement.

Mr. HERGER. Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. I would like to recognize for 5 minutes a very outspoken, hardworking, freshman Member, Congressman HARE from Illinois.

Mr. HARE. I thank the gentleman.

Mr. Speaker, I think tonight on three occasions or maybe four, we have heard, we need to put a face on trade. I encourage all the Members, here is the face. It is the face of a refrigerator in Galesburg, Illinois, manufactured by 1,600 machinists, signed on the last day before their jobs were exported to Sonora, Mexico, thanks to a trade agreement that didn't work.

This, my colleagues, is the face of people. This trade deal, while I commend the framework of it, puts the sheriff, as we have been hearing, the President of the United States, in charge of it. I sit on the Education and Labor Committee of the House. We have had three mine disasters. The President won't do a single thing to protect our miners. He won't sign the Employee Free Choice Act to give people a right to collective bargain for it. He will not stand up for America's workers. He has had to be sued by our own government for one OSHA standard.

Tonight we stand here ready to give this President oversight on this trade deal. I have been told, well, we'll just subpoena him. We're trying that. We're trying that with the legal counsel for this President and Josh Bolten. We'll see how far that gets us.

I take offense, to be honest with you, when people say you won't vote for any trade deal if you can't vote for this one. Let me say I'll vote for every trade deal, as long as it's fair, as long as it works for American workers, as well as the people that we seek to trade with.

How much longer are we going to continue to do this? Fifty-four percent of Republicans polled don't support this agreement. Almost 70 percent of Democrats don't support it, and 60 percent of Americans don't.

I ran on this issue. I am the product of a person whose dad lost their home, not because he did anything wrong, but because he lost his job. He made me promise two things, take care of your sisters and your mother, this is shortly before he died, and do not, whatever you do, PHIL, for a living, do not allow this to happen to another family.

I may only be in this Chamber for one term. I don't know. I ran on this issue. I stand on this issue. I'm proud of my voting record with this Democratic Caucus. I take a back seat to no one in party loyalty. But my first loyalty comes to the people who signed this refrigerator. I have no loyalty to the President of the United States when he has no loyalty to the people whose jobs he outsourced.

I tried to get an amendment before the Rules Committee that would say if you can get a free trade agreement, fine, but let's get the safety net for workers, one this Chamber passed that Mr. RANGEL worked so hard on, whom I give him a ton of credit for.

Let me tell you what happens. The next day he says he's going to veto it. He won't insure 10 million children, he won't sign a safety net for workers, and we are going to pass tomorrow a trade agreement and expect this President to enforce it. Let me ask you all tonight not to be looking at us as though we are naysayers. We're not.

I would love to put my card in tomorrow and hit the green button, but I will not, because if I do, I will not come to back to this Chamber. I don't deserve to come back to this Chamber.

I ran to support these people. I have heard the term "protectionism" used this evening. If all of us, Democrats, Republicans, left, center and right are not going to stand up for the very people who sent us here, who are we going to stand up for? What are we as Members of Congress?

I ask you, tomorrow is a very big day. I guess I'm voting "no." I don't guess, and I told two people today, I do so proudly. I wish I didn't have to. But I will remember Dave Bedard, who has been unemployed now after two wage concessions, no health care, a wife who has cancer.

One Member who is supporting this deal told me that I should go back to Dave Bedard. And when I said, what should I say to him, that Member said, You should talk about currency manipulation with him.

I should need a football helmet. He's going to punch me in the nose if I try.

Vote "no" on this bill.

Mr. Speaker, I rise in strong opposition to the Peru Free Trade Agreement and the implementing legislation before us today.

Mr. Speaker, my fight against the Peru FTA is a personal one. Districts like mine represent the very worst of unfair trade—jobs lost, economies devastated, and lives shattered. In 2004, the Galesburg Maytag Refrigeration plant relocated to Sonora, Mexico, leaving behind 1,600 unemployed workers—all innocent victims of bad trade policies.

On their last day, all the workers who were laid off signed the final refrigerator to roll off the assembly line. The inscription on the fridge reads, "The last top mount refrigerator produced in Galesburg, Illinois with pride by the members of IAM Local 2063, September 14, 2004." Although devastated, the pride and spirit of these workers remained strong—a testament to the incredible workers we have in this country.

This year marks the 5th anniversary of Maytag's announcement that it would be closing its Galesburg plant. Five years later, the city of Galesburg is still recovering from the loss of Maytag and many of the workers are still unemployed.

Unfortunately, the economic nightmare Galesburg has endured is not unique. NAFTA outsourced a total of 1 million U.S. jobs nationwide with casualties in every state.

Mr. Speaker, unfair trade is not just a Midwest issue, it is a national crisis.

Weary of more bad trade deals, last November voters swept fair trade Democrats into office—sending a clear mandate for a new direction on trade.

And yet here we are. Voting on another one-sided, so called "free trade" agreement crafted by the Bush administration under fast track authority.

President Bush's use of fast track has been nothing but a blatant abuse of power. It has allowed him to force through 4 trade deals built on the flawed NAFTA–CAFTA model, one of them being the Peru FTA we are currently debating.

And we all remember what was left behind from NAFTA: the decimation of the U.S. manufacturing industry and the loss of high paying jobs. One must look no further than Galesburg to see what the future holds for American jobs if the Peru FTA is passed.

We can also expect the Peru FTA to benefit big business, similar to NAFTA. If this agreement is passed, one thing is certain, the rich will continue to get richer at the expense of the average, hard-working American.

Some who support the agreement will say that the Peru FTA is not NAFTA. They will say that the inclusion of labor and environmental standards set it apart from all former trade deals. Not so fast.

With President Bush's poor track record of enforcing labor rights, it remains to be seen whether these improvements will have any affect at all. In fact, the President of the U.S. Chamber of Commerce has said that he is "encouraged by assurances that the labor provisions in the [Peru agreement] cannot be read to require compliance with ILO Conventions." We should be more than skeptical.

Moreover, just today the Peruvian government declared a strike by national miners illegal. So much for real reform.

In short, without the threat of enforcement, our trading partners, including Peru, have no incentive to uphold international labor standards.

Mr. Speaker, the truth is that the proposed Peru FTA would replicate—and in some instances expand on—many of the most devastating provisions of the flawed NAFTA–CAFTA model.

Despite "fixes," the Peru FTA is nothing but a wolf in sheep's clothing.

The choice is crystal clear.

Today, Congress can choose to roll the dice when it comes to the loss of American jobs or we can choose to demand an agreement that bans off shoring.

Today, we can choose to entrust President Bush with enforcing labor and environmental standards as we did with the Jordan FTA or we can choose to accept that these standards will likely be ignored in Peru, just as they are in Jordan.

Today, we can choose to give big business another win or we can choose to stand with American middle class families.

Today, Congress can choose to expand the failed NAFTA–CAFTA model to Peru or we can choose to pursue a new trade policy.

I for one cannot go back to my district and explain that I voted for another bad trade deal that in all likelihood will result in more job loss.

I cannot in good conscience face the 1600 Maytag workers who lost their job and tell them that I voted to continue the hemorrhaging.

I came to Congress because I believe in fair trade that creates jobs and raises the standard of living for middle class families. I believe in keeping America competitive. But in my opinion, the Peru FTA does not pass the test.

For the sake of all workers, I will be voting NO on the Peru FTA. I urge my colleagues to do the same.

It is time that our trade policy starts serving the interests of America's working families.

Mr. HERGER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas, a member of the Ways and Means Committee, a very distinguished and active member of the Trade Subcommittee, Mr. BRADY.

Mr. BRADY of Texas. Mr. Speaker, I see faces of trade myself. I recently did a tour of our manufacturing plants. We have over 300 of them in the Eighth Congressional District of Texas from steel mills to paper mills. I watched the workers on those lines working every day to produce those products. Between one-third and one-half of those products are made for sales overseas.

What they find is that when they try to compete around the world, they aren't allowed to compete. America is so open for every product from every country. But when we try to sell our products and our goods, what we see are America need-not-apply signs all throughout this world.

Our trade policy is to tear down those signs, to give those workers in my plants a chance to sell their products around the world. There is a principle applied to the trade that we deal with today. The principle is, if you or I build a better mousetrap, we should be free to sell it throughout the world without government interference. If someone else builds a better mousetrap, we should be free to buy it for our family or for our business, again without government interference. That freedom to buy, to sell and to compete our products and our skills is an important economic freedom.

This trade agreement opens Peru's market, gives us the freedom to sell our products and goods into that country, for our agriculture community, for our manufacturing workers, and for our service community. As importantly, it reaffirms America's long-term commitment to both growth and prosperity here and at home in Latin America.

This agreement is important because for the first time in a long time, America is speaking as one voice on trade. Republicans and Democrats, this Congress and the White House are speaking as one voice to level the playing field for our farmers and our workers around the world. We are going from one-way trade to two-way trade.

These free trade agreements that we have with 14 to 15 countries are working. Today, they are only a small part of the world market, yet they buy nearly half of what my workers and America's workers export around the world. We are seeing growth in sales, growth in services, growth in products, and good-paying jobs in America.

One of the key points today is Peru is a great trading partner and they have been for 16 years. They have one of the most dynamic emerging economies in the Americas. They have instituted democratic reforms, they have decreased poverty, and they have improved their labor and environmental standards significantly. Why would we turn our back on a country and a partner like Peru?

It is time to go from a limited partnership of preferences to a full partnership of free trade with the country of Peru. Tonight I heard people say, well, the Peruvians don't support this. The workers don't support this.

How arrogant. The Peruvian Congress has twice voted overwhelmingly to ratify this agreement. They elected a President based on his support of this trade agreement. Their leading lawmaker's party ran on supporting this agreement. How arrogant it is for us to talk about Peru when their own elected leaders support this agreement.

It is important, not just about jobs for America, not just about jobs in Peru, it is important we remain engaged in Latin America. There is a reason why eight of our living Secretaries of State have implored this Congress to stay engaged. Now is not the time to build walls to Latin America. Now is the time to build bridges.

Now is the time to continue to stay engaged as countries like Peru reject the influence of Hugo Chavez and embrace democracy and free speech and the rule of law and labor rights and human rights. They are doing the right thing. We ought to be reaching out and responding more to them.

I will make this point. America does create jobs through trade. In 1995, when NAFTA first took effect, our economy was less than $7 trillion. Today it is more than $13 trillion. Back then we had 115 million people working in America. Today we have over 140 million people working in America.

Trade creates jobs, and look at the top 10 trade States whose jobs are dependent upon our sales: Texas, California, New York, Washington, Illinois, Michigan, Florida, Ohio, New Jersey, Pennsylvania, all the top 10 States whose jobs are directly related to exports. Then we have the heartland States of agriculture and the high tech States throughout the country, all of which depend upon us opening new markets, tearing down that sign, and creating jobs. This is an agreement worth our support.

Mr. RANGEL. I would like to yield 2 minutes to the distinguished gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, I rise today to encourage my colleagues to support the Peru Trade Agreement. But first I want to thank Chairman RANGEL for the leadership, for providing a very balanced approach to trade here in the United States. Thank you, Mr. Chairman.

The objectives of the Peru Trade Agreement are two. One is to provide a substantial access for U.S. exports, and number two is to promote political stability in the western hemisphere and to strengthen U.S. national security.

Let's look at the purpose of a free trade agreement. The purpose of a free trade agreement is to lower tariffs.

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But let's look at the current situation we're in. Right now, currently, 98 percent of the U.S. imports from Peru enter into the United States duty free under the most favored nation tariff rates and various preferences programs, including the Andean Trade Preference Act, the Generalized System of Preferences, GSP, and the Caribbean Basis Initiative. It is a one-way street where those imports come into the United States.

Upon implementation of this Peru trade agreement, 80 percent of all U.S. goods entering Peru will be immediately duty free, and the remaining 20 percent of goods will have the tariffs removed over the next 10 years. So what we're doing by this trade agreement is to make it into fair trade, into a two-way street. It's a one-way street coming in the United States, and what we want to do is make it two ways so we can also have more exports and, therefore, make sure that we have a trade surplus with Peru.

The passage of this agreement will continue to remove barriers of trade of the Andean region and send a clear message to other nations that the establishment of democratic rights, the removal of restrictive tariffs, and the opening of markets to free trade will net positive results.

Peru is a market of almost 30 million people, and this presents opportunities for the U.S. businesses that they currently do not have at this time.

Although comprising 7.5 percent of the global, this will open up trade.

And I thank again, Mr. Speaker, the chairman for providing this legislation.

Mr. HERGER. I reserve.

Mr. MICHAUD. I reserve.

Mr. RANGEL. How much time do I have, Mr. Speaker?

The SPEAKER pro tempore. You have a total, Mr. RANGEL, of 7¼ minutes, which means to preserve your 5 minutes for tomorrow you have 2¼ minutes left this evening.

Mr. RANGEL. Well, I am the last speaker, so whatever they want to do they can do. I may have to ask my friend on the other side for a minute or two to close, but I may not. So why don't I reserve and see what happens.

Mr. HERGER. I reserve my time to close as well on our side.

The SPEAKER pro tempore. And so, as I understand this current situation, Mr. RANGEL will use his 2¼ minutes to get down to 5 minutes. Reserve 5 minutes.

You will close and then yield all your time back except for 10 minutes for tomorrow.

And it now falls to you, the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. So if I understand you correctly, for debate purposes this evening, the gentleman from New York has 2¼ minutes.

The gentleman, how much time does he have this evening?

The SPEAKER pro tempore. He has a total of 34½ minutes left, and take off 10 minutes, so he has 24½ minutes left this evening.

Mr. MICHAUD. 24½ minutes.

Do you have any additional speakers?

Mr. HERGER. Just myself to close on our side.

Mr. MICHAUD. Okay. Well, I would now recognize an outstanding freshman Member in the 110th Congress, the gentlelady from Ohio (Ms. SUTTON), who's done a great job on trade issues. I yield her 6 minutes.

Ms. SUTTON. Mr. Speaker, just over 11 months ago I arrived in these hallowed Halls as a Congresswoman representing the people of Ohio's 13th Congressional district.

During my campaign, and now as a Member of Congress, I have spoken with workers and their families in Akron and Lorain and other communities throughout northeast Ohio. And let me tell you about these proud, hardworking people who I am so honored to represent. All they really want is a government that works with them, not against them. They want a good job that will allow them to care for their families, put food on the table, and help them send their children to college.

And one of the many things that they understand very clearly is that our global trading system is broken, and our workers, and our businesses, our farmers, and our communities are being left at a devastating disadvantage.

In Ohio, we have lost over 200,000 manufacturing jobs since 2001, and that means a lot of families are suffering. And last November, my constituents and the American people across this country, they cast their ballots seeking a new direction on trade. And that's why it is so important that this Congress understand the connection between what we do here today and the impact that will have not only on people's livelihoods, but on their beliefs and on their ideas about what we stand for.

Mr. Speaker, people seldom look very hard for things they don't want to find. But Members of this esteemed body should not be so blinded by their yearning to support trade to not recognize the realities of its harmful effects on our families and communities.

Mr. Speaker, it may be easy to say that our current trade policies are working when you've not talked to families in Akron, looked into the eyes of their children, or walked down the streets in Lorain.

It may be easy to think that our broken system is benefiting our Nation's businesses when you ignore the voices of small businesses in Barberton and Elyria. And it may be easy to think we should continue down a crumbling path when you drown out the concerns of workers in Brunswick and Strongsville and Cuyahoga Falls.

But I learned, as we all do when we're young, that if something is broken, you fix it. You really fix it. If something no longer works, develop a new product that fits your needs and allows you to move forward. That's what we need to do with our trade policies. But, unfortunately, that's not what is happening here.

Mr. Speaker, the same promises that have been used over and over and over to justify passage of free trade agreement after free trade agreement are being heard here again tonight. Some are pleading that this is an historic breakthrough, and oh, how I wish that that were so. But it is not. And saying it is does not make it so.

It's clear that our current trade policies are not working, despite the same past promises made. We see this in the reality of a nearly $1 trillion trade deficit, tainted imported food and products, currency manipulation, illegal subsidies, offshore jobs, and devastated families and communities.

Mr. Speaker, we could develop a new model that addresses these issues and puts American workers and businesses in a position to compete on a level playing field and truly raises the standard of living for those in other nations, but, unfortunately, the Peru FTA fails to do this. It locks in problems with food safety, procurement, Social Security privatization, among others. And most importantly, we know very clearly it will not be enforced.

Just look at one of the agreement's strongest supporters, the U.S. Chamber of Commerce. They were very encouraged that the labor provisions in the bill could not be read to "require compliance." And today, in The Washington Post, we learned from the Columbia law professor, Mark Barenberg, that the Peru FTA actually imposes lighter sanctions for labor standard violations than current trade law requires. Now, proponents will say that's not true. But that's what Columbia Law Professor Mark Barenberg says. The Peru FTA actually imposes lighter sanctions for labor standard violations than current trade law requires.

So, Mr. Speaker, what are we going to do today for my constituents and those who elected us to move in a new direction on trade?

What will be the true legacy of this historic Congress? Will it be our legacy to pass more harmful trade policies and trade agreements like the one before us? Or will it be a different course, one of fairness, one of justice, one that will allow our workers and business a truly fair playing field?

I urge a "no" vote on the agreement.

Mr. HERGER. I yield myself so much time as I may consume.

I'd like to begin by just mentioning the last speaker, the gentlelady from Ohio, the Independent International Trade Commission estimates that Ohio's exports to Peru will grow by some 38 percent. And that 38 percent is in such areas as machinery equipment, chemical products, transportation equipment, computer and electronic equipment and plastic and rubber products.

Mr. Speaker and Members, I wish to express my strong support for H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act. The Peru TPA will eliminate or significantly reduce Peruvian tariffs and address other trade barriers to U.S. goods. That Peru TPA also is an important means to promote democracy and stability in Peru and will further strengthen our relations with this strong partner of ours.

Today, nearly 6 months after reaching the May 10 bipartisan trade deal, we consider the Peru TPA on the House floor. I'm pleased for our farmers, ranchers, businesses, workers and consumers that this long-promised day is now a reality.

The Peru TPA will provide significant reciprocal market access benefits for these constituent groups. The International Trade Commission estimates that the Peru TPA will increase U.S. exports to Peru by $1.1 billion. But U.S. imports from Peru will only increase by less than half that, or $439 million.

The ITC also estimates that the Peru TPA will add $2.1 billion per year to the U.S. gross domestic product. According to the Office of the U.S. Trade Representative, the Peru TPA's many benefits include the following: 80 percent of U.S. exports of consumer and industrial goods will be duty free immediately, and all remaining tariffs eliminated within 10 years.

More than two-thirds of U.S. farm exports to Peru will become duty free immediately, including beef, wheat, soybeans, tree nuts, such as almonds, and various fruits and vegetables, such as peaches.

U.S. services firms will have substantial market access across Peru's service sectors, with very few exceptions. Almost all U.S. exports of information technology products will be duty free immediately, and there will be important protections for U.S. investors, intellectual property rights, worker rights and environment.

In my home State of California, the Peru TPA will offer tremendous market opportunities for our exporters. In 2006, California's farmers and businesses exported roughly 180 million in goods to Peru, including computers and electronic machinery, metal products and agricultural products. The elimination of tariffs and other trade barriers will help support the nearly 20 percent of manufacturing jobs and roughly 135,000 agricultural-related jobs in California alone that depend on exports.

The Peru TPA will also lead to a more substantial and reciprocal trading relationship between Peru and the United States. The current Andean trade preferences given by the United States to Peru have been important to its economic development and stability, but they provide little benefit to the U.S. exporters.

Today, for example, 97 percent of Peru's exports to the United States are already duty free. But only 2.8 percent of Peru's tariff lines are duty free for U.S. exporters.

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The Peru TPA will level this uneven playing field. Given the importance of the Peru TPA as well as the pending free trade agreements with Panama and Colombia, I was pleased to participate in a recent bipartisan fact-finding trip to the region led by U.S. Commerce Secretary Carlos Gutierrez. This trip underscored to me that the Peru TPA will move our economic relationship to a new level and help make us even closer strategic allies.

I want to close by reminding my colleagues that our work is not done today. The May 10 bipartisan trade deal was designed to pave the way for a new bipartisan approach to trade policy and consideration of all four pending FTAs, not just the Peru TPA. In fact, the May 10 deal amended all four pending FTAs, not just the Peru TPA. I urge the majority to now act on the commitments made with the May 10 deal and move the three pending free trade agreements with Colombia, Panama, and Korea.

We must not let this unique moment pass us by, especially when the E.U., China, and other countries are strengthening their trade ties in Latin America and Asia and threaten to pull ahead.

Mr. Speaker, at this time I would like to yield 3 minutes to my good friend the gentleman from New York (Mr. RANGEL). I want to thank the chairman, Mr. RANGEL, for your strong work and your leadership along with Chairman LEVIN of the Trade Subcommittee and the Democrat members on your side for working to have this bill come through the Ways and Means Committee with a unanimous "aye" vote. I commend you and for your many years of working in this area of fair trade.

With that, with the addition of the 3 minutes I yield, I yield back my time for this evening.

Mr. RANGEL. Let me thank my friend Mr. HERGER for the great work that he has done.

Mr. Speaker, as we wrap up this debate, I think that we have had tremendous success in what we have done because, regardless of which way the votes have come, isn't it wonderful, Mr. HERGER, that we do have a bill on the floor, that Republicans and Democrats are discussing it, and we broke this barrier that because of party label, people could decide how we felt about something?

And I have decided that we have a bigger job to do really than just talk about trade. I really think if the multinationals and the trade ambassadors and the Congress spent more time in feeling the pain of those people who were not the beneficiaries of trade, where people who worked hard for generations and life was always better for their kids and their grandkids, and how depressing it is to see all of that lost and the multinationals not bringing that technology and that innovation to our communities and our towns so that people could get their dignity restored. We have got to do a better job. And whether it's related to trade or whether it's not, when you're out of work and you've lost your dignity, what difference does it make?

And when you hear people say that they campaigned against trade, they campaigned against the indifference of our government to care about working people. They were campaigning against the spear because how could you possibly campaign against trade? You can't campaign against trade. You can't say everything we grow and everything that we manufacture, that we don't want someone to buy it. And you can't say that America can be as stable as it is. Somebody's working. Someone's doing well. But the people who campaign against trade are communities of people who are not doing well, and this country has not done well by them.

So we have got to make an appeal to the multinationals and to our government that they have to not sell trade where it's working; they have to sell trade where it is not working. Because, realistically, no one could have campaigned against the Peruvian agreement. It hadn't been decided. And if you campaign against trade, it's not realistic. But if you campaigned against making America strong and making certain that when you stamp an agreement, you see dignity in that agreement, you see a care for the environment, a care for workers, and you see a concern for those people who are going to be disadvantaged by that agreement. And if they are disadvantaged by anything even other than the agreement, which, as Mr. MCCRERY said, when we were told by the United States Trade Representative and she said, Mr. Chairman, you know, a lot of people are complaining about loss of jobs. It has nothing to do with trade. And Mr. MCCRERY said, What difference does it make? As long as they think it is, it's going to be very difficult to sell the question of trade.

So we've got a big job to do. This is only the beginning. And after you have said no, no, no to trade, we have to make certain that those towns come back. And I am not that good at projecting what's going on, but I was telling my dear friend JOE CROWLEY, I bet you that those who feel the strongest against the Peruvian agreement come from communities who have had a lot of economic pain, and those people who even think it was a bad trade agreement if they were doing good, they would allow a Member to make up their mind what they want to do. And so it means that we have got a long way to go but this is truly a beginning. We now have people expressing themselves and asking more from their government to help Americans that deserve better treatment than they have been getting.

The only thing that bothered me in the debate is the whole idea that the Speaker of this House and the members, Republican and Democrats, on this committee would bring forth a bill that they thought that Americans would suffer. It's one thing to differ with the contents of the bill; it's another thing to think that we are trying to sell CAFTA or NAFTA or bills that the Speaker has constantly been against. And speaker after speaker after speaker said that realistically if you take a look at Peru, how can it do anything except help us? How can it do anything that we're going to sell to them now, notwithstanding the tariff? Imagine how much more we can sell without the tariff? And when they sell, doesn't it mean that we're making it? If they're buying food, doesn't it mean we're growing it? And doesn't it mean in the communities that have it, we'll be doing well?

So let me thank the minority and let me thank the majority. It's been a great debate. Let's get on and say that this Peruvian bill is just the beginning of the cooperation we should expect.

Thank you, Mr. HERGER. And thank you, the majority.

The SPEAKER pro tempore. The gentleman from Maine now has the opportunity to utilize the rest of his time tonight. He has 6¾ minutes remaining this evening.

The gentleman is recognized.

Mr. MICHAUD. I thank the Speaker.

I urge my colleagues to listen to their conscience and constituents by voting against this bill.

I worked at Great Northern Paper Company for over 28 years. My father worked there for 43. My grandfather before him for 40. Three days after I got sworn in as a Member of Congress, the very mill I worked at decided to close its doors because of trade.

Trade is not just a policy. It's a face, a name, a job, a family. The debate is, when will we change the course of trade policy so it can benefit the American economy, the American workers, the American families? When will we finally change our direction on trade and adopt a policy that makes sense for America?

A "no" vote on Peru means we want a new direction in trade. A "no" vote means we are sick of watching our jobs go overseas. A "no" vote means we reject imports made by child and slave labor.

Supporters of this trade agreement claim that strong labor and environmental protections are included. Then why does labor not support this bill? Why do the environmental groups not support this bill? And why does the President of the United States Chamber of Commerce support this bill? He made it very clear that the labor provisions are unenforceable. Those are his words.

This agreement is still based upon the same flawed NAFTA-CAFTA model. The proponents like to say it's not. But if you look at the investment chapter, the core investment chapter language, there are very little changes in that chapter in the core investment.

Now is the time for Congress to take a step back and consider what policies on trade is the best option, not the quickest one or the easiest one or the most politically expedient one.

In 2006, the American electorate voted overwhelmingly for Congress to move in a new direction. This is a golden opportunity to create a new policy, one that will help our workers achieve their highest potential, one that will protect our environment, one that will increase the standards of living for all countries involved.

Earlier this year, the Peruvian labor leaders had sent a letter to the Democratic leadership, and it gets to the point that Congressman KUCINICH made earlier, urging Congress to reject this bad trade deal. They said if we have to accept it, make one change for us, and that has to do with privatization of Social Security. I would like to quote from that letter:

"By rejecting the Peru FTA, the United States Congress and the Democratic Party in particular can show the world that they can advocate in not only words but deeds."

We have failed when it deals with the issue of globalization that was talked about earlier. We have failed to put on the President's desk the currency manipulation legislation. We have failed to put on the President's desk the value-added tax that we heard earlier this evening. We have failed to put on the President's desk legislation that will eliminate the tax haven. We have not made the USTR enforce these labor agreements.

The American people were not fooled about NAFTA. We heard a lot of the discussions during the NAFTA debate this evening about Peru. Over 3 million jobs have been lost because of NAFTA. Illegal immigration has increased partly because of NAFTA.

The American people will not be fooled about this trade deal. They will understand over time what this trade deal will mean to America.

It's important for this Democratic Congress to start looking at trade in a different light, to make sure that we have a trade policy that is fair, not only in words but in actions.

And that's why labor does not support this. That's why a lot of the environmental groups do not support this. But that is why the U.S. Chamber of Commerce supports this trade deal, because it's good for the large multinational corporations.

Right now, with this Democratic Congress, we have a chance to embrace globalization and make it work, to make it work for America, not against America.

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As you heard earlier this evening from several of my colleagues who are opposed to this trade deal, it's about human faces. These individuals are just not numbers; they're human beings. And we, as a Congress, particularly a Democratic Congress, have to stand up for the individuals who cannot stand up for themselves.

This is a bad trade deal for America, and it is a bad trade deal for this Congress.

So, I implore my colleagues to vote against this trade deal tomorrow. I encourage you to continue to try to work with the Ways and Means Committee so we can come up with a new trade model that will actually work for America.

Mr. MORAN of Virginia. Mr. Speaker, I thank you for the time and rise in support of H.R. 3688, the U.S.-Peru Trade Promotion Agreement. Peru has been a longstanding ally in the region with the war against illegal narcotics and has committed to opening its markets and providing American businesses, farmers, ranchers and workers the opportunity to establish economical ties in that country.

Because of globalization and the benefits of growing business, cultural, and technological connectivity, Peru has become one of the fastest growing economies in Latin America with an 8 percent GDP growth in 2006. Our two-way trade with Peru has doubled over the last three years reaching $8.8 billion in 2006, with U.S. exports reaching $2.9 billion. However, because of the most-favored nation tariff rates and the various preference programs, including the Andean Trade Preference Act and the Generalized System of Preferences, 98 percent of Peru's exports enter the U.S. duty free.

While Peru's number one source of imports comes from the United States, U.S. products are subject to tariffs as high as 20 percent. With this agreement, the playing field will even out for U.S. businesses and move us from a one sided agreement to a full partnership. Once this agreement enters into force, 80 percent of U.S. consumer and industrial products will enter Peru duty free, while remaining tariffs phase out over ten years.

Like our past free trade agreements, Peru will prove to be beneficial to the U.S. economy. In the last 3 years, we have entered into several Free Trade Agreements with Chile, Singapore, Australia, Morocco, Bahrain, Oman, and several Central American nations and the Dominican Republic under CAFTA. And the results of these agreements have proven to be beneficial to the U.S. economy, businesses, and workers alike.

Three years after the U.S.-Chile FTA entered into force, our exports more than doubled reaching nearly $7 billion last year. Likewise, our exports to Singapore nearly quintupled over the first three years also reaching $7 billion. In 2006, one year after implementing the CAFTA–DR FTA, the United States exported $19.6 billion worth of goods, up 16% from the previous year. In 2005, almost 4,000 companies exported goods from Virginia of which 82 percent were small and medium-sized enterprises (SMEs), with fewer than 500 employees.

But free trade agreements are more then just buying or selling products. They are also about adhering to sets of rules such as respect for intellectual property rights and with this agreement enforcement of international labor and environmental protections.

A free trade agreement with Peru will establish greater protection for Intellectual Property rights, a growing concern for U.S. businesses and a particular concern for the N. VA technology community. It is estimated that intellectual property piracy costs the U.S. economy between $200 and $250 billion per year in lost sales and is responsible for the loss of 750,000 jobs. This agreement will improve standards for defending intellectual property by including state-of-the-art protections for digital products such as U.S. software, music, text, and video.

Peru is the first free trade agreement that includes fully enforceable commitments to adopt and maintain fundamental labor rights as stated in the International Labor Organization's Declaration on Fundamental Principles and Rights at work. This agreement will also include critical provisions emphasizing our commitment to our environmental values by addressing the impacts of illegal logging and establishing specific and enforceable requirements to prevent the trade in illegally sourced timber.

Finally, this agreement will emphasize U.S. support for a country that values democracy, economic freedom and growth. Trade with Peru will continue to significantly increase opportunities for economic growth and help Peru further develop and modernize its economy. Recently, Peru has experienced a decline in their poverty rate from 54.3 percent in 2001 to 49.5 percent in 2006.

As a friend of trade and of Peru, it is essential we continue to cultivate this partnership so our two nations can continue to prosper and be competitive in this growing global economy. I ask my colleagues to vote "yes" for the U.S.-Peru Trade Promotion Agreement.

Mr. STARK. Mr. Speaker, I rise in opposition to a Peru Free Trade Agreement that is neither free nor fair. Much like the North American and Central American Free Trade Agreements, this agreement will hurt both working families and the environment.

Building on the Bush Administration's framework for CAFTA, it promotes the offshoring of high-wage American manufacturing jobs by removing many of the risks firms face when relocating to Peru in pursuit of cheap labor.

Much like NAFTA, it enables foreign companies to challenge—in foreign courts—American laws that protect occupational health, safety, and the environment. Already, NAFTA signatories have paid more than $35 million to corporations that have through this provision attacked bans on the use of toxic chemicals, limits on tobacco production and marketing, and regulations on deforestation.

In one case that hit particularly close to home, a foreign firm challenged

California's ban on the use of polluting gasoline additive MTBE. As a result, American taxpayers were forced to pay more than $3 million in legal fees before the case was eventually dismissed on technical grounds.

This agreement also undercuts Congress' authority to ensure American tax dollars are spent to create jobs in America by enabling President Bush to waive existing 'Buy America' policies. And it enables foreign firms to challenge American procurement policies designed to promote recycling and renewable energy.

That's why numerous American labor, environmental, consumer, faith, family farm, and development groups oppose this agreement. Both of Peru's labor federations, its major indigenous people's organization, and a prominent Archbishop in the country oppose this agreement as well.

To be fair, this agreement does significantly improve upon the flawed framework provided of the North American and Central American Free Trade Agreements. For new labor and environmental protections that were absent from prior trade deals, I want to thank and recognize the hard work of my colleagues on the Ways and Means Committee.

Making measured alterations to the rules of the same old game, however, is the wrong approach. Rather than improve on President Bush's trade agreements at the margins, Democrats can and should set the terms of the President's negotiating authority in a way that honors our commitment to America's workers and the environment.

I urge my colleagues to vote "no."

Ms. HARMAN. Mr. Speaker, I believe in free and fair trade. Trade creates jobs in the United States and helps build our relationships with countries around the world.

But not all trade agreements are created equal.

That is why I evaluate trade agreements on a case-by-case basis. I voted against NAFTA in the face of enormous pressure from my own party, and against CAFTA because I felt it suffered from the same flaws as NAFTA. I stand by those votes and believe that subsequent events have proven them to be sound.

But on carefully reading the Peru FTA is worth supporting.

This FTA makes real strides in protecting workers and the environment, and the key is that core ILO standards and adherence to multilateral environmental agreements are enforceable obligations. For example, this means that Peru cannot violate the Convention on Marine Pollution or allow employers to use temporary contractors to substitute for striking workers. If it does, the United States can bring a case against Peru, and just like the other provisions of the agreement, the case could end with Peru being subjected to sanctions. This gives these provisions real teeth.

Chairman RANGEL has secured the protections many in my party have demanded. I urge us to take "yes" for an answer.

Mr. SKELTON. Mr. Speaker, agricultural trade is critical to the state of Missouri. Exports of farm products boost Missouri's farm prices and farm income. Such exports support about 17,900 Show-Me State jobs both on and off the farm in food processing, storage, and transportation. In 2006, Missouri agricultural exports amounted to $1.4 billion and made an important contribution to Missouri's farm cash receipts that totaled $5.6 billion that year.

The U.S.-Peru Trade Promotion Agreement would provide increased market access to Missouri's agricultural exports by making agricultural trade a two-way street. Currently, 98 percent of Peru's agricultural exports benefit from tariff-free access to the U.S. market. On the other hand, most U.S. farm and food exports to Peru are subject to high tariffs and other non-tariff restrictions.

Current tariffs on U.S. agricultural goods exported to Peru average 18 percent. As a result of this agreement, duties on more than 2/3 of these goods, such as prime and choice cuts of beef, soybeans, soybean meal, crude soybean oil, cotton, and wheat would be eliminated immediately. Duties on pork, dairy, corn, and beef varieties would be phased out over a period of time.

Because the U.S.-Peru Trade Promotion Agreement is so beneficial to American agriculture, it has been endorsed by four former Secretaries of Agriculture—John Block, Bob Bergland, Dan Glickman, and Clayton Yeutter.

Additionally, eight former Secretaries of State have endorsed the U.S.-Peru Trade Promotion Agreement because it is in the national security interest of the United States to maintain and build strong economic alliances with our Latin American neighbors. These former Secretaries include Colin Powell, Madeleine Albright, Warren Christopher, Lawrence Eagleburger, James Baker, George Shultz, Alexander Haig, and Henry Kissinger.

Over the past twenty years, Peru has transformed from bloody civil unrest to a democratic nation with freely elected leaders who are embracing reform and strengthening the rule of law. In that time, trade has fueled Peru's economic expansion and helped to increase per capita income levels. Peru has been a strong U.S. ally in our efforts to eradicate narcotics trafficking and to combat terrorism in the Western Hemisphere.

Because this agreement will benefit Missouri agriculture and strengthen our friendship with Peru, I am pleased to support the U.S.-Peru Trade Promotion Agreement and hope it will be quickly approved and signed into law.

Mr. HASTINGS of Washington. Mr. Speaker, it is with great frustration that I must speak out in opposition to the US-Peru Trade Promotion Agreement.

I am a strong supporter of fair trade and have voted to support every trade agreement during my time in Congress. The benefits of these agreements are clear. They lower barriers and open new markets for Central Washington farmers, and they create new opportunities for manufacturers and producers in Washington state and across the nation. Given a chance to compete fairly and our farmers will lead the world in exporting high-quality fruits and vegetables.

That is why I deeply regret the totally unfair provisions in this Peru agreement relating to asparagus. This agreement forces our American asparagus growers to pay the price for a failed anti-drug effort in South America that has actually resulted in more cocaine production.

The Peru Trade Promotion Agreement is preceded by the Andean Trade Preferences Act of 1991. This Act was a unilateral granting of access to American markets for the Andean countries of South America. Its purpose was to allow legal manufacturing and farm exports into our country in an effort to fight and reduce drug production and shipments from these countries. It has been an abysmal failure. Since this one-way trade system was put in place, cocaine production in the Andean countries is actually higher now than when the agreement was put in place.

However, since the Andean Act was enacted, imports of fresh asparagus from Peru went from 4 million pounds a year to over 87 million pounds in 2006. That's a 2000 percent increase! This flood of US-subsidized foreign imports cut asparagus production in Washington state from $200 million in 1990 to approximately $75 million today. American growers were given no transition period. No time to adjust. No consideration whatsoever.

Corporations have closed asparagus processing facilities in the United States, only to reopen them in Peru.

What our government's policies have done is magically create an industry in a foreign country under the flawed logic that Peruvians would grow asparagus instead of cocaine—when the two crops are grown in two totally different regions of that country.

When the United States and Peru completed negotiations on this agreement in December of 2005, I expressed my disappointment with the trade deal and the treatment of asparagus. This was after months of meeting with and encouraging American negotiators to fix it.

I regret that in the almost two years since then, the attention of the Administration to addressing the injustice wrong done to domestic asparagus growers has been non-existent. It's been up to those few of us in Congress, both Representatives and Senators, who represent asparagus producers to work together to try and bring some degree of fairness.

We are making progress and there is movement in the right direction, but we are still a long ways from it becoming reality. I hope we are successful in our efforts and I would welcome the attention and assistance of the Administration.

American asparagus growers deserve better than to be ignored and placed at a competitive disadvantage by their own government. Until fair treatment and assistance to American asparagus growers is a reality, I am unable to support this agreement.

Mr. POMEROY. Mr. Speaker, I rise today in strong support of H.R. 3688, the United States-Peru Trade Promotion Agreement, and urge my colleagues to support this important legislation.

I would like to thank Chairman RANGEL and Subcommittee Chairman LEVIN for their hard work on the U.S.-Peru Trade Promotion Agreement. Through their leadership, for the first time in U.S. trade policy, the trade agreement we are considering today incorporates internationally recognized labor and environmental standards and other key priorities. This was a major achievement and I am pleased that this new Congress has pushed forward a trade policy that will expand and shape trade in ways that spread the benefits of globalization here and abroad by raising standards. Congress is resuming its proper role as an active and full participant in the development of U.S. trade policy.

Under these circumstances, a new approach to trade policy—one that better reflects American values and spreads the benefits of globalization broadly—is especially critical. This is the kind of approach that we have long espoused and will begin to implement with the Peru FTA. Once enacted into law, this FTA will lock in these gains and give us a basis to build on in the future.

Central among the changes to our current trade policy is a new bipartisan commitment to the inclusion of a fully enforceable commitment that countries adopt and enforce the five basic international labor standards in all future trade agreements. This includes the freedom of association; right to collective bargaining; elimination of forced and compulsory labor; abolition of child labor; and elimination of employment discrimination.

I think it is particularly important to note the importance of what we have established with this trade agreement by way of a labor template. The Peru FTA includes basic worker rights, because workers must be a key part of the trade equation. Accordingly, for the first time in any U.S. free trade agreement, the Peru FTA includes protections for the basic rights of workers in its core text. It also prohibits Peru from lowering its labor standards in the future. It also makes these labor obligations subject to the same dispute settlement processes and remedies as all other provisions in the FTA. If Peru fails to enforce fundamental labor rights, or fails to enforce its labor laws, the U.S. Government can sue Peru for not complying with the Agreement. These are the real labor standards that are applied by the International Labor Organization (ILO)—the exact standards we have sought for more than a decade. Notably, Peru has already changed its legal framework to comply with the FTA.

I urge my colleagues in joining me in voting "yes" for the U.S.-Peru Trade Promotion Agreement.

Mr. ETHERIDGE. Mr. Speaker, I rise today in support of H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act.

Mr. Speaker, this legislation, better known as the U.S.-Peru TPA, has gone through an extensive and thorough legislative process that has been years in the making. For the first time, we have before us today a trade bill that contains legally binding worker rights and human rights provisions that have never before been a meaningful part of free trade legislation. This is a tremendous victory for American workers and a tremendous accomplishment of the Democratic Leadership of this Congress.

The U.S.-Peru TPA will guarantee that legally binding and enforceable labor and environmental standards be incorporated into this trade policy. This is a landmark piece of legislation for this reason alone.

Beyond the worker right provisions this bill is good for the people of Peru. In a region that for years has been plagued with the influence of the drug trade and political upheavals. A strong trade agreement with an economic ally such as the United States will help bring stability to this area through economic growth, increased job availability, and greater educational opportunities.

This trade agreement will also be a boon for the American worker. Currently U.S. agricultural imports to Peru face an average tariff of 18 percent. The U.S.-Peru TPA will eliminate all tariffs on U.S. agricultural and food products entering the Peruvian market and significantly reduce tariffs on exported goods manufactured and exported from the U.S. Market.

For my home state of North Carolina, this means significant increases in the exports from our $2 billion dollar pork industry, as well as our poultry industry, which ranks in the top five in the Nation. This legislation will also result in an increase in the exports of the goods produced in the technology and manufacturing industry in and around the Research Triangle Park of North Carolina.

Mr. Speaker, this trade agreement is a good and carefully crafted piece of legislation and I urge my colleagues to support this bill and vote "yes" on H.R. 3688.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 3688, the "United States-Peru Free Trade Agreement Implementation Act." I believe the agreement contains a number of important benefits for the people of both the United States and Peru.

The agreement will provide each country immediate duty-free access for most industrial, agricultural and consumer goods. Remaining tariffs will be phased out gradually. This will bring an improved commercial relationship between our countries that will benefit a number of sectors in the U.S. economy, including high technology, machinery and agriculture.

The U.S.-Peru Free Trade Agreement will improve market access for information technology goods and service providers. Exports of U.S. products like computers and communications equipment to Peru will receive duty-free treatment. This will benefit Colorado because it will expand markets for our companies, which in 2006 sold more than $4 billion in computers and electronic products worldwide, accounting for 51 percent of the state's total international exports.

Passage of this agreement will also help small businesses in Colorado. More than 85 percent of the companies that export goods from our state have fewer than 500 employees. Adoption of this agreement is critical for these small firms that rely on foreign markets and need additional international market access to grow.

While expanding markets for businesses and farmers is critical, it must to be done in a manner that is responsible in the treatment and protection of workers and the environment. This agreement includes important provisions to assure this will occur.

President of the AFL–CIO John Sweeney's comments on the agreement are instructive: "The new provisions on workers' rights and the environment represent significant progress in crucial areas that we have fought together to achieve for many years."

The inclusion of labor standards in the agreement's main text will ensure that Peru will adopt, maintain, and enforce its own laws regarding the freedom of association, the right to collectively bargain, as well as the elimination of forced or child labor.

I am pleased the agreement provides a fully enforceable commitment that the U.S. and Peru will adopt, implement, and enforce in their environmental laws and practices obligations under major multilateral environmental agreements, including the Convention on International Trade in Endangered Species and the Montreal Protocol on Ozone Depleting Substances.

I commend Peruvian President Alan Garcia for the work the Peruvian government has done to modify domestic law to honor the commitments in this agreement. I urge the Administration and the United States Trade Representative (USTR) to ensure these obligations are honored. It is important that the United States takes step to ensure our trading partners provide workers with basic labor rights. By including such requirements we dedicate ourselves to this goal.

I am encouraged that the USTR and the Bush Administration have worked to resolve concerns raised by members of Congress along with outside groups and organizations in the course of this agreement negotiation. It is my hope the same kind of consideration can be given to issues of concern in future trade agreements.

While this agreement is largely about enhancing the exchange of goods and services, it is also about enhancing our relationship with an ally and democratic partner in Peru. Expanding the commercial relationship between the U.S. and Peru can help expand support in combating illegal immigration, narcotics trafficking and countering regional terror groups.

I welcome the beginning of a new chapter in our commercial partnership with Peru and urge the U.S.-Peru Free Trade Agreement be passed.

Mr. CALVERT. Mr. Speaker, I rise today to express my strong support for the U.S.-Peru Trade Promotion Agreement. This Agreement has a positive and significant impact on small business. More than 50,000 companies exported goods from California since 2005. This trade agreement is an important element which contributes to the growth of the California and American economy.

While the positive aspects of trade far outweigh the negatives, Congress must be firmly committed to help minimize any harmful effects that may come from greater trade. Since 2000, southern California has seen a 40 percent increase in container traffic on roads and rails, which is causing serious transportation problems for both business and constituents in my district. Congress must take a closer look at infrastructure as it relates to trade. There are many barriers to trade, but transportation infrastructure should not be one of them.

This Agreement will also level the playing field of trade with Peru. Under the current trade preferences in place 99 percent of Peru's imports enjoy duty-free access to the U.S. In contrast, only 2 percent of U.S. agricultural products enjoy duty-free access to the Peruvian market. Once the Agreement enters into force, 90 percent of the current trade in U.S. agricultural products will enjoy duty-free access while the remaining products will be gradually phased out. California's exports have grown over 183 percent since the ratification of the U.S.-Chile Free Trade Agreement and I fully expect the U.S.-Peru Agreement to bring similar success to the California economy.

Mr. WAXMAN. Mr. Speaker, I rise in support of the U.S.-Peru Free Trade Agreement. This has not been an easy decision. This is not an ideal agreement. But it contains significant improvements negotiated by the Democratic leadership. And because of these changes the agreement represents a critical step toward a more progressive trade policy that raises standards for labor, the environment, and public health.

Under the Bush Administration, U.S. trade policy has gone from bad to worse. Instead of using trade agreements to raise standards of living, the U.S. Trade Representative has approached negotiations putting corporations ahead of consumers and profits ahead of people.

In recent agreements with Central America, Morocco, and others, labor standards an environmental rules have been made expendable and unenforceable on paper and in practice. Trade provisions aggressively pursued on behalf of the pharmaceutical industry have sought to delay generic competition in developing countries where the absence of affordable medicine can mean the difference between life and death.

Initially, the Peru FTA was no different. However, this spring the Democratic congressional leadership successfully negotiated substantial improvements to the agreement.

On the medicines issue, specifically, the revised FTA restores much of the flexibility needed to safeguard generic competition and protect public health. For example, patent extensions are no longer mandatory in the event of regulatory delays. The agreement directs patent disputes to be resolved through the court system, instead of forcing regulatory agencies to link marketing approval to the status of a drug's patent. Language was also added to make clear that the FTA does not and should not prevent Peru from taking measures to protect public health.

The Peru FTA is not perfect. There is a provision that delays the availability of generics for up to 5 years after a new drug is approved, even in the absence of a patent. USTR maintains that this "data exclusivity" provision is supposed to mirror a provision in U.S. law intended to incentivize research by allowing drug companies to recoup the costs associated with producing the clinical test data necessary for drug approval. But Peru is not a mirror image of the United States. It is a small developing market where the profitability for drug makers is minimal and the impact on a large population of poor and uninsured patients could be severe.

The revised Peru FTA does make clear that Peru can override this five-year restriction if public health needs demand it. Additionally, the new FTA has a mechanism for generic medicines to become available in Peru no later than they are available in the United States. However even with these key exceptions, I believe data exclusivity is a clear example of how further changes are necessary in our negotiations with developing countries.

Another area that needs reevaluation is the "investor-state" provisions that permit private investors to use trade tribunals to bypass regular legal channels in challenging government actions and regulations. While there have been some improvements to make the tribunals more transparent, greater reform is necessary to prevent abusive and unfair efforts by investors to undermine environment, health, safety and other laws and regulations. I would also like to see further progress to use trade agreements to strengthen adherence to core labor standards.

The bottom line is that overall the improvements to the Peru FTA are a real achievement. Today, we can finally put a stop to the Bush Administration's "one size fits all" approach to trade negotiations. While it will take more than a revised Peru FTA to overhaul our trade policy in broader ways, this trade agreement is an important first step in the right direction. For that reason I will support it today.

Mr. MICHAUD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNYDER). All time has expired for debate this evening on this bill.

Pursuant to section 2 of House Resolution 801, further proceedings on the bill will be postponed.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POE (at the request of Mr. BOEHNER) for today after 8 p.m. and until 1 p.m. on November 8 on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HARE) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

## SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 2206. An act to provide technical corrections to Public Law 109–116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes.

S.J. Res. 7. An act providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

## ADJOURNMENT

Mr. HARE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Thursday, November 8, 2007, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4024. A communication from the President of the United States, transmitting a request for FY 2008 budget amendments for the Department of Homeland Security and Department of Justice; (H. Doc. No. 110–72); to the Committee on Appropriations and ordered to be printed.

4025. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Use of Indian Housing Block Grant Funds for Rental Assistance in Low-Income Housing Tax Credit Projects [Docket No. FR-4999-F-02] (RIN: 2577-AC61) received October 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4026. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

4027. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Republic of Korea (Transmittal No. DDTC 005-07); to the Committee on Foreign Affairs.

4028. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the August 15, 2007 — October 15, 2007 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

4029. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-135, "Closing of a Portion of a Public Alley in Square 163, S.O. 05-8289, Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4030. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-171, "Housing Support for Teachers Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4031. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-172, "Jobs for D.C. Residents Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4032. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2008 Annual Performance Plan, as well as revisions to the FY 2007 Annual Performance Plan; to the Committee on Oversight and Government Reform.

4033. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2007, through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4034. A letter from the Chief Administrative Officer, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period April 1, 2007 through September 30, 2007 as compiled by the Chief Administrative Officer, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 110–73); to the Committee on House Administration and ordered to be printed.

4035. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XC99) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4036. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XD00) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4037. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XD08) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4038. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD06) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4039. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's support for the authorization and construction of navigation and ecosystem restoration improvements at the Corpus Christi Ship Channel (CCSC) and La Quinta Channel, Texas; to the Committee on Transportation and Infrastructure.

4040. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Management Costs [Docket ID FEMA-2006-0035] (RIN: 1660-AA21) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4041. A letter from the Program Manager, CMM, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, and Other Part B Payment Policies for CY 2008; Revisions to the Payment Policies of Ambulance Services Under the Ambulance Fee Schedule for CY 2008; and the Amendment of the E-Prescribing Exemption for Computer-Generated Facsimile Transmission [CMS-1385-FC] (RIN: 0938-AO65) received November 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4042. A letter from the Program Manager, CMM, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program: Changes to the Hospital Outpatient Prospective Payment System and CY 2008 Payment Rates, the Ambulatory Surgical Center Payment System and CY 2008 Payment Rates, the Hospital Inpatient Prospective Payment System and FY 2008 Payment Rates; and Payments for Graduate Medical Education for Affliated Teaching Hospitals in Certain Emergency Situations [CMS-1392-FC] (RIN: 0938-AO71) received November 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 806. Resolution providing for consideration of the conference report to accompany the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–435). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. SCHAKOWSKY (for herself, Mr. McGOVERN, Mr. FILNER, Mr. COHEN, Mr. ALLEN, Mr. GONZALEZ, Mr. RAHALL, Mr. ELLISON, Mr. GRIJALVA, and Mr. STARK):

H.R. 4102. A bill to phase out the use of private military contractors; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON:

H.R. 4103. A bill to designate the federal facility administered by the Bureau of Land Management located at 600 N 350 W in Delta, Utah, as the "Gale V. Bennett Wild Horse and Burro Building"; to the Committee on Natural Resources.

By Mr. WICKER (for himself, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. CARTER, Ms. GRANGER, Mr. LEWIS of California, Mr. BOEHNER, Mr. BLUNT, Ms. FOXX, Mr. BOUSTANY, Mr. NEUGEBAUER, Mr. CANTOR, Mr. FRELINGHUYSEN, Mr. MCCOTTER, Mr. FORBES, Mr. BOOZMAN, Mr. HAYES, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mr. WAMP, Mr. WELLER, Mr. RAMSTAD, Mr. CONAWAY, Mr. BILBRAY, Mr. SMITH of Nebraska, Mr. BRADY of Texas, Mr. HERGER, Mr. CULBERSON, and Mr. BROWN of South Carolina):

H.R. 4104. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 4105. A bill to impose a moratorium on the use of recovery audit contractors under the Medicare Integrity Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Mr. SARBANES, Mr. WAXMAN, Mr. TOM DAVIS of Virginia, Mr. WOLF, Mr. CUMMINGS, and Ms. NORTON):

H.R. 4106. A bill to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. HERSETH SANDLIN (for herself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 4107. A bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself and Mr. ISSA):

H.R. 4108. A bill to amend section 3328 of title 5, United States Code, relating to Selective Service registration; to the Committee on Oversight and Government Reform.

By Mr. SCOTT of Virginia (for himself and Mr. CONYERS):

H.R. 4109. A bill to provide for the redress of prison abuses, and for other purposes; to the Committee on the Judiciary.

By Ms. SHEA-PORTER:

H.R. 4110. A bill to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes; to the Committee on the Judiciary.

By Ms. SHEA-PORTER:

H.R. 4111. A bill to address the effect of the death of a defendant in Federal criminal proceedings; to the Committee on the Judiciary.

By Mr. WYNN:

H.R. 4112. A bill to amend the Internal Revenue Code of 1986 to establish a 15-year recovery period for depreciation of designated low-income buildings and to allow passive losses and credits attributable to qualified low-income buildings; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. HASTINGS of Florida, Mr. PUTNAM, Mr. MARIO DIAZ-BALART of Florida, Mr. KLEIN of Florida, Mr. MEEK of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FEENEY, Mr. MACK, Ms. CASTOR, Mr. MAHONEY of Florida, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. YOUNG of Florida, Mr. BOYD of Florida, Ms. WASSERMAN SCHULTZ, Mr. MICA, Ms. GINNY BROWN-WAITE of Florida, Mr. STEARNS, Mr. CRENSHAW, Mr. WELDON of Florida, Mr. KELLER, Mr. BILIRAKIS, Mr. MILLER of Florida, and Mr. BUCHANAN):

H. Res. 807. A resolution honoring the life of Marjory Stoneman Douglas, champion of the Florida Everglades and founder of Florida's environmental movement; to the Committee on Natural Resources.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. SCOTT of Virginia and Mr. KUCINICH.

H.R. 138: Mr. BACHUS.

H.R. 223: Ms. GRANGER.

H.R. 339: Mr. WYNN.

H.R. 383: Mr. BOUCHER.

H.R. 402: Mr. WYNN.

H.R. 463: Mr. HOLDEN and Mr. WYNN.

H.R. 549: Mr. CHANDLER.

H.R. 594: Mr. CAPUANO.

H.R. 620: Mr. CARNEY.

H.R. 621: Mr. MCGOVERN.

H.R. 627: Mr. YOUNG of Alaska and Ms. SOLIS.

H.R. 648: Mr. GORDON, Mr. LOBIONDO, Mrs. CHRISTENSEN, and Mr. ENGLISH of Pennsylvania.

H.R. 963: Mr. WHITFIELD.

H.R. 997: Mr. DAVID DAVIS of Tennessee and Mrs. EMERSON.

H.R. 1029: Mr. CANNON.

H.R. 1072: Mr. GENE GREEN of Texas.

H.R. 1127: Mr. MCCOTTER and Mrs. BIGGERT.

H.R. 1169: Mr. ABERCROMBIE, Mr. KLEIN of Florida, Mr. GORDON, and Mr. BOUCHER.

H.R. 1287: Mr. MCCOTTER.

H.R. 1479: Mr. SHERMAN, Mr. OLVER, and Mr. ROHRABACHER.

H.R. 1497: Ms. HOOLEY, Mr. UDALL of Colorado, and Ms. BORDALLO.

H.R. 1524: Mr. GONZALEZ.

H.R. 1553: Mr. LUCAS.

H.R. 1590: Mr. WALZ of Minnesota.

H.R. 1687: Mr. UDALL of New Mexico.

H.R. 1711: Mr. BOUCHER.

H.R. 1740: Mr. CLAY.

H.R. 1742: Mr. OLVER, Mr. PORTER, Mr. FORBES, Mr. FRANK of Massachusetts, and Mr. CAMP of Michigan.

H.R. 1818: Mr. BARTLETT of Maryland, Ms. SLAUGHTER, and Mr. BERRY.

H.R. 1843: Mr. WALSH of New York.

H.R. 1845: Mr. KLEIN of Florida, Ms. DEGETTE, Mr. BACHUS, Mr. HIGGINS, and Mr. MCGOVERN.

H.R. 1876: Mr. DAVIS of Illinois.

H.R. 1927: Mr. DONNELLY and Mr. THOMPSON of California.

H.R. 1951: Mrs. GILLIBRAND.

H.R. 2070: Mr. BOUCHER.

H.R. 2167: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2241: Mr. TOWNS.

H.R. 2287: Mr. CHANDLER and Mr. AL GREEN of Texas.

H.R. 2303: Mr. ISSA, Mr. TOWNS, and Mr. MEEKS of New York.

H.R. 2320: Ms. SOLIS.

H.R. 2489: Mr. MITCHELL.

H.R. 2508: Mr. INGLIS of South Carolina.

H.R. 2566: Mr. AL GREEN of Texas.

H.R. 2567: Mr. MCHENRY.

H.R. 2585: Mr. MCCAUL of Texas.

H.R. 2600: Mr. BARRETT of South Carolina, Ms. SUTTON, and Mr. WELCH of Vermont.

H.R. 2634: Mr. WYNN.

H.R. 2668: Mr. YOUNG of Alaska.

H.R. 2744: Ms. JACKSON-LEE of Texas, Mr. KLEIN of Florida, Mr. KIRK, Mr. MCGOVERN, and Mr. YARMUTH.

H.R. 2846: Mrs. MALONEY of New York, Mr. GORDON, Mr. LEWIS of Georgia, Mr. BOUCHER, and Mr. YOUNG of Alaska.

H.R. 2852: Mr. DAVID DAVIS of Tennessee, Mr. ALEXANDER, Mr. HERGER, Mr. BARTON of Texas, Mr. GILCHREST, Mr. SPRATT, and Mr. HALL of Texas.

H.R. 2880: Mr. MILLER of Florida.

H.R. 2915: Mr. BLUMENAUER.

H.R. 2943: Mr. YARMUTH, Ms. SHEA-PORTER, Mr. COURTNEY, Ms. FOXX, Ms. CLARKE, Mr. SESTAK, Mr. HODES, Mrs. GILLIBRAND, Mr. ELLISON, and Mr. ELLSWORTH.

H.R. 2946: Mr. ENGLISH of Pennsylvania, Mr. YOUNG of Alaska, and Mr. BOUCHER.

H.R. 3005: Mr. ENGEL.

H.R. 3036: Ms. ESHOO, Ms. HIRONO, Mr. BERMAN, Mr. STARK, and Mr. SESTAK.

H.R. 3041: Mr. FATTAH.

H.R. 3079: Ms. BORDALLO.

H.R. 3140: Mr. ELLSWORTH, Mr. ALLEN, Mr. RAMSTAD, and Mr. RAHALL.

H.R. 3249: Ms. SUTTON.

H.R. 3314: Mr. CROWLEY and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 3317: Mr. FILNER.

H.R. 3327: Mr. ETHERIDGE.

H.R. 3334: Ms. PRYCE of Ohio.

H.R. 3337: Mr. STARK.

H.R. 3396: Mr. WELCH of Vermont.

H.R. 3402: Mr. MCDERMOTT.

H.R. 3412: Mr. STEARNS.

H.R. 3531: Mr. PLATTS.

H.R. 3533: Mr. BARROW, Ms. CORRINE BROWN of Florida, and Mr. POE.

H.R. 3548: Mr. BARROW.

H.R. 3563: Mr. HASTINGS of Florida.

H.R. 3585: Mr. BOREN.

H.R. 3660: Mr. GOODE, Mr. SENSENBRENNER, and Mr. HOLT.

H.R. 3700: Mr. DOGGETT and Ms. SOLIS.

H.R. 3703: Mr. SKELTON.

H.R. 3737: Mr. BACA.

H.R. 3782: Mr. WEXLER.

H.R. 3793: Mr. TIM MURPHY of Pennsylvania, Mr. MOLLOHAN, Mr. GERLACH, and Mr. BARROW.

H.R. 3800: Mrs. BLACKBURN and Mr. ENGEL.

H.R. 3824: Mr. REICHERT.

H.R. 3837: Mr. KING of New York.

H.R. 3846: Mr. MORAN of Virginia and Ms. BORDALLO.

H.R. 3851: Mr. SESSIONS and Mr. BILBRAY.

H.R. 3871: Mr. ROSS, Mr. COHEN, and Mr. MATHESON.

H.R. 3882: Mr. YOUNG of Alaska, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. BAKER, Mr. BROWN of South Carolina, Mr. TURNER, Mr. BILBRAY, Mr. LAMBORN, Mr. KUCINICH, Mr. LOBIONDO, Mr. TAYLOR, and Mrs. JONES of Ohio.

H.R. 3887: Mr. GUTIERREZ.

H.R. 3890: Ms. WATERS, Ms. BORDALLO, Mr. DELAHUNT, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, and Mr. FRANK of Massachusetts.

H.R. 3892: Mr. THOMPSON of Mississippi.

H.R. 3898: Mr. MCCOTTER.

H.R. 3903: Mr. COHEN.

H.R. 3911: Mr. KANJORSKI, Mr. PLATTS, and Mr. PITTS.

H.R. 3947: Mr. GINGREY.

H.R. 3950: Mr. BILBRAY.

H.R. 3982: Mr. BILBRAY.

H.R. 3987: Ms. ESHOO.

H.R. 4043: Mr. BACA and Mr. SCOTT of Georgia.

H.R. 4073: Mr. WAMP and Mr. BILBRAY.

H.R. 4074: Mr. MCNERNEY.

H.R. 4096: Mr. ROHRABACHER and Mr. LEWIS of California.

H.J. Res. 51: Mr. MORAN of Virginia.

H.J. Res. 54: Mr. PRICE of Georgia and Mr. MCCAUL of Texas.

H. Con. Res. 163: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 223: Mrs. EMERSON and Mr. AKIN.

H. Con. Res. 235: Mr. FOSSELLA.

H. Con. Res. 237: Mr. BISHOP of Georgia and Mr. COHEN.

H. Con. Res. 239: Mr. COOPER and Mr. BURTON of Indiana.

H. Con. Res. 240: Mr. PUTNAM, Mr. SHUSTER, Mr. PITTS, Mr. FORBES, Mr. LEWIS of California, and Mr. TAYLOR.

H. Con. Res. 246: Mr. CAPUANO, Mr. JOHNSON of Georgia, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. CARTER, Mr. AKIN, Mrs. DAVIS of California, Mr. CRENSHAW, Mr. ABERCROMBIE, Mrs. BOYDA of Kansas, Ms. CASTOR, Ms. LORETTA SANCHEZ of California, Mr. JONES of North Carolina, Mr. BILIRAKIS, Mr. MCINTYRE, Mr. FORBES, Mr. WILSON of South Carolina, Mr. CONAWAY, Mr. LAMPSON, Mr. TAYLOR, Ms. GIFFORDS, Mr. UDALL of Colorado, and Mr. ROTHMAN.

H. Res. 111: Mr. GRAVES, Mr. LINCOLN DAVIS of Tennessee, and Mr. BILBRAY.

H. Res. 169: Mr. GOODLATTE.

H. Res. 232: Mrs. MUSGRAVE.

H. Res. 241: Ms. SLAUGHTER.

H. Res. 356: Mr. COURTNEY.

H. Res. 542: Mr. BISHOP of Utah, Mrs. DAVIS of California, Mr. MEEK of Florida, Mrs. MILLER of Michigan, and Mr. ROGERS of Alabama.

H. Res. 556: Mr. CLAY.

H. Res. 578: Mr. RODRIGUEZ, Mr. ORTIZ, Mr. HOLDEN, Ms. GINNY BROWN-WAITE of Florida, Mr. ELLSWORTH, Ms. CORRINE BROWN of Florida, Mr. BERRY, Mr. HILL, Mr. MCCARTHY of California, Mr. GOODE, Mr. SALAZAR, and Mr. YOUNG of Alaska.

H. Res. 610: Mr. STARK.

H. Res. 625: Ms. WOOLSEY and Ms. HIRONO.

H. Res. 626: Ms. WOOLSEY and Ms. HIRONO.

H. Res. 690: Mr. WEINER, Mr. SHERMAN, Mr. CROWLEY, Mr. LINDER, Mr. WEXLER, Mr. EMANUEL, Mrs. MCCARTHY of New York, Mr. MOORE of Kansas, Mr. KLEIN of Florida, Mr. RYAN of Ohio, Mr. GENE GREEN of Texas, and Mr. ANDREWS.

H. Res. 695: Mr. WELCH of Vermont and Mrs. CAPPS.

H. Res. 709: Mr. BOSWELL, Mr. YOUNG of Alaska, Mr. TOWNS, Mr. BARTLETT of Maryland, and Mr. MATHESON.

H. Res. 713; Mr. WEINER and Mr. GALLEGLY.

H. Res. 754: Ms. SUTTON and Mr. BLUMENAUER.

H. Res. 783: Mr. BACHUS, Mr. MURPHY of Connecticut, Mr. PEARCE, Mr. LAMBORN, and Mr. LEWIS of California.

H. Res. 786: Mr. SENSENBRENNER and Mr. FORTUÑO.

H. Res. 795: Mr. ELLISON and Mr. HINCHEY.

H. Res. 800: Ms. FOXX, Mr. DENT, Mr. DANIEL E. LUNGREN of California, Mr. SESSIONS, Mr. BACHUS, Mr. SAM JOHNSON of Texas, Mr. BURGESS, Mr. CAMPBELL of California, and Mr. PETERSON of Pennsylvania.

H. Res. 805: Mr. LAMBORN.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

### H.R. 3355

OFFERED BY: MR. MURPHY OF CONNECTICUT

AMENDMENT NO. 14: Page 21, strike lines 21 through 25 and insert the following new subparagraph:

(B) require that an appropriate public body within State shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Secretary finds are consistent with the criteria for construction described in the International Code Council building codes.

Page 22, line 12, insert:

(7) to the extent possible, seeks to encourage appropriate state and local government units to develop comprehensive land use and zoning plans that include natural hazard mitigation.

Page 22, after line 21, insert the following new paragraph:

(8) has been certified by the Secretary, for such year, in accordance with an annual certification process established by the Secretary for such purpose, as being in compliance with the requirements under paragraphs (1) through (7).

### H.R. 3355

OFFERED BY: MR. PUTNAM

AMENDMENT NO. 15: Page 14, line 9, strike "and".

Page 14, line 14, after the semicolon insert "; and".

Page 14, after line 14, insert the following new subparagraph:

(C) the State or regional reinsurance program enters into an agreement with the Secretary, as the Secretary shall require, that the State will not use Federal funds of any kind or from any Federal source (including any disaster or other financial assistance, loan proceeds, and any other assistance or subsidy) to repay the loan;

Page 20, line 12, after the period insert the following: "The Secretary may not accept any repayment of any loan made under this title that does not comply with the agreement for such loan entered into in accordance with section 202(b)(1)(C).".

### H.R. 3355

OFFERED BY: MR. KLEIN OF FLORIDA

AMENDMENT NO. 16: Page 2, after line 7, in the item in the table of contents relating to section 202, strike "STATE AND REGIONAL" and insert "QUALIFIED".

Page 4, line 6, strike "(known as timing risk)".

Page 4, line 15, strike "existing".

Page 6, strike lines 3 through 12, and insert the following new paragraph:

(16) State catastrophe reinsurance programs, if appropriately structured and regulated, assume catastrophic risk borne by private insurers without incurring many of the additional costs imposed on private insurers, and thus enable all insurers within the State to underwrite and price coverage at rates designed to encourage property owners to acquire levels of insurance appropriate to their individual risks.

Page 6, line 14, strike "a Federal backstop" and insert "Federal support".

Page 7, line 18, after "entity" insert ", or State-sponsored provider of natural catastrophe insurance,".

Page 8, line 1, strike "and" and insert a comma.

Page 8, line 2, before the semicolon insert ", and State-sponsored providers of natural catastrophe insurance".

Page 13, line 19, strike "**STATE AND REGIONAL**" and insert "**QUALIFIED**".

Page 14, line 5, strike "State or regional" and insert "qualified".

Page 14, line 16, before the comma insert "at a commercially reasonable rate".

Page 14, line 21, before the semicolon insert "at a commercially reasonable rate".

Page 15, line 2, strike "and" the first place such term appears.

Page 15, lines 3 and 4, strike "the loan is afforded the full faith and credit of the State and".

Page 15, strike lines 21 through 23 and insert the following new subparagraph:

(B) cannot access capital in the private markets at a commercially reasonable rate.

Page 17, line 4, strike "privately issued".

Page 18, lines 9 and 10, strike "real property or homeowners'" and insert "residential".

Page 19, strike "section 301(c)" each place such term appears in lines 3 and 11 and insert "section 401(d)".

Page 20, line 9, after "not" insert "be".

Page 20, after line 12, insert the following new title:

### TITLE III—REINSURANCE COVERAGE FOR QUALIFIED REINSURANCE PROGRAMS

#### SEC. 301. PROGRAM AUTHORITY.

Subject to section 304(c), the Secretary of the Treasury, shall make available for purchase, only by qualified reinsurance programs (as such term is defined in section 401), contracts for reinsurance coverage under this title.

#### SEC. 302. CONTRACT PRINCIPLES.

Contracts for reinsurance coverage made available under this title—

(1) shall not displace or compete with the private insurance or reinsurance markets or the capital market;

(2) shall minimize the administrative costs of the Federal Government; and

(3) shall provide coverage based solely on insured losses covered by the qualified reinsurance program purchasing the contract.

#### SEC. 303. TERMS OF REINSURANCE CONTRACTS.

(a) MINIMUM ATTACHMENT POINT.—Notwithstanding any other provision of this title, a contract for reinsurance coverage under this title for a qualified reinsurance program may not be made available or sold unless the contract requires that the qualified reinsurance program sustain an amount of retained losses from events in an amount, as determined by the Secretary, that is equal to the amount of losses projected to be incurred from a single event of such magnitude that it has a 0.5 percent chance of being equaled or exceeded in any year.

(b) 90 Percent Coverage of Insured Losses in Excess of Retained Losses.—Each contract for reinsurance coverage under this title shall provide that the amount paid out under the contract shall, subject to section 304, be equal to 90 percent of the amount of insured losses of the qualified reinsurance program in excess of the amount of retained losses that the contract requires, pursuant to subsection (a), to be incurred by such program.

(c) Maturity.—The term of each contract for reinsurance coverage under this title shall not exceed 1 year or such other term as the Secretary may determine.

(d) Payment Condition.—Each contract for reinsurance coverage under this title shall authorize claims payments to the qualified reinsurance program purchasing the coverage only for insured losses provided under the contract.

(e) Multiple Events.—The contract shall cover any insured losses from one or more events that may occur during the term of the contract and shall provide that if multiple events occur, the retained losses requirement under subsection (a) shall apply on a calendar year basis, in the aggregate and not separately to each individual event.

(f) Timing of Claims.—Claims under a contract for reinsurance coverage under this title shall include only insurance claims that are reported to the qualified reinsurance program within the 3-year period beginning upon the event or events for which payment under the contract is provided.

(g) Actuarial Pricing.—The price of coverage under a reinsurance contract under this title shall be an amount, established by the Secretary at a level that annually produces expected premiums that shall be sufficient to pay the reasonably anticipated cost of all claims, loss adjustment expenses, all administrative costs of reinsurance coverage offered under this title, and any such outwards reinsurance, as described in section 305(c)(3), as the Secretary considers prudent taking into consideration the demand for reinsurance coverage under this title and the limits specified in section 304.

(h) Information.—Each contract for reinsurance coverage under this title shall contain a condition providing that the Secretary may require the qualified reinsurance program that is covered under the contract to submit to the Secretary all information on the qualified reinsurance program relevant to the duties of the Secretary under this title.

(i) Others.—Contracts for reinsurance coverage under this title shall contain such other terms as the Secretary considers necessary to carry out this title and to ensure the long-term financial integrity of the program under this title.

### SEC. 304. MAXIMUM FEDERAL LIABILITY.

(a) In General.—Subject to subsection (b) and notwithstanding any other provision of law, the aggregate potential liability for payment of claims under all contracts for reinsurance coverage under this title sold in any single year by the Secretary shall not exceed $200,000,000,000 or such lesser amount as is determined by the Secretary based on review of the market for reinsurance coverage under this title.

(b) Limitation.—The authority of the Secretary to enter into contracts for reinsurance coverage under this title shall be effective for any fiscal year only to such extent or in such amounts as are or have been provided in appropriation Acts for such fiscal year for the aggregate potential liability for payment of claims under all contracts for reinsurance coverage under this title.

### SEC. 305. FEDERAL NATURAL CATASTROPHE REINSURANCE FUND.

(a) Establishment.—There is established within the Treasury of the United States a fund to be known as the Federal Natural Catastrophe Reinsurance Fund (in this section referred to as the "Fund").

(b) Credits.—The Fund shall be credited with—

(1) amounts received annually from the sale of contracts for reinsurance coverage under this title;

(2) any amounts appropriated under section 304; and

(3) any amounts earned on investments of the Fund pursuant to subsection (d).

(c) Uses.—Amounts in the Fund shall be available to the Secretary only for the following purposes:

(1) Contract payments.—For payments to purchasers covered under contracts for reinsurance coverage for eligible losses under such contracts.

(2) Administrative expenses.—To pay for the administrative expenses incurred by the Secretary in carrying out the reinsurance program under this title.

(3) Outwards reinsurance.—To obtain retrocessional or other reinsurance coverage of any kind to cover risk reinsured under contracts for reinsurance coverage made available under this title.

(d) Investment.—If the Secretary determines that the amounts in the Fund are in excess of current needs, the Secretary may invest such amounts as the Secretary considers advisable in obligations issued or guaranteed by the United States.

(e) Prohibition of Federal Funds.—No Federal funds shall be authorized or appropriated for the Fund or for carrying out the reinsurance program under this title.

### SEC. 306. REGULATIONS.

The Secretary shall issue any regulations necessary to carry out the program for reinsurance coverage under this title.

Page 20, line 13, strike "**TITLE III**" and insert "**TITLE IV**".

Page 20, line 15, strike "**SEC. 301.**" and insert "**SEC. 401.**".

Page 21, strike lines 21 through 25 and insert the following new subparagraph:

(B) require that an appropriate public body within the State shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Secretary finds are consistent with the criteria for construction described in the International Code Council building codes.

Page 22, line 4, after the semicolon insert "and".

Page 22, line 17, strike "and".

Page 22, strike lines 9 through 11 and insert the following: "the reasonably anticipated cost of all claims, loss adjustment expenses, and all administrative costs of the insurance or reinsurance coverage offered by such entities, and any such outwards reinsurance as the program administrator deems prudent;".

Page 22, strike lines 12 through 17 and insert the following new paragraphs:

(7) to the extent possible, seeks to avoid cross-subsidization between any separate property and casualty lines covered under the State authorized insurance or reinsurance entity;

(8) complies with the risk-based capital requirements under subsection (b); and

Page 22, line 18, strike "(7)" and insert "(9)".

Page 22, after line 21, insert the following new subsection:

(b) Risk-Based Capital Requirements.—

(1) In general.—Except for programs deemed to be qualified reinsurance programs pursuant to section 401(c), each qualified reinsurance program shall maintain risk-based capital in accordance with requirements established by the Secretary, in consultation with the National Association of Insurance Commissioners and consistent with the Risk-Based Capital Model Act of the National Association of Insurance Commissioners, and take into consideration asset risk, credit risk, underwriting risk, and such other relevant risk as determined by the Secretary.

(2) Treatment of access to liquidity loans.—

(A) In general.—To the extent that a qualified reinsurance program is deficient in complying with any aspect of the risk-based capital requirements established pursuant to this subsection, the Secretary shall recognize and give credit for the ability of such qualified reinsurance program to access capital through the liquidity loan program established under section 202(d).

(B) Annual diminution.—The extent of credit recognized and given for a qualified reinsurance program pursuant to subparagraph (A) shall diminish annually in a proportion equal to the earned premium for the program for the prior calendar year.

(C) Reset upon occurrence of catastrophe.—To the extent that a qualified reinsurance program is obligated to pay losses as a result of the occurrence of a catastrophe, the Secretary shall increase the credit recognized and given for the program pursuant to subparagraph (A) by an amount equal to the losses paid by the program as a result of the catastrophe.

(D) Resumption after catastrophe.—After a reset occurs pursuant to subparagraph (C) for a qualified reinsurance program, the diminution described in subparagraph (B) shall resume and continue until the program has accumulated capital sufficient to satisfy the risk-based capital requirement determined by the Secretary to be appropriate given the ceiling coverage level of that particular qualified reinsurance program.

(3) Report.—For each calendar year, each qualified reinsurance program shall prepare and submit to the Secretary a report identifying its risk based capital, at such time after the conclusion of such year, and containing such information and in such form, as the Secretary shall require.

Page 22, line 22, strike "(b)" and insert "(c)".

Page 23, line 1, after "entity" insert ", or State-sponsored provider of natural catastrophe insurance,".

Page 23, line 3, after "entity" insert ", or State-sponsored provider of natural catastrophe insurance,".

Page 23, line 5, strike "(c)" and insert "(d)".

Page 23, line 11, strike "(d)" and insert "(e)".

Page 23, after line 16, insert the following new section:

### SEC. 402. STUDY AND CONDITIONAL COVERAGE OF COMMERCIAL RESIDENTIAL LINES OF INSURANCE.

(a) Study.—The Secretary shall study, on an expedited basis, the need for and impact of expanding the programs established by this Act to apply to insured losses of qualified reinsurance programs for losses arising from all commercial insurance policies which provide coverage for properties that are composed predominantly of residential rental units. The Secretary shall consider the catastrophic insurance and reinsurance market for commercial residential properties, and specifically the availability of adequate private insurance coverage when an insured event occurs, the impact any such capacity restrictions has on housing affordability for renters, and the likelihood that such an expansion of the program would increase insurance capacity for this market segment.

(b) CONDITIONAL COVERAGE.—To the extent that the Secretary determines that there is such a need to expand such programs and such expansion will be effective in increasing insurance capacity for the commercial residential insurance market, the Secretary shall, in consultation with the National Association of Insurance Commissioners—

(1) apply the provisions of this Act, as appropriate, to insured losses of a qualified reinsurance program for losses arising from commercial insurance policies which provide coverage for properties that are composed predominantly of residential rental units, as described in paragraph (a); and

(2) provide such restrictions, limitations, or conditions with respect to the programs under this Act that the Secretary deems appropriate, based on the study under subsection (a).

Page 23, line 17, strike "**SEC. 302.**" and insert "**SEC. 403.**".

Page 23, lines 22 and 23, strike ", under law,".

Page 24, line 7, strike "section 301" and insert "section 401".

Page 24, line 15, strike "**SEC. 303.**" and insert "**SEC. 404.**".

H.R. 3355

OFFERED BY: MR. KLEIN OF FLORIDA

AMENDMENT NO. 17: Page 2, after line 7, in the item in the table of contents relating to section 202, strike "STATE AND REGIONAL" and insert "QUALIFIED".

Page 4, line 6, strike "(known as timing risk)".

Page 4, line 15, strike "existing".

Page 6, strike lines 3 through 12, and insert the following new paragraph:

(16) State catastrophe reinsurance programs, if appropriately structured and regulated, assume catastrophic risk borne by private insurers without incurring many of the additional costs imposed on private insurers, and thus enable all insurers within the State to underwrite and price coverage at rates designed to encourage property owners to acquire levels of insurance appropriate to their individual risks.

Page 6, line 14, strike "a Federal backstop" and insert "Federal support".

Page 7, line 18, after "entity" insert ", or State-sponsored provider of natural catastrophe insurance,".

Page 8, line 1, strike "and" and insert a comma.

Page 8, line 2, before the semicolon insert ", and State-sponsored providers of natural catastrophe insurance".

Page 13, line 19, strike "**STATE AND REGIONAL**" and insert "**QUALIFIED**".

Page 14, line 5, strike "State or regional" and insert "qualified".

Page 14, line 16, before the comma insert "at a commercially reasonable rate".

Page 14, line 21, before the semicolon insert "at a commercially reasonable rate".

Page 15, line 2, strike "and" the first place such term appears.

Page 15, lines 3 and 4, strike "the loan is afforded the full faith and credit of the State and".

Page 15, strike lines 21 through 23 and insert the following new subparagraph:

(B) cannot access capital in the private markets at a commercially reasonable rate.

Page 17, line 4, strike "privately issued".

Page 18, lines 9 and 10, strike "real property or homeowners'" and insert "residential".

Page 19, strike "section 301(c)" each place such term appears in lines 3 and 11 and insert "section 401(d)".

Page 20, line 9, after "not" insert "be".

Page 20, after line 12, insert the following new title:

## TITLE III—REINSURANCE COVERAGE FOR QUALIFIED REINSURANCE PROGRAMS

### SEC. 301. PROGRAM AUTHORITY.

Subject to section 304(c), the Secretary of the Treasury, shall make available for purchase, only by qualified reinsurance programs (as such term is defined in section 401), contracts for reinsurance coverage under this title.

### SEC. 302. CONTRACT PRINCIPLES.

Contracts for reinsurance coverage made available under this title—

(1) shall not displace or compete with the private insurance or reinsurance markets or the capital market;

(2) shall minimize the administrative costs of the Federal Government; and

(3) shall provide coverage based solely on insured losses covered by the qualified reinsurance program purchasing the contract.

### SEC. 303. TERMS OF REINSURANCE CONTRACTS.

(a) MINIMUM ATTACHMENT POINT.—Notwithstanding any other provision of this title, a contract for reinsurance coverage under this title for a qualified reinsurance program may not be made available or sold unless the contract requires that the qualified reinsurance program sustain an amount of retained losses from events in an amount, as determined by the Secretary, that is equal to the amount of losses projected to be incurred from a single event of such magnitude that it has a 0.5 percent chance of being equaled or exceeded in any year.

(b) 90 PERCENT COVERAGE OF INSURED LOSSES IN EXCESS OF RETAINED LOSSES.—Each contract for reinsurance coverage under this title shall provide that the amount paid out under the contract shall, subject to section 304, be equal to 90 percent of the amount of insured losses of the qualified reinsurance program in excess of the amount of retained losses that the contract requires, pursuant to subsection (a), to be incurred by such program.

(c) MATURITY.—The term of each contract for reinsurance coverage under this title shall not exceed 1 year or such other term as the Secretary may determine.

(d) PAYMENT CONDITION.—Each contract for reinsurance coverage under this title shall authorize claims payments to the qualified reinsurance program purchasing the coverage only for insured losses provided under the contract.

(e) MULTIPLE EVENTS.—The contract shall cover any insured losses from one or more events that may occur during the term of the contract and shall provide that if multiple events occur, the retained losses requirement under subsection (a) shall apply on a calendar year basis, in the aggregate and not separately to each individual event.

(f) TIMING OF CLAIMS.—Claims under a contract for reinsurance coverage under this title shall include only insurance claims that are reported to the qualified reinsurance program within the 3-year period beginning upon the event or events for which payment under the contract is provided.

(g) ACTUARIAL PRICING.—The price of coverage under a reinsurance contract under this title shall be an amount, established by the Secretary at a level that annually produces expected premiums that shall be sufficient to pay the reasonably anticipated cost of all claims, loss adjustment expenses, all administrative costs of reinsurance coverage offered under this title, and any such outwards reinsurance, as described in section 305(c)(3), as the Secretary considers prudent taking into consideration the demand for reinsurance coverage under this title and the limits specified in section 304.

(h) INFORMATION.—Each contract for reinsurance coverage under this title shall contain a condition providing that the Secretary may require the qualified reinsurance program that is covered under the contract to submit to the Secretary all information on the qualified reinsurance program relevant to the duties of the Secretary under this title.

(i) OTHERS.—Contracts for reinsurance coverage under this title shall contain such other terms as the Secretary considers necessary to carry out this title and to ensure the long-term financial integrity of the program under this title.

### SEC. 304. MAXIMUM FEDERAL LIABILITY.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, the aggregate potential liability for payment of claims under all contracts for reinsurance coverage under this title sold in any single year by the Secretary shall not exceed **$200,000,000,000** or such lesser amount as is determined by the Secretary based on review of the market for reinsurance coverage under this title.

(b) LIMITATION.—The authority of the Secretary to enter into contracts for reinsurance coverage under this title shall be effective for any fiscal year only to such extent or in such amounts as are or have been provided in appropriation Acts for such fiscal year for the aggregate potential liability for payment of claims under all contracts for reinsurance coverage under this title.

### SEC. 305. FEDERAL NATURAL CATASTROPHE REINSURANCE FUND.

(a) ESTABLISHMENT.—There is established within the Treasury of the United States a fund to be known as the Federal Natural Catastrophe Reinsurance Fund (in this section referred to as the "Fund").

(b) CREDITS.—The Fund shall be credited with—

(1) amounts received annually from the sale of contracts for reinsurance coverage under this title;

(2) any amounts appropriated under section 304; and

(3) any amounts earned on investments of the Fund pursuant to subsection (d).

(c) USES.—Amounts in the Fund shall be available to the Secretary only for the following purposes:

(1) CONTRACT PAYMENTS.—For payments to purchasers covered under contracts for reinsurance coverage for eligible losses under such contracts.

(2) ADMINISTRATIVE EXPENSES.—To pay for the administrative expenses incurred by the Secretary in carrying out the reinsurance program under this title.

(3) OUTWARDS REINSURANCE.—To obtain retrocessional or other reinsurance coverage of any kind to cover risk reinsured under contracts for reinsurance coverage made available under this title.

(d) INVESTMENT.—If the Secretary determines that the amounts in the Fund are in excess of current needs, the Secretary may invest such amounts as the Secretary considers advisable in obligations issued or guaranteed by the United States.

**SEC. 306. REGULATIONS.**

The Secretary shall issue any regulations necessary to carry out the program for reinsurance coverage under this title.

Page 20, line 13, strike "**TITLE III**" and insert "**TITLE IV**".

Page 20, line 15, strike "**SEC. 301.**" and insert "**SEC. 401.**".

Page 22, line 4, after the semicolon insert "and".

Page 22, line 17, strike "and".

Page 22, strike lines 9 through 11 and insert the following: "the reasonably anticipated cost of all claims, loss adjustment expenses, and all administrative costs of the insurance or reinsurance coverage offered by such entities, and any such outwards reinsurance as the program administrator deems prudent;".

Page 22, strike lines 12 through 17 and insert the following new paragraphs:

(7) to the extent possible, seeks to avoid cross-subsidization between any separate property and casualty lines covered under the State authorized insurance or reinsurance entity;

(8) complies with the risk-based capital requirements under subsection (b); and

Page 22, line 18, strike "(7)" and insert "(9)".

Page 22, after line 21, insert the following new subsection:

(b) RISK-BASED CAPITAL REQUIREMENTS.—

(1) IN GENERAL.—Except for programs deemed to be qualified reinsurance programs pursuant to section 401(c), each qualified reinsurance program shall maintain risk-based capital in accordance with requirements established by the Secretary, in consultation with the National Association of Insurance Commissioners and consistent with the Risk-Based Capital Model Act of the National Association of Insurance Commissioners, and take into consideration asset risk, credit risk, underwriting risk, and such other relevant risk as determined by the Secretary.

(2) TREATMENT OF ACCESS TO LIQUIDITY LOANS.—

(A) IN GENERAL.—To the extent that a qualified reinsurance program is deficient in complying with any aspéct of the risk-based capital requirements established pursuant to this subsection, the Secretary shall recognize and give credit for the ability of such qualified reinsurance program to access capital through the liquidity loan program established under section 202(d).

(B) ANNUAL DIMINUTION.—The extent of credit recognized and given for a qualified reinsurance program pursuant to subparagraph (A) shall diminish annually in a proportion equal to the earned premium for the program for the prior calendar year.

(C) RESET UPON OCCURRENCE OF CATASTROPHE.—To the extent that a qualified reinsurance program is obligated to pay losses as a result of the occurrence of a catastrophe, the Secretary shall increase the credit recognized and given for the program pursuant to subparagraph (A) by an amount equal to the losses paid by the program as a result of the catastrophe.

(D) RESUMPTION AFTER CATASTROPHE.—After a reset occurs pursuant to subparagraph (C) for a qualified reinsurance program, the diminution described in subparagraph (B) shall resume and continue until the program has accumulated capital sufficient to satisfy the risk-based capital requirement determined by the Secretary to be appropriate given the ceiling coverage level of that particular qualified reinsurance program.

(3) REPORT.—For each calendar year, each qualified reinsurance program shall prepare and submit to the Secretary a report identifying its risk based capital, at such time after the conclusion of such year, and containing such information and in such form, as the Secretary shall require.

Page 22, line 22, strike "(b)" and insert "(c)".

Page 23, line 1, after "entity" insert ", or State-sponsored provider of natural catastrophe insurance,".

Page 23, line 3, after "entity" insert ", or State-sponsored provider of natural catastrophe insurance,".

Page 23, line 5, strike "(c)" and insert "(d)".

Page 23, line 11, strike "(d)" and insert "(e)".

Page 23, after line 16, insert the following new section:

**SEC. 402. STUDY AND CONDITIONAL COVERAGE OF COMMERCIAL RESIDENTIAL LINES OF INSURANCE.**

(a) STUDY.—The Secretary shall study, on an expedited basis, the need for and impact of expanding the programs established by this Act to apply to insured losses of qualified reinsurance programs for losses arising from all commercial insurance policies which provide coverage for properties that are composed predominantly of residential rental units. The Secretary shall consider the catastrophic insurance and reinsurance market for commercial residential properties, and specifically the availability of adequate private insurance coverage when an insured event occurs, the impact any such capacity restrictions has on housing affordability for renters, and the likelihood that such an expansion of the program would increase insurance capacity for this market segment.

(b) CONDITIONAL COVERAGE.—To the extent that the Secretary determines that there is such a need to expand such programs and such expansion will be effective in increasing insurance capacity for the commercial residential insurance market, the Secretary shall, in consultation with the National Association of Insurance Commissioners—

(1) apply the provisions of this Act, as appropriate, to insured losses of a qualified reinsurance program for losses arising from commercial insurance policies which provide coverage for properties that are composed predominantly of residential rental units, as described in paragraph (a); and

(2) provide such restrictions, limitations, or conditions with respect to the programs under this Act that the Secretary deems appropriate, based on the study under subsection (a).

Page 23, line 17, strike "**SEC. 302.**" and insert "**SEC. 403.**".

Page 23, lines 22 and 23, strike ", under law,".

Page 24, line 7, strike "section 301" and insert "section 401".

Page 24, line 15, strike "**SEC. 303.**" and insert "**SEC. 404.**".

H.R. 3996

OFFERED BY: MR. RYAN OF WISCONSIN

AMENDMENT NO. 1: Strike title VI.

# EXTENSIONS OF REMARKS

## TRIBUTE TO DR. DANIEL COLLINS

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Ms. WOOLSEY. Madam Speaker, it is with great sadness that I rise today to recognize the passing of one of our notable pioneers, Dr. Daniel Collins. Dr. Collins died this month at age 91, leaving an enduring legacy to the people of Marin County, where he lived, to those of the San Francisco Bay Area, where he worked and taught, and to generations of black Americans across the country.

A practicing dentist, Dr. Collins was the first black man to teach at the University of California, San Francisco School of Dentistry.

"It opened the doors for others," says his son, Chuck Collins.

After his retirement from dentistry, he served on the board of directors of the San Francisco Dental Society, the trustees of the American Fund for Dental Education and as a member of the house of delegates of the California Dental Association. Moreover, such pioneering efforts extended beyond his professional life. Dr. Collins founded the first black-owned savings and loan in San Francisco, for example, as well as the San Francisco chapter of the Urban League, later known as the Bay Area Urban League.

Elberta Eriksson worked with Dr. Collins in those early days of the Urban League and remembers helping him promote awareness of discrimination in employment.

"I would see something on the college bulletin board announcing a job on Market Street or something," she says. "When I would walk in to apply, they would say I was too qualified. Then I would report back to the Urban League and they would follow up."

She notes that Dr. Collins' intention was to help blacks to fair employment before there were fair employment laws.

As a pioneer, Dr. Collins felt called to mentor young people, and he and his wife, DeReath, were activists in their community as members of various groups, such as the Marin African Coalition. Together they helped to found MARC—Malin Aid to Retarded Children—now known as Lifehouse, a residential and counseling center for people with developmental disabilities located in San Rafael.

In 1960, former Gov. Pat Brown appointed Dr. Collins to the State Board of Education, which 6 years later approved a new history text that recognized the contributions of women and minorities. He was also named a Distinguished Alumnus by UCSF School of Dentistry, and a Local Hero by Bay Area television station KQED. His alma mater, Paine College, even named a library after him.

"But he had absolutely no ego whatsoever," says Regina Carey, a family friend and Dr. Collins' personal assistant for many years. "He would do all kinds of things and get all kinds of accolades and it never went to his head." Among Dr. Collins' pioneering efforts, she notes, was his selection as the first black to head a national campaign for a presidential election, when he supported Adlai Stevenson. Collins also helped create the Sun-Reporter newspaper in San Francisco and the Church for the Fellowship of All People, one of the first nondenominational, interracial churches in the country.

But perhaps Dr. Collins' greatest contribution will never be marked by an award or a plaque or a resolution. Perhaps it will be the one few people ever know about—which is this: In the early 1950s, when Dr. Collins and his wife tried to buy a home in Mill Valley, long a summer resort area for San Franciscans and an all-white town in an almost all-white county, a deed restriction prevented the homeowner from selling to a black man. Local real estate agents offered to buy the house to keep the black family out. That the doctor and his wife were successful in purchasing their home and moving into the town eventually changed the landscape for future generations of black families in Marin.

But then, Dr. Collins did that in all areas of his life, in his own quiet way. That is why, Madam Speaker, I rise today to honor the life and courage of Dr. Daniel Collins.

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## CELEBRATING UPPER DUBLIN HIGH SCHOOL'S VETERANS HISTORY PROJECT PARTICIPATION

### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Upper Dublin High School in Upper Dublin Township, PA on their outstanding participation in the Veterans History Project of the Library of Congress. Students and teachers have contributed their time and skills to preserving the remarkable experiences of our war veterans from all service branches, from World War I to the present day Iraq War, as well as the civilians who supported them. I am privileged to represent these students and teachers in Congress.

The Veterans History Project preserves the legacy of those who have served through the establishment of a permanent national collection, housed in the Library of Congress, of videotaped and recorded interviews, written memoirs, and wartime letters, diaries, and photographs. Stories and materials are available to anyone visiting the Library. In addition, a Web page is created for each veteran who contributes an interview.

As our Nation's World War II and Korean Veterans grow older, it is critical that we record their stories. Their experiences offer a priceless window into their dedication and love of country. As the daughter of a Korean War veteran, this effort has special personal meaning for me. We have much to learn from those who have served our Nation, and I wholeheartedly support this important project.

On this Veterans Day, November 12, 2007, I am proud to recognize Upper Dublin High School's Veterans History Project participation at a special event, "Preserving Their Stories: A Salute to Veterans History Project Volunteers," at the Hiway Theatre in Jenkintown. This special celebration will bring together Americans, both young and older, with veterans of all ages, to honor their common service to their fellow citizens and country.

Madam Speaker, once again I congratulate all of the Veterans History Project participants for their contributions to capturing the experiences of war veterans, thus honoring the lives and contributions of these extraordinary Americans.

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## CELEBRATING THE 100TH ANNIVERSARY OF ST. ADALBERT PARISH IN TOLEDO, OHIO

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Ms. KAPTUR. Madam Speaker, I rise today to recognize St. Adalbert Parish. On October 28, 2007, Saint Adalbert Parish in Toledo, Ohio celebrated its naissance into the north Toledo Polish Community. This 100th anniversary commemorates the formative role St. Adalbert's had in helping shape a vibrant Toledo, while centering an ethnic community of largely citizens of Polish descent. The celebration, commenced with Mass, reminded those attendees of their proud Polish heritage that molded north Toledo, but also northwest Ohio. For this celebration marked a day that spoke to the importance of commemorating important ethnic communities in America because these immigrant-based groups have enriched America's heritage.

Approximately 170 years ago, the banks of the Maumee River welcomed the first Polish immigrant with the family name Vistula, a name shared with the central river of Poland. Following this initial arrival, Toledo attracted more Polish pioneers from Kraków, the medieval capital of Poland and from Warsaw, Poland's current capital in the Mazowsze region. However, during the 19th century, the overwhelming majority of Polish settlers came from the western territories. These western territories of Poland were controlled by the Germans. Poles longed to escape the religious and linguistic persecution of the infamous "Kulturkamt instituted by Otto von Bismarck, subsequently followed by the "Ha-Ka-Ta" program of colonization by buying up Polish lands.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The specific origins of Poles fleeing German maltreatment are known. Most came from Poznań province, the seat of Poland's earliest Roman Catholic cathedral. Other Poles came from the Pałuki region around the county of Znin. This region rests immediately to the northwest of the Kujawy region around Gniezno. Upon finding a sight of white eagles here, Prince Lech established this as the capital and further, the white eagle became the national coat-of-arms.

Additionally, Poles migrated to America at the beginning of the 20th Century through the First World War. They arrived from the Austrian-held southern Poland, Zakopane with Gorale culture, Rzeszów, Lwow, Russian territories of Kujawy, and Wilno, the modern capital of Lithuania.

Regardless of their ancestral region, Polish immigrants contributed greatly to Toledo's growing labor forces. By 1920, people of Polish origin constituted the largest foreign-born group in Toledo and Lucas County. These settlers accounted for at least one quarter of the population of northwest Ohio, eventually spilling over into southeastern Michigan. Toledo was the largest city in northwest Ohio with a population of over 300,000 people. Residents of Polish ancestry now number over 60,000.

Given Poland's special relationship with the Catholic Church, when Poles came to inhabit Toledo, naturally, the Catholic Church became the bastion of their communities. Indeed its establishment predated the formation of the Roman Catholic Diocese of Toledo itself. By 1879, the Lagrange street district (known as "Lagrinka" by Poles) hosted the first Polish parish under the patronage of Saint Hedwig, Queen of Poland. The Polish Lagrinka district rapidly expanded into the beginning of the 20th century. By 1907, Bishop Ignatius Horstmann of Cleveland established a second Polish parish in the Lagrange Street district as a division of St. Hedwig Parish. The bishop assigned Fr. Jozef Wachowski, a young priest who worked in Cleveland, to begin the new parish by October 18, 1907 with Park Street as the boundary line. The old church building of St. Hedwig housed the first parish meeting on February 23, 1908.

By March 4, 1908, Bishop Horstmann approved the choice of St. Adalbert as the namesake and patron of the new parish. The official announcement of the parish patron saint was made on March 15, 1908. A nine-room cottage on the property was used as the pastor's house. By November of 1908, Fr. Wachowski signed a contract for a combination church/school building, and a pastoral residence. The first spade of ground for the new church was turned on December 1, 1908, at 12 o'clock noon.

Auxiliary Bishop Joseph Kudelka laid the cornerstone on May 2, 1909. Representatives of all the Polish parishes in the Toledo and Rossford areas, and parishes from Ironville in east Toledo attended this ceremony. The church school was finished in October 1909. Work started on the rectory in February of 1909. A demonstration of Catholic Polish people which has never been equaled in Toledo took place Sunday, September 18, 1910 when the Right Reverend Bishop from Chicago dedicated St. Adalbert Church and School on Lagrange and Oakland Streets. The parade to follow showcased all societies, military and religious, of all the Polish churches. Bishop Paul P. Rhode was the first and only Polish bishop in the United States, leading nearly 3,000,000 Catholic Poles and more than 800 churches. By October 1909, Fr. Wachowski moved into the new rectory, followed by a sister's convent in 1915.

St. Adalbert Parish eventually became the largest parish in the diocese; thus, it was necessary to build a new, separate church to sustain the parish members. On April 19, 1927, parish supporters laid the cornerstone to the present magnificent church. This church, built between the church-school and the parish house in the Spanish Mission style, was 145 feet long and 75 feet wide with a 100-foot tower at one side. September 18, 1927 celebrated the first Mass of the new church. The new St. Adalbert Church was dedicated by Bishop Samuel A. Stritch on April 22, 1928, which also marked the 25th anniversary of Fr. Wachowski's ordination to the priesthood.

After the new church was built, the Great Depression came. Father Czarnecki inherited the debt of the church building. However, Fr. Czarnecki introduced and distributed financial booklets to list all the contributions of each member during the year. Due to the priest's business acumen, the building debt was paid.

Parishioners of Saint Adalbert have been involved in numerous organizations. These members of the parish organized a number of societies: St. Adalbert Society, St. Casmir's and St. Joseph's Societies, St. Michael Society (men), Altar-Rosary Society (women), and Young Ladies Society (girls), St. Theresa and Holy Rosary Sodalities, the Ladies' Guild, the Young People's Friendly Circle, the Catholic Order of Foresters, Court No. 1865, LCBA Branch No. 1434 and the Altar Boys' League. From these organizations and tight-knit community, Saint Adalbert was an anchor for the neighborhood.

The church buttressed a parish school that became a site of advancement for young people for generations. The selfless contributions of the teachers, more notably, the Felician Sisters ensured the students received a top-notch education, but nurtured students who were dedicated and devoted to serve their fellow man, community and country. Rev. J.P. Wachowski requested the services of the Felician Sisters. The future welfare of the Polish pioneers lay in their education and training by a religious community of their own nationality. Retaining some ethnic identity was essential for those separated from their mother country by a force of circumstances. The Felician Sisters have taught in Toledo since 1883, nine years after five Sisters arrived in Polania, Wisconsin from Poland to establish the first U.S. Foundation. The religious community was founded in Warsaw, Poland in 1855 by Mother M. Angela, eventually being housed in Livonia, Michigan in 1936. The sisters became an integral part of the community, the elementary schools, high schools, religious education centers, parish religious programs, a college hospital, home for dependent children and a home for the aged. The Congregation of Sisters of Saint Felix has been teaching at the St. Adalbert Parish for 98 years.

The original St. Adalbert Parish attracted about 150 families. Upon completion of the new parish, more than 1,000 families claimed Saint Adalbert as their parish. Presently, approximately 550 household families are registered at St. Adalbert Parish.

In lieu of current trends of former vibrant Polish communities, two parishes were superfluous to meet the needs of the community. Thus, to keep alive the Polish churches of North Toledo, in July of 2005, St. Adalbert Parish and St. Hedwig Parish were twinned, staying separate parishes but one community. What once partitioned the north Toledo Polish neighborhood has now become united. In fact, the parish schools of Saint Hedwig and Saint Adalbert joined, creating Pope John Paul II School, tangibly representing this union.

Indeed the story of 100 years of activity can never be told in its entirety; but the contributions of the Felicians, priests and laity, who served as lectors, ushers, Eucharistic ministers, choir members, musicians, youth athletic coaches, and skit, dance and musical choreographers nurtured the joy of community commemorated during its 100th anniversary.

October 2007 marks the 100th anniversary of St. Adalbert Parish. A year-long celebration begins with the blessing of the statue of our late Pope John Paul II. May God bless St. Adalbert Parish—all its founders and inheritors—and our beloved community, and city.

## TRIBUTE TO MIKE FLYNT, A MEMBER OF THE SUL ROSS STATE UNIVERSITY FOOTBALL TEAM

### HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. RODRIGUEZ. Madam Speaker, I stand today to recognize an outstanding individual in my district. Recently, Mike Flynt, at age 59, became the second oldest athlete to participate in NCAA collegiate football. Mr. Flynt is a linebacker for the Sul Ross State University Lobos and has exemplified himself as a team leader and an inspiration to the younger players on the team. This weekend marks the final game of the season for the Sul Ross Lobos and I would like to congratulate the team on a great season and to Mike for providing leadership and inspiration that certainly contributed to the team's success.

Mike Flynt is not only an inspiration on the football field; he is also an expert in physical fitness. He is a certified Master of Fitness Sciences and a youth fitness trainer. He has worked as a fitness and conditioning specialist at the Universities of Nebraska, Oregon and Texas A&M. Mr. Flynt is also the inventor of a portable gym system that received a government patent and also a founding member of the international Strength and Conditioning Association.

Across the Nation, people have heard the story of Mike Flynt. He has received countless e-mails and letters congratulating him on his accomplishments. His popularity has also drawn donations to the University in order to fund scholarships and to purchase needed athletic equipment.

Because of this impact, I have asked President Bush to appoint Mr. Flynt to the Council of Physical Fitness and Sports. He would be a perfect candidate to serve on the council due to his lifelong commitment to health and fitness. He would serve as an inspiration to people of all ages and would be a wonderful addition to the Council.

I would like to reiterate my amazement at the accomplishments of Mike Flynt. I recognize him today for being an inspiration to his community and to the Nation. We should keep the story of Mike Flynt in mind and remember that age should not be a barrier to our dreams.

## INTRODUCTION OF THE LOST RETIREMENT SAVINGS ACT OF 2007

### HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. LEWIS of Georgia. Madam Speaker, last week I introduced legislation that will help people who worked long hours, went to work everyday to support their families, and thought they were earning a retirement package that would be there at the end of their careers. Unfortunately, many in this body know the crisis some workers have endured regarding their defined benefit pension plans. Many people have felt the sting of lost jobs, reduced benefits, and bankrupt employers. Their retirement savings were lost.

The Lost Retirement Savings Act will allow airline workers to recover some of their benefits that were erased when their employers went bankrupt. By creating a retirement savings option for airline workers whose defined benefit plans were terminated or frozen in bankruptcy proceedings we can offer help to workers. This legislation creates an opportunity for airline workers to rollover specified bankruptcy payments into a traditional or Roth individual retirement account.

Airline workers have lost more than $5 billion in wages alone. They have lost an additional $5 billion in defined benefit pension benefits. Some have lost more than their paycheck. Too many people lost their jobs. In my district, which covers metro Atlanta, Delta Air Lines has been particularly hard hit over the past few years. On September 11, there were 10,500 active Delta pilots. Today, there are 6,700.

We need to keep our pension system strong in America. We need to keep it strong for American workers and their families. If the system breaks, we need to stand up for all workers and find a solution. This legislation will restore some lost earnings and some lost opportunities. I look forward to seeing this passed.

## INTRODUCTION OF THE "TELEWORK IMPROVEMENT ACT OF 2007"

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. DAVIS of Illinois. Madam Speaker, telework continues to be underutilized by Federal agencies. Improvements are needed to allow more Federal employees to participate in telework programs. Today, Representative SARBANES will join me in introducing legislation that will ensure that agencies make those much needed improvements. Telework provides numerous benefits including increased flexibilities for both employers and employees, continuity of operations during emergency events, and decreased energy use and air pollution.

The Office of Personnel Management, OPM, defines telework as "work arrangements in which an employee regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee." Many of the current Federal programs were developed in response to a provision included in an appropriations bill enacted in October 2000. This law requires each executive branch agency to establish a telework policy under which eligible employees "may participate in telecommunting to the maximum extent possible without diminishing employee performance." Under the current legislative framework, the General Services Administration, GSA, and OPM have leading roles in implementing government-wide telework initiatives.

Unfortunately, telework is not being used to the extent it should be. According to OPM's most recent report, only about 119,000 of the approximately 1.8 million Federal employees participated in telework in 2005. That figure represents only 6.6 percent of Federal agency employees. Some of the barriers to telework include office coverage, organizational culture, management resistance, and technology security and funding. Today we want to examine ways to address these barriers and encourage teleworking.

On May 7, 2007, I, along with my colleagues, Representative KENNY MARCHANT, full committee Chairman HENRY WAXMAN, and Ranking Member TOM DAVIS sent a letter to 25 Federal departments and agencies requesting information on the telework programs of those agencies. The letter was intended to help us better understand how well agency telework programs are working. What we found is that not only is telework inconsistently defined across agencies, many agencies, do not effectively measure and track teleworkers. Some agencies do not even know how many of their employees actually telework.

In recent years, telework has increasingly been viewed as an important tool for ensuring continuity of essential government services in a time of crisis, such as in the event of a natural disaster or a terrorist attack. To help improve the preparedness of the Federal Government's operation in emergency situations, last session, I introduced H.R. 5366, the "Continuity of Operations Demonstration Project Act." This legislation provided for a demonstration project under which at least two Federal agencies would perform services and operations under a simulated emergency in which Federal employees would have to work at locations away from their usual workplace, including home, for at least 10 consecutive days. A number of agencies have taken the initiative to perform demonstration exercises in the last several years but there are still many agencies that have not done so. I would like to see more agencies test their ability to continue operations in an emergency and incorporate telework into their continuity of operations plans.

Representative JOHN SARBANES, House Oversight and Government Reform Chairman HENRY WAXMAN, and Representative FRANK WOLF have joined me in introducing the "Telework Improvement Act of 2007." This legislation breaks new ground by ensuring that eligible Federal employees have the opportunity to telework and that agencies are incorporating telework into their continuity of operations planning. The Act spurs Federal agencies to improve their telework policies by requiring every Federal agency to develop a telework program that allows employees to telework at least 20 percent of every 2-week work period, designate a senior level employee as a telework managing officer, and incorporate telework into their continuity of operations planning.

Our expectation is that this legislation will increase the number of Federal employees that are allowed to telework and thereby better prepare the Government for emergency events, reduce congestion and pollution, and create a more family-friendly workplace.

## TRIBUTE TO MRS. MARGARET DREWNIAK

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. VISCLOSKY. Madam Speaker, it is with great respect and admiration that I stand before you today to recognize the many accomplishments of Mrs. Margaret (Marge) Drewniak. I can truly say that Marge is one of Northwest Indiana's most dedicated, distinguished, and honorable citizens. She is one of the most involved citizens that I have ever known, especially when it comes to her service to the people of Whiting, Indiana. For the past 37 years, Marge has been a constant fixture in Whiting, fully committed in her various capacities as a public servant. Most notably, Marge has served as the Clerk-Treasurer for the City of Whiting for the past 26 years. Though Marge has decided not to run for reelection, her efforts over the course of her tenure, and the impact she has had on the city and the people of Whiting will forever be remembered. To honor Marge, a reception will be held at the Knights of Columbus Hall in Whiting, Indiana, on Saturday, November 10, 2007.

One of 3 children, Margaret Kotyuk was born to Frank and Emma (Mitro) Kotyuk in Whiting, Indiana. A lifelong resident of Whiting, Marge attended the Whiting public schools. Upon her graduation, prior to beginning her career as a public servant, Marge was employed as a bookkeeper. Undoubtedly, it was during that time that Marge developed the skills that would be critical in her role as clerk-treasurer.

Marge began her career in the public sector in Whiting in 1970, where she served in various capacities within several departments under former Mayor Frank Harangody. In

1974, she was named deputy clerk-treasurer, a position she held until 1981, when she was appointed to complete the term of the late clerk-treasurer, Mary Jancek. This began Marge's 26-year tenure as Whiting's clerk-treasurer. During that time, she worked with four mayors: Frank Harangody, Joseph Grenchik, Robert Bercik, and current Mayor Joseph Stahura. Marge also served as a precinct vice-committeeperson and volunteered countless hours for the Whiting Democratic Precinct Organization during her tenure.

In her capacity as clerk-treasurer, Marge has been a member of many organizations throughout the years, including: the Indiana League of Municipal Clerks and Treasurers, the International Institute of Municipal Clerks and Treasurers, the Municipal Treasurers' Association of the United States and Canada, the Government Finance Officers Association, and the Indiana Association of Cities and Towns. Outside her elected position, Marge is well-known to be an active member in several organizations within the Whiting community, including: the Whiting-Robertsdale Chamber of Commerce, the Knights of Columbus Wives Club, the Daughters of Isabella, the Whiting-Robertsdale Historical Society, the Sacred Heart Rosary Society, and the Friends of the Library.

While Marge's everyday presence will be missed at Whiting City Hall, she will now have a chance to spend more time to those closest to her—her family. A loving wife, mother, and grandmother, Marge's commitment to her community is surpassed only by her love for her family. Marge and her loving husband, Henry, have been married for an astonishing 55 years. With Marge's retirement, they plan to spend as much time as possible with their 3 children: Nancy (Michael) Pappas, James (Martha) Drewniak, and Ron (Lisa) Drewniak, and their adoring grandchildren: Brian and Kelly Pappas and Eric and Scott Drewniak.

Madam Speaker, Marge Drewniak has selflessly given her time and efforts to the people of Whiting, Indiana, throughout her years of service. At this time, I ask that you and all of my distinguished colleagues join me in commending her for her lifetime of service and dedication, and I ask that you join me in wishing her the best of health and happiness in the years to come.

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## CELEBRATING ABINGTON SENIOR HIGH SCHOOL'S VETERANS HISTORY PROJECT PARTICIPATION

### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Abington Senior High School in Abington Township, PA, on their outstanding participation in the Veteran History Project of the Library of Congress. Students and teachers have contributed their time and skills to preserving the remarkable experiences of our war veterans from all service branches, from World War I to the present day Iraq War, as well as the civilians who supported them. I am privileged to represent these students and teachers in Congress.

The Veterans History Project preserves the legacy of those who have served through the establishment of a permanent national collection, housed in the Library of Congress, of videotaped and recorded interviews, written memoirs, and wartime letters, diaries, and photographs. Stories and materials are available to anyone visiting the Library. In addition, a web page is created for each veteran who contributes an interview.

As our Nation's World War II and Korean veterans grow older, it is critical that we record their stories. Their experiences offer a priceless window into their dedication and love of country. As the daughter of a Korean War veteran, this effort has special personal meaning for me. We have much to learn from those who have served our Nation, and I wholeheartedly support this important project.

On this Veterans Day, November 12, 2007, I am proud to recognize Abington Senior High School's Veterans History Project participation at a special event, Preserving Their Stories: A Salute to Veterans History Project Volunteers, at the Hiway Theatre in Jenkintown. This special celebration will bring together Americans, both young and older, with veterans of all ages, to honor their common service to their fellow citizens and country.

Madam Speaker, once again I congratulate all of the Veterans History Project participants for their contributions to capturing the experiences of war veterans, thus honoring the lives and contributions of these extraordinary Americans.

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## IN HONOR OF NAVY VETERAN AND PEARL HARBOR SURVIVOR ERNAL UNDERWOOD

### HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. CANNON. Madam Speaker, as Veteran's Day approaches, I rise in strong support of all who have ever worn the uniform. From the fields of Bunker Hill to the streets of Baghdad, and everywhere in between, American service members represent the very best of our Nation and deserve more than we can ever repay. But today I want to pay particular tribute to a resident of my district who is part of an elite club—Ernal Underwood is one of twelve Pearl Harbor survivors currently living in the State of Utah.

Mr. Underwood joined the Navy on January 7, 1941. Less than 1 year later Mr. Underwood found himself docked at Pearl Harbor on the USS *Helena*. On December 7, 1941 an aerial torpedo struck the USS *Helena* while Mr. Underwood was climbing down a ladder below the deck, on his way to write his wife a letter.

After his ship was hit, Mr. Underwood immediately ran to his battle station, picked up his weapon, and engaged the enemy. Mr. Underwood fired until his gun became too hot. After he ran to fetch a bucket of water in order to cool it down, on the way back to his station, he said he had an impression to "stop." A few seconds later fire from an enemy aircraft pelted the cement on both sides of him. Fortunately, Mr. Underwood came away unscathed. Mr. Underwood's best friend was not so lucky. Later, Ernal Underwood was asked to identify the charred body of his best friend, Benjamin Vasser. Mr. Underwood found his buddy badly burned, but alive enough to blink a response to him. That was the last time Mr. Underwood would see his friend alive.

Less than 2 years later on July 6, 1943, Ernal Underwood found himself in the middle of the Kula Gulf battle in the South Pacific. That day the USS *Helena* suffered three direct hits from enemy torpedoes. The ship broke into three pieces and the order to abandon ship was given. Despite three broken vertebrates, a broken ankle, and a large gash in his head, Mr. Underwood treaded water through the night and into the next day before being rescued by a Navy destroyer.

Madam Speaker, it is because of heroes like Ernal Underwood that we enjoy the freedom we have today. Men who asked nothing from their country, but gave everything. We owe them more than words, medals, or honors. What we as a Nation can do to say thank you to these heroes is leave our country and our world better than we found it. I ask that my colleagues join with me in honoring Ernal Underwood and thousands of veterans like him whose sacrifice left a world freer, stronger, and more prosperous.

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## TRIBUTE TO BRANDI HINDS

### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to honor a young combat veteran whose efforts in an Afghani hospital embody the characteristics of a true humanitarian.

From May 5, 2007 to September 11, 2007, Brandi Hinds served as an Emergency Medical Technician with the 455th M.D.O.S. at Bagram Air Base in Afghanistan. While providing medical care in the local Afghani hospitals, Brandi noticed the day to day struggles that the Afghani people face, particularly the children. Brandi made it her mission to restore some normalcy to their lives in the midst of the chaos. Instead of writing home and asking for items that she needed, Brandi selflessly requested that friends and family members send items for the young children at the hospital. Shortly thereafter, packages began to arrive from home filled with toys and other small novelty and recreation items. Brandi's efforts brought joy to the many children she encountered. After her departure, Air Force Chaplain CPT Terri Gast continues to distribute the gifts to the Afghani children. What began as the desire of one individual to make a small difference has grown into a program fittingly named "Brandi's Kids."

Brandi's service and sacrifice has inspired the many whose lives she has touched. Today, Madam Speaker, I ask the House of Representatives to recognize Brandi's tireless dedication to the children of Afghanistan and thank her for her service to our great Nation.

## TRIBUTE TO CLAYTON ANDERSON

### HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. SMITH of Nebraska. Madam Speaker, today, Wednesday, November 7, 2007, astronaut Clayton Anderson will touch down at Kennedy Space Center aboard the Space Shuttle *Discovery*. Clayton, a native of Ashland, NE, returns home after spending 5 months in space aboard the International Space Station.

I had the distinct honor of having a brief telephone conversation with Clay during his time aboard the International Space Station. It was truly an experience I will remember for the rest of my life.

Born in Omaha, Clayton received his bachelor of science degree in physics from Hastings College, Nebraska in 1981 and a master of science degree in aerospace engineering from Iowa State University in 1983. He joined the Johnson Space Center in 1983 and was selected as a mission specialist by NASA in June 1998. He launched to the Space Station on June 8, 2007 aboard Space Shuttle *Atlantis* with the crew of STS–117 and was assigned as Expedition 15 flight engineer.

Nebraskans from Omaha to Scottsbluff are proud of Clayton and all he has accomplished. He is an inspiration to all who wish to pursue their own goals—whether of one day traveling to and exploring space, teaching the next generation of students, or simply being the best person they can be.

## PERSONAL EXPLANATION

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Ms. MATSUI. Madam Speaker, I was unavoidably absent from the House chamber for rollcall vote 1044. Had I been present, I would have voted "aye."

## HONORING GEVORK ARZOUMANIAN A SURVIVOR OF THE ARMENIAN GENOCIDE

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. SCHIFF. Madam Speaker, I rise today to honor Gevork Arzoumanian, a resident of Glendale, California and a survivor of the Armenian Genocide. Mr. Arzoumanian was born in 1907 in the village of Sulduz, modern day Naghadeh, northwest Iran, bordering the Republic of Turkey.

The children's cries and the groans of the elderly still haunt Gevork today, 92 years after the atrocities. His lips quiver and his hands shake when he retells those bitter memories to his grandchildren.

Once the Ottoman forces had begun their massacres and deportation of the area's Christian Armenians and Assyrians, Gevork's family marched toward the village of Rezaiye (Orumieh province) leaving behind their home and cotton farm. Along the way, Gevork witnessed the murders of his father (Arzooman), mother (Arpik), sisters (Asdghik and Satenik) and brother (Ashod). As a young boy, Gevork also witnessed the pillage of people's houses, the stealing of young girls and the horrible game of Ottoman Turkish soldiers throwing infants in the air and catching them with their swords. Those who survived the brutality ended up in the city of Hamadan, Iran and were divided into two groups; one would be headed to Beirut and the other to Tehran. Gevork was in the latter. He was taken to the St. George Church, temporarily cared for by an Armenian couple, who later sent him to the city of Babol by the Caspian Sea, where he was cared for by Mr. Garegin and Verjin Harotoonian. He later became a truck driver.

Mr. Arzoumanian has lived through an incredibly difficult period in history. Nevertheless, he worked hard and persevered. In 1940, Gevork married Laura and had two children, a daughter, Marda and a son, Norik. Gevork is thankful that after all that happened to the Armenians at the turn of the 20th century, Armenia is now an independent country.

I am proud to honor Gevork Arzoumanian of California's 29th Congressional District and I ask all Members of Congress to join me in paying tribute to this inspiring individual and honor all victims of the Armenian Genocide.

## TRIBUTE TO PEPE DELAPPE

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Ms. WOOLSEY. Madam Speaker, it is with great sadness that I rise today to recognize the passing of one of our notable activists and a conscience for social justice, the artist Pepe deLappe. Pepe died of a stroke last month, at the age of 91, leaving an enduring legacy to the people of the San Francisco Bay Area, across North America, and throughout the world.

Admired by artists, art students, collectors and museums; loved by her family and colleagues; and appreciated by the disenfranchised, the underdog, and political progressives, Pepe devoted her life to social justice. She used her considerable talents to champion the causes of the working class and the needs of society's cast-offs.

"She was always on the side of the downtrodden," said her daughter, Nina Sheldon. "She spent her whole life dedicated to civil rights and to social movements."

That her social activism melded with her artistic conscience into an exotic bohemian life had its genesis around 1931, when she was 14. She became friends with the artist Frida Kahlo and her husband, Diego Rivera, when he was commissioned to paint murals in San Francisco. Pepe became part of Kahlo's drawing circle, where, she once said, she was treated as a total equal, despite her young age.

This experience, along with her father's permission to discontinue regular school, encouraged Pepe to travel to New York a year or so later to attend art school. She returned to San Francisco at age 18, a legal adult, and joined in the city's maritime strike, an event which had life-changing consequences to her, as well as to those involved.

If the history of a war is written by the victor, then the history of a people is written—and portrayed—by its artists. Pepe did a series of paintings of the longshoremen who participated in the strike—paintings which still hang in the San Francisco headquarters of the International Longshore and Warehouse Union. From that time until only weeks before her death, she captured poignant, comic and disparate emotions and the conditions that gave rise to them. Depicting the lives of the ordinary and extraordinary people of the working class or on the fringes of society, Pepe expressed not only the history of the time, but the social mores of a culture.

But paintings, cartoons and lithographs were not Pepe's only media of expression. She also worked with words and spent many years of her life as an editor and writer for local "alternative" newspapers, including People's World, published by the Communist party.

Although she eventually parted ways with that dogmatic organization—by mutual agreement, she once quipped—she never lost interest in current affairs and politics, mostly recently holding up a sign as she sat in a wheelchair at a rally to protest the U.S. occupation of Iraq.

At age 74, Pepe fell in love with long-time friend and fellow painter Byron Randall. The two spent the rest of their lives in Petaluma, where Pepe remained involved in politics and the artistic life. In fact, when she died last month, some of Pepe's works—many of which are owned by major museums and institutions, including the Library of Congress and San Francisco's Palace of the Legion of Honor—were being showcased in an exhibition at the Huntington Museum in San Marino. Titled Pressed in Time, the exhibit features a taped interview with Pepe.

Madam Speaker, it is impossible to contain the life of such a woman in two short pages.

But for those of us who knew Pepe deLappe, these words are only shorthand to the memories of her long, successful and influential life as an artist, activist, and idealist who, in her own words, "refused to take life lying down." The world needs more people like Pepe deLappe. She will be greatly missed.

## CELEBRATING GEORGE WASHINGTON HIGH SCHOOL'S VETERANS HISTORY PROJECT PARTICIPATION

### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate George Washington High School in the city of Philadelphia, PA, on their outstanding participation in the Veterans History Project of the Library of Congress. Students and teachers have contributed their time and skills to preserving the remarkable experiences of our war veterans from all service branches, from World War I to the present day Iraq War, as well as the civilians who supported them. I am privileged to represent these students and teachers in Congress.

The Veterans History Project preserves the legacy of those who have served through the establishment of a permanent national collection, housed in the Library of Congress, of videotaped and recorded interviews, written memoirs, and wartime letters, diaries, and photographs. Stories and materials are available to anyone visiting the library. In addition, a web page is created for each veteran who contributes an interview.

As our Nation's World War II and Korean veterans grow older, it is critical that we record their stories. Their experiences offer a priceless window into their dedication and love of country. As the daughter of a Korean War veteran, this effort has special personal meaning for me. We have much to learn from those who have served our Nation, and I wholeheartedly support this important project.

On this Veterans Day, November 12, 2007, I am proud to recognize George Washington High School's Veterans History Project participation at a special event, Preserving Their Stories: A Salute to Veterans History Project Volunteers, at the Hiway Theatre in Jenkintown. This special celebration will bring together Americans, both young and older, with veterans of all ages, to honor their common service to their fellow citizens and country.

Madam Speaker, once again I congratulate all of the Veterans History Project participants for their contributions to capturing the experiences of war veterans, thus honoring the lives and contributions of these extraordinary Americans.

## TRIBUTE TO DR. RICHARD SHEEHAN

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. HIGGINS. Madam Speaker, I rise today to congratulate Dr. Richard Sheehan on the completion of his 50th marathon by the age of 70. Dr. Sheehan reached this goal at the Marine Corps Marathon in Washington, DC. An impressive achievement for anyone but even more so for this 70-year-old dentist from Orchard Park, NY, who didn't start competing in marathons until 1986.

A self-proclaimed "accidental runner," Dr. Sheehan began running at the age of 48 when a grieving family member needed his support. With only 8 weeks of training before reaching the starting line for his first Marine Corps marathon, Dr. Sheehan helped his brother-in-law through a difficult time while discovering his love for long-distance running. After completing more marathons, Dr. Sheehan set a long range goal of completing 50 races before turning 70.

This determined dentist has now run 12 Marine Corps races, completed marathons in Buffalo and Niagara Falls, as well as Cleveland and Chicago, and once, in Boston.

Running is a family event for the Sheehans, and 16 family members and friends joined Dr. Sheehan in DC for the occasion. This is the 10th year in a row that Dr. Sheehan has participated in the Marine Corps Marathon but none, I'm sure, as memorable as this one in which four of his children ran portions of the race with him as he completed number 50.

Congratulations and best wishes for continued success to Dr. Dick Sheehan for setting and reaching his goal. What began as a run to help a family member has become a remarkable accomplishment that should inspire us all to pursue our goals with devoted persistence.

## CONGRATULATING ST. GERMAINE CATHOLIC SCHOOL FOR THEIR SELECTION AS A NATIONAL BLUE RIBBON SCHOOL

### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. LIPINSKI. Madam Speaker, I rise today to honor St. Germaine Catholic School of Oak Lawn, Illinois as they are recognized by the U.S. Department of Education as a prime example of excellence in education.

Since the establishment of St. Germaine Parish by Fr. Walter Sheridan in 1962, education has been a priority for this community. With the diligent support of the Sisters of the Presentation, the parish school opened in 1964 and began a tradition of exceptional education in not only academics but also the teachings of faith.

In the years since its founding, St. Germaine has consistently been noted for its achievement in bringing quality education to its students. On October 2, 2007, St. Germaine was designated a national Blue Ribbon School by the U.S. Secretary of Education, Margaret Spellings.

This distinguished award, given to those schools that are either academically superior or have demonstrated dramatic gains in student achievement, was presented to only 287 schools throughout the country. This award places St. Germaine in the top 10 percent of our Nation's schools.

Madam Speaker, I rise today to commend St. Germaine Catholic School on this extraordinary achievement. I am proud to have in my district a school that does so much to produce the educated and moral citizens who will lead our Nation in the future.

## EXPRESSING SUPPORT FOR H.R. 760, THE "FILIPINO VETERANS EQUITY ACT OF 2007"

### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. ABERCROMBIE. Madam Speaker, I rise today to express my deep support for H.R. 760, the "Filipino Veterans Equity Act of 2007."

The treatment of Filipinos who fought with the United States Armed Forces in World War II is a dark chapter in American history. The Philippines became a United States possession after Spain ceded it as part of the treaty ending the Spanish-American War in 1898. In 1934, Congress created a 10-year time frame for independence through the "Philippine Independence Act." However, since the Philippines remained a colonial possession until 1946 the United States retained the right to call upon military forces organized by the Philippine Government into the United States Armed Forces.

On July 26, 1941, President Franklin D. Roosevelt issued a military order that brought the Philippine Commonwealth Forces under the control of the United States Armed Forces during World War II. These men bravely fought with our own troops during the war, and many perished or suffered severe wounds from the battles in the Western Pacific Theater. After the surrender of Japan, Congress required the Philippine Forces to continue their service. Many helped occupy lands, many oversaw military operations, and many made the ultimate sacrifice to secure our victory in World War II. Yet, when wartime service ended formally in 1946 they did not receive the same benefits and the same treatment as other American soldiers.

Yet, for all their heroic and courageous actions, Congress passed the "Recession Act" in February 1946, to the objection of many, including General Macarthur. This essentially denied Filipino Veterans any of the benefits that their American comrades in arms received; including full access to veterans' health care, service-connected disability compensation, non-service connected disability compensation, dependent indemnity compensation, death pension, and full burial benefits. No other group of veterans has been systematically denied these benefits.

Congress has the opportunity to right this wrong. H.R. 760 restores the benefits these brave warriors were denied. This legislation has been introduced since 1992. However, time is running out. In September 2000, the Department of Veterans Affairs (VA) estimated that the number of surviving Filipino Veterans is 59,889. However, by 2010, VA estimates that their population will dwindle to just 20,000, because of their advanced age.

Many argue that paying for Filipino veterans is not something Congress should undertake, because they are not U.S. citizens, and that the PAYGO offsets takes money away from Americans. However, such a statement fails to recognize that Filipino veterans served not merely as allies, but as U.S. forces. It fails to recognize that the United States made the same promise to provide for these veterans' needs as it does to any other person who serves in uniform; a promise that we have, up to now, failed to uphold.

Congress must act now for the sake of justice and to show that we Americans truly appreciate the sacrifice these men made. Let us remember the heroism of these veterans by honoring their service and fulfilling our commitments to them. I urge the House to consider and pass this important measure.

## PERSONAL EXPLANATION

### HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. CARTER. Madam Speaker, on November 6, 2007, I was unable to be present for two rollcall votes due to technological complications with my vote notification system.

If present, I would have voted accordingly on the following rollcall votes: roll No. 1044—"nay," and roll No. 1045—"aye."

## CELEBRATING PHILADELPHIA-MONTGOMERY CHRISTIAN ACADEMY'S VETERANS HISTORY PROJECT PARTICIPATION

### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Philadelphia-Montgomery Christian Academy in Springfield Township, PA on their outstanding participation in the Veterans History Project of the Library of Congress. Students and teachers have contributed their time and skills to preserving the remarkable experiences of our war veterans from all service branches, from World War I to the present day Iraq War, as well as the civilians who supported them. I am privileged to represent these students and teachers in Congress.

The Veterans History Project preserves the legacy of those who have served through the establishment of a permanent national collection, housed in the Library of Congress, of videotaped and recorded interviews, written memoirs, and wartime letters, diaries, and photographs. Stories and materials are available to anyone visiting the Library. In addition, a Web page is created for each veteran who contributes an interview.

As our Nation's World War II and Korean Veterans grow older, it is critical that we record their stories. Their experiences offer a priceless window into their dedication and love of country. As the daughter of a Korean War veteran, this effort has special personal meaning for me. We have much to learn from those who have served our Nation, and I wholeheartedly support this important project.

On this Veterans Day, November 12, 2007, I am proud to recognize Philadelphia-Montgomery Christian Academy's Veterans History Project participation at a special event, Preserving Their Stories: A Salute to Veterans History Project Volunteers, at the Hiway Theatre in Jenkintown. This special celebration will bring together Americans, both young and old, with veterans of all ages, to honor their common service to their fellow citizens and country.

Madam Speaker, once again I congratulate all of the Veterans History Project participants for their contributions to capturing the experiences of war veterans, thus honoring the lives and contributions of these extraordinary Americans.

## ANSWERING THE CALL IN THE WAKE OF TROPICAL STORM NOEL

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. RANGEL. Madam Speaker, I rise to seek my colleagues' help with the humanitarian crisis in the Dominican Republic, Haiti, Mexico, and the Bahamas, whose devastation many have compared to Hurricane Katrina.

Last week, Tropical Storm Noel became the deadliest storm of the 2007 hurricane season, responsible for at least 140 deaths throughout the Caribbean. Flooding and mudslides caused by the heavy rainfall led to the displacement of more than 80,000 people and isolated small towns and villages in the Dominican Republic, Haiti, Mexico, and the Bahamas.

The track of this deadly storm brought back those poignant reflections of how helpless we felt when Katrina hit, how frustrated we were at not being able to help, and the lessons we learned from that storm. Yet now a new storm has come with the same intensity and devastation and we have a chance to do something about it.

Our Government is beginning to respond. This past weekend, three U.S. Coast Guard helicopters began conducting search and rescue operations and assisted with aerial assessments of affected areas to determine needs. The Defense Department has sent helicopters and personnel to the Dominican Republic and Peace Corps volunteers in the country have been dispatched to affected areas to help.

In all, the United States Government has contributed over $350,000 directly to the Dominican Government, $200,000 to the Pan American Health Organization and $100,000 to Catholic Relief Services, CRS, and World Vision for the local water, shelter materials, and other emergency relief supplies. Our Government has also provided, through U.S. Agency for International Development and the Office of U.S. Foreign Disaster Assistance, an additional $500,000 for emergency relief supplies, water, sanitation, and hygiene support, and other emergency relief activities.

Yet more help is needed. The U.N. reports that 40 percent of the water distribution system and 60 percent of the country's 122 aqueducts have been damaged. Public shelters and medical facilities are reaching their maximum capacity, while sanitation conditions are deteriorating and relief supplies are quickly running out.

It's true that we can't fly the helicopters and we can't distribute the water. But there are a lot of other ways in which we can help. We here in Congress can make sure that our Government does not stray from these initial commitments and that bureaucratic red tape does not impede the transportation of supplies to the areas hardest hit. We can also appeal to constituents in our own home districts to give to the local charities that are involved in this effort, like the Red Cross or Catholic Charities.

We must not forget that our country's strength lies not just in size of our military, but also in the depth of our compassion. Whatever people can give—from hard cash to canned goods to clothes—will help lift and restore the lives of the victims of this terrible tragedy. Any effort will go a long way to relieving the suffering that continues to be felt by our friends and neighbors.

## CELEBRATING THE PEAK CENTER'S VETERANS HISTORY PROJECT PARTICIPATION

### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Peak Center in Lansdale, PA on their outstanding participation in the Veterans History Project of the Library of Congress. Community volunteers have contributed their time and skills to preserving the remarkable experiences of our war veterans from all service branches, from World War I to the present day Iraq War, as well as the civilians who supported them. I am privileged to represent these volunteers and staff in Congress.

The Veterans History Project preserves the legacy of those who have served through the establishment of a permanent national collection, housed in the Library of Congress, of videotaped and recorded interviews, written memoirs, and wartime letters, diaries, and photographs. Stories and materials are available to anyone visiting the Library. In addition, a Web page is created for each veteran who contributes an interview.

As our Nation's World War II and Korean veterans grow older, it is critical that we record their stories. Their experiences offer a priceless window into their dedication and love of country. As the daughter of a Korean War veteran, this effort has special personal meaning for me. We have much to learn from those who have served our Nation, and I wholeheartedly support this important project.

On this Veterans Day, November 12, 2007, I am proud to recognize the Peak Center's Veterans History Project participation at a special event, Preserving Their Stories: A Salute to Veterans History Project Volunteers, at the Hiway Theatre in Jenkintown. This special celebration will bring together Americans, both young and older, with veterans of all ages, to honor their common service to their fellow citizens and country.

Madam Speaker, once again I congratulate all of the Veterans History Project participants for their contributions to capturing the experiences of war veterans, thus honoring the lives and contributions of these extraordinary Americans.

## CONGRATULATING JAMES HILL ON RECEIVING THE FRENCH LEGION OF HONOR

### HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I rise today to congratulate James

Hill, an 83-year-old service veteran from Elora, Tennessee. When Napoleon Bonaparte created the French Legion of Honor in 1802 to recognize service to the Nation of France, he could not have imagined that the newly formed United States of America would come to the rescue of his then empire nearly one and a half centuries after its creation.

Yesterday, President Nicolas Sarkozy of France came to Washington to present the distinguished French Legion of Honor to six American veterans from the Second World War to honor and thank them for their sacrifice in the liberation of France from Nazi Germany. I am pleased to know that James Hill was among them.

It was June 6th, 1944 that the battle of Normandy began, bringing James and other members of the Army's 116th Infantry unit to Omaha Beach for one of the defining moments of the War, and our Nation's history. James was wounded in the battle and spent three months in a British hospital, only to return from his injuries to fight in the Battle of the Bulge.

While the loss of life on all sides was immense, our Country will forever remember the Second World War as a defining point in our history. Before the War, the American military machine was not what it is today, but we stood together as a Nation nonetheless, with the Allied powers around the world, to fight for the freedom of our neighbors and ourselves. I could not be prouder of what men and women of courage like James Hill have done for our Country, or more pleased to see that James was awarded this prestigious honor.

I would like to ask my colleagues today to join me in recognizing James Hill for what he did to defend the people of France, the United States and freedom across the globe.

## DONALD AND ELEANOR REGAN BARRETT, UNITED STATES VETERANS

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. POE. Madam Speaker, several months after his 18th birthday, Donald Barrett joined the United States Marine Corps at a time when his country needed him most. When he enlisted, it was just weeks after the attack on Pearl Harbor, the beginning of World War II.

During his military career, Donald served the United States of America at Guadalcanal, New Guinea, Cape Gloucester and Peleliu.

For his exemplary performance during his more than 4 years of military service, Donald was awarded the Bronze Star Medal with Combat V, the Purple Heart, the Marine Corps Good Conduct Medal, two Presidential Unit Citations and four combat ribbons.

Donald married his wife Eleanor Regan in 1947. She too bravely served her country in WWII as a member of the United States Marine Corps Women's Reserve.

Later, Donald graduated from the University of Baltimore in 1952 with a Bachelor of Science Degree. He later received his Master of Business Administration from the University of Dayton.

During his professional career, Donald retired from the Frigidaire Division of GM, from White Consolidated and from Don Barrett Associates, Consultants.

Today, Donald and Eleanor have six children, eight grand children and three great grandchildren.

The Houston West Chamber of Commerce has chosen to recognize both Donald and Eleanor for their dedication to the United States of America. Corporal Don Barrett and Sergeant Eleanor Reagan Barrett have been awarded the Chamber's "Heart of Service Award" for their distinguished military service.

I would like to recognize Donald and Eleanor for being members of the Greatest Generation, who selflessly served to protect our country in a time of war.

The upcoming Veterans Day is a time to honor all of the brave men and women who have so proudly worn the military uniform, especially those who served in the Great World War II. Donald and Eleanor deserve the thanks of all Americans because these individuals chose to protect freedom for the rest of us and made the United States of America the best country in the world.

And that's just the way it is.

## HONORING TRIETSCH MEMORIAL UNITED METHODIST CHURCH VETERANS MEMORIAL PLAZA

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. BURGESS. Madam Speaker, I rise today to honor one of the churches in my district, Trietsch Memorial United Methodist Church in Flower Mound, Texas, which will hold a Veterans Memorial Plaza Dedication on Sunday, November 11, 2007.

A group of members from the church once envisioned a place to honor friends and family members that have served their country in the armed services as well as veterans from their community. Now, thanks to their hard work and commitment, that vision will soon become a reality.

The design of the Memorial is a lasting tribute to veterans' achievements and sacrifices on behalf of their grateful communities. The beautiful centerpiece is an obelisk surrounded by flags representing the United States, the State of Texas, and the Armed Forces. The Memorial serves as a place of prayer for peace, and as a symbol of eternal hope for all of the men and women who continue to serve and sacrifice. It recognizes the innumerable accomplishments of our military and forever commemorates their endeavors as servants of our great nation and also the State of Texas.

The Veterans Memorial Plaza is an accomplishment that I and everyone in the 26th District of Texas can look upon with pride. I offer my congratulations to Reverends Jim Ozier, John Allen and the members of Trietsch Memorial United Methodist Church. It is my honor to represent them in Congress.

## TRIBUTE TO THE LIFE OF NORMA ANDERSON LOFTEN

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. RANGEL. Madam Speaker, I rise to pay tribute to Norma Anderson Loften, who passed away on November 1, 2007, in her hometown, Beaumont, Texas, at the age of 76.

Ms. Loften was a dear friend who personified all the values that we cherish as Americans: a deep and abiding religious faith, devotion to her family, compassion for those in need, and a commitment to education and hard work.

I first met Norma and her late twin sister Erma when I was a teenager growing up on Lenox Avenue in Harlem, New York City. They had moved there from Texas to attend the St. Aloysius Catholic boarding school for girls. The religious nuns who ran the "school considered me a ne'er do well, but the twin sisters accepted me and I became a "lifelong friend of theirs and their family.

Norma studied hard and went on to a long career as a dental hygienist in New York, retiring from Mt. Sinai Hospital in 1995. Her avocation was music, which she studied for many years, to became a talented pianist. With her husband Maurice Loften, she had three accomplished sons, the late Dwight, who had been an accountant in Washington, DC; Rodney, a school superintendent in New Jersey; and Kevin, chairman of the American Hospital Association.

She is also survived by her beloved mother, Cora Anderson, wife of the late Rodney Anderson, who remains in Beaumont, Texas at the wonderful age of 98.

Her loving brother, Charles Anderson, retired from the U.S. Air Force, also resides in Beaumont. His children, the late Vanessa; Francesca; Charles, Jr.; Gina; and Robert were all devoted to their loving aunt, Norma.

God has given the Anderson family an extraordinary faith and unchallenged belief in his wisdom. Therefore I pray that at this painful time when their beloved Norma has been called home, they will take comfort in the belief that this is God's will. I hope that in the midst of their sadness and helplessness, they will be encouraged by the beautiful memories of her great love and caring spirit.

Madam Speaker, I call on my colleagues to join me in recognizing this wonderful American family and biding farewell to Norma Anderson Loften.

## PERSONAL EXPLANATION

### HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unavoidably detained and missed rollcall vote No. 1044 on Monday, October 15, 2007.

However, had I been present, I would have voted "aye" on H. Res. 794, Providing for consideration of the conference report to accompany the bill, H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies.

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## PERSONAL EXPLANATION

## HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. CUMMINGS. Madam Speaker, on November 5, 2007, due to personal obligations, I missed the following recorded votes:

Roll No. 1034, on the Motion to Close Portions of the Conference Making Appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; had I been present, I would have voted "aye."

Roll No. 1035, on H.R. 513—The National Heroes Credit Protection Act; had I been present, I would have voted "aye."

Roll No. 1036, on H. Res. 744—Recognizing the contributions of Native American veterans and calling upon the President to issue a proclamation urging the people of the United States to observe a day in honor of Native American veterans; had I been present, I would have voted "aye."

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## HONORING THE LIFE OF SERGEANT BRYAN TARSITANO

## HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize the extraordinary life and accomplishments of Pinellas County Sheriff's Sergeant Bryan E. Tarsitano. Bryan Tarsitano was born to proud parents, Bonnie and Bob Tarsitano, on February 21, 1972, in Park Ridge, Illinois, and grew up along with his sister, Janelle, in the Chicago area. The Tarsitano family moved to Clearwater, Florida in 1983, and Bryan graduated from Countryside High School in 1990.

He went on to graduate with a bachelor of science degree in criminology from Florida State University where he was an avid Seminoles fan. This degree served as a stepping stone for Bryan's illustrious career in law enforcement. In 1996, Bryan Tarsitano was hired by the Pinellas County Sheriff's Office as a deputy sheriff. His star quality was obvious to his superiors and he was soon appointed as a Field Training Officer—a leadership role that had him mentoring new recruits.

As Bryan Tarsitano continued to excel in his career, the most important part of his life was also blossoming. Mr. Tarsitano met and fell in love with Carolyn Milanese. The two were married on October 28, 2000, and were blessed with the arrival of their beautiful daughter, Angelina Marie, on August 9, 2002.

Angelina was the apple of Bryan's eye. Father and daughter were inseparable. When Bryan Tarsitano wasn't serving and protecting the citizens of Pinellas County, he could be found in the park playing with Angelina or watching their favorite movies together.

While a devoted husband and father, Bryan Tarsitano was also the best law enforcement officer in every sense of the word. In 2001, Bryan became a detective. As a detective for 6 years, Tarsitano was able to help hundreds, if not thousands, of victims with his keen intellect and crime-solving ability.

Bryan Tarsitano had the honor of being promoted to Sergeant on January 14, 2007 and served with distinction until his untimely death on May 24, 2007. During his 11 years with the Pinellas County Sheriff's Office, Sgt. Tarsitano was a shining star who earned numerous medals, awards, and commendations. His loss has been, and will continue to be felt, both at the Sheriff's Office and in the community at large.

Madam Speaker, while we mourn the sudden and unexpected passing of Sgt. Bryan Tarsitano, I rise today to celebrate his life. For what Bryan accomplished during his short time on earth, is what most fail to do in a full lifetime. While Sgt. Tarsitano has left an impressive legacy with the Pinellas County Sheriff's Office, his enduring legacy is the beautiful wife and daughter he has left behind.

Madam Speaker, I pray for his family and salute Sgt. Tarsitano for a job well done.

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## RECOGNIZING LIEUTENANT COLONEL BRIAN E. ALBERT

## HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to recognize the contributions and achievements of Lieutenant Colonel (LTC) Brian E. Albert, and his 21 years of service to this country as a decorated officer in the United States Army.

LTC Albert began his noteworthy military career in the Ohio National Guard in June 1983. In 1986, he enrolled in the Reserve Officer Training Corps (ROTC) program at Ohio University. He was commissioned a Second Lieutenant on January 15, 1987, then was assigned to the Army Chemical Corps and began training at the Chemical Officer Basic Course (COBC). Always striving for advancement, he completed the COBC training and applied for, competed and won an active duty appointment with the Commandant's program.

Upon graduation from COBC, LTC Albert was assigned to the 1st Battalion, 32nd Field Artillery, in Hanau, Germany. During this assignment, he served as the Battalion Chemical Officer, HHB Executive Officer, and the Battalion S–1.

Within 2 short years, LTC Albert had already completed three rigorous training programs and won a prestigious appointment setting the tone for numerous awards and accolades including the Bronze Star Medal, Meritorious Service Achievement Medal (w/two OLCs), Army Commendation Medal (ARCOM), Army Achievement Medal (w/two OLCs), National Defense Service Medal (NDSM), Global War on Terrorism Service Medal (GWOTSM), Army Reserve Commendation Medal (ARCOM), and the Parachutist Badge. He is a distinguished member of the Order of Saint Barber (Field Artillery) and the Order of the Dragon (Chemical) military societies.

LTC Albert continued to enhance his portfolio completing the Chemical Advanced Course in March 1992. Over the next several years LTC Albert would continue his education completing a masters degree in human resource management from Central Michigan University in June 1999. LTC Albert's distinctive service also extends beyond the classroom. After completing the Army's Command and General Staff College (CGSC) in June 2000, he was assigned to the 3rd Infantry Division at Fort Stewart, GA. While serving as a Brigade Operations officer, his Division was deployed in December 2002 to Kuwait in support of Operation Enduring Freedom. He would go on to serve in subsequent combat operations in the gulf as his Division fought with distinction during Operation Iraqi Freedom.

After returning from Iraq, LTC Albert was assigned to the Office of the Assistant Secretary of Defense (OSD), Counter Proliferation Policy office. He continued to excel coordinating key changes to research and development legislation for critical chemical and biological defense programs. He also made invaluable contributions in the establishment of NATO's first multinational nuclear, biological, and chemical defense battalion.

Throughout his illustrious career, LTC Albert served in several integral command and leadership roles such as Company Commander for the 91st Chemical Company, Field Grade Assignments Officer, Assistant Division Chemical Officer, Battalion Training Officer (S–3) for the 703rd Main Support Battalion, Brigade S–3 for the Division Support Command (DISCOM), and Assistant to the Secretary of Defense for counter proliferation policy.

LTC Albert concludes his distinguished military career with his final assignment to the U.S. Army Special Activity Management Unit located in Dunn Loring, VA. He contributes the success of his career to a merciful God and the loving support of his wife of 20 years, Tonya, and two children, 17-year-old Brandon and 11-year-old Kristen.

LTC Brian Albert, I stand in solidarity with your comrades, family, and friends as we salute you for your service and your excellence in the United States Army. May the Lord guide your steps as you transition into civilian life and continue to inspire new achievements.

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## HONORING THE BRAVERY OF WORLD WAR II VETERAN BERNARD RADER

## HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 7, 2007*

Mr. LARSON of Connecticut. Madam Speaker, I rise to honor Mr. Bernard Rader, a true American hero who valiantly served this country in World War II. Today and everyday, we owe members of our military—soldiers like

Bernard Rader and so many of his generation who faced grave danger in order to restore freedom and preserve the dignity of mankind, our sincerest debt of gratitude.

I had the privilege to first meet Mr. Rader in Normandy, France in 2004, on the 60th anniversary of the D–Day invasion. It was then that I first learned of this man's extraordinary story of survival and heroism. A Private First Class with the 30lst Regiment of the 94th Infantry Division, his unit was ambushed and forced to surrender to the Nazis in October 1944. As a Jewish soldier, he feared his fate as a prisoner of war. Surviving his imprisonment, Bernard was returned to the Allied forces in one of the few prisoner exchanges to take place between the Germans and Americans during World War II.

For service to his country and in recognition of his combat wounds, Bernard received the Bronze Star and the Purple Heart. On November 6, 2007, Bernard was personally thanked by French President Nicolas Sarkozy and awarded the Legion of Honor, in recognition of his sacrifice for the Liberation of France. I join the many in honoring Bernard Rader—this Nation remains indebted to his service.

Madame Speaker, I would like to offer Bernard Rader's powerful and personal story for the CONGRESSIONAL RECORD. I am submitting "The Ambush", an article published in the Hartford Courant, which chronicles Bernard's war experience and faithful return to France with his family 60 years later, as described by his son Robert Rader—who I'm proud to note is from Connecticut's First Congressional District. I urge my colleagues to join me in thanking Mr. Bernard Rader for his service to this nation and for sharing his heroic story with all of America.

[From the Hartford Courant, July 25, 2004]

### THE AMBUSH

(By Robert J. Rader)

Dad and the two other veterans strained to pick out their comrades from the pictures of basic training at Fort McCain. "Remember this one? What was his name?" Their eyes, now 60 years older, strained at the fuzzy prints. "Have you heard from Higgins or Schulman or Boyd recently?" We were on a ferry from Lorient, on the western coast of France, to Ile de Groix. During World War II, the port of Lorient remained in Nazi hands till the day after Germany had surrendered. All three men had been imprisoned by the Nazis after being captured in an ambush in October 1944: two of them were held on the Ile de Groix, the third—Dad—on the mainland. The boat glided swiftly across the water. The day was overcast, with mist rising from the sea, but the sun would soon burn the mist off and, as we reached the island, break through. The three veterans—my father, Bernard I. Rader; Kermit Harden; and Bob Moore—sat on benches in the cabin and talked about the men who died. They remembered the food the French people sneaked to them at a time when few had much to feed their own families. And they talked about the young American Red Cross officer, Andrew Gerow Hodges, who had braved getting shot by mistake, either by the Germans or the Americans, to arrange one of the few prisoner exchanges on the Western Front in World War II. They dubbed their trip "The Andrew Gerow Hodges Tour."

The ferry nosed past a massive cement building that still contained submarine pens. The low-slung building, several football fields in size, had been built with walls 20 feet thick to withstand heavy Allied bombing. The weather-beaten structure was a monument to the slave labor that had struggled to build it with wartime speed.

This would probably be the last time the three veterans, all over 80, would make this trip to visit the countryside where their young lives had taken such a crucial turn. Many of their buddies who had wanted to come could not. Hodges was not in good enough health to make the trip. They would see the site of the ambush, where their patrol had come under fire and their comrades had been slain, and the places where they had been held prisoner. They would thank the French people for the help they gave them. They would converse again with the people of Ile de Groix, and leave a plaque expressing their thanks on the wall to the entrance of Fort Surville on the island, where Harden and Moore had been imprisoned for 47 days in 1944. They wanted to pay tribute to their five friends killed in the ambush by visiting the cemetery at St. James, where they rest forever. And they wanted to honor Hodges—without whom, they believe, they would not be alive today. They wanted to tell the story of what happened so many years ago and how he came to get them out. With those goals in mind, the three veterans and their wives and children had come back to Brittany. We family members listened as the men recounted their war experiences, as soldiers have done since long before World War II. Many veterans of that war, who are now dying off at the rate of over 1,000 a day, never talked to their families about what they had gone through. But Dad did not shy from discussing his war experiences. He watched World War II movies with interest (we knew if there was a swastika on the cover of a videotape we'd rented, he'd be interested), and, despite the stroke he suffered in 1999, has spoken at libraries, schools and other sites, telling his story and encouraging other veterans to tell theirs. Mom has been his main support, helping him in every way with these "gigs" and explaining what had happened when Dad could not find the words.

Dad was trained as an infantryman and made private first class by the time he shipped out to England on Aug. 6, 1944. After further training, his unit sailed on a Liberty ship for France, came ashore at Utah Beach on Sept. 3 and marched to Brittany. He served as a sentry there, helping to keep the Germans contained while the Allies pushed through France to Germany following the D–Day invasion. On the October day he and his unit set out on patrol, only to be ambushed and captured, he tasted combat for the first time. Dad began reacquainting himself with old buddies over the past few years, as he became more proficient than we ever thought he would be at email. He got in touch with a number of those who had been in his company and was contacted by others after I wrote up his story and posted it on the 94th Infantry Division's web site. I thought it was important for me to share this one last, great adventure with my parents. Curious about the war, and an amateur historian, I knew I had to tag along.

I expected that this would be an emotional trip. It did not disappoint. The ferry landed in the harbor at Ile de Groix, about five miles from Lorient. On this beautiful, green island the Germans had set up artillery to protect their position in the port. They had also set up a prison for captured soldiers. It is hard to believe that such a picturesque place would be ideal for a prison. But its remoteness from Allied troops, together with its closeness to the fortified mainland city, made it a perfect location for a prison, with virtually no opportunity for escape. The island had a far different mood on May 26 of this year, when our little tourist group boarded a bus to travel to a lane out in the country. The unpaved road, bordered by fields where flowers grew wild, had been renamed in honor of the 94th Infantry Division when Dad and some other veterans came here four years ago.

Our group of veterans and their families were joined by about 30 town officials, journalists, former members of the French Resistance and others. We walked about 100 yards down the lane and came to an area with ancient, weather-beaten walls on both sides. Ahead was the entrance to Fort Surville: a narrow archway the prisoners had been marched through 60 years ago. On one wall we noticed an American flag covering something on the wall. Strangely, it had 36 stars. The mayor explained that the flag had been sewn in 1944 by a Frenchwoman, whose daughter now joined us. It was to show support for what she hoped would be the eventual liberation of the island by the Americans. It was kept in the chimney of the house where the woman lived. She had no access to a real American flag, so had guessed at the number of stars. When a German was in her house and asked her what the colorful cloth was doing in the chimney, she said that it was used, like paper, to wrap meats that were being cured. Had the Germans known the truth about what she had done, she would certainly have been punished. The mayor made a speech, the first of many we would hear, extolling the amity between the French and American people. He gave thanks for what these soldiers had done in helping to liberate France. He then reached up and gently pulled the flag down, exposing the plaque the veterans had donated, and warmly presented the flag to the three veterans. They accepted it with some reservation. Their first thought was that it was such a wonderful work by an Ile de Groix citizen that it should stay on the island. But rather than taking a chance of insulting their hosts, they decided to bring it home and exhibit it in the Museum of the 94th Infantry at Fort Devens, Mass.

It was then the turn of the three veterans. They, too, talked about the friendship and love of Americans and the French. And they dedicated the plaque, which they had paid for and which my family designed and had made in France. It was black with gold letters, written in English, French and Breton, the language of the region. It was for those who had helped them by giving them apples, eggs and potatoes surreptitiously while they were held on this island. It read: "To the people of Ile de Groix, who gave us so much, when they themselves had so little. Company K, 301st Regiment, 94th Infantry Division."

The outpouring of love on both sides struck me as being in sharp contrast to what I had been hearing about the French and Americans since the U.S. decided to invade Iraq. We were feted no fewer than six times by representatives of local French governments. While I heard criticism of President Bush, there was no doubt in my mind that there still existed a love for the people who had returned freedom to them in 1944 and 1945. It seemed to me that we in the United States seemed to be quick to answer French policy on Iraq with mockery (remember "Liberty fries?"), while the French people I met were gentle in counseling us about Iraq. As citizens of a country that has had its own problems fighting guerrilla wars in Vietnam and Algeria, they made their opinions known with a sense of deja vu. While Americans remember that we helped save France in World War II, maybe we forget that it was France that saved George Washington and the American rebels during our Revolution.

The many receptions we attended all featured champagne, some food (from a few crackers and cookies to a three-hour marathon lunch) and many local government officials. I found it great fun, especially trying to use my high school French to converse with the inevitably non-English-speaking people who would sit with us. I joked with my parents about how the French seemed to have such trouble understanding their own native language. We began to joke that certainly there would not be a day without a local reception and a picture in the local French newspaper of the three ancient combatants the next day. And believe me, we kidded the vets about being "ancient combatants" many times.

Dad had been held in the hospital in Lorient because of his wounds. We rose early one morning to visit it. Lorient held a key submarine facility for the Germans and was considered, along with two other ports, so hard to capture that the Allies contained it, instead of attacking it, from 1944 until 1945. The submarine pens were bombed without effect, so the Allies decided to make the city as uninhabitable as possible for the Germans. Their planes dropped 250,000 incendiary bombs on the city, destroying 90 percent of it. A young, pony-tailed French hospital worker gave us a tour of the bunker the Nazis built on the grounds of the facility to protect injured German soldiers and sailors. He then brought us up to the second floor of the hospital, where Dad, who had been hit by a concussion shell, had been nursed back to health. Because the hospital was being modernized, the wing where he had been held was empty of patients. The rooms were bare, but clean and painted in dull, institutional colors. It took awhile for Dad to recognize the room he had been held in so many years ago, but at last he did, and when he looked out the window, his memories flooded back. He remembered, he said, that the Germans were all around and that he couldn't leave the second floor. Outside there were more German soldiers, but there was also a Frenchwoman who saw him looking out the window. She must have known he was a prisoner, because she cupped her left hand and on it, with the fingers of her right, drew the Cross of Lorraine, the symbol of the Free French. It was a sign to my father that he and the handful of prisoners in the hospital were not alone. As he said, when he thanked the Lorient officials for their reception, that woman had given him something as important as food: She had given him hope.

I get chills when I hear that story. I imagine Dad, a wounded 20-year-old, unsure of what the future would bring, lying in a hospital, surrounded by Nazi soldiers. During the ambush, he had taken off his dog tags and his friend, George Boyd, had buried them, since they identified Dad as a Jew. In the hospital, he kept a picture of Jesus above his bed and was careful never to reveal his religion. That afternoon, we drove out to the town of Etel, which sits at the mouth of the Etel River, which back in 1944 was on the front line between the Allies and Germans. It was here that the exchanges of prisoners took place. The veterans again told the story of what had happened. Allied prisoners held by the Germans had gotten word through to U.S. forces that they had nothing to eat. According to a Red Cross account, the 94th Infantry's commanding general asked Hodges to see about getting supplies to the POWs. Hodges began making regular trips across German lines. Though he was under the Red Cross flag, he was often at risk of being shot by one side or another. He finally realized a prisoner exchange would make more sense. To his surprise, the Germans agreed. Allied commanders agreed, and on the morning of Nov. 17, the first exchange began. Eventually 147 soldiers were swapped in four exchanges, on a one-to-one basis, with men of equal rank. The Germans refused to turn over one British officer who had escaped several times. They wanted five German soldiers with Iron Cross decorations in return. Hodges then asked the Germans, "If you are such good military men, how could one British officer be worth five of yours?" After banging on the table, the German officer relented. We have photographs of Dad being exchanged and old, yellowed newspaper clippings announcing the event. I had always imagined the exchange in black and white, as in the photos, with the "jollyboat" carrying 10 men at a time going back and forth across the river. But, now, in Etel, where the water was blue and the dock cement-yellow, I imagined my Dad moving from black and white into color. Though his wounds were mostly healed, he was on a stretcher because he had gotten the flu a few days before; he was coming back to the American side, no longer a prisoner. He was overjoyed and his future was again before him, in all the colors you can imagine.

There is no way to repay the debt Dad feels to Hodges. What can you give to a man who has saved you from the very depths of misery and the verge of starvation and found a way to bring you back to the full color of life? Dad believes that the way to repay him in part is to tell the story of Hodges' courage. And he does: to newspaper reporters, to kids at schools, to people interested in what happened during the war and even to some people who made the mistake of sitting next to us at an Indian restaurant that night. The next day we headed out, on a rented bus, to where the ambush happened. We were led by Frank Perammant, a Frenchman who was 14 years old at the time of the ambush and befriended a number of the American soldiers because he wanted to learn English. He remembers them going out on patrol on the cool, crisp morning of Oct. 2, 1944, because they walked right by his home. Our bus first stopped on the side of the road, and Perammant led us over to a plaque mounted on a stone wall marking where an American lookout had been killed a few days before the ambush. As he explained what had happened there, we walked along the side of a house and along a fence, where he said the American soldiers had come from. And then we drove perhaps a quarter-mile down the road to the ambush site, in the tiny hamlet of Kerdudal. As we got off the bus and the veterans looked around, the questions started: "Where were the Germans? Where were their lines? What direction were you coming from?" Back in October 1944, the Americans, who were containing the Germans in the Lorient "pocket," heard there were a number of Germans interested in giving themselves up. They set out, about 50 of them, walking through country crisscrossed by hedgerows—ridges 6 feet high topped by thick, virtually impassable hedges. As they walk forward, disaster strikes: A scout is shot at the beginning of the line and the patrol comes under heavy attack. As the Americans are driven back, Dad bandages the leg of a wounded Free French lieutenant and drags him 500 yards to a road bounded by two high hedgerows, where the Germans cut off their retreat and pin them down with automatic weapons fire. The men fight for six hours as the Nazis pound them with 88s, mortars, machine guns, grenades and rifle fire. The Americans call in artillery, but the fighting is so close that they are hit by the friendly fire. They find out later they are outnumbered 12 to 1.

About 3 p.m., Dad sees a concussion mortar shell land 50 yards away, right in the center of the road they are in. The next falls 25 yards away, and he knows he will be hit by the third. It throws him like a rag doll to the ground. He's helpless and bleeding from shrapnel wounds in his legs, hands and right arm. He is in shock, not knowing if he'll live or die, and, the fight blasted out of him, spends the next two hours of the battle lying on the side of the road. As I stand by the side of the road, I imagine I am in the scene. I hear myself call out to this 20-year-old kid, numb and wounded and lying on the ground, "Hey, you'll be OK, this will work out, hang in there—you'll make it!" I tell him that he'll live many more years and have a wonderful family and grandchildren. As though I am the father, I shout expressions of love and hope to this helpless boy lying there motionless. By 5 p.m. it's clear reinforcements can't break through, and those who can still fight are out of ammunition. One soldier puts a white bandage over his rifle to signify surrender. He stands up and raises the rifle. A German machine-gunner apparently does not realize that he is trying to give up and he fires. The American is cut in two. Finally, the Germans understand and the Americans surrender. The Germans take the Americans into captivity, with Dad in a wheelbarrow pushed by his friend, George Boyd.

Two months later, Dad would write a detailed account of the battle in a letter to his parents and sister Gloria. He described the aftermath this way: "It doesn't matter much but we caused the enemy nearly four times our number casualties . . . The Germans themselves respected us to the extent of not searching us for weapons (taking our words for it) and not forcing us to hold our hands up, telling us we were too good a bunch of fighters to be shamed in such a way. I don't know for sure if I killed and I don't want to. It's hard to write because I hate to remember but I know you want to know just what happened. . . ." As I return to real life in 2004, the three veterans can't tell exactly where they were during the ambush. Perammant pointed out it was here the first shots were fired. The vets were not so sure. The land has changed. There are no more hedgerows; they were flattened out over 60 years ago by farmers who decided that flat land was easier to farm. Trees had grown where before there were none. A few old houses were still there, maybe the only surviving objects that could bear witness. A French couple, working in their ever-so-peaceful garden, were kind as they listened to the story, and said they thought the dirt road they pointed out was the one on which the men were led away. We walked down this cart path, retracing, the veterans trying to remember. There are no battle markers here; the only other thread to the past is the recollection of the three men. The story they tell about the ambush is what makes it real. A half an hour later, we're sipping hot chocolates and Cokes at a little cafe as if what happened on this land 60 years ago was ancient history. But something in me has been deeply touched by seeing where this pivotal event in Dad's life had happened.

As I sit in my hotel room and think about why I am so touched by this ordinary piece of French countryside, I realize that seeing the ambush site somehow connected me to my father on a new emotional level. I feel I have come face to face with Dad as he was 60 years ago, when he went through the worst experience of his life. In some almost mystical way, seeing him at the ambush site, at the hospital and at the scene of the exchange made my view of him and my connection to him more complete than anything I had ever experienced. And it gave me a view of my family history more alive than it had been in the stories I have heard since I was a child. Returning with him to Brittany wasn't about glorifying war; it was more about sharing a part of the most frightening moments in his life in a way that was so real, so close. It was like reliving a part of his life through his eyes. They were now not just heroic tales of days long ago; they were as recent and real as the reports we see on the 6 o'clock news. I've often heard that men fight battles not for their countries or for apple pie. When they are in a foxhole or pinned down in a hedgerow, they fight for themselves and their buddies. When they are gone, buried in a foreign land, who remembers them? Their parents have long since passed away. Their wives or sweethearts have moved on to others. And life has continued.

So the veterans thought it important to say goodbye to their buddies who died in the ambush in Kerdudal. We drove to the Brittany American Cemetery and Memorial in St. James, a beautiful burial ground, smaller than the more famous one overlooking Omaha Beach, but just as well-kept. On a beautiful spring day, we walked among the too-many crosses and stars of David until the veterans found the graves of the five men to whom they had come to pay their respects. They stopped next to the cross over the grave of the soldier killed when attempting to surrender during the ambush. In the quiet, as we watched, they each stood on one side of the cross and Kermit read a prayer written by the soldier's brother-in-law. The haunting, final sound of Taps was heard across the cemetery as the veterans stood with their hands over their hearts. And tears ran down Dad's face. The veterans remembered this man, as they remembered all the men who had died that day in October. Each buried comrade was a real person with dreams and emotions and, they thought, their whole lives to look forward to. Each was more than just one of the thousands of crosses and stars of David planted in straight rows in the American cemeteries in Europe.

Dad has wondered aloud to me why he lived when his friends did not. Why could he come home and they lie in the cemeteries of France? There's no answer to these questions. Maybe it was luck; maybe fate or God intervened. But surely it was important for him to say goodbye one last time and to remember. I watched him as he stood with his eyes closed and wiping the tears from his face. Maybe it is just an automatic human reaction, but I felt my own chest tightening and the tears welling up in my eyes, too. But it was not only for the men we were honoring that I found myself choking up.

It was also for Dad and what he had done. He had survived the intervening decades and now, at an age when so many of his colleagues won't attempt much more than a trip to the supermarket, he had accomplished the four goals he had when he had set out: he had seen the land again; he had thanked the French people; he had said goodbye to his friends; and he had honored Hodges.

While the trip was not over, for Dad, the journey was complete. Mom and I were so very proud of him. For me, it was a trip of a lifetime. I had relived the worst day of Dad's life, in Kerdudal, and the best, in Etel. I had seen what he had gone through in a way that no book and no movie could ever recreate. I also had learned again from Dad how to thank those who had served at a time of need, to honor those who have fallen for our country and for those who showed tremendous bravery in helping their fellow men.

This journey to the past was a gift from my father. For an instant, he gave me the ability to touch the past and see him and these places as they once were. I could relive with my Dad that time of his life when he was young and strong and thought he was invincible. That is a gift few sons ever get to share with their fathers. I will always be grateful that I had that chance.

## SENATE COMMITTEE MEETINGS

**Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.**

**As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.**

**Meetings scheduled for Thursday, November 8, 2007 may be found in the Daily Digest of today's RECORD.**

### MEETINGS SCHEDULED

### NOVEMBER 9

9 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Robert D. Jamison, of Virginia, to be Under Secretary for National Protection and Programs, and W. Ross Ashley, III, of Virginia, to be an Assistant Administrator of the Federal Emergency Management Agency, both of the Department of Homeland Security.

SD-342

### NOVEMBER 13

9:30 a.m.

Judiciary

To hold hearings to examine the scope of public performance rights.

SD-226

10 a.m.

Environment and Public Works

To continue hearings to examine S. 2191, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases.

SD-406

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the human capital needs of a United States Customs and Boarder Protection initiative, focusing on border security, and progress and weaknesses in traveler inspections at our nation's ports of entry.

SD-342

Small Business and Entrepreneurship

To hold an oversight hearing to examine the Small Business Administration, focusing on preventing loan fraud and improving regulation of lenders.

SR-428A

2:30 p.m.

Energy and Natural Resources

To hold an oversight hearing to examine the Surface Mining Control and Reclamation Act (Public Law 95-87), focusing on policy issues thirty years later.

SD-366

Foreign Relations

To hold hearings to examine international climate change negotiations, focusing on restoring United States leadership.

SD-419

Intelligence

To hold hearings to examine congressional oversight.

SH-216

### NOVEMBER 14

9:30 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 1551, to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, S. 1858, to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, S. 911, to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers, S. 1916, to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes, S. 1382, to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry, S. 1970, to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disastersand, and an original bill entitled, "Health Centers Renewal Act of 2007", and any pending nominations.

SD-430

Veterans' Affairs

Business meeting to markup pending legislation; to be immediately followed by a hearing to examine the nomination of Michael W. Hager, of Virginia, to be an Assistant Secretary of Veterans Affairs (Human Resources and Management).

SD–562

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine ways to improve the Federal Climate Change Research and Information Program.

SR–253

Energy and Natural Resources

To hold hearings to examine the Global Nuclear Energy Partnership relating to the United States policy on nuclear fuel management.

SD–366

Homeland Security and Governmental Affairs

Business meeting to consider S. 1667, to establish a pilot program for the expedited disposal of Federal real property, S. 1000, to enhance the Federal Telework Program, H.R. 390, to require the establishment of a national database in the National Archives to preserve records of servitude, emancipation, and post-Civil War reconstruction and to provide grants to State and localentities to establish similar local databases, H.R. 3571, to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term, S. 2174, to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the "Paul E. Gillmor Post Office Building", H.R. 2089, to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office", S. 2292, to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to address terrorist explosive threats, H.R. 3297, to designate the facility of the United States Postal Servicelocated at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the "Nate DeTample Post Office Building", H.R. 3308, to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office", H.R. 3530, to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the "Chief Warrant Officer Aaron Weaver Post Office Building", H.R. 2276, to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building", H.R. 3325, to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office", S. 2110, to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office", H.R. 3382, to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the "Philip A. Baddour, Sr. Post Office", S. 2290, to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the "Beatrice E. Watson Post Office Building", S. 2272, to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007, H.R. 3446, to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the "Michael W. Schragg Post Office Building", S. 2150 and H.R. 3572, bills to designate the facility of the United States Postal· Service located at 4320 Blue Parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building", S. 2107 and H.R. 3307, bills to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the "Dennis P. Collins Post Office Building", H.R. 3518, to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the "Charles H. Hendrix Post Office Building", and other pending calendar business.

SD–342

Judiciary

Human Rights and the Law Subcommittee

To hold hearings to examine accountability for human rights violators in the United States.

SD–226

10:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine shareholder rights and proxy access.

SD–538

2 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine sovereign wealth fund acquisitions and other foreign government investments in the United States, focusing on economic and national security implications.

SD–538

2:30 p.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine Medicaid providers, focusing on a recent study conducted by the Government Accountability Office on unpaid taxes, the extent of the problem, and possible solutions.

SD–342

4:30 p.m.

Intelligence

Meeting of conferees on proposed legislation authorizing funds for fiscal year 2008 for the intelligence community.

S–407, Capitol

## NOVEMBER 15

9:30 a.m.

Armed Services

To hold hearings to examine the state of the United States Army.

SH–216

10 a.m.

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine issues facing the United States space program after retirement of the space shuttles.

SR–253

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

## DECEMBER 12

10 a.m.

Rules and Administration

To hold hearings to examine a recently released Government Accountability Office report, focusing on funding challenges and facilities maintenance at the Smithsonian Institution.

SR–301

# SENATE—*Thursday, November 8, 2007*

The Senate met at 9:45 a.m. and was called to order by the Honorable KEN SALAZAR, a Senator from the State of Colorado.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. David D. Swanson, First Presbyterian Church, Orlando, FL.

## PRAYER

The guest Chaplain offered the following prayer:

Gracious God, we bow before You as we open these proceedings asking for the provision of Your wisdom and counsel. You have blessed us in marvelous ways, and we thank You for this great country—for the privilege of living and serving in this land. As a result, may we be mindful that "to those who have been given much, much will be required."

I also ask Your blessings today upon these men and women who serve as our Senators. It is lonely and often windy where they live. The expectations are impossible to meet, problems too vast to completely overcome, requests for action endless, and opportunities to be loved far too infrequent. No one knows what it is like to walk the road which they walk. No one knows the personal sacrifices they have made. No one knows the burdens they carry. But You do, and I ask that You might come up underneath them on that road and carry those burdens with them. Let them know of Your enduring presence and the counsel of Your great wisdom. May these men and women—those viewed by many as the powerful of the Earth—yield to Your great power that they might serve humbly, faithfully, and effectively on behalf of the people of this Nation.

Bless us, we pray, in the Name of Jesus Christ. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable KEN SALAZAR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, November 8, 2007.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KEN SALAZAR, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. SALAZAR thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## ORDER OF PROCEDURE

Mr. REID. Mr. President, I wish to turn to the distinguished Senator from Florida for just a minute. I ask unanimous consent that we not go to morning business until he completes his brief statement and I am recognized again.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THE GUEST CHAPLAIN

Mr. REID. Mr. President, before I turn to the Senator from Florida, I wish to say that I sit through these prayers every day. It is really good for me to do that. But the words that were uttered by Dr. Swanson this morning, as Johnny Cash says in that song, "you've been reading my mail" were really important to me, and I am sure every Senator listening to this prayer felt the same way I did. I am going to get a copy of that prayer and read it once in a while because he was talking about me when he gave that prayer and talking about Senator NELSON, Senator BAUCUS, and all of us.

Mr. NELSON of Florida. Mr. President, he was talking about all of us in lifting the burdens and the burdens we gladly bear. The pastor's prayer reminded us of our need to have a servant heart, to serve the Nation.

Dr. Swanson is very much a part of our Orlando community. He is my personal pastor, as Grace and I are members of the First Presbyterian Church of Orlando. He is illustrative of the great pastoral leadership we have had in Orlando.

A few weeks ago, we had my 30-year friend, the just-retired pastor of the First Baptist Church of Orlando, Jim Henry, here. He is one of the great leaders of the faith. We have had in this Chamber Rev. Sam Green of St. Mark A.M.E. Church, now Bishop Sam Green in a district in South Africa, another one of the great pastors of our region in central Florida. We will be having another one of the great pastors, Rev. Willie Barnes of the Baptist Church in Eatonville, FL, another one of my personal friends and one of the great pastors we have been blessed to have in our region. What they talk about, as Dr. Swanson said so eloquently in his prayer, is the unity of what was taught in the ancient Scriptures and the New Testament; that is, servant leadership. That was so well expressed in the life of Jesus, who was a role model as a leader but as a servant leader.

We welcome these pastors, and particularly we welcome Dr. Swanson today to the Senate.

The ACTING PRESIDENT pro tempore. The majority leader.

## SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period for the transaction of morning business for 1 hour, with the first half controlled by the majority and the second half controlled by the Republicans. Following morning business, the Senate will resume consideration of the veto message on H.R. 1495, the Water Resources Development Act. There is 30 minutes of debate on the veto message. Senators BOXER and INHOFE will control 7½ minutes each, and the other 15 minutes in support of the veto is under the control of the Republican leader or his designee.

For planning purposes, Members can expect a rollcall vote on the veto override about 11:40 this morning. As I have indicated, we will vote on the President's veto override. The House of Representatives voted yesterday 361 to 54 on the veto override.

This is one of the bipartisan measures we have done. We have had Senators BOXER and INHOFE working together on legislation, which any day should be a day of celebration, and they have worked so hard on this legislation. I am confident Members on both sides of the aisle will support the two managers.

Later this afternoon, we will receive the Defense appropriations conference report from the House which will include a continuing resolution to keep Government agencies funded until the middle of next month. We hope to reach agreement so we can dispose of that matter quickly and send it to the President today. It is essential we do this quickly so we can send our men and women in uniform, who have sacrificed so much in Iraq and Afghanistan and around the world, the support they deserve. It is about $470 billion.

Finally, I have had some discussion with the distinguished Republican leader to try to work out an agreement to dispose of the Mukasey nomination. I thought I had that all worked out. Last night, a little wrinkle appeared, but I hope we can reach agreement on that today as well.

## RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## MAKING GOOD PROGRESS

Mr. McCONNELL. Mr. President, let me just say that I will be working with the majority to facilitate passage of both of those items he mentioned. We are looking forward to making good progress today.

## MEASURE PLACED ON THE CALENDAR—S. 2318

Mr. REID. Mr. President, S. 2318 is at the desk. I ask for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

> A bill (S. 2318) to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax and to permanently extend the reductions in income tax rates, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period for the transaction of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Montana.

## DISASTER ASSISTANCE PROGRAM

Mr. BAUCUS. Mr. President, I rise today to speak in support of the Disaster Assistance Program in the farm bill.

From the beginning, farming has been hard work. In the Book of Genesis, for example, God told Adam:

> [T]hrough painful toil you will eat of [the land] all the days of your life . . . By the sweat of your brow you will eat your food.

Drought and floods, frost and hail have plagued farmers ever since. It is hard work, yet they stick to it. It is vital work to put food on America's table. It has been true since Adam: All farmers suffer disasters. In farming, it is not a matter of if, it is a matter of when.

For example, early this year, Congress passed yet another ad hoc disaster assistance package, and I was proud to back that package. But for some farmers, it was too little; it was too late. Producers are still reeling from disasters that occurred 2 years ago. For some producers who had a disaster in the spring of 2005, assistance will not come until late 2007 or early 2008.

Today is November 8, and the regulations for that disaster bill we passed in May have not even been published. Yet some Senators are already calling for an extension of that disaster bill through 2007 to cover this summer's crops. Unfortunately, if history repeats itself, Congress will get around to passing another disaster bill around 2010. This is no way to provide disaster assistance.

I wish to show a picture of Dave Henderson's farm in Cut Bank, MT. Dave is probably one of the best farmers in Montana. Just look at his lush field of grain. This is what Dave's wheat and barley fields typically look like. During a normal year, Dave raises about 35 bushels of wheat per acre and about 54 bushels of barley per acre. That is normal—35 bushels of wheat and 54 bushels of barley. But 2007 was anything but normal for Cut Bank, MT.

From October 1, 2006, through September 1, 2007, Cut Bank received 2 inches of rain. We can see the picture on the left, the result of that lack of rain. You don't raise a crop with 2 inches of rain all season.

On my right is a picture of a normal year, and on my left is what happens when there is no rain, about 2 inches over most of the growing season. That is all he received.

This fall, Dave harvested about 4 bushels of wheat per acre, and his barley averaged about 3 bushels per acre. You cannot pay your bills when your crop is about 10 percent of normal. How much assistance do you think Dave received from the disaster bill we passed in May? What do you think? The answer is nothing. Why? Because he did not plant before the February 28 cutoff date. Consider this: If Dave had planted winter wheat instead of spring wheat, he would have received a disaster payment. But he didn't. He planted spring wheat instead of winter wheat, so he didn't get a disaster payment.

Congress can do better for our farmers. Because of Dave and thousands of farmers and ranchers across the countryside, I am proud we included a reliable disaster program in our farm bill. In the future, farmers will know that if they suffer a disaster, help will be on the way. It won't make them rich, but it will help them get by.

I am proud and grateful for the support of the disaster program we have in our farm bill, the support it has received from all around the countryside and from a broad range of agricultural groups.

I have a letter, which I am showing, from the National Farmers Union signed by over 50 groups from all across our country. This letter is signed by 50 different farm groups. We can see the whole list. I know the print is a bit small: National Farmers Organization, Ohio, Oregon, Pennsylvania, ARCAF, just to name a few. It is a large group: American Farm Bureau, Cape Cod Cranberry Growers, Texas Sheep and Goat Raisers Association, National Grape Cooperative Association, and the Independent Community Bankers of America.

Why bankers? They have just as much at stake as farmers do. They rely on each other. Bankers will more likely give a loan to a farmer if he thinks the farmer is going to have some kind of income with a crop or reasonable disaster assistance program. But a banker is less likely to provide that loan if it looks as if that farmer is not going to have any income or if there is not a good disaster assistance program, assuming if there is hail, drought, or whatnot.

I have another letter of support from the National Cattlemen's Beef Association representing cattle ranchers all across the country, showing a broad array of support. It is not just farmers but also livestock producers who very much want and support the agricultural Disaster Assistance Program that is in the farm bill. These letters demonstrate how important reliable disaster assistance is to all sectors of agriculture. It doesn't matter if you are a cattle rancher in Montana or a cranberry grower in Cape Cod; when disaster strikes, this program will provide a reliable safety net.

One more interesting point. In addition to helping farmers, the disaster program in the farm bill is good for taxpayers. The program is only available to farmers who purchase crop insurance, and that is why it is also good for taxpayers. Let me explain that a little more.

Those farmers who purchase high levels of insurance are eligible for more assistance when they face natural disasters. If you purchase low levels of insurance, you get probably less assistance. The program, therefore, creates a powerful incentive for farmers to purchase high levels of crop insurance and take measures to manage their own risk. When farmers purchase crop insurance, taxpayers save money on disaster assistance.

Now, I will put up a chart that shows this a little more graphically, by definition. This graph compares the disaster payments made to sample Midwestern farms that are under both the ad hoc and new disaster program. The ad hoc is in blue, and in the disaster program, in the farm bill, the bars are in red. Under the ad hoc disaster bills, farmers' payments would have been about $9,000 for a 75-percent crop loss—$9,000 for a 75-percent crop loss—compared to only $3,000 under the new program. If you had a 50-percent crop loss, the ad hoc payment would be $3,400 but, under the new program, $3,300.

You might ask: What in the world is going on? Why in the world would we, in our farm bill, provide disaster assistance at the lower level, with a 75-percent crop loss, than in the ad hoc program? As I mentioned earlier, it is because of crop insurance. You are more likely to get more assistance when you purchase crop insurance. That is a good thing. That saves taxpayers money because we will be paying out fewer dollars under the disaster program.

The program also saves taxpayers money by basing payments on whole-farm losses. In the past, disaster payments were based upon losses to individual units or individual crops on the farm. Farmers were never asked if the farm's other units or their crops had bumper harvests. So it was based on a unit. One crop disaster got payment in the ad hoc disaster programs, even though your whole farm was doing real well on a net basis. You may have had hail to a small part, but the rest of the place was great. That often happens in my part of the world. That doesn't make sense.

So we have changed that disaster assistance based on the whole farm on a net basis, and I think that is fairer to the taxpayers. The program will look at all the crops on a farm and only provide assistance if the entire farm has suffered a loss. When disaster payments are based on whole-farm losses and not individual unit losses, taxpayers save money and assistance is delivered to those who need it the most.

In closing, our farmers deserve a disaster program that is dependable, that is timely, and is equitable. Our taxpayers also deserve a program that is fiscally sound and requires farmers to manage their risk; i.e., crop insurance. This disaster program accomplishes both. It is a win for agriculture and it is a win for taxpayers.

I strongly urge my colleagues to reject any attempt to weaken or cut the disaster program. Farmers such as Dave Henderson deserve better, farmers producing in other parts of the country deserve better, and our taxpayers deserve better.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to have printed for the RECORD the letters I referred to earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CATTLEMEN'S
BEEF ASSOCIATION,
*Washington, DC, November 1, 2007.*

Hon. MAX BAUCUS,
*U.S. Senator,*
*Washington, DC.*

DEAR SENATOR BAUCUS: On behalf of the National Cattlemen's Beef Association (NCBA), and the farmers and ranchers it represents across the Nation, I am writing to express support for the Permanent Disaster Relief Trust Fund that was approved by the Senate Finance Committee earlier this month as part of the Heartland, Habitat, Harvest and Horticulture Act of 2007 (S. 2242). It takes nearly two years for a cow to produce her first calf, and a significant amount of effort and expense is invested in each breeding animal. For this reason, the impact of natural disasters such as hurricanes, wildfires, tornadoes, blizzards, floods or prolonged drought can be particularly stinging for cattle producers. Appropriate and timely agricultural disaster assistance from the permanent disaster relief program will provide critical assistance to producers when they need it most.

In the past, Congress has moved to pass disaster assistance on an ad hoc basis in an effort to help those impacted by catastrophic weather events. It has become abundantly clear, however, that this reactive system of addressing agricultural disasters is no longer an effective or viable means of providing timely aid when it is needed. Producers struggle with difficult management, movement and sale decisions in the midst of a disaster, and the situation is only worsened by the uncertainty that accompanies legislative action. Natural disasters will continue to occur, and NCBA submits that a different approach is needed. While the Permanent Disaster Relief Trust Fund is not perfect, it represents a significant step toward prudent fiscal planning that will serve the interests of both Congress and beef producers.

Livestock producers are accustomed to dealing with adverse weather conditions, and most do their best to plan for them. In fact, beef producers have actively sought out measures to mitigate their risk of loss in the case of weather related disasters. An example would be strong producer participation in the Risk Management Agency's (RMA) Pasture, Rangeland and Forage Insurance Pilot Program, which was made available just last year to provide livestock producers in certain geographic areas with a mechanism to insure against losses in forage production. Cattle producers applaud the objectives of this program, and NCBA is committed to working with RMA and others to ensure that workable risk management tools are available to producers.

Nevertheless, during periods of extreme and prolonged disaster, access to Federal disaster assistance programs is important to the viability of many livestock operations. In the most devastating instances, when producers have experienced tremendous grazing forage losses or even livestock mortalities, the Permanent Disaster Relief Trust Fund will provide crucial support as producers struggle with additional expenses for supplemental feed, grasslands restoration and herd rebuilding.

There will no doubt be challenges in implementing the permanent program, and it is likely that some provisions will need refinement. But, the central tenets of the Permanent Disaster Relief Trust Fund, such as no disincentives for the development and adoption of other insurance and risk management options, eligibility criteria based on actual livestock and/or forage production losses and requirements that any disaster assistance funds are to be directed to only those producers directly impacted by disaster conditions, are a step in the right direction.

There is no 'silver bullet' solution to addressing agricultural disaster assistance, but NCBA appreciates your efforts on this issue. We look forward to working with you to see the inclusion of this program in the 2007 Farm Bill as it moves through the Senate.

Sincerely,

JOHN QUEEN,
*President,*
*National Cattlemen's Beef Association.*

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NOVEMBER 5, 2007.

U.S. SENATE,
*Washington, DC.*

DEAR SENATOR: Each year, weather-related disasters are likely to occur in many communities across the country. While ad hoc assistance has always been appreciated in the past, the 2007 Farm Bill presents an opportunity to establish a predictable program for future disasters. We urge you to support the Supplemental Disaster Assistance Program and oppose any efforts during floor consideration of the 2007 Farm Bill to redirect funds away from the disaster program.

According to the Congressional Research Service, 34 ad hoc disaster packages have been approved since fiscal year (FY) 1989, totaling $59 billion. Each approved measure requires the U.S. Department of Agriculture (USDA) to recreate an implementation plan that often results in new guidelines and sign up requirements. A standing disaster program will ensure a consistent and reliable implementation strategy is in place for any future weather-related disaster. Furthermore, the program works in concert with current risk management programs, such as crop insurance and the Non Insured Assistance Program, by requiring producers to purchase coverage and providing an incentive to purchase higher levels of coverage.

Many of our organizations have expressed strong support of ad hoc disaster assistance in the past, but have witnessed the increasing difficulty in securing help. Earlier this year, Congress approved emergency ad hoc disaster assistance for losses that occurred in 2005, 2006 or 2007. Unfortunately, the assistance is just now reaching producers for losses sustained in 2005, which is a long time to wait.

Again, we urge you to support the Supplemental Disaster Assistance Program and oppose any efforts to redirect resources to other farm bill programs.

Sincerely,

Agriculture Committee of the Midwestern Legislative Conference of CSG.
American Agriculture Movement.
American Association of Crop Insurers.
American Beekeeping Federation.
American Corn Growers Association.
American Farm Bureau Federation.
American Sheep Industry Association.
American Soybean Association.
American Sugar Alliance.
California Dairy Campaign.
California Farmers Union.
Cape Cod Cranberry Growers Association.
Colorado Wool Growers Association.
Idaho Wool Growers Association.
Independent Community Bankers of America.
Iowa Farmers Union.
Kansas Farmers Union.
Maryland Sheep Breeders Association.
Michigan Farmers Union.
Montana Farmers Union.
National Association of Farmer Elected Committees.
National Association of State Departments of Agriculture.
National Barley Growers Association.
National Bison Association.
National Cotton Council.
National Family Farm Coalition.
National Farmers Organization.
National Farmers Organization-Wisconsin.
National Farmers Union.
National Grape Cooperative Association.
National Sunflower Association.
North Dakota Farmers Union.
Northeast States Association for Agricultural Stewardship.
Ohio Farmers Union.
Oregon Cattlemen's Association.
Pennsylvania Farmers Union.
R-CALF United Stockgrowers of America.
Ricebelt Warehouses.
Rocky Mountain Farmers Union.
South Dakota Farmers Union.
Southern Peanut Farmers Federation.
Texas Sheep & Goat Raisers Association.
United Dairymen of Arizona.
United States Cattlemen's Association.
U.S. Canola Association.
U.S.A. Dry Pea & Lentil Council.
Washington State Sheep Producers.
Welch's.
Western Peanut Growers Association.
Wisconsin Farmers Union.
Women Involved in Farm Economics.
Wyoming Wool Growers Association.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## WATER RESOURCES DEVELOPMENT ACT

Mr. ISAKSON. Mr. President, I wish to rise and speak on the Water Resources Development Act, and I wish to, first of all, thank Chairman BOXER and Ranking Member INHOFE of the EPW Committee for all the work they have done on the WRDA—Water Resources Development Act—and I wish to particularly thank my colleague, MAX BAUCUS, as he is chairman, and I am the ranking member of the subcommittee overseeing the Corps of Engineers and the Water Resources Development Act. I voted for it on the floor, and today, when the vote comes to override the veto of the President, I am going to vote to override the veto. I wish to enter into the record today, specifically and candidly and briefly, exactly the reasons why.

No. 1, the Water Resources Development Act is an authorization, not appropriations. To characterize it as overspending is not correct because it is the appropriations bill where we do that.

No. 2, authorizations set priorities, priorities upon which the Appropriations Committee makes decisions based on the money it has and on where best to spend the resources we have.

No. 3, as for the size of the authorization, everyone should know that up until the year 2000, this Senate, and the House on the other end of this building, biannually passed Water Resources Development Act reauthorizations. We have gone 7 years without prioritizing the Corps of Engineers and the water resources of this country.

Think about what has happened in those 7 years—Rita and Katrina in particular; from my standpoint, in my State of Georgia, a category 4, 100-year drought threatening the drinking water of millions and millions of Georgians, North Carolinians, Tennesseans, and Alabamans. In this bill is money for the North Metro Planning District of Georgia, a consolidation of all the governments in the region, to coordinate water resource development so we can better deal with retention, saving water as it flows downstream so we can have drinking water assurances and we can have backup that allows us to assure our citizens when another 100-year drought, category 4 drought comes, that we will have done the planning necessary to deal with it, which right now has not been done. For this bill to be vetoed is to say no to an imminent priority in my State and for tens of millions of people in the Southeast.

So while I have complete respect for the President of the United States, and I commend him on so many things and don't like to vote against him, he is wrong to veto this bill. I will be proud to vote to override that veto because I wish to prioritize infrastructure for our country on a timely basis; I wish to give the appropriators the indications of what we, as a Congress, think are the most needed programs to be appropriated; I wish to deal with the ramifications and the disaster of Katrina and Rita, to see that it doesn't happen again; I want the Everglades project to go forward; and I want my State and my people to have the drinking water and the water resources necessary.

For us to delay or for us to deny would be wrong. We will have fights on the appropriations bills over how much money to spend. We should never have a fight on our responsibility to prioritize the needs of our States or the needs of our citizens. I commend Chairman BOXER, I commend Senator INHOFE and Senator BAUCUS for their hard work, and I will join with them in voting to override the veto and set the priorities for the citizens of my State and for the United States in the years to come on their water resources.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

The Senator from Florida is recognized.

## NOMINATION OF JUDGE MUKASEY

Mr. MARTINEZ. Mr. President, I rise during a period of morning business to talk about two very important topics. For the last 40-some days we have been discussing the nomination by President Bush of Judge Mukasey to be the next Attorney General. It is a nominee to the President's Cabinet.

First, I believe the President ought to be accorded great deference. The President gets to pick the team to work with him. This is a Member of the Cabinet. It is an appointment that at this juncture, realistically, may not last much more than a year or so. It is not a lifetime appointment to the court, it is to serve on the President's Cabinet, but it is to the very important job of Attorney General. It is a job in which, in this particular time in history, it is terribly important that we have someone of measured judgment, someone of impeccable credentials, and someone with a fine-tuned ear to following the rule of law.

In Judge Mukasey, when his name first surfaced, we had a consensus nominee. He was referred to as someone who would get swift confirmation. He was further referred to as someone who had not only the judicial experience but also had significant experience in dealing with cases relating specifically to issues of terrorism. He has 15 years of experience as a Federal judge in the Southern District of New York. During that time he presided over several national security cases, in which cases he demonstrated his ability to faithfully adjudicate difficult issues of law and fact.

It seems to me somewhat unfair to require the nominee for Attorney General to now jump through hoops that even the Senate itself has not been willing to tackle head on, on the issue of waterboarding. I believe that is a bit of a red herring. I think at the end of the day, when it is all said and done, it is time we move forward on the confirmation of this good man, a good man who now has had the vote of confidence from the Judiciary Committee; that his nomination be brought to the floor so we can give the United States an Attorney General, someone at the head of the Justice Department, someone we desperately need at this point in history.

There is no question that I believe it is time, after 48 days of his nomination being pending as of today, that the Senate take up this nominee and move it swiftly forward. Judge Mukasey has answered all the questions that have been presented to him. He has answered them to the best of his ability. He has not been able to answer questions that are in the nature of hypotheticals. He has not been able to answer questions that are in the nature of things that may be a part of classified programs that are not available to him at this point in time and that might, in fact, not be the kinds of questions any other nominee to be Attorney General could answer in the course of his nomination.

In writing to members of the Judiciary Committee, Judge Mukasey wrote:

> Some of you told me that you hoped and expected that I would exercise my independent judgment when providing advice to the President, regardless of whether that advice was what the President wanted to hear. I told you that it would be irresponsible for me to do anything less.

He went on to say that if he was confirmed, he would review any course of interrogation techniques currently used by the U.S. Government and determine whether any technique would be unlawful and advise the President accordingly. He committed that to the President, to the Congress, and to the American people.

I take him at his word. This is a respected man. This is a respected judge. He has a track record. This is not a Johnny-come-lately. His nomination should be confirmed. I urge my colleagues to vote in favor of the nomination of Judge Mukasey to fill the vacancy of Attorney General which has been open for much too long and this good man may begin his service to our country at this very important post at this very important juncture.

## OVERRIDING THE WRDA VETO

Mr. MARTINEZ. Mr. President, I want to touch on another subject that is terribly important to the State of Florida. It has to do with the Water Resources Development Act which for a long time has been pending before the Congress, and which is so long overdue. When this matter comes to a vote, I will vote to override the President's veto, primarily because in this bill there is nearly $2 billion for the long overdue and critically important work of restoring Florida's Everglades. This is a bipartisan project. This is a project of unique cooperation between the State and Federal Government.

The history of Florida's Everglades is fascinating. About 100 years ago it was decided that man could conquer all and, in fact, the Army Corps of Engineers should endeavor, through many projects, to drain the Everglades so they could be utilized for farming and that the water would be moved out. So a series of canals was dug and all sorts of efforts were put in place to drain the swamp, to drain the Everglades.

Now we find ourselves a century later understanding that these well-intended Floridians of those days were terribly misguided. The Everglades is a jewel to the State of Florida; it is a jewel to the Nation. It is an environmental masterpiece, the wildlife, between the plants and animal life, but also it is an essential water resource for the people of Florida.

Some years ago, under the leadership of my predecessor in office, Senator GRAHAM, who had been Governor of Florida, and many other Floridians, working in partnership with Governor Bush and later when Senator NELSON came to the Senate, along with Florida's Governor, they crafted this Everglades Restoration Program. For 5 years this bill has been delayed. It has meant delaying substantial Federal involvement in a multitude of necessary projects, including the Comprehensive Everglades Restoration Plan. It is the funding that has been missing. The State has done its part. The Federal Government has, so far, been absent.

I agree with the President and the distinguished Senator from New Hampshire that this bill lacks fiscal discipline. It seeks to spend too much on programs that have little need or reason for Federal support. But I also have to recognize that the longer we wait for the Federal Government to meet its Everglades commitment, the more expensive the cost and the more damage that will be irreversible to this fantastic ecosystem. In the past 5 years the cost of the Indian River Lagoon project alone has increased by more than $100 million. Seven years ago, the State of Florida and the Federal Government entered into an agreement:

> to restore, preserve and protect the South Florida ecosystem while providing for other water-related needs of the region. . . .

Since that time, the State of Florida has invested more than $3 billion in this effort; but the Federal Government, originally intended to be an equal partner in the restoration, has yet to meet its obligations—spending only a fraction of Florida's investments on preplanning efforts.

The Everglades belong to Florida, but they are a national treasure. The Federal Government has committed to restore the Everglades and it is high time they follow through on this commitment. What exists today is more than 2 million protected acres of what was once deemed worthless swampland slated for development. Indeed, development did occur and road construction has almost irreversibly impeded the natural cleansing flows of the Everglades. But because of the work of the State of Florida and numerous environmental organizations, we are reversing the damage of development. Once on a path to destruction, the Everglades now teems with wildlife, endangered and rare species, and contributes greatly to south Florida's environmental health. But the work is far from complete. A substantial portion of the work lies ahead.

No single bill Congress approves will have as much positive impact on Florida's environment as this one. It is, in fact, more than an environmental project. It is also a water project. Over the last several weeks, we have been hearing reports about the scarcity of water around Atlanta, where several million Americans reside. It has come to the point that Florida, Georgia, and Alabama had to have a serious conversation with the Department of Interior about water flows from the river that flows from Georgia all the way into Alabama and Florida. In Florida it is the Chattahoochee River.

The serious nature of that problem can also be reconciled with the serious problem we would see in south Florida if our water supply were impeded. This is not only an environmental project, it is also a water resources project. It is about the water that is necessary to sustain life and to sustain the people, the several million people who live in south Florida.

I believe it would be a very important moment for us to override the veto, to move forward with the Everglades Restoration, the Indian River Lagoon, the Picayune Strand—these are very important projects—and a score of other projects around the State of Florida, all related to our environment that is such an important part of the Comprehensive Everglades Restoration. But more than that, it is part of Florida's future and part of the legacy we leave our children.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are.

## PAY-GO

Mr. GREGG. Mr. President, this morning, while I was working out in the gym, on the air came one of my friends, a gentleman with whom I enjoy serving, who has a great sense of humor—Senator SCHUMER from New York. He was being interviewed by the CNBC team, which is a great and enjoyable team to watch: Mark Haines and Becky Quick and others—David Faber. He said the Democratic Party had been disciplined because they had used pay-go as a way to control spending here in the Congress.

I almost fell off the treadmill, because that statement is so outrageous that it could only be made by somebody from New York who sees things in big pictures, sees the forest but misses the trees. The statement represents, or implies, that pay-go is a fiscally disciplining event around here when just the opposite is what has occurred. Pay-go has become a term of art which has a nice name, and which is thrown out by some of my colleagues on the other side of the aisle as their representation of fiscal discipline, but in fact it has become a mechanism for spending money at an outrageous rate in entitlement and mandatory accounts.

I don't call it pay-go anymore, I call it "Swiss-cheese-go." The record is now pretty clear. Since this Congress came into being under the control of the other party, with the representation that pay-go was going to be used to discipline spending around here, there have been 13 major incidences—these don't count the minor ones—major incidences of pay-go being waived, manipulated, or manhandled so that it didn't apply to spending.

Items which should have not been allowed to occur, spending initiatives which should have been subject to the pay-go rules have been ignored, manipulated, or gimmicked so that pay-go did not apply on these 13 incidents, which now total $143 billion—billion—in new spending.

So when Senator SCHUMER spoke on CNBC this morning—I think he was being asked by Mark Haines—Mark Haines said to him: Will pay-go survive? Senator SCHUMER said: Sure, it will survive. We are committed to this type of fiscal discipline.

What Mark Haines should have asked is: What happened to pay-go? Why have so many holes been put in the process? Why has the Democratic leadership allowed it to be waived, manipulated, and gimmicked so that $143 billion of spending, which should have applied to pay-go, which should have had pay-go applied to it, has simply been allowed to pass?

Well, it is very simple. Pay-go was never meant to discipline spending. It is a fraud to represent that pay-go is used to discipline spending. Honestly, if we as a Congress had to sign financial statements the way we make people sign financial statements in the corporate world as a result of the Enron case—you know, the heads of our various corporations have to actually sign their statements, and they are subject to criminal penalty if they are inaccurate.

If we were forced to sign a fiscal statement that said we were using pay-go to discipline spending, we would all go to jail because if we signed that statement we would be defrauding the American people at a level that would make Enron look like a little exercise.

Now, $143 billion of fraud has occurred under the alleged pay-go rules because pay-go, which should have applied, has not been applied. But this is just the first step in the exercise of profligate spending around here. This is one of the more ingenious ones because under the name of pay-go, we are representing that we are controlling spending, when, in fact, using pay-go, we are actually spending $143 billion.

There is the second step, which is the discretionary side. This is all entitlement spending, of course. Now, $23 billion is being spent over what the President requested this year. We hear from the other side of the aisle: Well, it is only $23 billion. It is being spent on good causes. Everything gets spent on a good cause around here.

Then in the Labor-HHS bill, which represents $11 billion of that $23 billion, obviously many good causes are listed. But what people fail to mention is, first, $23 billion is a lot of money. In fact, there are something like 30 States in this country which could operate their entire budgets on $11 billion; $23 billion would probably be the budget of almost every State in this country.

But this builds the baseline. This $23 billion is not the end of the number we are spending, it is the beginning of the number of the add-ons. When you take it out to 5 years, the baseline jumps by $133 billion. If we take it out to 10 years, that is $313 billion—billion—of additional spending.

So this is not just $23 billion of new spending that is being spent above what the President believes is necessary in order to operate the Government, it represents $313 billion of spending over 10 years. That is a big number. That is a massive number. You could do a lot with that amount of money. You could cut a lot of taxes, for example. You could eliminate the double tax on people who are married, which is going to go back up in 2010, if you did not spend this money.

You could give higher tuition tax credits to people trying to get their college degrees if you did not spend this money. You could extend the capital gains and dividends tax rates, which disproportionately benefits senior citizens, especially the dividends tax rate if you did not spend this money.

This is real money. Real money—$23 billion this year totals $313 billion over a 10-year period. So you take this $313 billion and you attach it to the swiss-cheese-go attack here of $143 billion. You are up to half a trillion dollars, half a trillion dollars that this Congress has spent in 10 months. They have only been in charge for 10 months—half a trillion dollars.

Multiply that out. My goodness, you are up to $2 trillion over the term of this Congress, theoretically. Now, $2 trillion, that is even real money by Democratic terms. I think colleagues on the other side of the aisle would even agree that $2 trillion is a lot of money.

Now, that might be a bit of hyperbole, but the half a trillion dollars is not. That is how much this Congress has cost the American people in the first 10 months in office, while they have been living under the fiscal discipline of pay-go, while they go on TV shows and say: We are disciplined because we believe in pay-go.

As a result of that, we get half a trillion dollars of new spending.

Well, that is a lot. We have a bill on the floor right now that regrettably follows on with this exercise in excess and profligateness. The farm bill alone has $34 billion of gimmicks in it to try to avoid budget discipline, $34 billion of gimmicks. That is huge. I think it adds four new major subsidy programs for new crops, including asparagus and camellia—I do not even know what that is—and a variety of other crops; creates or authorizes programs which study or work to alleviate stress on farmers; adds Chinese gardens in places; does a little gimmick which is even creative by the creativeness of this place, creates a new standard of creativeness where they now are taking entitlement spending and freeing up entitlement spending by giving tax credits.

In other words, they create a new tax credit, and the purpose of that tax credit is to pay for items which historically have been paid for by entitlement spending under the farm bill, mandatory spending. Since they no longer have to pay for that with mandatory spending, they have created an extra $3 billion they could spend on new farm programs.

So the farm bill itself is a continuation of this exercise in making the concept of pay-go superfluous. And, certainly, the claims that pay-go applies around here are fraudulent. It is about time, hopefully, people start paying attention.

When you are up to half a trillion dollars of new spending in 10 months, much of which has been done outside of the budget window, so that the budget rules have not been allowed to apply to it, that gets to serious money. It gets to a serious lack of fiscal discipline.

I hope we would change this course, but we do not appear to be changing this course. We actually appear to be aggravating this problem by bringing forward bills such as the farm bill, which continues this failure of fiscal discipline.

Who has to pay for all of this? Well, I see those young pages. They are enthusiastic, they smile, they help us out. Regrettably, every day they are here—most of them have been here for a little while—we add about a billion dollars to their debt.

Interesting how this adds up. But that $500 billion has been put on the books in the last 10 months. We are not going to pay for it. Our generation is not going to pay for it. These pages and their generation are going to have to pay for it. It is all debt. It is not fair to them, and it is certainly not fair to the American people to represent that we are exercising some sort of fiscal discipline around here under the term "pay-go," when, in fact, just the opposite is happening. That is used as a stalking horse, not for fiscal restraint but for spending.

Mr. DURBIN. Would the Senator yield for a question?

Mr. GREGG. I would be happy to yield for a question.

Mr. DURBIN. I just have one question for the Senator from New Hampshire. As I understand it, the President is going to ask for $196 billion for 1 more year in the war in Iraq, not paid for.

So would the Senator be voting against the President's request for $196 billion, unpaid for, to continue the war in Iraq?

Mr. GREGG. Well, that is a good question, an excellent question. And the answer is, the first obligation of a Federal Government is to defend the country. And when you have soldiers in the field, you do that. You pay for them being in the field.

I would suggest the way we could pay for that, in fact, would be that we not waive the pay-go rules for this $143 billion of spending which has nothing do with national defense or, alternatively, we could eliminate the $23 billion of nondefense spending which has been added by the Democratic Party in this year's budget cycle. That would save us a significant amount of money.

So I would be happy to pay for it by cutting either of those accounts. But, in any event, I am going to pay for soldiers who are in the field.

Mr. DURBIN. Will the Senator yield for a further question?

Mr. GREGG. I would be honored.

Mr. DURBIN. Can the Senator tell me how many Presidents in the history of the United States of America have proposed tax cuts in the midst of a war?

Mr. GREGG. Well, I would be happy to respond to that if I knew the answer, but I do not. But let me talk about the tax cuts. The tax cuts which were put in place were put in place prior to 9/11. As a practical matter, had they not been in place, the effect of the burst of the Internet bubble in the late 1990s, which was the occurrence of a dramatic expansion of the economy with a paper expansion of equities being issued for companies which had value in the late 1990s, was a speculative event.

That collapse, coupled with the 9/11 attack which put this country into trauma, both physically and politically, but also economically, would have led us into a very severe recession if we had not had those tax cuts.

The fact that we put those tax cuts in place early in this administration has led to economic growth, which has led to 43 months of growth, 8.7 million new jobs, and interestingly enough, those tax cuts have actually led to our revenues today being at a historic high. Over the last 3 years we have collected more money in revenue growth than we have received at any time in our history.

We are now getting 18.7 percent of gross national product in revenues, when historically we usually get about 18.2 percent. And the vast majority of that revenue growth has come directly from the cut in capital gains rates, as we have received over $100 billion of new revenue in just the capital gains activity.

So I would say, first, the tax cut was not put in place during the war. It was put in place at the beginning of the war; and, secondly, it has had the right effect, which is to energize economic expansion and energize revenue to the Federal Government.

I do appreciate that question.

I yield the floor.

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There remains 11 minutes.

Mr. DURBIN. Mr. President, I have the greatest respect for my colleague from New Hampshire, and he and I have had many conversations about our views on spending and budget policy.

Although he is critical of the pay-as-you-go approach, which the Democrats have brought to Congress since we came into the majority this year, the fact is, the Republicans, the so-called fiscally conservative party, never, ever initiated pay as you go.

What is "pay as you go"? It is something with which every family is familiar. If you want to buy a new washer and dryer, do you have the money? If you do not have the money, you do not do it. You may borrow the money, but we are trying to avoid that.

Pay as you go says, if you want to spend new money on new projects, you either have to raise taxes or cut spending. If you want to cut taxes, you either have to increase another tax or cut spending. It is just that simple.

The Republicans, the fiscally conservative party, or so they brand themselves, did not initiate this. The Democrats did. And we are living by it.

The Senator quarrels with some of the conclusions on various bills. But he has to concede, I hope, the point that we are doing this, and doing it in a fiscally responsible way, and it is painful. It is not easy. It was far easier when the Republicans controlled Congress. They gave tax cuts to the wealthiest people in America, adding to our deficit without cutting spending on programs, without increasing other taxes. They gave tax cuts.

When the Senator from New Hampshire says that when the President asked for $196 billion for the next year for the war because he wants to stand behind our soldiers, he expresses a partial sentiment we all share. We don't want to shortchange the soldiers in any way. But isn't the fiscally and morally responsible way to fund a war to pay for it? The documentary of Ken Burns on World War II talked a lot about the sacrifices Americans made to fund the war. It ran up quite a debt. Families across America bought U.S. savings bonds to help fund the debts of America. It was a special effort, a special sacrifice. This President, this administration has never asked for that level of sacrifice from anyone other than the soldiers and their families.

Instead, what he has said to the rest of America is: While we wage a war that costs almost $200 billion a year, $10 or $12 billion a month, we are going to give tax cuts to the wealthiest. So when my colleague from New Hampshire comes to give us pious exhortations about fiscal soundness, I am at a loss to understand how he can continue to vote for the war and $196 billion that is not paid for. If he believes we have to pay as you go, why wouldn't he want to pay for the war as we go? Clearly, he makes an exception.

When the President receives a bill such as the Labor-Health and Human Services legislation, which has $10 billion more in spending than he asked for, he says he will veto it. What is included in that $10 billion? For the first time since the President came up with the notion of No Child Left Behind, we are going to make a massive investment to help school districts get test scores up, improve the education of kids. The President vetoes it. He voted for the test. He voted for the critique of schools but would not provide the resources for those schools to improve test scores.

There is also money in there the President didn't ask for, for medical research at the National Institutes of Health. I would take that one on, on the stump, with the President any day. Let's have a debate on that. Should we spend $196 billion on the war in Iraq or should we at least put enough money in to improve medical research at the National Institutes of Health? It is a small amount in comparison. Most Americans believe as I do, that a strong America begins at home. It begins at home with health insurance for our children, a bill the President vetoed. It begins at home with better schools for our kids, which the President is about to veto on the Labor-Health and Human Services legislation. It begins at home when we realize medical research is important for all of us. None of us knows what tomorrow may bring. We want to know if we are stricken, or someone in our family, we can count on the best minds in America looking for the cures. The President says we can't afford that. He is going to veto it.

Shortly, we will vote on something called the Water Resources Development Act, $23 billion over 5 years and $23 billion is a lot of money. How does it compare with the war that costs us $12, maybe $15 billion a month? The $23 billion for water resources development is money invested in America to build our infrastructure, the levees, the locks and dams, the things that are critical for America to function and succeed. The President says we can't afford that. He vetoed the bill. I hope we override it.

In the meantime, I hope the Labor-HHS bill, the one that includes money for No Child Left Behind and medical research, is a bill the President will reconsider and sign. If he does not, I hope on a bipartisan basis we will override that veto as well.

This President, for 6 years, never discovered his veto pen. Now he has found it. He has used it to veto our efforts to change direction in the policy in Iraq. He has used it twice to veto stem cell research to fund cures for diseases which threaten Americans and their families. He has used it to veto the Children's Health Insurance Program. He now threatens to use it to veto money for our schools. A pattern is emerging. This President, when he gets up in the morning and looks out the window of White House, sees Iraq. He does not see America and the American families who count on us, those families going to work every day who don't have health insurance for their children, those families sending their kids to school who are disappointed with test scores and believe their kids can do better and we can do better, and those families who want the American economy to be strong, creating good-paying jobs here at home that cannot be outsourced.

The President's veto pen is defining his Presidency. As it comes to a close, it is telling us his priorities. His priority is a war, a war that has cost us over $500 billion and, even more importantly, almost 3,900 American lives. America's priorities are not only to be safe and secure but also to make sure this economy grows and the people in America striving for opportunity and for a better day tomorrow have a chance through the programs we are supporting in this legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I have been listening with interest to my colleagues from New Hampshire and Illinois talk about tax cuts and pay-go and all those issues we deal with on a daily basis. It strikes me that the thing that seems to get lost by our colleagues on the other side when it comes to reducing taxes is that when you reduce taxes, you actually get not less government revenue but more. History has proven that. It has proven it time and time again, going back in the 1920s under Harding, the 1960s under Kennedy, the 1980s under Reagan, and currently. If you look at what has happened, when you reduce the marginal income tax rate and the capital gains tax rate, you actually not only see the job growth we have seen—as my colleague from New Hampshire noted, 8.7 million new jobs—22 consecutive quarters of economic growth, lowest unemployment numbers in a generation, but you also see a dramatic increase in Government revenues.

It was predicted, at the time of the tax cuts in 2001 and 2003, that all this money was going to be lost because somehow the Government wasn't going to have enough money to do things because we were going to reduce the tax burden on the American people. What has happened is the exact opposite, which has been a historical fact, that when you reduce taxes on hard-working people, they take the realization of paying less taxes, they reinvest that, create more jobs, and you get more Government revenue.

If we look at the last several years, we have seen Government revenues coming into the Treasury increasing 12 percent, 13 percent, this year 9 percent, at least the last numbers I had. But the fact is, revenues have been going up. We reduced the tax burden on the American people. Everybody says: But it just helped those on the wealthy end of the income spectrum. Again, I submit that when you reduce marginal income tax rates, as we did, everyone on the income scale benefits. People on the lowest income scale went from a 15-percent marginal income tax rate down to 10. They benefited directly as a result of the tax relief enacted by the Republican majority.

Frankly, this is a philosophical debate that goes on in the Congress year after year, but we happen to believe that when you allow the American people to keep more of what they earn, allow them to invest that in their family and their community, you get a much better outcome than when you send your dollars to Washington, DC, and allow the Government to spend it for them. When you allow the American people to put their dollars to work, you create more jobs, grow the economy, and you see the dramatic expansion in Government revenues that we have seen over the past 3 years.

When it comes to the capital gains tax rate, that again has led not to less Government revenues but to about a 65-percent, somewhere in that neighborhood, increase in capital gains tax revenues coming into the Federal Treasury over the period since 2004, when the 2003 tax cuts were enacted. Since that period, we have seen a dramatic increase in capital gains tax revenues.

Everybody can put up their charts and talk statistics, and we have a lot of that in Washington, but you cannot create facts. You are entitled to your opinions but not your own set of facts. In this case, the facts are clear. That is, when you reduce marginal income tax rates and capital gains tax rates, the American people respond. We have seen more Government revenue as a result.

## FOCUSING ON IMPORTANT WORK

Mr. THUNE. Mr. President, the clock is ticking on calendar year 2007. There is not a lot of time left. We have a pile-up of legislation that has yet to be enacted. If you look at the accomplishments so far in this first year of the Democratic majority, there has been very little accomplishment and very little in terms of milestones. In fact, if you look at the milestones, they are not milestones you would be very proud of. It seems to me much of the agenda in the Congress in this last year has been about embarrassing the President or creating showdowns with the President or satisfying some liberal special interest group, rather than doing the work of the people. That is the cause of the low approval ratings the American people have of the Congress.

Part of the agenda has been, we have a President whose approval ratings are not that good. Let's see if we can create showdowns with him and try to embarrass the President. The reality is, the President's approval ratings are about three times that of the Congress. One of the reasons the American people have a low opinion of the Congress is because of all the partisan fights and a lack of a record of accomplishment and not focusing on the problems they want to see solved. Those are the challenges and the problems that face this country going forward.

When Congress has an 11-percent approval rating, our colleague, Senator JOHN MCCAIN, says: When you get to that low a level of approval rating, you are talking about paid staff and blood relatives. Regrettably, that is probably the case. But nevertheless, we can change that by focusing on the important work of the American people and actually moving the agenda forward.

By way of example, because I do think numbers are important, I am a big believer in facts and numbers. President Reagan used to quote John Adams who said: Facts are stubborn things. If you look at fiscal year 2008, we have zero spending bills signed into law. In fact, it has been 20 years since we reached this time on the calendar without a single spending bill having been sent to the President for signature. It has been 20 years since it took this long to confirm an Attorney General. SCHIP is a good example. They knew that was going to be vetoed. It was vetoed. They had the veto override vote and it was sustained. So they came up with a new SCHIP bill which actually spent more money but covered fewer children than the original bill sent to the President.

My point is, many of these initiatives that are being undertaken by our colleagues on the Democratic side are designed to prove a political point, not to solve problems. The American people want us to solve problems, which is precisely why the approval ratings of the Congress are so low.

The Labor-HHS appropriations bill which was passed by this body yesterday is $9 billion over budget. There are 33 States with operating budgets that are lower than the $9 billion in overspending contained in the Labor, HHS, and Education appropriations bill that passed the Senate yesterday.

These are some pretty staggering numbers when we think about it. We have $3 gasoline, oil at $93 a barrel, and no Energy bill. Again, it is bogged down in the Congress, languishing because of the political bickering going on back and forth.

We have the alternative minimum tax that is going to kick in this year. Only 54 days until 2008, and we still don't have a solution to that. On the other hand, in terms of numbers, we have had 57 votes in the Congress, the House and the Senate, on Iraq. I have to say, because I serve on the Armed Services Committee, what is going on in Iraq and our national security, there is nothing more important when it comes to the role of Government than to protect the American people. But there has been a lot of political debate about Iraq over the course of the past 10 months, much of which was designed to promote showdowns with the President, to create political opportunity for Members on the other side to earn points with liberal interest groups. That is 57 votes on Iraq in the last 10 months at the same time that we don't have an Energy bill, at the same time that we haven't passed a single appropriations bill, that we haven't confirmed an Attorney General, that we have FISA legislation, the lack of passage of which is inhibiting our ability to catch bad people and terrorists trying to do harm to the American people.

These are all numbers and facts that I believe the American people want to see this Congress address, rather than engaging in political arguments that are designed for no other reason than to prove a political point or to embarrass the administration or to satisfy a liberal special interest group.

I submit we still have time. We don't have a lot of time, but it would behoove the Congress and the Democratic leadership in the Senate and House to work together to try to solve the problems the American people care about, rather than engaging in more political arguments, rather than sending the President bills the Congress knows he is going to veto.

Let's get after some of these more important issues, such as the high cost of energy, passing appropriations bills that control Federal spending and I think adhere to the American people's sense of fiscal responsibility and a belief that the American Congress ought to be responsive to the American people by being responsible in the use of their tax dollars.

So I see our time is winding up in terms of morning business, and I know the WRDA bill is pending before the Senate. We are going to take that up. But I simply hope in the remaining days of this calendar year, 2007, we can actually do something that will create a record of accomplishment for the American people rather than continuing to have the Democrat majority in the Senate trying to make political statements and score political points.

With that, Mr. President, I yield my time.

Mr. LOTT. Mr. President, parliamentary inquiry: What is the time situation now for the body?

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If the Senator will withhold, morning business is closed.

## WATER RESOURCES DEVELOPMENT ACT OF 2007—VETO

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the veto message on H.R. 1495, which the clerk will report.

The assistant legislative clerk read as follows:

> Veto message to accompany H.R. 1495, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I ask unanimous consent that the vote on the veto message occur at 11:45, with half of that debate time equally divided between Senators BOXER and INHOFE and the remaining half under the control of the Republican leader.

This has been approved by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, if I could, I will take a couple minutes at this time.

I have been watching the Congress pretty closely now for 35 years as a Member of the House and the Senate, and I have been involved in end of sessions 19 times in the Senate, but I must say, it is about as big a mess as I have ever seen. We are not going to have a single appropriations bill down to the President signed for the whole year, even by the end of this week.

The bill that is on the way, the Labor, Health and Human Services, and Education appropriations bill, which is $9.8 billion above what the President asked for and has lots of problems, is going to be vetoed, and will be back up here next week. Hopefully, we will find a way before this week is out to pass the Defense appropriations bill so our men and women will know they are going to get the assistance they need, the equipment they need, the protections they need. That would be the first appropriations bill to get to the President that he might actually sign.

It is true right across the board. All year long, it has been about political positioning. It has all been about fighting over Iraq. There are so few things where we have come together and worked together and gotten something produced.

Thank goodness a couple weeks ago we did the Amtrak authorization bill. I have urged, all year long: Let's quit finding issues we can fight over, and let's find some issues we can work together on, get bipartisan agreements on that would help the American people.

I believe, actually, the WRDA bill, the Water Resources Development Act, is one of the few things we can look at and say we did something good for our country and for our constituents this year. It is bipartisan. It has been laboriously developed over the last 5 or 6 years—a long time coming.

It is one of the few areas where we actually do something constructive, where you can see physically something the Federal Government has done. It creates jobs. It provides safety and protection, safe drinking water. It is one of the only bills that I think actually produces a positive result.

I have always been proud of the Corps of Engineers because the Corps of Engineers is one of the few Government entities that actually does something, produces something—something you can see and feel and helps the quality of life. We are always involved in social welfare programs, giveaway programs, and we are always trying to find a way to raise taxes and do things that are not good for our constituents. This one actually does something good.

Sure, there are disagreements. There are some programs in here that probably are not sufficiently justified. I know from past experience, almost every President has opposed this type of bill. I remember Jimmy Carter did not like the Corps of Engineers. We had a fight with him over river projects, water projects, the same thing with George H.W. Bush, the same thing with Bill Clinton. He had people in his administration, in the Office of Management and Budget—oh, they didn't like water resources projects.

Here it is again. The President has vetoed this bill. So I must say, I am not boasting about it, but I have no qualms about saying the President's views notwithstanding, I will vote to override his veto on this legislation.

This is about flood protection. This is about water and sewer projects. It is about doing something about water and the proper salinity in the Gulf of Mexico. These are good, deserved, justified projects that should go forward.

So I will vote to override the veto. Perhaps the President did the right thing in some respect, but I buy the argument it is an authorization. It is not an appropriations bill. I have always in the past found that if you get a project authorized and then you go get the appropriations, you do not have a problem. Well, we kind of got away from that. We have gotten into difficulty. But I understand why the President vetoed it. He is trying to hold the line on spending. Congratulations. That is good. I am going to be supporting him on most of his vetoes.

I cannot imagine any vetoes that might be forthcoming where I would not support the President—beyond this. But in this case, I believe this bill is in the best interests of the country. I know it is very beneficial to my State. A quarter of the State probably would not exist if we did not have flood control projects. My State is a poor State. We are still struggling to make sure people have safe drinking water, so they do not have to haul the water to their house, believe it or not, here in 2007. Ports and harbors are critical for the future economic development and competitiveness of this country in a global economy.

So I look forward to having a brief discussion. I look forward to the vote. I will vote to override the President's veto.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I ask unanimous consent to speak for 2 minutes on the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. VITTER. Mr. President, I, too, stand in strong support of overriding President Bush's veto of the WRDA bill. I do so because this WRDA bill is absolutely crucial for our entire country and nowhere more so than my State of Louisiana.

This is a real hallmark in our continuing recovery from the devastating 2005 hurricanes—Hurricanes Rita and Katrina. This is an enormously important step in that continuing recovery. That is true for many reasons, but the most fundamental is a simple one. Unfortunately, it is a fact many people forget. So much of the devastation to the Greater New Orleans area, in particular, immediately following Hurricane Katrina, was not because of an act of God. It was manmade. It was not because of the size and ferocity of Hurricane Katrina, as bad as that was. It was because of fundamental flaws and mistakes made by the Corps of Engineers in building our levees in Greater New Orleans.

Now, that does not explain all of the flooding, by any means. It does explain at least 70 percent of the catastrophic flooding of the New Orleans area. So that is why this authorization bill, to move forward on crucial Corps of Engineers projects, and to do it right, with proper oversight from outside, independent experts, is so very important.

One of the first things I did coming to the Senate in early 2005 was to go to the EPW Committee to begin my work on this WRDA bill. I worked relentlessly on it there with my colleagues and then followed the bill to the conference committee. So this is a very important, momentous step in our recovery with regard to closing MRGO, with regard to fundamental coastal restoration, with regard to a true 100-year level of protection, with regard to important projects in other parts of the State, the Port of Iberia, protection for Vermilion Parish, work in the Calcasieu River, bank stabilization in the Washita and Black Rivers.

Therefore, I urge my colleagues on both sides of the aisle, let's finish this job. Let's finally get this work done today. Let's override President Bush's veto of WRDA.

Mr. President, I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, when the quorum call is resumed, I ask unanimous consent that the time be divided equally between the two sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. VITTER. With that unanimous consent request having been granted, Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent to speak for 2 minutes on the override.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair, and I thank the Senate.

I came here to just spread the RECORD with a couple of minutes of my observations about the WRDA bill and to suggest that the President of the United States made a mistake. This bill should not have been vetoed. This bill is totally an authorizing bill.

Now, I don't want to say he made a mistake and then talk technical language that nobody understands, but in the Congress, we have a way of spending money. We have a way of spending money called appropriations, and we have a way of spending money that is an entitlement, such as Social Security or veterans' pensions, and then we have another way where we just authorize a program to be funded later, if at all—to be funded later, maybe—and that is an authorization bill.

This WRDA bill is the result of a 7-year effort on the part of the committee of jurisdiction to put together a composite of all of the public works projects from around the country so that when somebody seeks to get them funded, they can say they have been authorized by the Congress. However, that doesn't mean they will ever get funded. If we don't have enough money, the programs that are included in WRDA won't get funded, and if they get funded, there will be an opportunity for a President to veto a bill that contains the money, the expenditures.

So as I see it—now I am speaking to the President of the United States, not my friend in the chair—Mr. President: You should have talked to some of us who have been here and who would have told you that no matter what numbers you put down on this bill, we don't spend any money unless and until we appropriate it, and we may never appropriate it. Many bills are authorized and the Congress never gets around to saying we have enough money to pay for them.

So I am going to vote to override the President so we will have this authorizing bill called WRDA on the books for those projects that from time to time Members will say to the Appropriations Committee: It is time to spend money for this and it is time to spend money for that, or the appropriators may say: We don't have enough money for any of it.

For instance, in my State of New Mexico, there is a provision for a park along the Rio Grande River where we have a greenbelt of sorts, and it will be a rather startling park for the city of Albuquerque if it is ever done. But it may never get done. It is just authorized by the WRDA bill after years of work. My office worked very hard on that program for a long time, and we were fortunate to get it in this bill, and maybe someday we will get to fund it.

So I say to the President of the United States: I assume you understand you will get overridden on this bill, and I would assume rather handsomely. Many of us would listen to you if you are talking about spending too much money, but this one is not that; it isn't spending too much money because it doesn't spend any money. It may never spend any money. But when it does, those will be the opportunities for vetoes or for people to argue that you are spending too much.

I thank the Chair, and I thank the Senate for listening.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California has 7 minutes remaining.

Mrs. BOXER. Thank you very much. Mr. President, Senator INHOFE will be here shortly. We have both been in a hearing on global warming, and on that one, we don't see eye to eye, but on this override, we very much see eye to eye.

• Mr. McCAIN. Mr. President, I would like to express my strong support for the President's veto of the Water Resources Development Act of 2007, and I urge my colleagues to oppose the attempt to override this veto. This legislation is fundamentally flawed, authorizing nearly 1,000 new projects without any method for prioritizing the needs of our national water infrastructure.

When the House and Senate went to Conference on WRDA, the Senate bill totaled $14 billion and the House bill $15 billion. Somehow this resulted in a final conference report totaling $23 billion and 900 new projects—300 more than either of the House- or Senate-passed bills had included. These items are just further additions to the growing backlog at the Corps of Engineers.

Buried among these projects are valid infrastructure needs including helping to protect the gulf coast against future hurricanes. However, as stated in the November 5, 2007, Washington Post editorial entitled "Fiscal Plunge: A vetoed $23 billion water bill is not worth saving," "The bill would indeed authorize about $1.9 billion for coastal ecosystem restoration and protection in Louisiana to help the state rebuild its defenses against hurricanes. The president supports that; he just thinks that Congress could have authorized it without also larding on billions of dollars' worth of economically and environmentally questionable projects." I will ask that the editorial be printed in the RECORD immediately following my remarks.

I know that many are arguing that we have to pass legislation in order to begin or complete important water infrastructure projects throughout the United States. However, I believe that we should be passing a bill that will authorize legitimate, needed projects without sacrificing fiscal responsibility.

In August, the Senate passed the Honest Leadership and Open Government Act of 2007 with the supposed intention of bringing integrity to the system of earmarking appropriation and authorizations bills. Unfortunately, within 10 days of its enactment, the Senate approved the conference report for WRDA that is just more of the same earmarks and then some. Prior to congressional consideration of the conference report, the Director of OMB and Assistant Secretary of the Army for Civil Works sent a letter to Congress stating that the excessive price and number of projects in this legislation would result in a Presidential veto. I am pleased that the President followed through on that statement and rightfully vetoed this water resources bill full of pork projects and unchecked Government spending.

When issuing his veto of the Water Resources Development Act on November 2, 2007, the President stated, "This bill does not set priorities. The authorization and funding of Federal water resources projects should be focused on those projects with the greatest merit that are also a Federal responsibility . . . This bill promises hundreds of earmarks and hinders the Corps' ability to fulfill the Nation's critical water resources needs . . . while diverting resources from the significant investments needed to maintain existing Federal water infrastructure. American taxpayers should not be asked to support a pork-barrel system of Federal authorization and funding where a project's merit is an afterthought."

During Senate consideration of this bill, Senator FEINGOLD offered an amendment that I was pleased to cosponsor that would have established a system to give clarity to the process used for funding Corps projects. Of course, that amendment was not adopted because this Congress values pet projects over national priorities. I believe that this Congress has a duty to protect taxpayers' dollars and ensure that they are used for the most cost effective and critically needed projects. This bill fails to provide for any clarity or prioritization in the funding process and would result in further confusion and irresponsibility in how Corps projects are funded.

I urge my colleagues to oppose the attempt to override the President's veto of the Water Resources and Development Act of 2007.

Mr. President, I ask unanimous consent that the editorial to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### FISCAL PLUNGE: A VETOED $23 BILLION WATER BILL IS NOT WORTH SAVING.

Ah, the theatrics of Washington. On Friday, President Bush vetoed the Water Resources Development Act (WRDA), a bill that would authorize $23 billion in spending on water projects by the Army Corps of Engineers. Lawmakers of both parties were critical. Senate Majority Leader Harry M. Reid (D-Nev.) said that the veto shows "President Bush is out of touch with the American people and their priorities." According to Mr. REID, one of 81 senators to vote for the WRDA (it passed the House 381 to 40), the bill would "strengthen our environment and economy and protect our natural resources" and fund projects "essential to protecting the people of the Gulf Coast region" from hurricanes. The veto is "irresponsible," Mr. REID declared.

After almost five years in which he did little to check the spending of a Republican-controlled Congress, Mr. Bush is a bit late in trying to recover his party's reputation for fiscal conservatism. But even discounting for the White House's political posturing, this is hardly an example of an "irresponsible" veto. To the contrary, that word might better be applied to the WRDA itself. The bill would indeed authorize about $1.9 billion for coastal ecosystem restoration and protection in Louisiana to help the state rebuild its defenses against hurricanes. The president supports that; he just thinks that Congress could have authorized it without also larding on billions of dollars' worth of economically and environmentally questionable projects. And he's right: After all, the Senate and the House versions of the legislation tipped the scales at $14 billion and $15 billion, respectively. Then, in conference committee, lawmakers added more pet projects to bring the total up to $23 billion.

The silver lining in the bill is that it takes some tentative steps toward reforming the Army Corps, providing for independent review of projects worth more than $45 million. But this modest change is much weaker than what the overhaul reformers in the Senate had advocated. Thus Mr. Bush's valid concern, expressed in his veto message, that the WRDA "does not set priorities" among the $58 billion in projects authorized in past bills. Indeed, though it has a high nominal price tag, the WRDA only promises projects, essential and otherwise, that have to compete for the $2 billion the Army Corps spends each year. So the WRDA is largely a hollow political exercise. Given the overwhelming margins by which both houses passed the bill, though, Mr. Bush's veto is almost certain to be promptly overridden. This time, Congress's empty gesture will trump the president's futile one.•

Mrs. BOXER. I think it is important to note the historic significance of what I think is about to happen here because only 106 times in the entire history of the United States of America has the Congress overridden a Presidential veto—only 106 times. The first time was in 1845 over the funding of military equipment. Then-President Tyler bypassed Congress and tried to buy some equipment that Congress had not approved of. Congress was able to stop that when his veto was overridden on the bill.

The point is, there is, in our Constitution, a separation of powers and a balance of powers. I think when there is overwhelming support across party lines, overwhelming support from our communities from the bottom up, to pay attention to our infrastructure, to pay attention to the needs of our economy, to pay attention to the needs of the American people—when there is overwhelming bipartisan support, why would a President cast a veto?

As I asked rhetorically before the President vetoed this WRDA bill, I said: Do we have to fight about everything? Aren't there some things on which we can agree? But it was not to be. I think if, in fact, we do override this veto—which I fully expect we will do, but I never count anything until it is done—I think what we are saying to the President is, he should respect us, he should respect the Senate, the House, and the American people. We were elected too. We are close to the people. We know what their needs are. If, in fact, we do override this ill-advised veto, the American people will win today.

This water resources bill is 7 long years in the making. If we override this veto, Mr. President, we are fulfilling a promise to the people of Louisiana. We promised them, after Katrina, we would rebuild. The President went there and said:

> I will stay as long as it takes to help citizens rebuild their communities.

I say to the President: When you vetoed this bill, you stood up before the people of Louisiana and said: Sorry. One flick of the veto pen, and the President turns his back on the people of the gulf coast.

I think testimony to that fact was given by Senators LANDRIEU and VITTER. The fact is, Congress is stepping in to do the right thing today. We are a separate but equal body, and we are showing across party lines that no matter who the President is, there are some moments in time when he needs to come to the table and work with us. This was one of those times because the WRDA bill is going to help ensure America's water infrastructure and flood control needs are met.

Again, it puts the gulf coast on the path to recovery. But it does other things. In my State, it is going to finally take care of our problems in Sacramento, where 300,000 people, potentially, could be harmed and hurt and damaged because we have not done what we had to do to protect them. We do it in this bill.

Yesterday, we heard from Senator BILL NELSON about the major restoration of the Everglades that is in this bill—another promise made by Republicans and Democrats alike. The Everglades is a national treasure—actually, a worldwide treasure. Yet we go to communities all over this Nation, from sea to shining sea, and we look at the communities and say that we will work with them on flood control, on making sure goods can move through our ports, and on recreation.

The Corps and the BLM run many recreation areas that see millions of visitors every single year. So it is about recreation, commerce, flood control, and it is about environmental restoration.

It enacts the most sweeping reforms for the Corps in more than 20 years. I know Senator FEINGOLD did not believe we did enough Corps reform. I respectfully say to Senator FEINGOLD that we went very far. As a matter of fact, I believe we brought more independent review to this process because before—I agree with the Senator—the Corps was just going off on its own. So communities across our country have waited long enough for these vital projects.

As Senator INHOFE said yesterday—and I see he is here now—this is an authorization bill. This doesn't spend a penny, but it is very important because it says we believe these projects are worthy of funding. Then those projects will go through a very tough appropriations process, and every one of these projects, as far as I know, draws on local funding, or State funding, and Federal funding.

This WRDA bill comes from the people—from the people up. When I go to little communities back home—I went to one in Napa, where there is a flood control program; it is essential. It is a senior citizen retirement community, and our folks are frightened because they see what happens when California experiences these incredible shocks of nature, such as the fires, and now we are on the precipice of doing the right thing.

I hope we override this veto. I look forward to the remarks of Senator INHOFE.

Mr. INHOFE. Mr. President, I thank Chairman BOXER for all of her work and efforts. One thing that is kind of interesting about this is, it shows you this bill has the support of everyone, philosophically, across the whole scope. One of the ratings that came out recently rated me as the No. 1—ACU rating—conservative Member of the Senate, and Senator BOXER was No. 97. So she is a proud liberal, I am a proud conservative, and we proudly both support this bill. That is an accurate statement.

Let me say to Senator BOXER and the Democrats who have been so supportive, they have done a good job talking about what we have done over the last 7 years. This is 7 years of work, Mr. President. It is one we have all worked together on. To the right, to my conservative friends, let me say the President cast his veto. I think the veto was ill-advised. When the President comes through with his vetoes of big spending bills that exceed the budget—maybe SCHIP when it comes in—I will support sustaining his veto, or when Labor-HHS comes along that will be over and above the budget, I will be one of the first ones on the floor to support the President in sustaining the veto.

Last night, we had a lot of time. We weren't confined to a short period of time. I had an opportunity to do something I enjoy, and I had some kind comments about it from some of my Democratic friends. I was giving the history, back to 1816, of authorization versus appropriations. It is interesting because right now we are continuing to make that same argument. I think that is the strongest argument in favor of this bill. What is at stake is the authorization process.

I am going to ask my conservative friends to support this override for two reasons. First of all, as was said by many before me—and I have to say it again—it doesn't spend a cent. This is not a spending bill. If your idea is it is out of range, and you cannot support it because it spends too much, that is the wrong way to look at it. We have worked 7 years to put together this bill. Mr. President, there are 751 projects in the bill, and each one has gone through an authorization process, whereby we have received a report from the Corps of Engineers on each one, and it has taken a long time to get this done.

One of the critics said last night: Why should we authorize more? We have not appropriated all that we have authorized in the past. That is my point. We have 751 projects and probably, judging from the past, we will only authorize maybe 70 percent of those, and they would not be authorized at the highest level. So that is why we have the discipline in place to keep excessive spending under control.

Let's just say—and it will not happen because we are going to override the veto—we did not override the veto and we don't have this bill. There is no way of coming back with a different bill. It cannot be done procedurally. We know that. We would be operating to appropriate for what has not been authorized. That absolutely would not work. It takes all of the preparation, criteria, and reports out of the process.

So, anyway, we don't know how many of these will ultimately be funded. I have to tell Senator BOXER I will be down here opposing some of the things we are authorizing today because that is the way the system works. That is where we have to have fiscal discipline. We have rule XVI, which says, if the appropriators come out and appropriate money that exceeds that which we authorize, it will take a 60-vote point of order margin on rule XVI. I will come down and personally lodge that point of order.

So I say this: This bill does offer the maximum fiscal discipline, and I ask my conservative friends to join us in this veto override, and then join me in sustaining the vetoes on spending bills. Again, this is not a spending bill.

Mr. President, I understand the yeas and nays are automatic.

The PRESIDING OFFICER. The Senator from Oklahoma has 3 minutes remaining.

Mrs. BOXER. If my colleague wouldn't mind, I ask unanimous consent to have printed in the RECORD a list showing nationwide support for overriding this Presidential veto, including national business and labor groups, agricultural groups, national water and infrastructure groups, State and local government support, national conservation groups, and local agencies and organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONWIDE SUPPORT FOR OVERRIDING THE PRESIDENT'S VETO OF WRDA

NATIONAL BUSINESS AND LABOR GROUPS: United States Chamber of Commerce, AFL-CIO, The Teamsters Union, National Construction Alliance, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, United Brotherhood of Carpenters and Joiners of America.

AGRICULTURAL GROUPS: American Farm Bureau Federation, National Corn Growers Association, American Soybean Association, Corn Refiners Association, CropLife America, National Association of Wheat Growers, National Council of Farmer Cooperatives, National Farmers Union, National Grain and Feed Association, National Oilseed Processors Association, The Fertilizer Institute, United Egg Producers.

NATIONAL WATER AND INFRASTRUCTURE GROUPS: National Waterways Conference, The Waterways Council, Water Resources Coalition, American Electric Power, American Society of Civil Engineers, Associated General Contractors of America, American Association of Port Authorities, American Public Works Association, National Association of Flood and Stormwater Management Agencies.

STATE AND LOCAL GOVERNMENT SUPPORT: Charlie Crist, Governor of Florida, Kathleen Blanco, Governor of Louisiana, Tom Leppert, Mayor of Dallas, Metropolitan Water Reclamation District of Greater Chicago, Southeast Water Coalition, City of Stamford, Connecticut, City of St. Helena, City of Alameda, City of West Sacramento, Morgan Hill Chamber of Commerce, San Jose Silicon Valley Chamber of Commerce, The Board of Supervisors of Marin County, The Board of Supervisors of Santa Clara County.

NATIONAL CONSERVATION GROUPS: The Nature Conservancy, National Audubon Society, National Parks Conservation Society, Ducks Unlimited.

LOCAL AGENCIES AND ORGANIZATIONS: Association of California Water Agencies, Bay Area Open Space Council, California State Coastal Conservancy, East Bay Regional Park District, Friends of Five Creeks, Heal the Bay, Laguna de Santa Rosa Foundation, Pacific Northwest Waterways Association, San Francisco Bay Joint Venture, Santa Clara County Farm Bureau, Santa Clara Valley Water District, Save Mount Diablo, Silicon Valley Leadership Group, Sonoma Land Trust.

Mr. INHOFE. Mr. President, would the Senator from North Dakota like to have a minute or so?

Mr. CONRAD. May I have just a minute?

Mr. INHOFE. Yes.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I come to the floor as chairman of the Budget Committee to simply say this bill doesn't spend a dime. This is an authorizing bill. This bill authorizes projects. That makes them eligible for appropriations. That is all it does. It says to the Appropriations Committee that these projects have been reviewed, and they are authorized by the appropriate responsible committee.

That is the first and necessary step, but it is not the step that can spend a dime. The Appropriations Committee is the only committee here that can actually create spending from this bill. So I think it is very important for people to realize that basic fact.

I thank the Chair, and I thank very much the chairman and ranking member for a very professional job of managing this bill.

Mr. INHOFE. Mr. President, I thank the Senator from North Dakota for his comments. He is exactly right. If there was time, I would repeat some of the things we talked about last night that the Senator from North Dakota was very complimentary on regarding the history of appropriators versus authorizers since 1816.

I believe what is at stake is the authorization system, which I believe is the only discipline we have in the appropriations process.

The PRESIDING OFFICER. All time is expired. The question is, Shall the bill pass over the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA), are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Texas (Mr. CORNYN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) and the Senator from Kentucky (Mr. BUNNING) would have voted: "yea."

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 14, as follows:

[Rollcall Vote No. 406 Leg.]

YEAS—79

Akaka
Alexander
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—14

Allard
Brownback
Burr
Coburn
DeMint
Ensign
Enzi
Feingold
Gregg
Kyl
McCaskill
McConnell
Sessions
Sununu

NOT VOTING—7

Biden
Bunning
Clinton
Cornyn
Dodd
McCain
Obama

The PRESIDING OFFICER. On this vote the yeas are 79, the nays are 14. Two-thirds of the Senators having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

The Senator from California.

Mrs. BOXER. Mr. President, I want to say while colleagues from both sides of the aisle are here how important this moment is. It is very unusual for a Congress to override a Presidential veto. This is only the 107th time it has been done in the history of the country. The first one was in the 1840s. President Tyler tried to buy some military equipment without getting the approval of Congress and that started the first successful override.

Today I think we sent a message, as Republicans and Democrats, to the executive branch. Mr. President, why should we have to fight over everything? We shouldn't have to argue over making sure our infrastructure is strong. I say to Senator INHOFE, whom I don't see on the floor at the moment, but to his staff: Thank you so much for working with our staff. This has been quite an experience. As most of you know, Senator INHOFE and I don't exactly see eye to eye on everything, but on this, we were very much a team.

I thank the majority leader, Senator REID, for his strong support in working with us. I know it was a little annoying when he saw me coming down the hall every time. He sort of ducked, because he knew I was saying: When are we going to do WRDA?

Mr. BYRD. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order.

Mrs. BOXER. Mr. President, I thank Senator BYRD. I think it is interesting that he stands up to get order, because he teaches us every day what the Constitution means. The Constitution means that we, in fact, are an equal branch of Government. Today I think we proved that point.

I say to Senator LANDRIEU and Senator VITTER, who isn't on the floor at the moment, but I want to say about Senator LANDRIEU what a fighter she is for her State. This bill fulfills a promise the President made on that very dark and gloomy night when he went out, with the eerie lights behind him, because he was right at ground zero of Katrina, and he said he would keep his commitment to the people of Louisiana; that he would protect them. Yet and still he vetoed this bill.

I say to both Senators from Florida, whom I see on the floor, Senators NELSON and MARTINEZ, how proud I am to have worked with them to make sure we fulfill our commitment to the Everglades. The trip I took with Senator NELSON and his wife, my husband and I, is embedded in my memory forever, and this bill sets us on a course we must follow.

I say to communities all over the country, including my own, we know you have flood control needs, we know you need to keep up with imports and exports and make sure our ports function right. To those who want to preserve the environment, have restoration of the environment, we do that here. So this is a very important bill. The recreation industry is counting on us.

This is one of those rare moments, in a very divided Senate, that we come together. I couldn't be more proud.

In closing, I thank the following staffers, who have worked night and day: Bettina Poirier, Ken Kopocis, Jeff Rosato, Tyler Rushforth, Andy Wheeler, Ruth Van Mark, Angie Giancarlo, and Let Mon Lee. Also, I thank Senator BAUCUS's staff: Jo-Ellen Darcy and Paul Wilkins; and from Senator ISAKSON's staff, Mike Quiello. I mentioned Senator INHOFE's staff in that recitation of names. Without them, the Water Resources Development Act of 2007 would never be law.

I am proud to advise my colleagues that it is now law. When that last vote was cast, and when our Presiding Officer announced the vote, this bill became the law of the land. We can be very proud it is.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, may I take a moment to thank the chairwoman of this committee again for fulfilling the promise she made to have this bill—that was 7 years in the making—become law. And as of about 10 minutes after 12, eastern time, it did become law.

People in Louisiana and throughout the gulf coast are cheering, dirt is being turned, levees are being built, and wetlands are being preserved. This Congress has kept its word to the people of Louisiana and the gulf coast, and for that this Senator is very grateful.

Again, I thank the Senator from California.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

## ENDA

Mr. KENNEDY. Mr. President, last night the House passed the Employment Non-Discrimination Act with a strong bipartisan vote. The House bill prohibits employers from discriminating against workers on the job because of their sexual orientation. It protects Americans from being fired, denied a job or promotion, or otherwise intentionally discriminated against because of their sexual orientation. Although the bill is narrower than many of us had hoped, the House action is still a main step in the long journey toward full civil rights for every American.

In the Senate, I will work to move the Employment Non-Discrimination Act this Congress. The bill that the House passed is being held at the desk, and I am working with leadership to move this bill forward as quickly as possible.

This Nation was founded on the principle of equal justice for all. That noble goal represents the best in America—that everyone should be treated fairly and should have the chance to benefit from the many opportunities of this country. The House action brings us closer to that goal.

Forty-three years ago, President Lyndon Johnson signed into law the Civil Rights Act of 1964. At that time, some in our country were violently opposed to outlawing racial discrimination, and it was very difficult for Congress to reach a consensus. But the best in America, and the best in the Senate, prevailed. My first major speech in this body as a freshman Senator was on that Civil Rights Act. I said then that I "firmly believe a sense of fairness and goodwill also exists in the minds and hearts" of Americans, and that laws creating the conditions for equality will help that spirit of fairness win out over prejudice, and I still believe that today.

Since the 1964 act was passed, we have seen enormous progress in this beloved Nation of ours. Civil rights laws giving national protection against discrimination based on race, national origin, gender, age, and disability have made our Country a stronger, better, fairer land. African Americans, Latinos, Native Americans, and Asians have made extraordinary advances in the workplace. People with disabilities have new opportunities to fully participate in our society. The workplace is far more open to women in ways that were barely imagined four decades ago. In countless businesses, large and small, glass ceilings are being shattered. Women and girls have far greater opportunities in the classroom and in the boardroom.

But that progress has left some Americans out. Civil rights is still the Nation's unfinished business. Today, it is perfectly legal in most States to fire an employee because of sexual orientation or gender identity. Many hardworking Americans live every day with the knowledge that, no matter what their talents and abilities, they can be denied a job simply because of who they are. Many young students grow up knowing that no matter how hard they study, the doors of opportunity will be locked by prejudice and bigotry when they enter the workplace.

Although some States have outlawed job discrimination based on sexual orientation and gender identity, in most of the country, workers have no recourse at all if they are fired because simply because of who they are. That is unacceptable, and we have a duty to fix it, and to do so on our watch.

In the past 40 years, our Country has made great progress in guaranteeing fairness and opportunity.

When we passed the Civil Rights Act of 1964, the Voting Rights Act of 1965 and then the fair housing acts of 1968 and 1988, we took courageous steps, and we were proud that the Senate did the right thing each time. We must also do the right thing—the courageous thing—today. In the 1960s, these laws were controversial. But today, none of us, Democrat, Republican, or Independent, would question that they were the right steps to take, and we must take the right steps today.

Over the years, the Senate has recognized time and again the importance of our goal of equal employment opportunity. Even if we have sometimes disagreed about its proper interpretation, there is no division among us that the principle of equal employment opportunity is a core American value.

That is what the Employment Non-Discrimination Act is all about—equal job opportunities for all Americans. By extending the protection of title VII to those who are victimized because of their sexual orientation, we are moving closer to that fundamental goal. No one should be denied a job simply because of who they are.

That ideal is at the heart of the Employment Non-Discrimination Act.

In 1996, we fell one vote short of passing the bill in the U.S. Senate. In the decade since, public support for outlawing such discrimination has only grown stronger. Now that the House has acted, I hope that we will be able to finally succeed in the Senate in passing the Employment Non-Discrimination Act this Congress, and I look forward to the coming debate.

America stands for justice for all. Congress must make clear that when we say "all" we mean all. America will never be America until we do.

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## FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Pending:

Harkin amendment No. 3500, in the nature of a substitute.

Reid (for Dorgan/Grassley) amendment No. 3508 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increased funding for certain programs.

Reid amendment No. 3509 (to amendment No. 3508), to change the enactment date.

Reid amendment No. 3510 (to the language proposed to be stricken by amendment No. 3500), to change the enactment date.

Reid amendment No. 3511 (to amendment No. 3510), to change the enactment date.

Motion to commit the bill to the Committee on Agriculture, Nutrition and Forestry, with instructions to report back forthwith, with Reid amendment No. 3512.

Reid amendment No. 3512 (to the instructions of the motion to commit to the Committee on Agriculture, Nutrition and Forestry, with instructions), to change the enactment date.

Reid amendment No. 3513 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 3514 (to amendment No. 3513), to change the enactment date.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, for the benefit of all Senators, we are now back on the farm bill. The farm bill was laid down 2 days ago, on Tuesday. We have asked the other side if they want to offer amendments, but we have seen no amendments. We have one amendment pending. The Grassley-Dorgan or Dorgan-Grassley—I don't know which came first on it—amendment is pending. But we have heard from the leader on the other side that they want to offer amendments.

We are here. We are on the farm bill. We have asked for amendments, and in the intervening 48 hours, or 2 days since we laid the bill down, I have not seen one amendment from the other side that has been proffered to be taken up. So here we sit. We are trying to get a handle on how many amendments there will be, trying to reach some agreement, as we always do, to have a package of amendments that we could go to today and tomorrow, spill over into next week, and then reach some agreement, as we always do around here, on how many amendments on their side, on this side, reach an agreement, get a time limit set up on these amendments, and then get to a finish on the farm bill I hope sometime next week before we leave for Thanksgiving. I know there is some other business the majority and minority leaders probably want to conduct next week, but we have to get this farm bill done. It is a good bill.

I remind my fellow Senators and others who may be watching that this farm bill passed the committee unanimously. There was not one vote against it. It is a bipartisan bill. I think regionally it is a balanced bill, for all the regions of the country. I think it addresses the real needs of our farmers and ranchers, as well as the other titles of the farm bill that are encompassed in the farm bill. Energy—we have put a lot, again, into promoting biofuels and bioenergy. In conservation, there are big increases for conservation all over this country. In research, we have money for continuing a strong, robust research program. In nutrition, we have met our obligations to the neediest in our society, providing substantial increases in the Food Stamp Program in terms of the benefits and indexing them for inflation, making sure we have more money for the Emergency Food Assistance Program, for our food banks around the country.

In all the different areas that are covered by the farm bill, I think we have met our obligations to move ahead. We have done so in a very fiscally responsible manner. This farm bill meets all the pay-go requirements we instituted here in the Senate earlier this year—that we would not increase the deficit but that we would pay for things by finding offsets in other areas. The Finance Committee met, and the Finance Committee came up with some loophole closing, some tax collections. I daresay there is not any increase in taxes; it is simply going after taxes that are already owed but are not being collected.

I commend both Senator BAUCUS and Senator GRASSLEY and all the members of the Finance Committee for their help. With their help, we were able to put in a disaster program for the farm bill, a new disaster payment program—much better than what we have ever had in the past, I would add. Also, we were able to get some funding for some conservation programs and some of the energy programs. This has been a very bipartisan approach on this bill by committee, I would say, between the Agriculture Committee and the Finance Committee.

We are out here on the floor, and I think we can move ahead in good faith by agreeing upon whatever amendments we can agree on on both sides. These are negotiations that take place in every bill in which I have ever been involved. They took place on the last one I was the manager on here, the appropriations bill on Education, Health and Human Services, and Labor. But you can't negotiate if you do not have anything to negotiate on.

I say again to my friends on the other side of the aisle, if there are amendments, if we bring them forth we can discuss them, and maybe we can reach some agreement on a package of amendments that we can then get to and start disposing of, one way or the other.

That is where we are. I see my friend and ranking member, Senator CHAMBLISS, is on the floor. I thank him for all of his good work on the committee. We have worked hard on this bill, and I think we have a good bill, one that, as I said earlier, I could basically support without amendments. I assume there will be amendments—some I may support, some I may not; some Senator CHAMBLISS may support, and some he may not support. But that is the way we do things around here. Then we will go to conference and work it out. I am just hopeful we can get some amendments proffered here and brought over so we can look at them.

I say the same thing on our side too. I have heard of amendments other than the Dorgan and Grassley amendment, and I say if we have Members who have amendments they want to offer on the farm bill, they or their staffs ought to bring them to us as soon as possible so we can take a look at them, see if they are relevant to the farm bill. If they are relevant to the farm bill—I say this very clearly and forthrightly—every amendment that is basically relevant to this farm bill will be considered and disposed of one way or the other. That is really what we have to focus on, amendments that are relative to the farm bill.

Again, I hope Senators on both sides would, if they have amendments, bring them forth so we can put a package together and we can get to it.

I yield the floor.

Mr. CHAMBLISS. Mr. President, I thank the chairman, my friend, my colleague, for his comments. I concur with exactly what he said, that we do need to have amendments filed so we know where we are. My understanding is, as of right now there are 67 amendments that have been filed. I don't know whether all of them are relevant. We have the list, but we will have to see which ones are and which ones are not.

But I think the biggest obstacle we have is the majority leader made the decision to fill the tree.

We have had some discussion, not debate by any means, on the Grassley-Dorgan amendment the other day. I understand there is some conversation about filing cloture on that amendment which is fine if that moves us ahead.

But until the leadership on the Democratic side makes a decision as to whether we are going to limit amendments, what those amendments are going to be, then I think we are kind of limited as far as moving ahead.

Let me say to Members on both sides of the aisle, particularly on our side of the aisle, that if you have an amendment, if you will file the amendment and, while you cannot call it up because the majority leader has filled the tree, come on over while we have got some time and talk about your amendment. It will certainly speed up the process when we do get to the point, as the chairman says, and I think he is exactly right. On every bill such as this, we will ultimately come up with a list of amendments. I would hope all of them are germane. There may be some that have to do with something else, as the Senate always has on every major piece of legislation. We have some that may not be farm bill related that will have to be considered. But that is for negotiation and agreement.

But if anybody has an amendment, I would say: Come over, make sure your amendment is filed, talk about your amendment, and at the point in time when the amendment ultimately is considered, it simply will speed up the process.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I appreciate first off the bill that came out of the Ag Committee. It was a consensus product. There was a lot of bipartisanship support for it. I think it is important we move it forward.

What is happening here now is delaying something that is of critical timing to the producers in this country; they need to know what the rules are before they go into planting season next year.

By running out the clock, which essentially we have done this week, and unless we come to some agreement on amendments, we are going to lose next week. Then we are into December, and it is going to be awfully difficult to get a bill conferenced and on the President's desk before the end of the year.

I, for one, have an amendment, along with Senator DOMENICI and Senator NELSON, that has been filed. So I would say to my friend from Iowa that we are more than happy, if the leadership on the majority side would be agreeable, to us calling up amendments.

But as was noted by my colleague from Georgia, the current state of play is they have filled the amendment tree, thereby making it impossible for us to get amendments called up, pending, under consideration, debated, and voted upon.

But I have one that I think is very important, it is very relevant. You talk about amendments that are relevant to the farm bill that would expand the renewable fuel standard. That was something that was supported by the Senate in the Energy bill. I have my doubts about whether we are going to get an energy bill this year. But I cannot think of anything that is more important to farm country right now than making sure we have a higher renewable fuel standard, particularly in the short term.

2008 is critical. We are already at 7½ billion gallons. Where the current renewable fuels standard sits that was passed in 2005, we are going to, and have, eclipsed that. If we do not raise this renewable fuel standard in 2008 in the short term, we are going to have a terrible crunch out there.

We are already seeing ethanol plants that are stopping construction, those that are under construction that have stopped it. We have some, I know of one in North Dakota that ceased operations for a while because the margins are not there.

This is a very relevant amendment to the underlying farm bill, one that would strengthen the energy title in the bill and one which is critically important, from a timing standpoint, to producers across this country and those who would invest in the renewable energy industry. I would add, because I think this is a very important point not just for farm country, not just for our farmers and those in rural areas of this country who have benefited from ethanol production economically, but also it is important for our energy security.

We have got a very serious problem. Oil is approaching $100 a barrel. We need to be increasing the amount of renewable energy we produce, homegrown energy in this country, so we can lessen that dependence upon foreign energy. We have an opportunity to do that. The ethanol industry in this country has done remarkably well, thanks, in large part, to the renewable fuels standard enacted in 2005. But we have been overtaken by events. We are passing, we are blowing by that 7½ half billion gallons. We need to get the new renewable fuel standard in place.

The amendment we have offered—it is a bipartisan amendment—would do that. It would get us to 8½ billion gallons in 2008, which is critically important. We are running into a wall out there. It is dramatically affecting the ability of this industry to compete and to make sure that it continues to operate profitably and move us in a direction that lessons our dependence upon foreign energy.

So I would simply say to my colleagues, to the Senator from Iowa, the chairman of the committee, the ranking Republican, Senator CHAMBLISS, that it would be very advisable, and I think advantageous, for us to be able to come to some agreement on amendments because delay, in the end, is not an option.

We cannot afford to go into next year without a farm bill. I would like to see this amendment considered. I hope the majority would make way for us to be able to offer amendments. This whole notion of filling the tree, I am not sure exactly what that accomplishes, other than to shut us down, at least in the short term.

So I would simply say we have an amendment, we are ready to do business as soon as the other side decides they want to open this bill for amendment. I hope we can do that and do it soon.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I would like to speak for 20 or 30 minutes on the farm bill, if I might. I would first like to associate myself with the remarks of Senator THUNE, the distinguished ranking member of the committee, Senator CHAMBLISS, and our distinguished chairman, Senator HARKIN.

Let me point out that Senator HARKIN did something very unusual. After handling one bill on the floor of the Senate, he then had the challenge of trying to move the farm bill, which is sometimes about as easy as pushing a rope. But he did it through committee in a day and a half. I think that is a record.

I have been through seven farm bills, two technical farm bills that were really farm bills, and I have never seen committee action be expedited in that fashion. So I wish to thank the chairman for that.

There were some differences of opinion. Obviously, we always have that. But he handled it very well. So I am in agreement with the chairman and with the ranking member and Senator THUNE, and I think almost everybody on the Agriculture Committee, that we would like to see action on this bill.

This morning, once again, I had the privilege of being on the "Farm Show" in Topeka, KS, America, on good old WIBW. That is where the farm broadcasters always ask you: Where is the farm bill? How is it coming?

I said: Well, it is not. We have sort of a briar patch we have gotten ourselves into in regard to something called filling the tree, that is a fancy word around here meaning you cannot climb up the tree and climb out on a limb and drop our acorn or your amendment down to see if it would be considered.

On the other side of the fence, let me say Chairman HARKIN has done some work, and I think he has done the homework to the extent to show in the last three farm bills not many nongermane amendments ever popped up on the floor in regard to the farm bill. That is a good thing.

Now, I am not going to be in a position to try to determine what is germane and what is not, but as I recall, there was only one amendment, I think it was by Senator KYL on the estate tax, I do think that is obviously germane to farmers and ranchers, but that is obviously a tax measure, but that was perhaps ruled out of order.

But hopefully we can get an agreement and say X number of amendments on your side and X number of amendments on our side and then proceed. I would hope we would not have to go to cloture to even debate the farm bill.

But farmers, ranchers, their lenders, whether it be in Iowa or whether it be in Georgia or whether it be in the Dakotas or in Kansas, they need answers now. I hope we do not get into a situation where our only option is to simply extend the current bill.

Now I am going to get to my prepared remarks. I have some points I would like to make. I will try to make them as short as possible. As I indicated to my colleagues, this is my ninth farm bill, either as a staffer or a Member. If you include the technical corrections I talked about, which sometimes means a complete rewrite of the farm bill, we do not usually say that, we usually say it is a technical correction, I have lost count.

Sometimes those technical corrections may seem somewhat covert but on most occasions they are not. Each farm bill debate is unique. Certainly, this one is as well. I would like to start off by saying there is some good news. I wish to thank the manager of this bill for including some important provisions I helped author. Senator CONRAD and I have been working on our open fields bill for quite some time. I am glad to see it included. It is clearly a win-win for sportsmen and also sportswomen, as well as farmers and ranchers who take advantage of the program. So that is a good thing.

I also appreciate the authors for working with me to address my concerns regarding the rural utility services broadband loan program. The reforms included do represent a very real bipartisan consensus. That was an effort to bring broadband Internet to more Americans. That is in the bill.

The committee bill includes crucial and very important language on rural hospitals. Senator HARKIN was a leader in that effort, that will make a real difference in many of our rural communities. The rural health care delivery system is always under pressure in keeping what we have. As a member of the Finance Committee I know that as well. We need to strengthen and preserve what we have and then improve it.

Finally, I also wish to thank Chairman HARKIN and our ranking member, Senator CHAMBLISS, and their staff for creating an agriculture security title in this legislation. This is something we have worked or on for several years.

Now, despite the fact that our Nation enjoys but does not apparently appreciate the fact that production agriculture does provide this country and a very troubled and hungry world the very best quality food at the lowest price in the history of the world, we have heard a lot of repeated calls for dramatic reform of our farm programs.

Now, while targeted and pertinent reforms in some of our programs are certainly needed, and this bill takes major steps to do that in answering those calls, it seems to me we must be cautious of what lurks under the banner of reform.

We must be mindful of the unintended consequences of our actions. Nowhere in this bill is that more evident than in the livestock title. I represent a State where cattle outnumber people more than two to one. Cattle represented 61 percent of the agriculture cash receipts by generating over $6 billion in 2005. That is a lot of money.

I tell you this, so you understand that when I say the livestock industry is vital to Kansas and the country and our economy out there on the high plains and also to our livelihoods.

Now, competition issues are nothing new to this body. I understand that. I agree that our producers need to be able to compete in today's markets. It is the role of the Government to protect producers from unfair practices and monopolies, and I understand the calls from some for increased Government involvement and oversight.

At the same time, we must take careful steps to ensure that in any action we might take, we do not suffer from the law of unintended consequences and risk the significant gains the livestock industry has experienced. It has changed dramatically.

During this debate, we have heard from several Members about how farm bill debates rarely fall along party lines and traditionally follow regional interests. This may seem odd to those who have not worked on a farm bill before, but that is the case.

Agriculture in one region can mean something different, very different, than agriculture in some other region. These differences do not just include the crops and the commodities that are produced, there are significant differences in practices, farming practices, and input costs, what it costs to have a successful cropping operation and risk; risk, which is a big-time consideration among the different regions.

We have low risk in certain States, where I have often said in jest, where they simply put the seed in the ground, they do not farm it, it just comes up, as opposed to other areas where we have high risk, we really have to farm the ground and other areas.

As a Senator from a State with higher risk agriculture, and there are many of us representing these States, many of our current farm programs unfortunately have not worked for our constituents. However, some of them do. In recent years, they have represented a lifeline to our hard-pressed producers who needed a lifeline, and it has been their only lifeline.

In particular, I am talking about direct payments and crop insurance. I will come back to that and come back to that and come back to that. This is why it is vital that as a Federal Government, we craft farm programs that do not merely benefit one region or one crop but that we draft legislation that is national in scope.

So reducing programs that benefit one region to increase programs that benefit another region is a dangerous enterprise. I caution my colleagues against taking this route.

If we want a farm bill that represents the entirety of agriculture, we must not play games that pit one sector of agriculture against another. I remember the days of the whole herd buyout back when I was privileged to be a Member of the House of Representatives. That may have been of help—I underscore the word may—to the dairy industry, but it put a lot of livestock producers out of business. I underscored that in my mind and to my colleagues at that time, that we must not get into another situation where one section of agriculture is competing against another and putting them at a disadvantage. We certainly do not need that.

For several years now I have been telling everybody who will listen about how the current farm bill does not provide assistance when our producers need it the most. When Mother Nature starts stirring up trouble—and we have seen that in Kansas and other States, either through a drought for, 2, 3, 4 years, or a flood, or a freeze, or tornadoes, I don't know what could come next from Mother Nature—our producers in the field take it on the chin and in the pocketbook. Yields go down; prices jump up. Again, the only programs that do provide them any cover are direct payments and crop insurance. The countercyclical program currently in the farm bill, which when we wrote it we predicted prices would be lower, simply doesn't offer them a payment. So if you lose a crop, the only thing you get again is a direct payment and crop insurance. In regard to crop insurance, during a drought your average production history goes down, and that impacts your crop insurance that will allow you to work with your lender and stay in business.

This story isn't new to anybody who farms in what we call the breadbasket of the world. Thankfully this bill does not cut direct payments. I know direct payments may seem like an easy target or a bank, for some, but to those in the fields, our farmers, the direct payment program helps them produce the safest, most abundant food supply in the world. Once again, the standard farm program rationale—I know Chairman HARKIN has made these comments, I have made them, everybody connected with the Agriculture Committee and agriculture in general has made these comments—our farm programs are a big reason why we in the United States enjoy a market where we spend only 10 cents of each dollar of our disposable income on food. That is one dime. That frees up 90 cents for the consumer to spend on other things, whether it be housing, health care, education, leisure time activity, whatever. That is the lowest in the history of the world. This speech used to be made by leaders in the House Ag Committee some years ago. Then it was 18 cents, 19, 20. Now it is one dime we spend in regard to food, freeing up 90 cents.

Without farm programs, that consumer would have to rely on market disruptions that happen and the fluctuations that happen, they would be at a big disadvantage, especially those disadvantaged and living in the cities. We need to thank our producers for this. But if you look at this farm bill, you will see that only 14 percent now goes to the commodity title. When Senator CONRAD was on the floor earlier this week, he informed us that commodity title payments under this bill represent a mere one-quarter of 1 percent of all Federal outlays. In fact, $6 billion comes out of the commodity title to pay for initiatives in other titles. That $6 billion comes out of the pocketbooks of the folks who provide the food and fiber for a troubled and hungry world for other programs. I am not trying to perjure other programs. They are good programs. But we should not take it out of the hides of farmers and ranchers who desperately need help when they lose a crop.

The conservation title receives an increase of over $4 billion, appropriate, but it is up $4 billion. A plus-up in nutrition program funding is over $5.5 billion which brings total nutrition title spending to two-thirds of the entire bill. I know there are amendments being considered that will take more out of the commodity program, give more to nutrition programs. I suggest that $5.5 billion in additional funding and two-thirds of the entire bill going to nutrition is appropriate. Let's work through that. Let's get at the Nation's problems of obesity and good health and wellness. That is appropriate.

Yet I have no doubt that during the course of this debate, Members will come down to the floor and argue for additional cuts to producers to fund these other programs. I am not saying our conservation and nutrition programs don't need additional funding. I hope I have made that clear. Quite the contrary. I am here today saying this bill already puts enough of that responsibility on the backs of farmers and ranchers. Let's not pile anymore on.

Production agriculture needs a voice in this debate. I am happy to stand up for those producers. We have heard it a lot in farm bill debates from critics of any farm bill, 15 percent of producers do produce 85 percent of our Nation's food and fiber. But in the national media and among many of the sideline groups and organizations, these producers, because of the size of their operations, are either described or tattooed as "rich." They say "How can you not be rich if you are farming 10,000 acres? How could you not be rich if you are farming 5,000 acres, whatever is cost efficient in whatever region of the country you farm in?" In many instances, they are simply taken for granted or ignored. In some cases, they don't even exist. Look at their contribution. That is the key. Look at their contribution. Kansas is the top wheat and grain sorghum-producing State in the country. Since 1996, Kansas farmers have produced an average of 365 million bushels of wheat each year. If you are taking away programs that help them in dire straits especially crop insurance and direct payments, you are risking that 365 million bushels of wheat each year, which I submit is a vital national asset. In 2007 alone, the plains States—talking about from North Dakota all the way down to Texas—produced more than 1.5 billion bushels of wheat. We don't want to do anything that could injure or set back that kind of production. There is a reason we are known as the breadbasket of the world. If we cut these direct payments and crop insurance which are vital to sustaining this production, who will supply the United States and the world? Who will give ample supplies to the world food program to respond immediately to the humanitarian crises we see daily in the world? What would this do to our prices if we lost these producers? Do we want our grain supply to come from China or Brazil or somewhere else?

I traveled through much of western Kansas in August. Much of Kansas suffered heavy losses on its wheat crop this year. Western Kansas for a change was different. Many of those producers had a bumper crop, thank goodness. But I want everybody in the Senate to hear this, for many of them it was their first crop after 5 years of devastating drought. Again, under the auspices or the way this farm bill works or doesn't work, they received no help other than direct payments and crop insurance. Stop after stop on my tour, producers and their lenders, bankers and farm credit, made clear to me one very important fact: Had it not been for direct payments and crop insurance during those 5 years, many of those producers would not have been around to grow that bumper crop this year. We are talking about anywhere from 350 to 400 million bushels of wheat, let alone many other crops.

That is why I get concerned when I hear folks talking about cutting direct payments or crop insurance during this debate. It is why I will fight and oppose any such proposals should they come forward trying to use the logic I have described in these remarks.

I want to make clear to my colleagues who it is they are impacting the most, if they come forward with amendments and attack these programs. They are not going to be attacking this Senator. They are not going to be attacking some political or some small farm philosophy or some business. They will be attacking the people who feed this country and a troubled and hungry world. I have said that three times because it is true. They will be attacking the farmer who has farmed land for 40 years or more, the land that his or her father, grandfather, and great-grandfather farmed before them. They will be going after the young family, the husband-and-wife team with two or three young children and agriculture degrees from Kansas State, Nebraska, Colorado State, North Dakota State, all of the land-grant universities throughout the high plains, and the list goes on. The young couple who will return to the farm to raise their families because they believe in agriculture, farming, rural communities, and raising their children as part of the family in what is called rural America, what we in Kansas call "real America." They get up at 5:30 in the morning. They often don't quit until 10 at night. They are working hard and maybe farming 2,000 or 3,000 acres. But they are not rich simply because they farm 2,000 or 3,000 acres. They are not rich simply because they are big farmers. This business of trying to means-test farm programs based on the size of an operation simply ignores reality in regard to production and what we produce for this country and the value of that production.

It is not the size of the operation. They are still young—I am talking about the farm couple again—so they don't have the liquidity built up in their operations that allows them to survive on their own through droughts that last 2, 3, 4, and, yes, even 5 years. They have kept the dream alive. They stayed in business. They secured the operating loans they needed because they and their bankers knew they could depend on direct payments and also on crop insurance.

When you talk about that next generation farmer and where they will come from and who will replace them, that is the issue. These folks are highly educated. They are feeding this country and the world, but they are operating on the margin. The actions we take here have real-world impact. Yes, conservation is important. We are increasing that funding. Yes, nutrition is important, and we are increasing that program $5.5 billion. Yes, renewable energy programs are important, and we need and we are increasing the funding for these programs. But so are all those farmers out there, especially that next generation.

To some here in the Senate, that young family farmer farming the 2,000 or 3,000 acres is a big farmer. I don't know what that means. Are we talking about aiming the farm program? I don't know. Senator CHAMBLISS has heard me say this before. I am not sure what that means. If we are going to aim the farm program at only small family farmers? I don't know whether that is somebody 5 foot 3 up in the Northeast part of the country who has maybe 40 acres, maybe has a pond and an orchard. Obviously, the orchard would be organic. They are going to be farming specialty crops now that have a program, over $2 billion worth, probably more by the time we get through. Maybe that person is a small family farmer. I suspect he is sitting on his glider on his wraparound porch. He is only 5 foot 3 so he is a small farmer, and he only has 40 acres. He has a three-legged dog named Lucky and he pats him on his head and reads his Gentleman's Quarterly. He is a retired airline pilot and his wife works downtown as a stockbroker.

I have a big farmer. He is 6 foot 3. He and his wife and three youngsters farm 10,000 acres because it is more cost efficient. Maybe some year they don't hit it very big. Maybe 1 out of 2 or 3 years they hit it really big. That production is vital to the food and fiber of this country. So somebody at least has to stand up and say: Wait a minute. What are you trying to do in terms of means testing in regard to size?

Now, I used a little cynical or perhaps sarcastic example. I apologize for that. But that is where we are. Not everybody in America can take the time to come to the farm-to-market sales at their local communities. They are good. They are great. They are serving more vegetables, more fruit, more organic produce. I am all for that. But that is not going to make up what this country needs in regards to 20 percent of our GDP and $64.4 billion worth of wheat, corn, sorghum and cotton program crops, and enabling in this country, again, every consumer to spend only one thin dime out of their disposable income dollar for food.

Well, I have some good news for you. Yes, they farm a lot of acres out there, these aren't "big farmers" or so-called rich farmers, but they are family farmers in every sense of the word, and they are struggling to survive. So consequently, I hope we do not make the mistake again of pitting one region against the other or one kind of cost input situation or one kind of risk situation against the other. We need truly a national program.

I hope before we start offering and passing amendments around here—once we get to that point, if we can get to that point—because we think we can save money or because we have had a questionable GAO report that we think about the impact of our actions in regard to the real world.

I commend our chairman, Chairman HARKIN. I commend Senator CONRAD and Senator BAUCUS on the Finance Committee and Ranking Members CHAMBLISS and GRASSLEY for moving us forward without cutting any direct payments. Chairman HARKIN has gone from managing the Labor-HHS appropriations bill on the floor—that is a tough challenge—to the Ag Committee farm bill markup in a day and a half—that is a record—to now floor consideration of the farm bill in a few short weeks. That is quite a task.

Now we find ourselves in a legislative or parliamentary quagmire in what we call filling up the tree. Well, I really think—I don't know, Senator CHAMBLISS—have we agreed to about 10 amendments on each side, 5 amendments on each side. As a matter of fact, we could take our amendments, and they would be in order, and then maybe we could not consider somebody else's. But that is not fair, certainly not in the Senate where everybody tries to amend everything. So certainly we could reach some accommodation here with the leadership and with yourself and Chairman HARKIN to say a reasonable number of amendments could be offered—maybe 10, maybe 5, maybe 15. I do not know. But obviously we have a long way to go before this bill is ready to become law.

The people who are waiting are the farmers and the ranchers and the bankers and the lenders. We are not going to consider this farm bill, apparently, unless we have a cloture vote. That may be next week. Then we will have other considerations on the floor as of next week. Well, the farmers and the ranchers and their lenders are in the middle of planning decisions, lending decisions. They cannot wait.

There is a school of thought: Oh, just extend the current farm bill. The current farm bill does not work well, as I have said, again, in regard to a farmer who has lost his crop. We are sitting here in this legislative briar patch while they wonder what on Earth we are doing back here in regard to trying to pass a farm bill.

There are still several things in the House and Senate bills that still need some work.

Mr. CHAMBLISS. Mr. President, will the Senator yield for a question?

Mr. ROBERTS. Mr. President, certainly I will be happy to yield to the distinguished Senator.

Mr. CHAMBLISS. I say to Senator ROBERTS, you have a tremendous amount of experience from a legislative standpoint on farm bills. This is your which farm bill?

Mr. ROBERTS. I think it is the seventh. But I did not count the technical corrections that, as I have said, for some cases that really represented a rewrite of the farm bill.

Mr. CHAMBLISS. I know during my first year in the House, you were the chairman of the House Agriculture Committee. I was privileged to serve on the House Agriculture Committee, and you chaired the committee that wrote the 1996 farm bill.

You talked about farm bills seeking to deliver funding to the small farmer. That is such a difficult issue. It sounds good from a legislative standpoint. It sounds like something we ought to be able to do in practice when, in fact, it is so difficult to do, because what is a small farmer? I am not sure what a small farmer is in Kansas. It is probably different from what a small farmer is in Georgia. But a large farmer participates in the production of agriculture in America just like whatever that small farmer does.

I would simply ask the Senator, what is your thought on the production by a small farmer versus a large farmer? Who is the one who actually puts products into mainstream agriculture from the standpoint of the quantity of products that are put into agriculture? In other words, what percentage of farmers produce the products?

Mr. ROBERTS. Well, as I said before, some of our critics—and we should have critics. We should have oversight. We are not doing everything right, that is for sure. And farm bills—I tell you, we passed the Rubicon. This is no longer a farm bill. This is a bill that should be titled—I don't know what to put first—but conservation, nutrition, food stamps, rural development. We have a brand new section for specialty crops, which is a good thing in that for too long they have been out of the farm program.

I must admit I never had a specialty crop producer come in my office and want to be part of the farm program because, inevitably, you have to put up a lot of rules and regulations, although I understand this one is done by State grant. I do not know whether we are going to have a hodgepodge of different programs for specialty crops. But specialty crops are a very important item.

So is that a small farmer. Do not misunderstand me. Small farmers have a niche market. Small farmers are into organic produce. Small farmers take their produce to a place such as Alexandria, which my wife tries to get me up in the morning to go and visit and at least purchase some fresh fruits or vegetables. That is a good thing.

But we cannot rely on just those folks or small farmers as opposed to the 15 percent of producers. Of course, the criticism is, they get most of the payments, but they produce most of the food and fiber—85 percent. If you add that up, as I have indicated, that is 20 percent of our GDP. That is $64.5 billion worth in regard to the program crops I mentioned earlier. Yet you would think that everybody just takes them for granted. We are not an endangered species. We may be extinct in terms of the national media. Nobody pays any attention to production agriculture anymore. It is almost as if it is a bad thing to produce food.

Go to your grocery store. I am always amazed when we have the opportunity to take foreign visitors to a typical American grocery store. It just knocks their socks off and their eyes pop out in regard to the variety we have there. But much of that produce in that grocery store on behalf of the consumer is produced by production agriculture. That is not a bad thing.

That is the whole point I am trying to make. If you say, OK, somehow, if we go back and just limit it in size to a small family farmer, that does not work out on the High Plains. Yet Kansas is known as the wheat State, and we are known as the breadbasket of the world. The High Plains produce 1.5 billion bushels of wheat each year. That is what is at stake, not to mention the young farmers who do this.

Well, I am very hopeful that through this process we can improve our agricultural programs to better protect our farmers and ranchers in times of need and to provide assistance to both those domestically and globally, increasing investments and stability in rural America. I know this farm bill tries to do that.

In the end, this bill should be about the men and women in the fields and on the ranches working every day to provide the safest, most efficient food and fiber source we have seen in the history of the world. Our farmers and ranchers would never put the seed in the ground if they did not have any faith and optimism that it would grow and they would have a crop. We owe it to them to make sure we make this the best bill possible and do all we can to keep the "farm" in the farm bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I, first of all, extend my appreciation to the Senator from Kansas. Senator ROBERTS is not only a great personal friend, but he is someone for whom I have tremendous respect in so many areas but in no area greater than agriculture. As I said earlier, we served in the House together. He was my chairman on the House Agriculture Committee. Now he is one of the leaders on the issue of agriculture in the Senate and somebody on whom I rely very much in my role as ranking member, as I did when I was chairman over the last 2 years.

I just want to say, as we went through this farm bill, with all the complexities we had to deal with in there, there was one issue that, frankly, was a new addition to the farm bill mix, and that was the issue of average crop revenue—an option that is added in the commodity title. It does not look as if it is going to be of much benefit to Southeastern farmers, but to farmers in the Midwest, it has the potential to be a very usable mechanism.

I thank Senator ROBERTS for taking that issue on and really getting into the "weeds" and doing the necessary study and homework on the issue and coming up with some strong and valuable amendments that have made that provision much better at the end of the day, when this bill came out of committee, than it was when we started.

We are still going to have some debate on the provision as we come to the floor now, but without his leadership, without his studying this issue, we would not be where we are. I know he feels exactly the way I do. The Presiding Officer is, sure enough, one of those farmers who know what getting dirt under their fingernails means, and I know he has an appreciation for this too.

We worked very hard over the last decade to improve the Crop Insurance Program. It is not perfect, but what we tried to do was to put the decision of how many crops to plant, how many acres of each one of those crops to plant, in the hands of the farmer and the banker who banks that farmer and him having the ability to use the tools of farm programs, plus the availability of a good, solid crop insurance program and to take the decision off the Government mandating to that farmer what he ought to plant and putting it in the hands of that farmer.

I think we have done that over the years. Still, it is not perfect. But today there appear to be some folks who, for whatever reason, want to take some shots at the Crop Insurance Program. I know the Senator from Kansas feels just as strongly as I do about the fact that we do not need to weaken the Crop Insurance Program. We need to strengthen that program to, again, move away from dependence by farmers on the Federal Government and allow them to have the market dictate their stream of income and have safety nets in the form of agricultural programs and crop insurance.

So I thank him for his leadership, and I thank him for the comments he has made today relative to the product that came out of the committee.

Mr. ROBERTS. I thank the Senator.

Mr. CHAMBLISS. Mr. President, I wish to take just a minute to address an issue that appeared in the Washington Post earlier this week. In an editorial, the author made some significant statements about the Cotton Program that exists in this current 2002 farm bill. Since we are in farm bill season, we have a constant barrage of editorials that come out—some of them in favor of farm programs; most of them seem to think farm programs are an easy target, and therefore they are very negative. This one was very negative. But as with most people who write these editorials and publish them around the country, frankly, this editorial is filled with total inaccuracies. I want to talk about a couple of those.

I want to set the record straight relative to what this author is talking about because there is one particular issue in here that has been discussed over the last several years that is simply wrong.

First of all, this editorial takes on the Cotton Program in the 2002 farm bill and says this program has a very negative effect—if you can imagine this—a very negative effect on the ability of cotton farmers in the West African countries of Benin, Burkino Faso, Chad, and Mali. Now, in this editorial the author writes to start with:

> For years, the Federal Government has guaranteed American cotton producers about 72 cents a pound, even though the real market price of cotton has averaged about 57 cents.

Nothing could be further from the truth. That is just a completely inaccurate statement. What the author is talking about is the fact that in the 2002 farm bill, there is a target price for cotton of 72.4 cents a pound, but that simply does not guarantee a cotton farmer 72 cents a pound. The only correlation between guaranteeing a cotton farmer a floor on the price of cotton and the farm bill is the fact that there is a marketing loan available to a cotton farmer, and the marketing loan rate is 52 cents a pound.

That is the amount guaranteed to a cotton farmer from the 2002 farm bill. The fact is, the price of cotton today is in the range of 60-plus cents, so what that means is there would be no marketing loan benefits available to a cotton farmer as long as the current price is above the marketing loan rate.

So for some off-the-wall editorial writer to come in and say a cotton farmer is guaranteed 72 cents a pound by the 2002 farm bill is misleading and is typical of the statements that are made about farm bills by folks who have no idea what they are talking about.

Let me point out another inaccuracy. The author goes on to say:

> Since 2002, market prices haven't even covered the cost of producing cotton, but the amount of acres planted in cotton has increased because the government guarantees a higher price.

Again, the author of this editorial simply has not done their homework.

Here are the actual facts: Cotton acreage in the United States in 2002 was 17.2 million—17.2 million. In 2007—this year—cotton acres in the United States are 10.5 million. Instead of cotton acres increasing in the United States, we have seen a 39-percent reduction in the number of acres planted from 2002 to 2007.

Furthermore, the author goes on to say:

> Who benefits from the current system of cotton subsidies?

His answer to his own question:

> About 20,000 American cotton producers, with an average annual income of more than $125,000.

Let me tell my colleagues who really benefits from the cotton program in America as we know it today. We have in the United States today about 20,000 cotton producers. Those cotton producers deliver their cotton to gins where it is then processed, and the outcome of ginning cotton is a cotton bale. The cotton bale then goes into the marketing stream, where it can be sold to domestic cotton mills or exported, as most of our cotton is today. Unfortunately, all of our textile mills that were located all over the Northeast and then in the Southeast today are located in either the Caribbean region or in China or in Vietnam or elsewhere. Therefore most of our cotton is exported. But the farms and businesses directly involved in the production, distribution, and processing of cotton employ more than 230,000 Americans and result in direct business revenues of more than $27 billion.

> Additional economic multipliers through the broader economy, direct and indirect employment surpasses 520,000 workers with economic activity in excess of $120 billion.

Now, the author of the editorial makes this statement:

> The effects in the cotton-growing regions of West Africa are dramatic.

The author is talking about the U.S. cotton program's impact on West African countries. What they say is, the production of cotton in the United States under the current farm bill dictates to cotton growers in Africa what they can get for a pound of cotton. Again, nothing could be further from the truth because I have already noted what happened relative to the decrease in the production acres of cotton in the United States. Well, guess what has happened in other parts of the world. If we are having such a negative impact on producers in Africa, does it not stand to reason we are also having a negative impact on cotton growers in Brazil and in China and in India and in other cotton-growing areas? I do not think it would have just a negative impact in West Africa.

The fact is, in China, in 2002, the cotton acreage was 10.3 million acres. In 2007, cotton acreage in China was up to 15.1 million acres. During this time that we have been negatively impacting West African cotton growers, China has increased its cotton acreage by 50 percent. In 2002, India had cotton acreage of 18.9 million acres. In 2007, that was up to 23.5 million acres, an increase of 24 percent. In Brazil, in 2002, 1.8 million acres of cotton were planted. In 2007, 2.8 million acres of cotton were planted in Brazil. Again, up 55 percent.

For the author of this editorial to say the United States cotton program is having such a negative impact on four West African countries is totally ridiculous. This editorial failed to mention the fact that in this farm bill the Senate has before it for consideration, we provided significant reforms in the cotton program itself to reduce amber box government expenditures. The administration of the cotton marketing loan program is reformed to improve the efficiency of the program. The target price for cotton is the only target price in the Senate bill that is reduced. We thereby save $150 million over ten years.

The trade title also includes provisions that repeal authority for the supplier credit and GSM-103 program, measures that are necessary for the United States to comply with the Brazilian cotton case and the WTO. That creates a savings of $50 million. Also, we have significantly reformed the payment limitation provision, and the Adjusted Gross Income limitations are reformed, which saves $456 million.

None of this is mentioned in this grossly mischaracterized, inaccurate article that is aimed solely at a program that provides over 520,000 American jobs.

If we examine the production of cotton in China during the same 2002 through 2007 period that I alluded to a minute ago, China increased by 57 percent, India has increased by 122 percent, Brazil increased by 79 percent, and the U.S. increased cotton production by 6 percent—6 percent versus 57, 122, and 79 percent in those other three countries.

The article insinuates U.S. cotton production alone resulted in the overproduction of cotton when, in fact, U.S. cotton production in 2006 represented only 17.7 percent of the world production and is estimated to be just 15.1 percent in 2007.

One other fact that is conveniently left out of this article is, if, in fact, the U.S. cotton program has a direct impact on the C-4 countries in West Africa, it was not that many years ago when the price of cotton worldwide was $1 per pound—$1. There is no mention of the fact that if we had a negative impact, certainly we had a positive impact when the price of cotton was $1 a pound.

As one would expect, the editorial cites economic studies by organizations with anticotton agendas that show U.S. cotton production impacting world prices. However, several independent analyses show minimal price impacts attributable to the U.S. cotton program on these West African countries and any other country. The most recent economic study by researchers at Texas Tech University show world price impacts of 3 percent or less attributable to the U.S. cotton program.

West African cotton farmers receive less than 40 percent of the world market price. Why is that the case? These West African countries are rampant with fraud and corruption and the issues that typically are present in underdeveloped countries. Growers in China and India are paid between 90 and 100 percent of the world price for their cotton, so somebody other than the West African cotton farmers is receiving the difference. It is pretty obvious there is a lot of corruption going on in the West African cotton industry. But, again, this article conveniently fails to mention that point.

West African cotton yields are going down, while cotton yields in other countries are increasing.

Here are the real facts that are conveniently left out of this article:

From 2001 to 2005, the average yield in the C-4 countries fell by 15 pounds per acre, down to 353 pounds per acre. Average yields in India increased by 77 pounds per acre. Average yields in China grew by 272 pounds per acre. Brazilian yields have increased by 668 pounds per acre in 10 years.

West African farmers also have refused to take the latest, most technologically advanced assets that are available to them to utilize in the growing of cotton—again, a fact that the author conveniently left out of this article. They continue to reject genetically enhanced crops, while the adoption of those genetically enhanced crops in China, India, and Brazil allow their farmers to reap the benefits of improved yields and lower costs. The C-4 countries have little in the way of a textile industry, and the textile industry would like to have cotton close by. That is why we are seeing a huge increase in the production of cotton in China, for example.

What has the U.S. actually done from the standpoint of impacting the West African countries? Here is exactly what we have done—another fact that is conveniently left out of this article. The United States is engaged in a number of outreach activities with West African countries that began in 2004 which are aimed at raising their agricultural productivity, spurring economic growth, and alleviating hunger and poverty. These efforts are coordinated by the U.S. cotton industry, with USAID, the Trade Representative's Office, and the Millennium Challenge.

Now, I could have picked out another crop, be it corn, soybeans, or whatever crop is under attack right now, but this just happened to be a totally inaccurate editorial that appeared in the Washington Post earlier this week. Unfortunately it is pretty typical of the criticism that is leveled at farm programs by people who have no concept of the commitment that farmers and ranchers in America—be they a small farmer or a large farmer—make to ensure the development of their land and production of quality agricultural products that ultimately wind up in the grocery store, which allows all Americans to spend less than 10 cents out of every disposable dollar on food products. That is the lowest—the lowest amount of money that is being spent on food products by any country in the world, and that is the benefit the American consumer gets from our agricultural producers.

As we move forward over the next couple of days, I am very hopeful my colleagues will come to the floor and talk about what amendments they have. I see the distinguished Senator from Colorado is here to perhaps talk about some issues he has of concern.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I note with some interest that "agriculture" does not appear in the title. It is called the Food and Energy Security Act. I think that in this particular piece of legislation, we are missing the boat, with commodity prices up, doing very well, and generally rural America is in a better position—at least in Colorado—than it has been in recent history. I think this would have been a good time to bring forward some reform in the agricultural programs. I am disappointed we don't have any reform in this particular piece of legislation. I do have some amendments I would like to be considered.

I noticed that the chairman of the committee said no Republican amendments are coming forward. That is not true, the amendment tree has been filled. That means if you bring an amendment, you cannot call it up. You don't have that opportunity. So we have some very serious amendments that I would like to bring up for discussion on this bill. Our staff has been working some with the agricultural staff on some of these amendments. We think we will reach agreement on some of them. There may be several on which I would want to have votes. These are serious amendments which I think are important—items that ought to be brought up before the Senate for discussion and ought to be reviewed. I think they have some value in what we are trying to propose.

I am anxiously hoping that we can put the bill in a posture so that amendments can be applied. I know the ranking Republican, along with Senator HARKIN, have worked hard on this piece of legislation. There are some good things in it; they are not all bad. I appreciate their effort on what they worked on together.

There are some things that continue to concern me: We have expansion of Davis-Bacon; we have tax increases and some budget gimmicks to make it look as if there is not as much spending as there is. Frankly, there is a lack of reform. I haven't made up my mind on how I will vote on final passage of this bill. I am waiting to see what it will look like after amendments have been adopted on the floor, if any, if we get an opportunity to do that. Hopefully, we can pass this bill in a way that won't adversely impact our trade agreements.

This is another concern that gets brought up in relation to this issue. We have to be careful we don't do things that adversely affect our trade agreements, which come back and haunt us and reverse policies that may be decided and be applied to the agricultural industry and lose some of our export markets, which are so very important. Colorado is one of those States in the agriculture area that have benefited by these free-trade agreements—NAFTA in particular—and we continue to export our beef and our grain. They continue to be a valuable part of our economy. Agriculture is important to the State of Colorado. But if we can move more toward a market-based way of managing our agricultural produce, I think we would be much better off.

So every piece of legislation that has come up in the Senate has a tax increase in it, or they call it revenue enhancers. Many of them are, frankly, tax increases, or they may be fee increases.

I want to take a little bit of time on the floor to talk about tax reform. Mr. President, I rise to talk about the issue of taxes. This issue is very important to the hard-working men and women of our great country. I think we need to look seriously at tax reform.

I believe the Federal tax burden is excessive and overly intrusive. Reform of the IRS and the current system is long overdue. In recent years, it has become abundantly clear that we have lost sight of the fact that the fundamental purpose of our tax system is to raise revenues to fund our Government. In its current application, the U.S. tax system distorts the economic decisions of families and businesses, leading to an inefficient allocation of resources and hindering economic growth. Our tax system has become unstable and unpredictable. Frequent changes to the tax code have caused volatility, and it is harmful to the economy and creates additional compliance costs.

The tax system was originally intended to be an efficient system designed to raise revenues for national defense, social programs, and vital Government services. However, the current tax system is now so complex that approximately $150 billion is spent each year by U.S. taxpayers and the Federal Government just to make sure taxes are tallied and paid correctly.

This is an enormous expense and is a waste of resources. At present, the United States has instituted a tax system that thwarts basic economic decisions, punishes wise and productive investments, and rewards those who work less and borrow more. As it stands, the quagmire that is our existing Tax Code penalizes savings, contributes to the ever-increasing cost of health insurance, and undermines our global competitiveness.

More disturbing is the fact that Americans spend more than 3.5 billion hours doing their taxes, which is the equivalent of hiring almost 2 million new IRS employees—more than 20 times the agency's current workforce. On average, Americans spend the equivalent of more than half of one workweek—26 hours—on their taxes each year, not to mention the amount of time they work to pay the taxes themselves. At the end of the day, despite our lengthy codified tax law, there is no evidence to suggest that Americans really know how much they should be paying in taxes in any given year, or why. The Tax Code should aspire to be clear, transparent, rather than multifarious and convoluted. Everybody should be able to have a basic understanding of the Tax Code, knowing how and why they are taxed.

The Tax Code's constant phaseins and phaseouts are a nuisance at best, and a negative force at worst, in the daily economic lives of American families and businesses, which include farmers and ranchers. Moreover, taxpayers with the same income, family situation, and other key characteristics often face different tax burdens. This differing treatment creates a perception of unfairness in the Tax Code and has left many Americans discouraged. At present, how much or little taxpayers pay in tax is sometimes dependent on where they happen to live and the choices made by their employers.

In 1986, President Ronald Reagan, a true visionary in this area, signed the Tax Reform Act of 1986, which reduced top marginal individual tax rates from 50 percent to 28 percent and increased the standard deduction and reduced the top corporate tax from 50 percent to 34 percent, and in so doing, this reform act simplified the Tax Code, broadening the income tax base, allowing for lower marginal rates, and curtailing the use of individual tax shelters.

While the 1986 act was a step in the right direction, unfortunately, it didn't produce a long-lasting transformation of the tax system. Today, our tax system bears little resemblance to the simple, low-rate system promised by the 1986 reform. This is due to constant tweaking over the years, as we are seeing in these legislative proposals coming before the Senate in this particular piece of legislation. More than 100 different acts of Congress have made nearly 15,000 changes to the Tax Code.

I support broad-based tax reform and a simplified tax system. It is my belief that any reform to the current tax system should benefit the middle class. The vast majority of taxpayers are the middle class, and they have borne the burden of the current system. While I was a member of the Colorado Legislature, we implemented a 5-percent flat tax for Colorado. I believe we should take a similar approach on the Federal level.

While I would be willing to consider a flat tax, a sales tax, and other plans on the Federal level, it is important that any replacement plan be simple and fair. The replacement system must provide tax relief for working Americans. It must protect the rights of taxpayers and reduce tax collection abuse. Most important, a new system must eliminate the bias against saving and investment and promote economic growth and job creation.

No one can deny that our Tax Code is in dire need of reform. Its complexity, lack of clarity, unfairness, and disproportionate influence on behavior have caused great frustration. Our current Tax Code has been shaped by goals other than simplicity, by intentions other than helping the taxpayer plan ahead, and by objectives other than expanding our economy. Not only has it failed to keep pace with our growing and dynamic economy, frequently changes have made it unstable and unpredictable.

Years of hodgepodge Government interference and ad hoc meddling have left our Tax Code in shambles. While we cannot change the past, we can learn valuable lessons from the same and remedy our mistakes. If we don't take steps to immediately simplify and reform our Tax Code, it will become more complex, more unfair, and less conducive to our economy's future growth. Small reforms are not enough. A total overhaul of the existing system is the only chance we have to get our economy and deficits back on track.

We must act now. We have a responsibility to our constituents and this Nation to resolve the predicament in which our current tax system has put us in. If we here in Congress don't act sooner rather than later in reforming our tax system, it will become more complex and cumbersome.

Mr. President, here we are again, and we have a piece of legislation before us that meddles with the Tax Code, takes piecemeal action on the Tax Code, and leads us more into a deeper quagmire of the complicated code. One of the aspects of our economy that gets impacted more than any other is the small business sector. They have to struggle with these. Large corporations have accountants and lawyers on staff. It is not a problem for them. It is a problem but certainly not as great a problem as for a small business, which may be a man-and-wife operation, or a business run out of a home, or it may be just a small workforce, a small business with 10, 15, 30 in the workforce. Many times, we look at it as we would a ranch, where it is just a family operation or a farm operation. They are the ones who are disproportionately impacted by a complicated Tax Code.

Here we go again, in this particular farm bill, raising taxes and piecemealing the Tax Code. I hope the Congress—certainly, it is too late in this session—in the following sessions can come forward with serious attempts to simplify our Tax Code to make it fair and to not be piecemealing it, as we are seeing it in this particular farm bill and other pieces of legislation that have been brought up on the floor of the Senate.

It is a challenge. It is not an easy task. I have been a part of those discussions on simplifying it, and there are many perspectives. It is becoming essential, and it is getting to the point where I don't think we can continue to ignore the challenges because of the adverse impact it is having on the citizens of this country and the difficulty they have in understanding the Tax Code and how taxes adversely affect productivity, such as farmers and ranchers, which we are trying to address in this bill, and small businesses throughout the country that are trying to do their best to be able to make a living for their families.

So I felt we needed to take a little time to talk about taxes. Again, I am seeing a pattern in this legislation that really concerns me.

As I said earlier in my introductory remarks, I have not decided if I am going to vote for the farm bill. Certainly, it is not a perfect piece of legislation. We have to weigh all aspects. Certainly, there are some provisions in this legislation about which I have concerns. I hope the majority leader and the chairman of the Agriculture Committee, working with ranking members, can get us off this stalemate so Republicans can move forward and can offer amendments. I have a number of them that I wish to have an opportunity to offer.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). Who seeks recognition?

The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### TRADE POLICY

Mr. BROWN. Mr. President, the House of Representatives today passed a bilateral trade agreement with the country of Peru. I was disappointed that there was another ratification in our Government of another job-killing trade agreement, a trade agreement that will mean more unsafe food at our kitchen tables and more unsafe toys, consumer products, in our children's bedrooms.

We have seen this over and over again. We saw it with NAFTA in 1993 when the year before NAFTA was passed, we had a trade deficit in this country of $38 billion. Last year, the trade deficit was literally 20 times that amount. President Bush I said every $1 billion of trade deficit or surplus translates into 13,000 jobs. So a $1 billion trade surplus means a growth of 13,000 jobs in our country; a $1 billion trade deficit means a loss of 13,000 jobs.

Do the math. When our trade deficit goes from $38 billion in 1992 to upstairs of $700 billion in 2006, we know our trade policy is not working. It is not working for our workers, it is not working when we have layoffs in Lima, Canton, Youngstown, Toledo, or Dayton. We have these layoffs, and look what it does to police, fire, and schools, layoff of teachers. All that comes from a failed trade policy.

Yet the House of Representatives again today passed another trade policy. We not only know that trade policy does not work for our workers and does not work for our communities where we have plant closings or, short of that, layoffs of large numbers of workers and services and our communities decline, from Galion to Gallipolis, from Avon Lake to Buckeye Lake, but we also know what these trade policies mean to consumer protection and food safety.

Almost every week for the last several months, we have seen a new recall. It might be toys, it might be tires, it might be toothpaste, it might be vitamins. Yet, literally, almost every week there seems to be a recall, often from China, but not always.

We are setting ourselves up. Think of it this way: In 2006, we imported $288 billion worth of goods from China. That $288 billion, tens of billions of dollars—if my math is right, that is about $700 million or $800 million every day from China—tens of billions of dollars for toys, consumer products, and food products.

Of those tens of billions of dollars, think about it this way: When we buy products made in China, the People's Republic of China, a Communist government, we know that Government puts no real emphasis on food safety, on consumer product safety, or on worker safety. So we are buying products from a country that puts no real premium on the safety of those products we are buying. That is the first problem.

The second problem is, when we import large numbers of toys, for instance—let's take toys as an example because we have seen that over and over—when we import large numbers of toys from China, we know American companies such as Mattel go to China and subcontract with Chinese companies. Then Mattel and these other companies say to the Chinese subcontractors: You have to cut costs, you have to cut corners, you have to make these products cheaper. What do they do? They use lead paint. Why? Because lead paint is cheaper, it is easier to apply, it dries faster, and it is shinier.

Mattel then brings these products back into the United States after they have told their Chinese subcontractor: You have to cut costs, you have to cut prices, you have to cut corners. They bring the products back into the United States with no corporate responsibility on their part. They bring them into our country. These toys end up in our children's bedrooms, these food products end up on our kitchen tables, and we have an inspection system that is increasingly falling apart, increasingly disintegrating.

We have fewer inspectors than we have ever had at the Consumer Product Safety Commission. That Commission, when it began two or three decades ago, was twice the size it is today, and we were not even importing products from China or other places around the world. They were inspecting tires two decades ago, mostly made in the United States. They were inspecting toys two decades ago, mostly made in the United States under pretty good conditions.

Today they have significantly less inspectors and tens of billions of dollars of products coming into this country from China, which doesn't have a consumer product safety commission of any import and doesn't have a food regulatory system, which we hold so dear in this country.

It is a perfect storm: You trade, buy tens of billions of dollars from a country that doesn't have consumer product safety rules, you have an American company importing products and is pushing, saying, you have to cut costs, pushing quality and safety aside, and then you have a Consumer Product Safety Commission in this country underfunded by the Bush administration, weakened by the administrators and the White House, that does not protect American children.

That is the problem with what we have seen at the Consumer Product Safety Commission. That is why it is time for Nancy Nord, the chairperson of the Consumer Product Safety Commission, to step aside. She is the acting chairperson but, unfortunately, we see a lot more inaction from her and from that Commission than action. It is time to put a chairperson in place who is not satisfied with saying: Well, we are doing the best we can. "The best we can" is a chairperson who understands his or her primary responsibility is to protect the safety of our children and the safety of our families.

Let me go a little further. Back around the time of Halloween, I asked Ohio Ashland University professor Jeff Weidenheimer to test 22 Halloween products for lead. He is a chemistry professor. He has looked into lead-based paint applied to consumer products, to toys, for some time.

The acceptable level of lead, according to the Consumer Product Safety Commission, is 600 parts per million for adults, and for children, the Consumer Product Safety Commission says the acceptable level is zero.

What Professor Weidenheimer found, of these 22 Halloween products, 3 out of the 22 were not safe. They had much too high levels of lead. For example, the Halloween Frankenstein cup, which I mentioned on the Senate floor before, contained 39,000 parts per million of lead. Again, the upper level of safety for adults is 600 parts per million. This was 39,000 parts per million. This was a Halloween Frankenstein cup that likely children are going to put to their lips and some of that lead will clearly end up in their system.

Forty years ago, we banned lead in paint. Now we need to ban lead in toys. We need to get tough enforcing safety standards abroad so we will not see these unsafe products coming in. We need to, most importantly, hold responsible those importers who are bringing those products into the United States, subsequent to their pushing their contractors to cut corners and cut costs. At the same time, we need a Consumer Product Safety Commission that is going to work.

A week or so ago, Chairwoman Nord of the Consumer Product Safety Commission was lobbying against the legislation submitted by our colleague, Senator PRYOR from Arkansas, that will make the Consumer Product Safety Commission work better. She said they have an adequate budget, even though their budget is half of what it used to be when it was an agency on the side of the public.

Everyone agrees on one point: We want more trade with countries around the world, but we want fair trade. First, more than anything, we want a trade policy that protects our workers, protects our country, protects our communities, protects our families on food safety issues, protects our children on consumer product safety issues. It is our first responsibility as Senators to protect our families and make our families safe. Part of the way to do that is a very different trade policy. Part of the way to do that is a very different Consumer Product Safety Commission. Part of the way to do that is for Chairwoman Nancy Nord to step aside and put somebody in whose first, primary responsibility that he or she will recognize is protecting American families.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I wish to discuss an amendment today authorizing the Minor Use Animal Drug Program. This is a program which carries out valuable research at land-grant institutions across the country for veterinary pharmaceutical research, such as research being done right now at the University of Wyoming.

This program is currently being administered by the USDA in cooperation with the Food and Drug Administration. It is identified as National Research Project No. 7. It is called NRSP-7.

Minor species industries nationwide represent about $1.5 billion in State and local farm revenues each year. Processing and export of minor species food and fiber projects represent an additional $4.5 billion in revenue each year. Now, individually, these minor species represent drug markets which are too small to cover the high cost of developing new veterinary drugs. As a result, few approved drugs are available to treat diseases in these minor animal species.

The USDA established a national Minor Use Animal Drug Program in 1982. So over the last 25 years, this program has been used to facilitate research for the drug approval process. NRSP-7 offers an opportunity for producers of minor animal species, such as sheep, goats, fish, and honeybees, to have veterinary drugs approved for their use. This project is of particular importance to the American sheep industry and to the people in the State of Wyoming. The American sheep industry produces a superior product. Lamb is a delicacy around the world. In fact, our recent guest, the President of France, enjoyed an American lamb dinner when he dined at the White House on Tuesday evening. I have no doubt his meal was exquisite thanks to the American ranchers who prepared those animals for the plate.

There are over 69,000 sheep producers in the United States. Those producers care for their animals and they produce valuable wool and lamb products for the country and the world. In Wyoming, 900 sheep producers care for close to a half million sheep. There are almost as many sheep in Wyoming as there are people, so it is almost a one-to-one ratio.

Nationwide, the sheep industry may be considered minor. Drug companies may not see profit potential in the sheep industry based on the nationwide numbers. But in Wyoming, we see opportunity, opportunity in the sheep industry, and we see a pressing need for development of veterinary drugs to promote growth of the sheep industry.

The industry is a big part of our heritage in Wyoming. Sheepherders have been incredible stewards of rangelands for more than a century. In Wyoming, we believe in a ranching way of life. We believe every man or woman who has the courage to work hard on the range can build a future for his or for her family, and they have. The sheep industry has supported that dream for thousands of people in Wyoming over the decades.

Sheep ranchers take care of their animals, and their animals provide a valuable industry. Treating animals for injury or for disease is a major component of a successful ranching business. The Minor Use Animal Drug Program offers sheep ranchers the same opportunity as other livestock operators to maintain a healthy herd and healthy businesses.

Having the right drugs to treat animal health problems is of great importance. New threats evolve each year and research carried out by the Minor Use Animal Drug Program helps keep the sheep industry up to date. To give a for-instance, NRSP's No. 7 research has led to approval of three drugs for respiratory diseases and two drugs for lung worms in sheep. Researchers are currently testing florfenicol for respiratory infections and a progesterone delivery method for breeding purposes.

Without sheep-specific research produced for these drugs, producers are left to guess at adjusting the doses from what they use in cattle and other animals. This can lead to problems of antibiotic resistance and it raises questions about drug residues in meat products. NRSP-7 provides the right research on appropriate drugs for responsible uses so that sheep producers know they are getting the best treatment for their animals.

The United States is far behind the rest of the world in vaccines, in reproductive aids, and in approved antibiotics for sheep and goats. NRSP-7 gives American sheep producers a fighting chance to keep up with the competition, and it is international competition.

It is not only the sheep industry that benefits from NRSP-7. For the last 25 years, NRSP-7 has facilitated drug approvals for species as varied as pheasants, quail, bighorn sheep, catfish, goats, partridges, lobster, shrimp, and the list goes on. At a time in our country when questions about animal disease are running rampant—when we face threats from avian influenza, from brucellosis, and from West Nile virus—it is the role of good government to protect human safety and animal safety.

Having well-researched and approved drugs at the ready to meet animal disease threats needs to be a priority for our Nation. NRSP-7 provides an opportunity for Government to create a level playing field for all agriculture sectors. Authorizing the Minor Use Animal Drug Program helps prepare us for the future and for the future of agriculture production.

I hope my colleagues will support this effort, this amendment to authorize NRSP-7, the Minor Use Animal Drug Program.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, the other day the administration issued a veto threat against the farm bill that is pending before the body. More precisely, the President didn't say he would veto the bill, his aides said they would recommend to the President the veto if the bill that is currently pending before the Senate went to the President.

We all know what that means in this town. It may sound like gobbledygook to almost anybody listening, but there is a nuance to what they are saying. The nuance is they are seeking negotiating leverage. That is what this is all about.

At the end of the day, I don't think the President is going to veto the farm bill. I think that would be a very unwise move on his part. But I rise today to talk about the chief complaint they raised. They asserted there is too much spending in this farm bill, so I thought it might be useful to look at the President's proposal and how much it spends compared to the spending that is in this farm bill. Since they are asserting there is too much spending in the farm bill that has passed out of the Senate Agriculture Committee, that is before the whole body now, what about their proposal?

Here is what I found. These are not my numbers. These are the estimates of the Congressional Budget Office. They say the bill before us that came out of the Senate Agriculture Committee will cost $285.8 billion over the next 5 years. But look at what they found the President's bill would cost over 5 years. Again, this is not my estimate. These are the professional estimates of the Congressional Budget Office. The Congressional Budget Office said the President's proposal over 5 years would cost $287.2 billion. In other words, the President's proposal costs more than the proposal that came out of the Senate Agriculture Committee. I wish to repeat that. The President's proposal costs more, over the 5 years, than does the proposal that came out of the Senate Agriculture Committee.

This is only a 5-year bill. I know the President's people tried to make it into a 10-year bill, but it is not a 10-year bill, it is a 5-year bill. The 5-year scoring of the legislation that came out of the Senate Agriculture Committee by the Congressional Budget Office says the bill before us would cost $285.8 billion and the President's proposal would cost $287.2 billion. So if our proposal costs too much, what does he say about his own proposal? What do they say about the proposal they have advanced?

Interestingly, in addition, we actually came up with the pay-fors. We have completely offset the cost of the bill that is before the Senate. The Congressional Budget Office has so certified. They say we do not add a dime to the deficit. In fact, what they do say is we have a slight savings at the end of the day, $61 million over 5 years. That is what they say about our bill.

The President has never said how he would pay for his bill. So we have an irony here. The President criticizes our bill as costing too much. His costs more. We have specified how this bill would be paid for. He has never specified how his would be paid for.

On this question of the cost of this bill, we now have the latest calculations. These are the full and final calculations of what the forecast was at the time the last farm bill was written and the forecast now for this farm bill. It is very instructive. Again, these are the estimates of the Congressional Budget Office and the Congressional Research Service. These are not my numbers. These are not made-up numbers, unlike the numbers the White House used the other day, in which they tried to make a 5-year bill into a 10-year bill. It is not a 10-year bill. It is a 5-year bill. When you compare it on a 5-year basis to the White House proposal, our proposal costs less.

This extends the analysis and looks back at what the Congressional Budget Office forecasts the current farm bill would cost in relationship to all Federal spending. They said, at the time, the farm bill would be 2.33 percent, 2⅓ percent of total Federal spending. This is what they are saying the new farm bill will cost over the 5 years of its life: 1.87 percent of total Federal outlays. In other words, the proportion of total Federal spending in this farm bill is lower than the proportion of total Federal spending of the previous farm bill.

Agriculture's share of total Federal spending is going down and going down about quite a bit—about 20 percent. These are facts. In addition, regarding the commodity programs that are the ones that draw all the attention and all the controversy, the projection, when the last farm bill was written, was that would take up three-quarters of 1 percent of Federal spending. It turned out it didn't cost that much. It turns out it was one-half of 1 percent of Federal spending.

But look at what the Congressional Budget Office is telling us this farm bill will cost in the commodity area. They are saying it will only be one-quarter of 1 percent of total Federal spending; one-half as much as the previous farm bill. I didn't see the White House mention that. I didn't see them mention this farm bill is going to cost less as a share of total Federal spending than the last farm bill. I didn't see them say the commodity provisions that are controversial provisions, that were projected when the last farm bill was written to absorb three-quarters of 1 percent of Federal spending and wound up costing less, only one-half of 1 percent of Federal spending, is now, if this bill is approved, going to consume only one-quarter of 1 percent of Federal spending.

It would be nice if facts were at the basis of an analysis of this legislation. It would be nice if we were dealing with an accurate description of what this bill costs, in comparison to what the President's proposal costs. That would be a useful debate to have. Because, as I have indicated, this bill before us costs less than the President's proposal; in fact, $1.4 billion less than the President's proposal. And he is accusing us of having too much money in this bill? Come on.

In addition, we have completely offset the cost. This doesn't add one dime to the Federal deficit or debt. We have completely offset the cost. The President has never presented a plan for paying for his proposal, which costs even more.

In addition, I want to rivet this point: When you look back at the last farm bill, CBO said it would consume 2⅓ percent of total Federal spending. It turned out to be somewhat less. On commodities, they said it would cost three-quarters of 1 percent. Look at this bill. This bill now is estimated to only cost 1.87 percent of total Federal spending and the commodity provisions one-quarter of 1 percent.

What does this bill do? This bill is critically important to the national economy. It is critically important to people all across America. Sixty-six percent of this bill goes to nutrition, 9 percent of this bill goes to conservation, so 75 percent of the cost of this bill goes to nutrition and conservation. Those are needs that are equally and evenly spread all across America. Certainly, there are parts of the country that need more help and some less help but very broadly that money is evenly distributed across the country. The commodity provisions are less than 14 percent of the cost of this bill, and we now know they will consume only one-quarter of 1 percent of Federal spending.

In addition, this legislation has a critical national priority—to reduce our dependence on foreign oil. Mr. President, $2.5 billion in this bill is dedicated to reducing our dependence on foreign oil, to develop cellulosic energy that can help transform America's position in the world. Think how different our country would be if, instead of spending $270 billion a year buying foreign oil from Saudi Arabia and Kuwait and Venezuela and all the rest of the major oil producers, so many of whom are in unstable parts of the world—how different our country would be if that $270 billion were spent here, how different it would be if, instead of relying on the Middle East, we could turn toward the Midwest and the Southeast and the Southwest and the northeast for the energy supplies of America, how different it would look if that $270 billion, instead of going to Dubai, was going to America.

This bill is important for the country. When the President issues a veto threat, saying there is too much money in it, and his proposal costs even more, they have some explaining to do. They have some explaining to do.

I hope my colleagues are paying attention.

Before I conclude, I would like to once again thank the ranking member of the Senate Agriculture Committee, the Senator from Georgia, who has worked extremely hard to bring this bill to the floor. This is a bill with strong bipartisan support. He and his staff worked tirelessly to produce a professional product, one the country could be proud of.

I believe he and his staff, working with the rest of us, accomplished that. I believe this is legislation that is going to help change our country and change it for the better and do it in a way that will reduce our dependance on foreign oil and also do it in a way that will help improve the American competitive position around the world.

Mr. CHAMBLISS. Will the Senator yield for a question?

Mr. CONRAD. I will yield.

Mr. CHAMBLISS. I thank you for your kind comments. This is only my fifth year in the Senate, but I have never seen a situation evolve in a more bipartisan fashion than we have with respect to this farm bill. I commend you for, No. 1, your insight into ag issues, your insight into budget issues, your insight into finance issues, all of which, when melded together, have been so critical in putting this bill together.

Were it not for you and your commitment to the American farmer, we simply would not have this good product on the floor today. I see you have your staffer, Jim Miller, there. Were it not for Jim working very closely with my staff and Senator HARKIN's staff, there is no question that we would not be where we are today.

But your charts are of significant interest because you and I worked together on the 2002 farm bill. We both remember there was a lot of criticism directed at that farm bill, exactly the same criticism that has been directed at this farm bill today. As I remember, there was a veto threat by the White House in 2002. Is it not true the projected outlays in just the commodity title of the 2002 farm bill have been significantly lower, from an annual expenditure standpoint, than what was presented in 2002?

Mr. CONRAD. The Senator has a good memory. The Senator is exactly right. We saved $17 billion just from the commodity provision alone from what was projected at the time the last farm bill was written. Part of it was, we did a good job of fashioning an agricultural policy that when prices are higher, the support is reduced.

The result was very significant savings for the American taxpayer; in addition to that, a food policy that meant the lowest cost food, as a share of national income, in the history of the world. That is a fact. And by a long way. We have the lowest priced food, as the Senator well knows, of any country in the world, and by a big margin.

We are spending 10 percent of our income on food. That includes food eaten at home and food eaten out. Other countries are spending, most of the industrialized world, 14 and 15 percent. That is just for food eaten at home. So we are beating them by a country mile.

Mr. CHAMBLISS. If the Senator would continue to yield for a question, is it not true when we talk about reforms between the 2002 farm bill and this 2007 farm bill, that you mentioned the figure of about 14 percent of this farm bill is spent on the commodity title; that in 2002 about 28 percent of the expenditure in the farm bill was dedicated to the commodity title? So when somebody says we have not reformed the commodity title, that we have not reformed this farm bill, would the Senator not agree there is significant reform just in the pure dollars that are being dedicated to the commodity title?

Mr. CONRAD. Well, once again, the Senator is exactly right. We can go back. These are not my numbers, these are not your numbers, these are not the Agriculture Committee's numbers. These are the numbers of the bipartisan, nonpartisan, Congressional Budget Office.

When the last farm bill was written, they said the commodity programs would consume three-quarters of 1 percent of the Federal budget. They say this farm bill, the commodity programs will consume one-quarter of 1 percent.

Now, in fairness, they were wrong in the last farm bill. The last farm bill did not cost three-quarters of 1 percent of Federal expenditures, it cost one-half of 1 percent. That is still double what this bill does as a share of Federal spending.

Sometimes you wonder when you read these press statements by some of the national media, what are they writing about? They are not writing about this bill because they clearly have not analyzed the bill. It is as clear as it can be that we have dramatically reduced the share of this bill going to commodity programs. We have dramatically reduced it on any measure.

In addition, there are, as the Senator well knows, two of the most significant reforms that have been the goal of reformers, and I have always considered myself a reformer. No. 1, we have the end of the three entity rule, and, No. 2, we have the requirement for direct attribution of payments to living, breathing human beings, rather than paper entities.

Anybody who does not recognize that is significant reform does not know much about agriculture policy.

Mr. CHAMBLISS. Well, again, if the Senator would yield, I say this is not a perfect product. It is not maybe exactly what you would like or what I would or what Senator HARKIN would like, or any member of our committee or this body. But when you take the interest of agriculture all across America, I think this farm bill truly represents the needs of American farmers. It represents the needs of our nutrition folks around the country, whether it be the School Lunch Program, our food banks, or our food stamp beneficiaries.

It represents the needs from a conservation standpoint, both farmers and nonfarmers who want to maintain the integrity of the land and the environment. It looks at the needs from a research standpoint, looks at the needs as you mentioned from an oil dependency standpoint, and helps move us in the direction of becoming less dependent on foreign oil.

At the same time, it does it, as the Senator well knows because he is chairman of the Budget Committee, within the numbers that were given to us by the Budget Committee. I daresay this is the first bill that has hit the floor this year that does, in fact, stay within the budget numbers.

We can argue about that, but the fact is, we were given a budget number by your committee, and we had to craft a farm bill that gave us significantly less money than what we had in 2002. With your leadership, and Senator HARKIN, we have been able to craft a farm bill that fits within those budget numbers.

Mr. CONRAD. Well, let me say if there were a model around here for fiscal rectitude, this bill would be it because not only does this bill come in within budget, it came in under the budget. As you know, there was a reserve fund created to take advantage of these opportunities that everyone recognized for our country in energy. So there was an extra $20 billion passed by both Houses of the Congress to be available for the Committees on Agriculture to write a farm bill, with the thought in mind that those resources would go for the energy opportunity and to deal with enhanced conservation.

And what happened? This committee has come in only $8 billion above the so-called baseline, so well under the amount of additional resources that were allocated by both Houses of the Congress.

The occupant of the chair now is a very valuable member of the Senate Agriculture Committee, the distinguished Senator from Nebraska, someone who has a very strong business background, someone who was Governor of his State, someone who balanced budget after budget after budget in that State, and someone who is very attuned to being fiscally responsible, I might add.

I want to tell him we have just now gotten the numbers that show what our bill costs, the bill that came out of committee, the bill that is on the floor of the Senate right now, compared to the President's proposal.

The President, through his staff, did not issue it. We have to make that clear. His staff said they would recommend to him a veto. They said the problem with it is we spend too much money. Well, now we have been able to compare what the committee did and what the President proposed. Guess what. The President's proposal, according to the Congressional Budget Office, costs $287.2 billion over 5 years.

Our bill, the bill that is on the Senate floor, is $285.8 billion. In other words, the President's bill, the President's proposal, cost $1.4 million more than ours—not by my scoring, not by the Agriculture Committee's scoring, but by the scoring of the Congressional Budget Office.

That is on a 5-year bill. Now, the President came up—the President's staff, not the President—the President's staff came up with all kinds of almost bizarre ideas. They tried, in part of our bill, to turn a 5-year bill into a 10-year bill. They did not do that with his proposal. But with ours, they tried to take some of the provisions and make them 10-year provisions, and they are 5-year provisions.

The fact that there will not be money for some of these things if the next farm bill does not find money to provide for them, those things will end. This is a 5-year bill. And the 5-year scoring shows ours costs less than the President's—less.

So I would expect by probably late this afternoon, Mr. Conner, who is acting as head of the Agriculture Department, will issue an apology to us and no doubt have a press conference with the national media and acknowledge that the Congressional Budget Office has found that their proposal costs more than ours.

I wait with great interest and anticipation that press conference by Mr. Conner to acknowledge that after new review, and after having an objective third-party analysis of our two proposals, they find ours costs less than theirs, and there will be an apology forthcoming to all of us who crafted this legislation.

I eagerly await the announcement of that press conference. Again, I thank the ranking member of the committee for his determination to give good farm legislation for this country, legislation that is not just good for farmers and ranchers, but legislation that is good for taxpayers of this country, legislation that is good for all those who benefit from farm legislation, who are well beyond the farm and ranch gate.

Because, as I have indicated, 66 percent of the funding in this bill is for nutrition, 9 percent is for conservation, three-quarters of the money in this legislation is spread broadly across America.

In addition, there is money for research. In addition, there is money for trade to make us more competitive. There is money for rural development, and there is money for energy to make us less dependent on foreign oil. The commodity provisions, the ones that draw all the controversy, are down to 13.8 percent of the funding. They will account for only one-quarter of 1 percent of Federal spending, according to the Congressional Budget Office. This committee has done its work and done it well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I would like to take a moment to thank the staff of Senator CHAMBLISS, my own staff, and Senator HARKIN's staff who worked night and day, weekends, night after night, late into the night on this legislation. They are the unsung heroes. They get too little attention. We are out front. We are the ones who get talked about as helping to craft this bill. I emphasize the extraordinary efforts and performance of staff members from the three Members who worked to put this bipartisan compromise together.

From the staff of Senator CHAMBLISS, Martha Scott Poindexter is somebody who has great credibility with my office. She has been extremely professional, worked very hard, has very good judgment, and deep knowledge. We appreciate the attitude she brought to this effort. Vernie Hubert is another absolute first-class professional on the staff of Senator CHAMBLISS who was great to deal with throughout the process. Vernie Hubert is somebody who spent the time to understand the implications of this legislation. We are talking about major legislation. It was held up the other day, but this is what I am talking about. This is an incredible effort, to do it and do it right. I acknowledge the excellent work of the staff of Senator CHAMBLISS.

I have expressed the high regard I have for Senator CHAMBLISS, but Senator CHAMBLISS has been ably assisted by Martha Scott Poindexter, Vernie Hubert, and many more whom I have not dealt with.

On the staff of Senator HARKIN, I wish to single out Mark Halverson, staff director, and Susan Keith. They have done an extraordinary amount of work, brought dedication to this effort. We thank them for it.

On my staff, Jim Miller, who knows more about these farm bills than any living human being, has such an absolute commitment to helping family farmers and ranchers. Scott Stofferahn is my staff director back home. He ran the Farm Service Administration in my State. He was a leader in the State legislature and is my very close friend and confidant, somebody in whom I have absolute confidence.

Tom Mahr, my legislative director, is one of the smartest people I have ever had working for me. He led the negotiations that involved the relationship of Finance Committee funding and Agriculture Committee funding and helped make sure all of this adds up. He did a superb job. John Fuher is relatively new to my staff but comes from a North Dakota farm family, as straight an arrow as one could ever ask for, somebody who absolutely believes in the importance of family farm agriculture to the economic strength of the country. He comes from a wonderful family and acquitted himself very well. I was amazed at the responsibility John took on in this process. Miles Patrie, another young member of my staff, did a terrific job as well. They were assisted by Joe McGarrey, who is my energy aide and who played a central role in negotiating the energy provisions of this bill.

I thank them. Some people have an idea that the people who work in public service have cushy jobs. I wish they could see the work these people have put into this over the last 4 months. I wish they could see night after night, many nights here until 1 and 2 in the morning, weekend after weekend, here late on a Friday, then all day Saturday, then all day Sunday, and then right back here Monday morning and then late every one of these nights, week after week after week. To anybody who does not understand the commitment of people who have done this work, the fact is, virtually every one of them could make a lot more money downtown. They could make a lot more money down on K Street. They have an abiding interest in serving the public and doing right. They have done right on this bill. I am intensely proud of all of them.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I come to the floor this afternoon to talk about one of the most important bills that will come before the 110th Congress and that we will be considering for this country at the beginning of this century, and that is the farm bill. I wish to specifically address both the disaster fund, which has been created under the great leadership of our committee chairs and committee membership, as well as later on address the issue of energy and the importance of the energy provisions in this bill.

At the outset, I, again, thank both Senator HARKIN and Senator CHAMBLISS for their leadership in producing a farm bill that has had tremendous bipartisan support coming out of that committee. I also wish to thank all members of that committee who worked so hard over the last 2 years to deliver a product we can all be truly proud of as members of that committee.

But it is not just the Senators who have the privilege of serving on that committee and coming and speaking on the floor; it is also the staffs of each of the Senators—on my staff, Brendan McGuire and Grant Leslie, and others who have worked so hard on this issue, but also people such as Mark Halverson, who have devoted their lives entirely to this legislation for the last couple years, along with Martha Scott Poindexter in Senator CHAMBLISS's office. To them I say thank you.

I thank Senator CONRAD for his great work and understanding of the budget and trying to pull together what truly is a fiscally responsible product for energy legislation, as we move it forward. I thank Senator GRASSLEY and Senator CHAMBLISS for their leadership in helping us pull all the pieces of this together.

Today I rise to speak briefly about the disaster trust fund which we have created in the farm bill and to voice my continued support for this aspect of the farm bill, with the hope that we are able to get this aspect of the legislation across the finish line, together with the rest of this farm bill, because it is so important to farm country.

It is no secret the commodity prices in the business section sometimes are not good indicators of how individual farmers and ranchers are doing. For example, if corn prices are up—as they have been during the last year—that does not necessarily mean farmers and ranchers in counties such as those in the Presiding Officer's State of Nebraska or those in Baca County or Yuma County in Colorado are doing well. That is because sometimes some of our cattle producers in those circumstances are not having an easy time.

I can tell you that when we look at $3-a-gallon gasoline and $3-plus, $3.10-a-gallon diesel, it creates a hardship on the farmer. But, more importantly, what happens on an annual basis is we have to face the weather. Perhaps more than any weather vane, and those from the city who end up watching the weather on the 10 o'clock news, a farmer is more attune to what is happening in the seasons simply because they know the weather essentially is controlling their destiny.

They know when the frosts come in the fall. They also know when the last of those frosts leaves, so they can then make sure, as their plants start sprouting from the ground, they have the possibility of growing a crop. They also know, as they watch the clouds that come over the horizon, that when those clouds have a certain look of white on them, there is a possibility there is a hailstorm on the way, and that crop they have worked on—for which they have plowed the ground and planted the seeds and put in the fertilizer and done the irrigation and have nurtured—all of a sudden, in the course of a few minutes, could all be gone because a hailstorm wipes out the entire field.

That certainly has happened to my family. It has happened to me, and it has happened to those of us in this Chamber who have been involved in agriculture in our past. From one second to the next, what seems to be a promising and hopeful year—where you can be optimistic about the future and be in a position where you can make ends meet—can turn into a situation where all of a sudden you have to wonder whether you are going to be able to survive into the next year because you do not have the dollars to be able to pay off your operating line at the local bank. That happens time and time again across rural America.

For example, when you look at the issue of drought, in my State of Colorado, as is the case in many parts of eastern Kansas and some parts of the Presiding Officer's State of Nebraska, we know what drought has done to our communities. We know what drought has done in places such as the home State of the Senator from South Dakota over the last several years.

That is why in this body we have come together—the Presiding Officer, Senator THUNE from South Dakota, Senator CONRAD, Senator DORGAN—a whole host of us, to try to deal with the reality of disaster emergencies that affect rural communities in agriculture.

This picture I have in the Chamber has to do with the story of a farmer in my State who, through no fault of his own, has had to weather now the 6 years of drought that has affected my State that has put many farmers in a position where they either have lost their farms or have gotten to the brink of losing their farms.

But it is not just the droughts. For sure, we have had those droughts. For sure, in my State, I guess 6 years ago now, in 2001, we had the most horrific drought in the history of our State for an over 500-year period of time. It was the driest year on record for 500 years. The consequence of that was our farmers and our ranchers in rural Colorado suffered a great deal.

But it is not just the drought. It also comes with other weather-related events, such as a blizzard. I show you a picture of the blizzard that hit the southeastern part of my State, where thousands upon thousands upon thousands of cattle were killed because of this unexpected blizzard that piled up drifts that were as high as the telephone and utility posts we see in this picture.

You could drive across the southeastern part of Colorado and see carcass after carcass of cattle—dead cattle—on the highways and throughout the fields because of this devastating storm that had knocked out the future of so many ranchers in my State. So it is important we move forward in the proactive manner in which this legislation has moved forward to create a disaster emergency fund.

Typically, in Washington, when we see these kinds of disasters, what happens? How do we respond to the farmers and ranchers who provide the food security for our Nation? We move forward and say we must provide disaster emergency assistance.

The process, in its typical fashion, follows this order: First, the Governor gets concerned, and then the U.S. Department of Agriculture declares a disaster. Following that, Congress authorizes emergency spending. The bill sometimes gets stalled, and then farmers and ranchers have to wait not weeks, sometimes months, and, in fact, sometimes 2, 3 years before there is any help on the way.

That kind of wait, in many cases, is no help at all. So we must do things differently. We must do things differently because, first of all, we are not delivering disaster assistance efficiently and effectively. Second, we should not be relying on emergency spending to provide disaster assistance. We need to put these expenditures back on the books.

(Ms. KLOBUCHAR assumed the Chair.)

Mr. SALAZAR. Madam President, Congress has passed 23 other ad hoc disaster assistance bills since 1988. Since 1988, 23 ad hoc disaster assistance measures have been passed by the Congress.

Now, if this is not an indicator of the need for the creation of a permanent mechanism to deal with these disasters in farm country, I do not know what better indicator we need. Twenty-three emergency disaster pieces of legislation have passed this Congress since 1988.

I am supportive of that assistance, but we need to deal with this problem in an effective way and on a long-term basis. That is what we have done in the legislation. The members of the Agriculture Committee—and the Presiding Officer, as a member of that committee, has done a tremendous job in her freshman year as a Senator, contributing in a huge way to many of the titles we have included in the farm bill, including helping write significant portions of title IX, the energy part of the farm bill. I am very proud of her contribution.

But what we have done in this bill with respect to permanent disaster assistance is to work with Senator GRASSLEY and Senator BAUCUS and members of the Finance Committee, in a proactive way, to create a permanent trust fund for disaster assistance.

The disaster trust fund will dedicate over $5 billion during the next 5 years to disaster relief. This will allow us to maintain discipline and high standards for determining when to pay out disaster funds, and it will allow producers to get help more quickly. The trust fund also brings disaster relief back onto the books so it is part of the budget of the national Government. This is a smart and fiscally responsible move.

I have spent a lot of time in my life in rural communities—living there, making a living there for part of my life—and as a Senator and as attorney general for my State, I have been in all 64 counties in my State many times over the last decade.

Now, I do not buy the argument that all is well in farm country. I believe we have huge problems in farm country.

During the 1990s, in my State of Colorado, many of the counties in my State were deemed to be some of the fastest growing, more robust economic counties in terms of growth in the United States of America. The State of Colorado was seen as one of the fastest growing States in the entire Nation, and everybody was singing hallelujah to the kind of economic blessings that were being showered upon my State of Colorado. But if you traveled through 44 of the 64 counties in my State, you would have to say those counties were, in fact, doing as badly as they were in the 1970s and the 1980s and the 1990s. Indeed, not much has changed. In fact, the economic decline, including population decline, in those counties continues to be a reality and a way of life. In many of those communities where there used to be three grocery stores, now they were down to zero, and in many of them perhaps one. In many of those places where there used to be three filling stations, they were down to zero filling stations and perhaps only one.

In fact, in the town closest to our ranch, the town of Manasa, CO—this is a story of what has happened there. When I was growing up there and going to school at Manasa Elementary, I remember the three stores on Main Street. I remember the gas stations on Main Street. Well, today we are down to one gas station, and we are down to one small grocery store in the town of Manasa. So not all is well in farm country.

So today and this week and next week as we work on this farm bill, it is our effort to try to make sure rural America is revitalized. So this is an opportunity for us to make sure we reinvigorate and revitalize rural America and create a whole new chapter of opportunity.

This disaster trust fund which we are creating will help us deal with disasters. The other parts of the farm bill will also create huge opportunities for rural America.

I will conclude by saying this—because there will be other times when we will come to talk about other parts of this farm bill. For me, one of the most exciting chapters of this farm bill for 2007 is, we are creating the opportunity for rural America, for farmers and ranchers to help grow our way to energy independence. This is not a Democratic or a Republican issue; it is not a progressive or a conservative issue. This is an issue of national security for the United States of America. That is why so many people have come together to celebrate this agenda that we are embracing on a clean energy future for America. That clean energy future for the 21st century for America, in my mind, is based on the inescapable drivers which we see here today.

First, it is about national security because as so many people have said, our addiction to foreign oil must come to an end because it is jeopardizing the national security of the United States of America.

Secondly, the environmental security of our country requires us to stop ignoring the problem of global warming, and what we do with energy is inextricably mixed in with how we confront the issue of global warming.

Finally, the economic opportunity that comes along with embracing a clean energy future for America is an incredible opportunity for all of the United States of America, but it presents a particularly positive opportunity for rural America. That is why there are many Members of this Chamber who have come together and supported the passage of a resolution which was crafted by Senator GRASSLEY and myself, which is called the "25 by 25" resolution, which sets forth a vision of a country where we will see our country produce 25 percent of all of our energy needs from renewable energy resources.

So at the end of the day, the passage of this farm bill is important for a lot of reasons. It is important for our food security, our national security, our environmental security, our economic security. So we do not have an option on this bill. We cannot not pass this bill.

This bill must pass this Chamber with a significant bipartisan vote, as I am sure that it will, and at the end of the day, it is my hope President Bush, as President of the United States, will stand up also for rural America and say he is going to sign this bill because it is so necessary for the future of America and for the future of rural America.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Madam President, I thank my colleague from Colorado for his comments, and the Presiding Officer, also members of the Agriculture Committee. We all worked together as has been mentioned. This was a bipartisan effort, and the product, I believe, has broad bipartisan support not only in the Agriculture Committee, but I think in the entire Senate.

It is important we get this bill under consideration. We are currently being blocked from considering amendments to it, and I hope the majority leader and the leadership on our side can come to some agreement about how we are going to proceed with regard to amendments because we don't have a lot of time left on the clock this year. It is critical that we get a farm bill passed so our producers across this country who are already beginning to make decisions about next year when it comes to planting, and lenders who are going to finance them, have some certainty about what the programs are going to be, what the rules are going to be as they begin to engage in making those decisions.

So I hope we can get this bill moving. It has been on the floor now for the past few days. "On the floor," I use that term loosely because for all intents and purposes, action on it has been stalled. It is important that we come to an agreement about how we are going to proceed and what amendments we are going to debate and vote upon. But we need to get a bill through the Senate and into conference with the House and, hopefully, eventually on the President's desk before the end of the year.

I do want to express my appreciation to the leadership on the committee: Senator HARKIN, the chairman of the Agriculture Committee, and the ranking member, Senator CHAMBLISS, for their efforts and leadership on the bill; also, my colleague from North Dakota, Senator CONRAD, who is chairman of the Budget Committee, and Senators BAUCUS and GRASSLEY, who are chair and ranking member, respectively, of the Finance Committee for their efforts in helping us craft funding that would allow the Agriculture Committee to draft a workable and what I believe is an effective farm bill which will move agriculture forward for the next 5 years.

As was noted by my colleague from Colorado, writing farm policy is more regional than it is political. I commend my colleagues on the Agriculture Committee who represent literally every geographic region in the United States for their tenacity in representing the interests of their State as we drafted the farm bill. Most of all, I commend them for the respect they have exhibited throughout this farm bill drafting process to the various needs of each Member's State.

Also, together the committee has drafted a bill I believe is something we can go home and talk proudly about not only in South Dakota to my farmers and ranchers, but also to our Native American tribes and to every man, woman, and child in South Dakota and across this country who enjoy the safest, most affordable food supply in the world.

The 2002 farm bill, which I helped draft as a member of the House Agriculture Committee, very successfully provided economic support to America's farmers and ranchers when prices dropped below the cost of production. Yet this same farm bill—this same farm bill saved American taxpayers $20 billion over 5 years when prices improved and its economic safety net components were not triggered, which is good policy, and precisely the way it was intended to work.

Thanks to the success of the 2002 farm bill, we had $22 billion less in the Commodity Credit Corporation baseline to write the 5-year, 2007 farm bill than CBO had estimated in 2002.

This farm bill addresses three of my highest priorities for the 2007 farm bill, and I would like to speak briefly, if I might, to each of those. As I said earlier, first, it must provide an economic safety net for American agriculture.

Today's farmers and ranchers face multiple uncertainties thanks mostly to the weather. Yet our Nation's farmers and ranchers not only feed every American, they help feed billions of others across the globe. They are expected to provide this food economically—and have done so—often at prices lower than their production costs. Thankfully, commodity and livestock prices are higher now than they have been for most of the past decade, but so are input costs such as fuel, fertilizer, and chemicals. Those things have all gone up as well. The 2007 farm bill needs to continue with safety net provisions that support agriculture when commodity prices drop because input prices will not drop accordingly.

The provision in this farm bill which extends the current farm bill countercyclical program accomplishes this price protection. Yet as I stated earlier, it is of no cost to taxpayers when commodity prices reach the levels we are experiencing now.

Permanent disaster coverage is another farm bill essential I have been fighting for over the past several years, and I am pleased it is also included in the 2007 farm bill.

In agriculture's uncertain economic future, direct and countercyclical payments, a permanent disaster program, and a healthy crop insurance industry are all important to a sound economic future for South Dakota agriculture.

So the economic safety net for American agriculture is a critically important priority in this farm bill. It is addressed. It maintains the basic framework that has worked so well from the 2002 farm bill which, as I said earlier, actually has saved the taxpayers billions of dollars over what was projected at the time because as prices went up, commodity prices went up, subsidy payments went down, which is precisely the way the farm bill was designed to work. We build upon that in the safety net of the 2007 farm bill.

The second priority we need to have in this bill is this farm bill needs to include alternative energy development and expansion. Alternative energy; namely, corn-based ethanol, has already changed the American agricultural landscape and has given many farmers and local economies renewed hope for the future. However, we recognize the limitations placed on corn-based ethanol, simply due to the number of acres that can be devoted each year in this country to producing corn. Thanks to the groundwork that was laid by corn-based ethanol, cellulosic ethanol is positioned to complement corn ethanol.

The energy title in this farm bill contains the sustainable cellulosic ethanol production incentives that were laid out in my Biofuels Innovation Program legislation, which I introduced earlier this year along with Senator BEN NELSON from Nebraska. Cellulosic ethanol produced competitively will not occur on its own. It is imperative these incentives are included in the 2007 farm bill to kick-start the cellulosic ethanol industry.

The energy title in this bill also includes $25 million in mandatory spending for the Sun Grant Initiative, which is already established in land grant universities across the United States and which has made great strides in research and development of cellulosic ethanol.

I want to come back to that point in just a minute, but I also want to address what I think is the third important priority in this particular farm bill and that is a sound conservation title.

Conservation should not compete with production agriculture; rather, it should complement it.

Along with uncertain weather conditions, our Nation's agricultural landscape with its fertile and productive farmland is also peppered with millions of acres of marginal and fragile lands. The conservation title of this farm bill includes an assortment of conservation programs that include tools for farmers and ranchers to exercise sound land stewardship in unison with maximizing crop production.

My home State of South Dakota is unique in that along with its high ranking as an agricultural State, wildlife and outdoor recreation contribute mightily to its economy as well. I believe the conservation title included in this farm bill will assist South Dakota farmers and ranchers in their efforts to maximize agricultural output, protect and enhance its fragile lands, and help keep our State's recreational industry vibrant and healthy.

Additionally, $20 million is provided per year to fund the Open Fields Initiative. Open fields underwrites State programs, such as the 1 million-acre program in South Dakota that offers incentives to farmers and ranchers who voluntarily open their land to hunting and fishing.

I believe this farm bill targets a higher percentage of Federal farm program payments to family-sized farming operations. Several modifications to payment caps and the elimination of the three entity rule included in this bill are a step in the right direction to providing assistance where it is most needed: to family farmers and ranchers across America.

However, those who criticize farm policy must be careful in their characterizations of "large-scale" farmers. A family farming operation consisting of a father and one or more offspring in today's agricultural scale can easily gross several million dollars, while providing a modest living to the family members. We don't want to shut the door of these family operations by taking away economic safety net programs or the conservation tools they need to productively farm.

Americans' health and nutrition is a major consideration in this farm bill as well. For example, of the total budget outlays in this farm bill, 67 percent of the amount falls under the nutrition title, compared to less than 15 percent for the commodity title, and 9 percent for the conservation title. In the Senate farm bill, the Fruit and Vegetable Program, a part of the School Lunch Act which was previously restricted to a number of States, would be expanded to operate in every State in the country. Additional funding would be made available to each State based upon the proportion of the population of a State to the population of the United States.

Additionally, a provision I offered, which is included in the farm bill, expands the fresh fruits and vegetables School Lunch Program to over 100 Indian reservations nationwide.

Mr. President, one of the problems we encounter when drafting farm legislation, when commodity and livestock prices are higher, is the perception that these high prices will last. A farm bill lasts only 5 years. We have no guarantee current prices will remain steady for the next 5 years. Anybody who has been associated with production agriculture for any period of time will tell you these prices we are experiencing currently are not going to last permanently.

The 1996 farm bill was written during a higher commodity price cycle, with not enough thought given to how the policy would work when prices dropped. During the last 2 years of that farm cycle, billions of dollars in market loss assistance payments were issued because of an inadequate "safety net."

The current direct payments structure included in this farm bill is a fixed payment based upon historical planting, not current crops, yields, or prices. This decoupling keeps the United States more compliant with international trade agreements.

Mr. President, I encourage my colleagues to support this farm bill. I ask them to carefully consider the countless hours of discussion and negotiations, the numerous field hearings held by the Agriculture Committee across the country, and the voices of the American people that have been heeded by the Agriculture Committee in writing this bill.

As noted earlier, this is not a perfect bill. There has been no perfect farm bill in my experience, and I have been associated with several as a former staffer, and now as a Member of the Senate, and prior to that, as a Member of the House of Representatives.

This is a balanced farm bill that will make America a better place for all of us and will make rural America stronger. It includes the important components I talked about: A strong safety net that includes the disaster title of the bill, which is something we fought long and hard for; a strong energy policy that will help encourage and provide financial incentives for the development of cellulosic ethanol production in this country; and a strong conservation title and, as I said earlier, a tremendous investment in the nutrition title of the bill. It is all done in a way the CBO says is paid for.

I think it is important, as we move the bill forward, we help people across this country understand what is at stake in a farm bill. I think a lot of people across the country sometimes fail to grasp the importance of making sure we have a safe and reliable and affordable food supply in this country. If you look at other countries in the world—such as in Europe—they know what it is like to go hungry.

One of the reasons we have had farm policies in place for some time is because Americans learned during the Great Depression we have to have a strong farm economy that meets the food needs of people in this country.

The other thing I will mention—and I will come back to it because I said I would—is that this traditionally has been a farm bill that deals with food and fiber for the American people. I believe we are making a transition as well. In this particular farm bill, it is not just about food and fiber, it is also about fuel. I believe we have a responsibility as Members of Congress to do everything we can to lessen our dependence upon foreign sources of energy. I am deeply concerned about the future of this country when oil prices are approaching $100 a barrel and gas is over $3 a gallon, with no end in sight. We have little or no control over that because 65 percent of our petroleum comes from outside the United States from foreign cartels.

I happen to believe, as a matter of principle and practice, it is better for us, as a country, when it comes to buying our energy, to buy it from an American farmer where we are adding jobs and growing the economy in this country than giving our money to some foreign cartel that might use it to fund a terrorist organization that will turn around and attack the United States. That is why the energy policy of this particular farm bill is so important.

I have an amendment that has been filed, along with Senators DOMENICI, DORGAN, JOHNSON, and NELSON—I believe the Presiding Officer is on it as well—which would expand the renewable fuels standard beyond where it is today. The standard we adopted in the 2005 farm bill calls for 7.5 billion gallons of renewable energy by 2012.

Mr. President, we are going to hit 7.5 billion gallons by the end of this year. It is important for those who are investing in the ethanol industry, for our farmers and for those making decisions about whether to build another plant—and a lot are planned and under construction. We have 13 ethanol plants in South Dakota, and four are under construction. We have ethanol plants all across the country in some phase of construction that have been stopped cold because of the uncertainty about the future of the industry. When we blow by 7.5 billion gallons of production of ethanol, we need to know what the future holds.

The Energy bill contained a provision that expanded the renewable fuels standard to 36 billion gallons by 2022. We have said we hope the Energy bill passes, but in the event it doesn't—and that looks to be uncertain—we ought to try to get that renewable fuels standard passed as part of this farm bill. It improves and strengthens the energy title in the farm bill by guaranteeing there is a market not only 10 years from now, or in 2022, when it calls for 36 billion gallons, but next year, in 2008, when we have already gone by the 7.5 billion-gallon cap called for in the 2005 bill.

This amendment would get us to 8.5 billion gallons by next year. So there would be another billion gallons of ethanol production called for in the renewable fuels standard. That is of immediate concern to this industry. We need to grow the industry. If you look at the statistics, in 2006, the production and use of ethanol in the United States reduced oil imports by 170 million barrels, saving $11 billion from being sent to foreign and sometimes hostile countries.

This is an industry we need to continue to support. When we get 65 percent of our petroleum needs outside of the United States, it is critical we continue to develop home-grown energy we can make from renewable sources in the United States, which is not only good for the economy and the environment, but for our energy security. I hope during the course of the farm bill debate, when decisions are being made about which amendments to allow to be considered and debated and voted upon, the renewable fuels standard amendment is on that list. I think it is that important. I don't think there is anything, frankly, more important that we can be doing, with the exception of ensuring there is a good, strong safety net in the bill that will help secure American agriculture for the future, help keep this growing renewable fuels industry prospering and expanding and doing what they do best, and that is reducing our dependence upon foreign energy, having a renewable fuels standard in place that expands dramatically beyond where we are today.

As I said before, there are great incentives in this bill for cellulosic ethanol production. People say we are running out of room or ceiling when it comes to corn-based ethanol. That may be true. We believe it is about 15 billion gallons that we can get from corn, and then we have to figure out how to make it out of some other form of biomass. But there is investment going on in R&D and technologies that, I believe, is going to be commercialized in the near future that will allow us to use switchgrass, wood chips, and other types of biomass. There is a project in South Dakota right now to make cellulosic ethanol from corncobs on a commercial scale. According to POET Energy, using more of the corn crop for ethanol production, such as corncobs, will be able to produce 11 percent more ethanol from a bushel of corn and 27 percent more from an acre of corn.

So we are already beginning to make a transition from the kernel of corn to the cob and dramatically increase the amount we can produce. Couple that with the research going into producing ethanol from switchgrass, blue stem grass, wood chips, and other types of biomass, the sky is the limit.

It is important we keep this going. We are facing a serious crisis, in my view, if we don't expand the renewable fuels standard. Frankly, I hope we increase the blends that are allowed of ethanol, blended with a gallon of gasoline, from the current 10 percent to a higher level—I hope to 20 percent—which would act in a dramatic way to double the market for ethanol. These are steps we need to be taking as a country, as a Congress, if we are serious—and we need to be serious—about this problem we have today of nearly $100 a barrel of oil, with no end in sight to where it is going, and us having no control of that because we are so dependent upon foreign sources of energy.

The amount of ethanol we produce in this country, it could be argued, maybe isn't all that significant to the amount of gasoline we use—7.5 billion gallons of ethanol, and we use about 140 billion gallons of gasoline every year. When you talk about displacing 170 million barrels of oil, saving $11 billion from being sent overseas to some foreign country, a foreign cartel, that is $11 billion that is staying right here on American soil, investing in American jobs and in the American economy.

This is an industry we need to keep going. I hope the renewable fuels standard amendment will be included in that list and, as the bill progresses through the process, I hope we can get a product through in the near future so that we can pass it, go to conference with the House and, hopefully, ultimately, get a bill on the President's desk. At that point, we will have the challenge of getting the President to sign the bill.

I think the bill is made stronger by these energy provisions being included because I think it is so important to America's future—not just to the future of agriculture in South Dakota or Colorado or places like that, but to America's future. This farm bill takes us in a great direction, and the renewable fuels standard amendment will make it that much stronger.

I hope we can get into the deliberations about this and that we can get working on amendments and voting on amendments and getting a bill passed, with a big bipartisan vote, that we can send to conference and on to the White House that will put in place a policy for the next 5 years that will make agriculture strong, make America competitive in the world marketplace, and make sure we have food, fiber, and fuel for America's future.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTING TO VETERANS

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to talk about something that has been a priority for me and for many of my colleagues; that is, our veterans. As we all know, Sunday is Veterans Day, the day that is designated for us to thank our Nation's heroes for their service to our country. It is also a time to ask whether our country has done enough to repay our veterans for all they have given to secure our safety.

As thousands return home from the wars in Iraq and Afghanistan, some now from their fifth tour of duty, I wish I could say the answer to that question is yes. But, tragically, this has not yet been an issue of priority for this administration. We have too often failed to provide the care our heroes have earned. From the shameful conditions at Walter Reed and VA facilities around the country we saw earlier this year, to a lack of mental health counselors, to a benefits claims backlog of months—and I am even hearing years—our veterans have had to really struggle to get basic care. Fighting overseas takes a tremendous toll, as we know, on the lives of our troops and their families.

It is unacceptable to me that those heroes have had to fight their own Government for the treatment they have been promised. So today I wanted to come out on the floor to talk to my colleagues and to talk to President Bush about the hurdles our veterans have faced. As we approach this Veterans Day, I hope all of us, especially the President, will reaffirm our commitment to our veterans by providing the money, the attention, and the leadership they deserve.

I know from personal experience how military service affects veterans and their families and how the wounds veterans suffer from their military service will shape their lives forever.

When I was a student in college at Washington State University, I was there during the Vietnam War, and I chose to do my internship at the Seattle VA. I was 19 years old when I headed off to the Seattle VA, a time when men and women who were my own age were coming home wounded from Vietnam. Every day I got on the elevator at the VA Hospital and rode up to the seventh floor and walked into the psychiatric ward, where those big, heavy doors shut behind me. Day after day, during my entire internship, I sat and watched these young men and women, who were my age, as some of them just stared blankly, some of them screamed in anger, many of them felt cut off from their own country, and most of them felt their lives had changed forever. As a volunteer at the VA during that time, I learned how some of these veterans can easily slip through the cracks.

That experience also taught me that the doctors and the nurses who are there at the VA are really dedicated to trying to take care of these young men and women. It convinced me that the VA system is where our veterans can get the best care. Our VA system is uniquely positioned in this country to recognize and treat those specialized injuries, those medical conditions, and those mental health challenges which are caused by combat and military missions. Private medicine doesn't always have the knowledge base or the resources to deal with the unique challenges of a war. That is one reason I will continue to fight for better access to the VA, access that allows our veterans to get the care they need without the endless waits and redtape. Rather than kicking our veterans into yet another maze of processing and another maze of paperwork, we ought to be working every single day until we get it right, to provide better access to one of the best health care systems in the country to those men and women who have answered the call.

I know from my own experience in my own family veterans are sometimes reluctant to seek attention or care they need. My own father was a veteran of World War II. He was one of the first soldiers into Okinawa. When he arrived, he was greeted with mortar. He was injured quite badly. He was put on a ship and sent to Hawaii, where he was in a hospital for weeks, recovering from those wounds. I believe he was there about 3 months. At the end of that time, he was then sent back to war.

He was a courageous young man of 19 at the time. I didn't know him, obviously. He hadn't yet married my mother. I wasn't even a thought for him. I grew up with my dad. He was a disabled veteran. He was in a wheelchair for most of my life. Yet the story I told you he never told me. How had I found out that my dad was wounded and sent to a hospital and recovered under painful circumstances and sent back to war? I found out after he died, when I found his diary. That is the typical thing I hear from veterans. They are reluctant to tell us of the heroes they are.

Those two experiences in my life, working at the VA when I was 19 and finding my dad's diary years later, help to illustrate a larger lesson that applies to many of our veterans that we need to remember in the Senate and Congress as we develop our policies, and that is often these veterans do not want to call attention to their service. Sometimes they are suffering so much they don't ask for the help they need.

That is why I am so devoted to making sure we have a VA system that is ready and able and capable of taking care of all the men and women who served our country—all of our veterans. Sadly, as we both know, we are now 5½-plus years into the war in Iraq. Today we know that the VA is struggling to provide some of the basic services for our veterans. It is surprising to me it took President Bush nearly 3 months to announce his head of the VA to lead this beleaguered system. For 3 months, our VA has been languishing without strong leadership to address the challenges they have. His lack of leadership on that critical appointment sent a signal to me, and to a lot of people, that he is not focused on that cost of war and he is not focused on our aging veterans who are now going into the system, who are facing long waiting lines and not getting appointments. It underscores to me his failure to count our veterans as a part of the cost of this war.

This week we learned the year of 2007 will go down as the deadliest year of the war in Iraq; this year, right now, the deadliest year of the war in Iraq. I know my heart and the heart of the Presiding Officer go out to the families of nearly 4,000 brave Americans who have made the ultimate sacrifice in this war and to the tens of thousands more who have returned with physical and mental illness.

The physical wounds our veterans have suffered in Iraq and Afghanistan are horrendous. I have worked, along with the Presiding Officer, as a member of the Veterans' Affairs Committee to help shine a light on the mental wounds so many of our veterans are suffering from this war. As he and I know, these injuries are very deep and very personal and they can be very devastating, both to that servicemember and to his family.

This problem is still not getting the attention it needs from this administration. We all know our troops are under tremendous strain. In the past, we were always able to give our servicemembers a break in service to allow them time off from the frontlines to recover from their physical or psychological or emotional demands. We also know some of them are now serving in their third and fourth and even fifth tours in this war in Iraq. All of that increases the likelihood they will suffer post-traumatic stress disorder or other mental health conditions when they come home. In fact, according to our VA's own numbers, fully a third of all our returning Iraq veterans suffer from a mental health condition.

That is an astounding statistic, one-third of the men and women who have gone to Iraq and Afghanistan come home with mental health conditions that need treatment and support. But I also know that statistic is probably too low. That is because many of our veterans today do not seek care, either because of the stigma of mental health problems or because they live in a community where they do not know whom to ask. Today the VA is not reaching out and trying to find these men and women, to bring them in, to give them the support and services they need. I have talked to one too many veterans myself who has told me: I didn't know that I could get care at the VA. I didn't know whom I could call.

We have a lot of work to do. Earlier this year, I went to Camp Murray and spoke with some of the National Guard members who told me they did not want to be labeled with PTSD or traumatic brain injury. They had gone to Iraq and come home and they were deathly afraid of having that label on them because they thought it would hurt their career. One soldier even told me that to be labeled with a mental trauma, "jeopardizes his life outside the service."

Clearly, this administration and every American needs to work to change that perception, because a soldier who is at home and doesn't seek the needed care is an explosive timebomb in his family and his community. More than that, we owe them the support and care they deserve. That is part of our job, to make sure these soldiers aren't lost when they come home.

We have a lot of work to do as well to ensure that when our servicemembers do try to get care, they do not have to struggle to navigate this horrendous system they are thrown into to get the treatment they need. So far we have not seen that happening. Last year, a VA official revealed some of the clinics in this country do not provide mental health care or substance abuse care. Or, if they do, and this was a VA official himself who said this, "waiting lists render that care virtually inaccessible." In other words, that VA official was saying, because the care is not there, we are denying the servicemembers the treatment they need.

I held a hearing on the issue of mental health care in Tacoma, WA, my home State, a few months ago. Dan Purcell—he is an Iraq veteran—spoke to me and summed up the frustration I think is felt by so many of the servicemembers I have taken the time to talk to. He said to me he felt like he was being "treated as a tool that could be casually discarded when broken or found to be no longer useful."

Can you imagine? A young man who went to serve his country in Iraq, served all of us, fought for our safety and security—no matter how we feel about this war—felt like he was discarded when he came home. That is not how any of us want the men and women who serve this country to feel.

I think it is shameful our veterans today, across this country, are forced to fight to get the mental health care they need. A lot of them struggle to even see a doctor, and they are forced to wait months or even years to get their claims processed.

Across the country, veterans who have health problems are given different ratings and different benefits. In

2003, the administration, surprisingly, closed the door to VA health care for new Priority 8 veterans. Some veterans tell me it feels like the VA is fighting them instead of fighting for them. That is unconscionable.

When this war ends—and we all pray it will be soon—when the news fades and the conflicts become another page in our history books, we have to be here to make sure the commitment to our veterans does not fade along with that.

I wished to come to the floor this afternoon to highlight, on Veterans Day, how important it is that we recognize the men and women who serve us; how important our job is to make sure we provide the care. But I am not here just to say what they should do. I think it is important to talk about what we should do.

I think there are three clear areas where we can do a much better job, where we can improve. First of all, I believe we can work to make sure the mental health care needs of our veterans are met. We need to work to make sure the VA does all it can to raise the awareness of post-traumatic stress disorder and combat-related stress. We have to do everything we can to make sure they hire more counselors to help treat everyone, from the 20-year-old veteran returning from Iraq to the Vietnam veteran who is still struggling with his legacy of war.

We need to make sure all the employees throughout our VA system understand PTSD, so it isn't the receptionist who answers the phone who, when a veteran says to her: I can't get to sleep at night or I am having nightmares or I can't remember where my keys are or my kids don't understand me anymore, says: Well, let me see if I can get you an appointment. We have one 3 months from now. We need everyone, including the people who answer the phone, to understand post-traumatic stress syndrome and make sure we are reaching out and finding these veterans and getting them the care they need.

Next, we need to work with the VA to clear up that horrendous backlog of complaints our veterans are facing so they can finally get timely care. I hope the President signs legislation soon to ensure the Department of Defense and the VA are working with the same disability rating system and that records are not lost between those two systems.

We have worked hard in the Senate to address that issue, since the Walter Reed scandal broke. That legislation is within the Defense authorization. I hope we can get it to the President soon, that he signs it, and that the VA and DOD finally break apart those barriers that tell them they cannot talk to each other or will not talk to each other, and they can figure out a disability system that does not put our veterans into some kind of chaos between two bureaucratic systems.

Finally, most important, we, Congress, have to provide enough money so our veterans do get the quality health care they deserve. The Senate has approved a bill that provides about $4 billion more than the President asked us for that is going to take some important steps. It is going to improve the conditions at our VA facilities around the country—such as we saw at Walter Reed. That was symbolic of what is happening in our country, and we have to put the resources into these VA facilities so our veterans do not face these dilapidated conditions. We have to invest in new ways to treat military health ailments such as PTSD and traumatic brain injury. We don't know the best care for our veterans yet. We don't know all the outcomes of PTSD and all the treatments available, and our VA has to have the dollars to do that research so we can provide the best care possible.

That bill provides funding for better prosthetics for thousands of troops who have lost limbs in battle. I know the Presiding Officer and I have both talked with veterans and I have to tell you, the veterans coming home today who lose a limb in this war, they want to be able to climb Mount Rainier. They want to be able to run in a marathon. They want to be able to get up and be part of our society, our communities, and their families. We owe that to them, and better research on prosthetics and the capability of providing that to them is incredibly important. We provide for the research and the dollars in this bill to do that.

It is so frustrating to me that this administration has ignored these problems for so long. We, in the Democratic-controlled Congress, came in this year and we have taken action so now I hope the President supports this critical bill and proves his commitment to veterans as well.

The men and women in uniform have answered the President's call to serve in Iraq and Afghanistan without hesitation or complaint. They have left their loved ones for years. They have put their own lives on the line. Some have come home without limbs; others have returned with mental scars. Some, thankfully, have escaped without any injury. But everyone, to a person, has earned the respect and the best care possible when they come home. If we do not care for our servicemembers now, we will be weakening our military for decades to come.

President Bush has been more than willing to use our veterans as props when he argues in favor of this misguided war. I think it is time to turn that lipservice into reality and give our veterans the care they need and they deserve. We owe it to our country to ensure we are there to support our servicemembers, to support our veterans, and to support their families every single step of the way. Mr. President, I know, as you do, that this country is willing to do that, unlike in some of our previous conflicts.

I did not support the war, but I support the men and women who serve in it, and I will work every day to make sure we do our job to care for them when they come home, and I know all Americans feel the way I do. The men and women who serve us are part of the cost of war, and may we never forget that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I thought I would talk about agriculture and the farm bill today. I have a number of amendments I would like to offer. For example, I have one that we hope will spur the planting of cellulosic feedstock on CRP land, which I think is necessary if we are going to go to cellulosic ethanol, growing switchgrass on CRP land, maintaining the Conservation Reserve Program requirements, and providing a reduced payment, CRP payment, in exchange for allowing that switchgrass to be harvested for cellulosic ethanol. That is just one of the steps we need to take in renewable fuels.

Today, I have filed an amendment at the desk called the Farm Red Tape Reduction Act. I think it is very important to give farmers a voice in Federal rulemakings whenever a Federal regulation threatens to impose severe economic pain on farmers. As we saw with small business, many times the Government overlooks the plight of the little guy who does not have the resources or know-how to weigh in with big Government agencies in Washington.

In 1976, Congress created the Office of Advocacy to ensure that small businesses have an advocate in Government and a seat at the table when new regulations affecting them are drafted. I wish to share that same success with farmers. We also did something along the same lines in the Small Business Committee about 10 years ago. We introduced—I introduced and we passed something called the Small Business Regulatory Enforcement Fairness Act, or SBREFA. That has allowed small businesses and small business advocates to have a say in regulations affecting them.

I believe we need to do the same thing for farmers. This amendment would help provide a more transparent

Government, ensure that the Government listens to the people most affected by the regulations, and it would hold the Government accountable for its action. It is a message I think we all want to take to our constituents; that is, the Federal Government is meant to serve its citizens, not bully them. We want to make it an easy process. Citizens should be heard while Government is deciding on a regulation that affects them, not after the decision is made.

The difference is subtle but important: Listen to farmers and agriculture first, to be inclusive. Cutting unnecessary redtape will provide greater flexibility for agricultural businesses by removing barriers to enterprise. Encouraging enterprise is essential if the United States is to compete in a global environment. Farms and other agricultural businesses will benefit from simplified rules. This measure will help in cutting redtape with a view to improving the environment for agriculture and business.

My experience on the Small Business Committee tells me there are currently dozens of regulatory proposals before Federal agencies but most without a true assessment of the impact on the very people they will affect. What are the initiatives necessary? Are they all essential? What are the consequences? I want the agencies to look into that question.

It is not my intention to throw out regulations simply as a matter of principle if, for example, they involve costs for agriculture. I am more concerned with obtaining solid impact analysis that can serve as a basis for informed decisionmaking. It is also quite clear that better regulations will be possible only if those affected also play their part since they will be responsible for implementation.

I ask my colleagues to support this amendment.

CARBON CAP

Speaking of burdens, Mr. President, this morning the Environment Committee conducted a hearing on the proposed Lieberman-Warner carbon cap legislation. I addressed then how I think this proposed legislation will hurt farmers in the farm economy.

As part of the farm bill discussion, I want people who are focusing on agriculture and the impact on farmers to know what could be happening to them if we were to pass the Lieberman-Warner bill. Now, I have great respect for both of these gentlemen. I also am concerned about reducing emissions, but I believe this legislation will be very expensive for them. It will make it much more expensive for all of us cooling our homes in the summer, heating them in the winter. It will make more expensive the electricity we need to light our homes. It will make more expensive the gasoline we need to power our cars and trucks.

An economist at that hearing today gave testimony that the Lieberman-Warner bill would cost American families and workers at least $4 trillion—that is trillion with a "t"—$4 trillion over the life of the bill. She expects a net loss of some 1.2 million jobs by 2015, and annual losses of U.S. production will top $160 billion in 2015, rising to at least $800 billion to $1 trillion in production lost per year in the outyears.

The bill's sponsors have tried to say that farmers will be spared some of the pain by goodies they put in the bill, but no farmer should fail to understand that the farm costs of this bill far outweigh its benefit.

Already record-high prices farmers now face will go even higher under Lieberman-Warner. For years, ammonia fertilizer cost farmers $250 dollars a ton. No one thought it would break through $400, and now we have seen $500 per ton. Even corn at $6 a bushel cannot support where fertilizer prices are heading. As one who buys a small amount of fertilizer, 13–13–13 fertilizer, I have seen the cost of fertilizer go up because nitrogen very often comes from natural gas. Well, Lieberman-Warner would make expensive fertilizers' main ingredients much more expensive.

Now, electric utilities competing for natural gas to meet their own cap requirements can pay higher natural gas prices and then just pass them on to all of us as consumers of natural gas. But farmers will have to look to Middle East countries to import their fertilizer. That would make farmers dependent on Persian Gulf imports. Farmers will also face higher fuel costs to run their trucks and tractors, higher drying costs, and higher transportation costs to get their products to market.

The Lieberman-Warner ag offset program could decimate small farm communities. Electric utilities that lack the technologies to cut emissions to levels demanded by the bill will have to take full advantage of the bill's so-called offset provisions. They will have billions of dollars to spend to retire cropland for its sequestration benefits. Those of us from farm country know the existing Conservation Reserve Program authorized through the farm bill has already taken more than 30 million acres out of production. The CRP is a conservation success. I support it. But that program has limits that prevent harm to local economies such as capping participation at 25 percent in any given county.

Nevertheless, we would be potentially taking even far more land out of production, land we need to ensure that our abundant food supply for people at home and export markets is met by farmers. Areas which exceed the level of 25 percent, especially in States to the west, show what happened to small communities. The resulting economic damage drove merchants out of business, people out of the communities. In the past, excessive CRP enrollment has led to a disinvestment in infrastructure and rail line abandonment which, in turn, triggered higher transportation costs for remaining farmers.

Of course, our Environment and Public Works Committee has not considered these farm problems. That is no surprise since we on the Environment and Public Works Committee don't deal with farmers, and some have even less farm expertise.

I share with my colleagues who are concerned about agriculture and the impact this could have on farmers what they need to know about this bill that will cut carbon emissions. We need to cut carbon emissions without cutting family budgets or imposing a devastating impact on certain sectors of our economy. I am one who supports a broad list of measures to result in lower carbon emissions. An overwhelming majority of this body would. We have on the shelf, ready to go, carbon-cutting initiatives such as aggressive but achievable new CAFE vehicle standards to raise the mileage of automobiles and trucks. We have clean portfolio strategies to require a certain portion of power from renewable and clean sources such as wind, solar, nuclear, hydro, even tidal power. Help for zero carbon emissions nuclear power has been advanced in measures passed by this body. We need to do even more. We need to make sure we have the workers available to install those plants.

We need more low carbon emission biofuels. That is why I propose making switchgrass planting on CRP land permissible. We need to do more on clean energy technologies, such as clean coal, that can capture and sequester forever the emissions from our Nation's abundant fuel source. We have 250 years of energy in the coal under our ground. We need to move more quickly to convert that coal to liquid coal, to gas, which will be cleaner burning and will allow us to sequester carbon emissions generally.

I urge my colleagues to consider that we have legitimate carbon-cutting strategies. I urge my colleagues in the name of agriculture, as well as vulnerable families and workers, to reject strategies such as Draconian carbon caps which have not worked in Europe and which will not work here and will result in great economic displacement and hardship.

I thank the Chair. I hope we will be able to introduce some of these very good amendments we have on the farm bill.

Mr. KOHL. Mr. President, I rise to discuss an amendment that will help rural communities across the country develop affordable housing. This amendment will authorize appropriations for the Housing Assistance Council, HAC, which has been committed to developing affordable housing in rural communities for over 35 years.

The amendment provides $10 million for HAC in fiscal year 2008 and then $15 million in fiscal year 2009 to 2012. In the past, the council has received appropriations from the Self Help and Assisted Homeownership Opportunity Program. The funding has helped HAC provide loans to 1,875 organizations across the country, raise and distribute over $5 million in capacity building grants, and hold regional training workshops. These critical services help local organizations, rural communities, and cities develop safe and affordable housing.

Throughout the country, approximately one-fifth of the Nation's population lives in rural communities. About 7.5 million of the rural population is living in poverty, and 2.5 million of them are children. Nearly 3.6 million rural households pay more than 30 percent of their income in housing costs. While housing costs are generally lower in rural counties, wages are dramatically outpaced by the cost of housing. Additionally, the housing conditions are often substandard, and there are many families doubled up due to lack of housing. Rural areas lack both affordable rental units and home ownership opportunities needed to serve the population.

In Wisconsin, HAC has provided close to $5.2 million in grants and loans to 17 nonprofit housing organizations and helped develop 820 units of housing. Specifically, since 1972 the Southeastern Wisconsin Housing Corporation has partnered with the Housing Assistance Council to develop 268 units of self-help housing. The presence of the council in Wisconsin has made a huge impact on rural housing development in Wisconsin and other rural communities across the country.

I hope that my colleagues see the importance of this amendment and include it in H.R. 2419.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am disappointed that we haven't been able to accomplish more on the farm bill. We have asked for amendments Senators want to offer. There have been a number filed. I have asked that Republicans come up with a list of amendments they would like to have considered. It appears there is no effort made to work out arrangements on the farm bill passing. I state for the record that every farm bill we have handled in recent decades has never had nonrelevant amendments. They have all been relevant, with one exception.

In 2002, the last one we did, we had one nonrelevant amendment. It was a sense-of-the-Senate resolution on the estate tax. That is it. So I don't know, maybe the Republicans don't want a farm bill. Maybe they have all cowered as a result of the President saying he was going to veto it.

As you know, the President has developed a new word in his vocabulary, and that is "veto." For 7 years he was not able to mouth that word, but in the last few months, the last year of his Presidency, he has decided to do that. Maybe the Republicans don't want a farm bill. Maybe they want to join with the President and not have a farm bill. That certainly appears to be the case.

We have basically wasted the whole week with my friends on the other side of the aisle pouting about procedure. The procedure on this bill is no different than any other farm bill we have done in recent decades.

The State of Nevada would benefit a little bit from the farm bill but not much. I hope those constituencies who want a farm bill will start contacting Senators because the time is fast passing.

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## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008—CONFERENCE REPORT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the conference report on H.R. 3222, the Defense appropriations conference report. I would note that this matter will be managed by Senators Inouye and Stevens.

The PRESIDING OFFICER. Without objection, it is so ordered. The report will be stated by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3222) making appropriations for the Department of Defense for fiscal year ending September 30, 2008, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of today, November 8, 2007.)

Mr. REID. Mr. President, Senator INOUYE was called away for a meeting with another Senator. Therefore, it is my understanding the distinguished Senator from Alabama wishes to speak. Does he have any idea how long he is going to talk?

Mr. SESSIONS. Mr. President, I believe 15 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

### FARM BILL

Mr. SESSIONS. Mr. President, I just have a comment to add to those of Senator BOND about the danger to farmers of making mistakes on energy policy. Energy prices are rising significantly. I saw some numbers recently that indicated for an average family, where one person commuted 29 miles to work every day, $3-a-gallon gasoline could mean $60 to $80 a month more than they would pay for gasoline alone. That is after-tax money out of their pockets. That is a real cost.

We absolutely need to strengthen the energy portion of this bill. We need to do more to have a domestic supply of energy. But we also need to be sure we are not driving up the cost of energy so it falls hard on people such as farmers who utilize a lot of energy and a lot of gasoline and diesel fuel. It could be a real problem for them. I agree with Senator BOND that we need to be careful about this because we should not have as our goal driving up the cost of energy.

A lot of the policies I am hearing about are going to have little impact on the environment but a lot of impact on our wallets. My thoughts about the Ag bill are that I hope we will be able to pass a bill we can be proud of. I hope to be able to support it. That is what I am looking to do. I will offer an amendment or file it a little later—I know we are not voting on them now—to deal with assisting farmers who suffer losses from disasters in their region. It can be painful for them. I would like to share some thoughts on this.

Our current crop insurance, as valuable as it is, has not proven to provide a fully adequate financial safety net for our farmers. The current system can be too expensive and not flexible enough. Farmers come to me all the time and say: I would like to plow under this crop and replant now, but the insurance people think if I let it go to full maturity, I might make enough money off of it that I wouldn't have to claim any insurance. So you have to wait on the insurance people before making a decision. They come out there. They have to make judgments. This is a burden. It can eliminate quick decisionmaking and can be costly.

According to the Congressional Research Service, the Government-subsidized Crop Insurance Program has expanded significantly over the last 25 years, and that is what we wanted to happen. We wanted more farmers to take out crop insurance. But yet CRS has found that despite this expansion, the "anticipated goal of crop insurance replacing disaster payments has not been achieved." Indeed, CRS reports that since 2000, "the federal subsidy to the Crop Insurance Program has averaged about $3.25 billion per year, up from an annual average of $1.1 billion in the 1990s and about $500 million in the 1980s.

During this same time, from 1999 to 2006, CRS reports that the average per year ad hoc periodic disaster payment to fund persons who need payments in addition to the crop insurance has totaled $1.3 billion a year. Since 2002, CRS reports that the cost to the Federal Government of Crop Insurance Programs combined with ad hoc supplemental disaster payments has averaged $4.5 billion per year.

According to the Risk Management Agency, a group that supervises crop insurance, the average subsidy rate for this year—that is the average subsidy rate, the amount of money the taxpayers provide to subsidize a farmer's crop insurance—amounted to 58 percent of a producer's total crop insurance premium. The average amount of the Government subsidy is $3,359. I am convinced for some farmers—I don't know how many—more flexibility could result in more benefits for those farmers. That is, of course, what we are about, trying to make sure we get the maximum possible disaster risk protection we can for our farmers.

Farmers do have a real need for a viable risk management strategy. Certainly, farmers need some form of protection when disasters strike. But these numbers do demonstrate the traditional crop insurance coverage on a commodity-by-commodity basis alone often does not provide the kind of adequate risk protection every farmer needs.

In 1999, a committee formed by the Alabama Farmers Federation, our largest farm group affiliated with the Farm Bureau and tasked with developing ways to improve traditional crop insurance, proposed a solution to many of the problems farmers experienced with crop insurance. This is not an idea I came up with; it was an idea the farmers themselves came up with.

Ricky Wiggins from South Alabama has farmed all his life and was one of the people who really captured this idea and has pushed it. So this committee recommended that the farmers be given a choice between traditional crop insurance and opening a new account in which they could deposit some of their own money and then receive a modest contribution from the Government. Money that would normally have gone to subsidize insurance would go into this farm security account.

My amendment would simply direct that the Secretary of Agriculture implement a pilot program creating these accounts. My pilot program would be limited to 1 percent of eligible farmers or approximately 20,000.

These farm savings accounts would allow the farmers to create a whole-farm risk management plan based on the income of the entire farm. Because you have a lot of complications now. If one crop succeeds, and another one fails, or two of them are weak and two of them are the kind of crops for which there is no insurance available at all, then things do not work out fairly for the farmer. Farm savings accounts would serve as a possible alternative or supplement in these instances to traditional crop insurance.

Under this proposal, participating producers would deposit money, previously utilized to buy crop insurance—money they would normally be paying to a crop insurance company—into a farm savings account, a tax-deferred, interest-bearing account. The Department of Agriculture would then contribute to the account rather than subsidizing a portion of the producer's crop insurance premium, which is, on average, 58 percent. The producer would put the government contribution into the same account, subsidizing the account in that fashion. Then there would be no further liability on the Department of Agriculture after this point. The farmer, the producer would be self-insured and would not be calling on the Government for additional disaster relief.

Under farm savings accounts, a minimum contribution by the producer of at least 2 percent of their 3-year average gross income would be required annually, up to a maximum amount of 150 percent. Interest and income to the account would not be taxed as earned income, but withdrawals would be treated as regular income. Account funds would be invested in low-risk guaranteed securities such as CDs or Government securities.

Withdrawals from farm savings accounts would be allowed if gross income in any given year falls below 80 percent of the farmer's 3-year average gross income. The amount of the withdrawal would be restricted to the difference between 80 percent of the 3-year average and the actual gross income of that year.

For example, if a producer, who typically earns $100,000 a year, makes $70,000, then they would be allowed to withdraw $10,000 from their farm savings account, their emergency insurance account, to bring their annual income up to $80,000. However, if the producer made $90,000 that year, a withdrawal would not be allowed at all.

Catastrophic coverage would still be required to participate in this pilot program, because if you have a total loss, then an individual savings account would not be enough to cover it.

The producer would be eligible to purchase any additional crop insurance, but it would be completely unsubsidized. In addition, farm savings accounts could be used as collateral in obtaining loans connected with the farming operation. These accounts would be closed if the producer ceased farming for nonfarm employment, retirement or bankruptcy. The remaining balance would be taxed as regular income.

The USDA has reported that farm savings accounts may overcome some of the disadvantages of current crop insurance programs. These accounts would encourage farmers to manage risks unique to their operation by saving money in high-income years and using it during years in which income is low.

While coverage would depend on the reserves in individual accounts, these accounts would be applied to a variety of farming situations. In addition, the USDA has found these accounts could encourage greater participation in the agriculture safety net by farmers than is currently experienced. Some producers are not even offered the opportunity to purchase insurance for their crops—because of the nature of their crops and the nature of crop insurance, they cannot get insurance—making them more dependent on the ad hoc disaster payments we wrestle with on the floor of the Senate.

For example, CRS reports that specialty crop and livestock producers are not afforded the same level of protection for their commodities as the major commodities.

Recently, my amendment has been mischaracterized as undermining the level of risk protection provided for farmers. Yet simply taking Government funding previously used as a subsidy for insurance premiums and, instead, using it as an incentive to encourage savings for disasters is not undermining the level of risk protection for the farmers. This is an important distinction. Giving farmers a choice between traditional crop insurance and a new program based on producers saving their own money in a tax-deferred, interest-bearing account actually increases, I submit, the level of risk protection for farmers, particularly since we would require catastrophic coverage to participate in the Farm Savings Account pilot program.

Allowing for more approaches to risk management actually gives farmers the opportunity to choose the plan they consider to be better suited for their particular operation. By providing a choice between different risk management strategies, our Government can offer more protection to a greater number of farmers at less of a cost by decreasing the need for these ad hoc disaster payments we so often do.

Purchasing crop insurance coverage commodity by commodity, as we do now, may make sense if you grow one or two crops on your farm, but traditional crop insurance may not be the best option if you grow four, five or six commodities in your area of the country.

Instead of countless premium payments that are paid by producers each year but not necessarily used, the participating producer can save that hard-earned money himself and receive a modest Government contribution to assist in providing his own risk protection.

Farm savings accounts can also provide producers much needed flexibility in managing their operation by overcoming some of the constraints of traditional crop insurance. Under the current system, producers who want to make decisions on how to manage their farm operation when a disaster strikes are often forced to jump through numerous bureaucratic hoops before they are allowed to execute their own decision on their own farm about how they want to manage the crops that are being damaged by a disaster—a drought or flood or freeze.

For example, under the current system, producers who want to cut their corn for silage to feed their cattle in a drought year—because they realize the corn crop is not going to be sufficient to actually harvest in the fall—must first get permission from the crop insurance companies and the Federal Government. So you have to have people come out and inspect the farm and argue over whether you should be able to cut the corn prematurely or let it stay in the field in the hope that there will be more rain and maybe a worthwhile crop at the end.

Why not give that decisionmaking authority to the farmer? It would save a lot of overhead, I submit. And there is, as we know, some sizable amount of fraud in the crop insurance program. Farm Savings Accounts would greatly eliminate the risk of fraudulent behavior by those participating in the pilot program.

Farm Savings Accounts will allow the producers to make their own choices on how to manage their farm operations. If their income drops, they will be able to draw into that account to bring it up to 80 percent of their 3-year average income. I think it has great potential.

Simply put, this plan would offer an alternative to some producers who might choose it, and it could encourage broader participation in risk management plans than we have today because a lot of farmers do not participate in any insurance or risk management plans. In combination with traditional crop insurance, farm savings accounts, I believe, will save the taxpayers money by reducing the need for continual bailouts in the form of ad hoc payments and will give farmers more flexibility. If things go well, the farmer may, indeed, create a savings account that can help take care of them in their retirement years.

I ask my colleagues to consider this pilot project amendment. It in no way represents a major shift in what we are doing now. It represents a pilot project for 1 percent of farmers. The regulations would be set forth by the Department of Agriculture. At the conclusion of the program several years from now, perhaps we will see it was not a very good program. But perhaps we will find it has great potential—and the farmers who are using it like it—and perhaps more farmers might like to participate. We should consider that in the years to come.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

### VETERANS DAY

Mr. BYRD. Mr. President, this Sunday, November 11, will be Veterans Day. On this Sunday, our Nation will honor all veterans of all wars. It will be a day, this Sunday, to thank every man and every woman who wears or who has ever worn the uniform of one of the U.S. Armed Forces.

It will be a day to remember and to honor the dedication, the professionalism, and the courage of every individual who has been prepared to defend our people, our Nation, and our Constitution by taking up arms against our enemies.

On the 11th hour of the 11th day of the 11th month, 89 years ago, in the dark year of war that was 1918, the armistice began. Tired troops laid down their weapons against muddy trench walls, weary gunners lowered their sights, the thundering cannons fell silent, and the fragile calm of peace was broken only by the crisis of celebration and the prayers of Thanksgiving. The United States had taken part in the largest war that history had ever witnessed, and it was finally over.

The carnage of World War I was of a scope and scale that shattered the soul. Battles took place across the globe and on the seas. It was the first war to take to the skies, the first war to see chemical weapons used on a large scale, the first war to see tanks and other heavy armored weapons employed. Pandemics of influenza had swept the globe on the winds of war, extending the suffering to new areas and into civilian arenas, taking my mother to her grave.

World War I caused the disintegration of four vast empires: the Austro-Hungarian Empire, the German Empire, the Ottoman Empire, and the Russian Empire. In just over 4 short years, more than 20 million people were killed and more than 20 million people were casualties of that war. It was truly the cataclysmic end of the existing world order. But November 11, then called Armistice Day, became forever a day to be grateful for peace, thankful for democracy, and thankful for the men and the women who had done so much to preserve both.

People called World War I the Great War. They called it the War to End All Wars. Many people believed that no war could have been worse. But, alas, World War I was neither the greatest war in terms of size and complexity, nor was it the war to end all wars. Since World War I, the United States has taken part in World War II, the Korean war, the Vietnam conflict, the first Persian Gulf conflict, and now the second Persian Gulf conflict in Iraq and Afghanistan. U.S. troops have also come under fire in Bosnia, Kosovo, and Somalia. Millions more American men and women in uniform have joined with their battle-hardened brethren from World War I to share in the honored title of "veteran." In 1947, the November 11 Armistice Day celebrations were renamed "Veterans Day" to honor all veterans of all wars.

This Veterans Day, with the Nation's men and women in uniform again in harm's way, the Nation will again mark with a moment of silence the 11th hour of the 11th day of the 11th month. In that silence, during that peaceful moment, we shall send our love, our prayers, and our thoughts to the men and the women who will know no peace in the dust and heat of battle. We will send wishes of strength, of courage, and of luck. We will send our love, we will send our prayers, and we will send our thoughts to their families as well, and we will wish for them the strength to endure the long separation and the strain of worrying about their soldier. In that peaceful moment, we shall give thanks to all who serve and all who have served.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, as a veteran of World War II, I know I speak for other veterans in thanking my colleague, the senior Senator from West Virginia, for his most profound remarks, and I thank him for his words.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I rise today to discuss the conference report on H.R. 3222, an act making appropriations for the Department of Defense for fiscal year 2008. The conference report approves funding of $459.3 billion in new discretionary budget authority which is equal to the subcommittee's 302b allocation. This amount is $3.5 billion less than the funding requested by the administration, not including supplemental spending for the cost of war. And, it is the same level as recommended by the House. The conference recommendations represent a good faith compromise between the House and the Senate.

I say to my colleagues this is a good bill, one that is critical for our Nation's defense. The bill fully funds a 3.5 percent military pay raise, a half percent more than requested. It recommends adding $918 million for the Defense Health Program to ensure that the health of our military families is protected. This includes $379 million more than requested to support our military hospitals which suffer from significant shortfalls and are stressed by our wounded heroes returning from war.

The conference report includes $980 million to purchase equipment for our National Guard and Reserves recognizing the serious shortfalls that exist in our reserve components. It provides robust funding for the Army's highest priority, the Future Combat System. It supports the purchase of 20 F-22s and 12 joint strike fighters as requested.

The bill includes $588 million to support a multiyear purchase of the *Virginia* Class submarine, and provides advance procurement for four more ships than requested by the administration.

On the subject of earmarks, this measure includes nearly $3.4 billion less for earmarks than provided in fiscal year 2006. While many of the items that we call earmarks may not meet the strict definition under the new rules, we have included them in a list in the back of the Statement of the Managers along with the names of the Members of the Congress who requested them in the interest of providing greater transparency.

Today is November 8. Our Defense Department is operating on scaled back funding under a short-term continuing resolution. Each day that the Defense Department operates under a CR adds to cost and inefficiency. It is critical that we expedite the consideration of this measure to allow for better financial management, and more importantly, to ensure that our men and women in uniform and their families have the funding they need for their pay, their hospitals, their housing, and their schools. We can best show our support to the military by completing action on this bill as quickly as possible and sending it to the President. Our men and women in uniform deserve no less.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, the distinguished Senator from Hawaii has managed this bill for many years. He has done an outstanding job. It is an honor and a pleasure to work with the Senator from Hawaii. It doesn't hurt once in a while to remind each of us what a great man he is. I am sure I will embarrass him, and I do this rarely, but for those of us who have the opportunity to serve in the Senate, one of the highlights in all our lives is having the ability to tell our children and our families that we served with DAN INOUYE. Here is a man who is a Medal of Honor winner for gallantry during World War II.

This week, the President of France bestowed the highest civilian honor they can bestow on any non-Frenchman—and that is the Legion of Honor—to Senator INOUYE. So not only is he a great manager of this piece of legislation before the Senate now, he is a great American. That is an understatement.

I hope we can do this bill as quickly as possible, and 6 o'clock is coming soon. This piece of legislation has attached to it the continuing resolution, as was done last year when we were not in charge but the Republicans were in charge. That is not saying the Republicans did anything wrong. We have a situation where we have to fund the Government, and funding runs out next Friday, a week from tomorrow. So this would fund the Government until the middle of next month. Attached to the continuing resolution—we want all the transparency we can have and should have. A number of items are extremely important. FEMA has run out of money all over the country because all these emergencies have occurred. There is money for wildfires, and it is pretty clear what that is about. There is $1.9 billion in the bill for veterans. This is what the President requested. It is not as much as we wanted. He requested that. We put his money in the continuing resolution. There is $3 billion that was requested by the Senators from Louisiana, which is something that is an emergency. The people of Louisiana have suffered a great deal, as have other States in the gulf. This allows people to come back to their homes. If this money is not obtained by the first of the year, then all applications will have to be stopped. So it is important to do this. I hope we can complete this as quickly as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator from Minnesota wishes to speak for 10 minutes as in morning business. I ask unanimous consent that he be allowed to do that and, when he completes his statement, that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

(The remarks of Mr. COLEMAN pertaining to the submission of S. Res. 371 are located in today's RECORD under "Submissions of Concurrent and Senate Resolutions.")

Mr. COLEMAN. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, one point I failed to mention in talking about this bill which has been brought to the floor in the form of a conference report is the House of Representatives acted on this conference earlier today. The vote in the House of Representatives was 400 to 15—400 to 15—and here we are in the Senate playing around with this bill today, a bill that gives $470 billion to our fighting men and women around the country for the next year, and it funds our Government until the middle of December, and we are having some kind of a procedural meltdown in the Senate.

Does this mean the House of Representatives, with their overwhelming vote of 400 to 15, didn't know what they were doing? The House is evenly divided, just as we are, with Democrats and Republicans. The difference is fairly minimal. But Democrats and Republicans, by an overwhelming margin, voted for this conference report. Why? Because it is the right thing to do.

If we don't adopt this conference report today, here are the procedures, everybody. Listen to what we face. We don't have to take it up. We can just drop it. We don't have to have a vote on it today. The word is out that there are individuals who want to take the CR out of this conference report. So they do that, and we decide to move forward on the legislation. Then what would happen is we could pass the conference report, as amended, take the CR out of it. It will go back to the House of Representatives. The House of Representatives could sit on it for the next 6 months or they could pass it during their session tomorrow.

Why do we need to do that? We have to fund the Government. We are not going to shut down the Government. There may only be 51 one of us, but we will always vote to keep the Government open. The Republicans tried shutting down the Government 10, 12 years ago, and it didn't work. We are not going to do that. We just thought it was appropriate—and I don't know who could object. The Democrats didn't do it in the House of Representatives; the Democrats and Republicans in the House of Representatives decided FEMA, the Federal Emergency Management Agency needed money. Why do they need money? There have been emergencies all over the country, and they don't have the money to take care of what is needed. They are out of money.

Have we had wildfires? We have had wildfires. They swept the West. Maybe they were on television a lot, as they were when the wildfires swept southern California, but they have been burning for months, and we are out of money. The Federal Government has obligations. The President has declared a number of emergencies because of these fires. That takes taxpayers' money. So we put that in the bill.

The House also decided in their wisdom, which I support, to take money from what the President asked for veterans—$1.9 billion—and put it on the CR so he could get that money as early as tomorrow. And we put, as I have already indicated, $3 billion in for Katrina, which is humanitarian money.

It is absolutely necessary. It is for people's homes.

The House passed this outrageous legislation—I guess that is what people think. We have had this bill since about 2:30 this afternoon. It is now approaching 6 o'clock, and people are trying to decide what they want to do with it when it passed the House of Representatives 400 to 15. I am really at a loss as to what the problem is.

We have done nothing on the farm bill, not because we don't want to do something on the farm bill but because we have treated the farm bill the way every farm bill has been treated for the last three decades.

We say we want to vote on the Dorgan-Grassley amendment. No, you can't do that. We are willing to set that aside and do the amendment we know has to be done; that is, the substitute by Senators LAUTENBERG and LUGAR. No, you can't do that. We say: Why don't you give us a list of amendments you might be interested in doing? No, we can't do that.

It appears to me the minority doesn't want a farm bill. Maybe they want to wait until the new year and extend the present farm bill. I personally think the farm bill is something we should do. It has a lot of very good provisions in it, not as far as some people wanted, not as far as I wanted, but it is a good bill, and we should pass it.

I simply was told by my counterparts: We don't like the bill; you are wasting your time; forget about it. Now we hear all these words: We don't like the way you are handling the procedure. Why? Because it isn't right the way you do it, even though it has been done this way for many years.

Mr. President, 400 to 15, and we are spending hours and hours trying to decide what to do. In the meantime, there is other work of the Senate not being done. I can sit in a quorum just as everyone else and waste everyone's time, but I think we should get about the business of this country. It shouldn't be that hard to decide what they want to do. Do they want to override what the House did by a vote of 400 to 15—"they" being the Republicans in the Senate. If they want to raise a point of order to take something out of the bill and sustained by the Parliamentarian, we can vote on that. We can waive it with 60 votes. I just think we should have a decision made by our friends on the other side of the aisle.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, every day that the Defense appropriations conference report is delayed, it delays a $40 billion increase for the Department of Defense, delays $11.6 billion for mine-resistant vehicles for our troops in Iraq and a $2.9 billion increase for our veterans.

The Defense appropriations conference report passed the House of Representatives 400 to 15. I urge all Senators to support the conference report and send the measure to the President of the United States today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask that my colleagues take note of the fact that the Defense appropriations legislation which is before us is critically important for our Nation and for close to 200,000 American servicemembers fighting wars in two foreign countries.

This bill includes salaries for our soldiers, a well-deserved pay raise for them. I am sure that is one of the reasons it received such an overwhelming vote in the House of Representatives. Mr. President, 400 Members came forward to vote for this bill. It is an indication of bipartisan support for our soldiers, our men and women in uniform.

It includes money for training, for aircraft, ships, ammunition, humvees, and, yes, for a new generation of vehicles that will save the lives of many of our soldiers. These so-called MRAPs are much more heavily armed and safer vehicles. There is no reason to delay. The Senator from West Virginia made the point that there is $11 billion in this bill to start sending those vehicles to our troops so they will be safe and come home safe.

Our men and women in uniform across the world need this bill to pass. They do their duty without any hesitation. Can we do anything less?

There is a fundamental disagreement in this country about the war in Iraq, whether our troops should continue there, as the President would have, or whether we should start bringing them home. We have had many debates on that issue in this Chamber during the last year; there will be many more. But today this bill should not be a casualty of that disagreement in the Senate. This bill is about providing the vital resources our military needs to keep our country strong and safe.

Let me tell you, there is a part of this bill I had at least a small part in crafting, and I am very proud of it. It is called the Wounded Warriors Act. There were so many involved in it. I don't claim that it was my own exclusively, but each of us tried to put a provision in that would help our warriors coming home from battle be treated better and recover from their wounds more quickly.

This bill includes $70 million to fund the Wounded Warrior initiative that was included in the Defense authorization bill. That is legislation on which I worked. Having visited veterans hospitals and talked with so many disabled vets, I realized that money was desperately needed to improve treatment for traumatic brain injury and post-traumatic stress disorder and actively support our troops in transition between Active Duty and Veterans' Administration care.

This bill also has $980 million for equipment for the National Guard. In my hometown of Springfield, IL, is Camp Abraham Lincoln. If you go out to Camp Lincoln, there is a big parking lot. It is empty. It used to be filled with vehicles until 80 percent of the National Guard units in Illinois were deployed. They took that equipment overseas to fight the war. It was destroyed, run down, not worth returning. It has never been replaced. Our National Guard units in Illinois have about a third of the equipment they need. God forbid a crisis in our State or something that requires mobilization; they will be hard pressed because the equipment is not there.

This bill has $980 million for equipment for the National Guard. Most of our Guard units are lucky to have half the equipment they once had. This is a burden on them when it comes to training and responding when needed.

I have looked at our Guard and talked with our leaders there. They have only half the authorized rifles they need and less than half the authorized vehicles. Our States, every one of them, desperately need this equipment, and this bill provides almost $1 billion to meet that need. Why would we say no? Why would we wait?

Also included in this bill is desperately needed funding for veterans, the victims of the catastrophic wildfire season, and people who lost their homes because of Katrina.

This bill contains a continuing resolution which keeps the business of Government continuing as we work our way through this appropriations debate. Maybe there are some on the other side, people I have not met, who believe closing down our Government is a good thing. We certainly don't. The Democrats in the majority believe our Government should continue to function. Was it 12, 13 years ago when then-Speaker Gingrich decided he would just close down the Government to see if we would miss it? People such as Rush Limbaugh were crowing on the radio that if the Federal Government went away, nobody would notice. They noticed it in a hurry. There are vital functions that need to continue.

This bill contains a continuing resolution that keeps the lights on, keeps people working, keeps valuable services there for people across America and around the world. We want to pass this along with this Defense appropriations bill. This would fund our Government until December 14, next month, which gives us time to work on agreements on the rest of the appropriations bills.

We are operating under the spectre of a President who has threatened to veto 10 of the 12 appropriations bills, even though we put these bills together in a very bipartisan way, and they had overwhelming majority votes. Those appropriations bills aren't likely to become law in the near future, so the only responsible thing to do is to have this continuing resolution so Government funding will continue.

The President has said he will veto these bills because they are—all the bills, the appropriations bills—roughly $20 billion over his budget. The President has threatened to delay health care, money for No Child Left Behind, training for workers, even the National Institutes of Health, and even transportation because Congress restored many cuts he has made over the years—$20 billion, $25 billion. Sure, it is a significant sum of money, but it represents about 2 percent to 2½ percent of the total Federal budget.

A President who is arguing we can't afford $20 billion or $25 billion for America has asked us for $196 billion for Iraq—$196 billion for Iraq but we can't afford $20 billion for America? I don't follow it.

A strong America begins at home, investing in our people, our children, our communities, our neighborhoods, our towns, and our States—our economy—so businesses can grow and good jobs can be there. Why this President opposes these measures I can't understand. But we shouldn't let the business of Government grind to a halt while we work out that obvious difference. That is why the continuing resolution is so important.

I guess 2007 was a banner year at the White House. After 6 years of searching, after turning loose all of the agencies of the executive branch of Government, after bringing in the best investigators the President could find, after literally tearing the White House apart from one end to another, President George W. Bush, in the year 2007, discovered his veto pen. He had been looking for 6 years. He couldn't find it. He never used it. But then he found it in 2007, and I guess he decided this would be part of his relevancy campaign.

You may recall, Mr. President, he gave a speech and said: I have to do some things around here to continue to be relevant. Reuters announced today that 24 percent of the American people approve of the President's job in office. Someone in the White House, I am not sure who, has said to him: If you just start using this veto pen again, I think your numbers will go up. I think you will be relevant.

I think they are wrong because the President has used his veto pen for things that don't help our country. When we tried to change course in policy and direction in Iraq, the President used his veto pen and stopped us. When we tried to promote stem cell research to find cures for diseases, such as diabetes and heart disease and cancer, Parkinson's and Alzheimer's, he found that veto pen and used it to stop the research. He has used that pen to stop Children's Health Insurance, and he used it to try to stop an investment in America called the Water Resources Development Act.

Today, there was a historic vote on the Senate floor. I believe some 79 Members, if I am not mistaken, voted to override the President's veto—many more than the 67 necessary. It was historic because that is only the 107th time in history this has occurred. The Senate, Republicans and Democrats, rejected the President's veto.

So the President continues to take advice and threaten to use that veto pen again. It is a newfound power that he ignored for 6 years as President. Not once did he find a single bill generated by a Republican Congress that he would veto, not one time. Now he can't find a bill generated by a Democratic Congress he wants to sign.

Well, the bills we pass in the Senate take bipartisan support. We don't have 60 votes on the Democratic side. We have 51. We need the help of our Republican friends to pass anything, and we have gotten that help. I hope the President will consider that when he threatens to veto appropriations bills with overwhelmingly positive, affirmative votes.

The continuing resolution assumes an increase of $2.9 billion for Veterans Affairs. This would allow the VA to spend at a greater rate, and they need to. If you had asked the Department of Veterans Affairs 7 or 8 years ago what they would be doing in the year 2007, I am sure they would have said: Well, we will continue to meet our legal obligation for a lot of aging veterans who have come to us with the problems of aging men and women. But that is not their challenge today exclusively. They have a new challenge, with thousands of returning soldiers and sailors, marines and airmen, who come back broken in body and spirit and need the help of the Veterans' Administration. We give them money for that. That is in this bill.

Will Republicans stop this bill? Will they stop the $2.9 billion for the Veterans' Administration? How could they possibly justify that?

It also has $500 million emergency funding for the Forest Service and Bureau of Land Management for wildfires. You don't have to tell our colleagues from California what that is about. It is about the biggest migration in our Nation since the Civil War—people forced out of their homes because of the fires, many of their homes destroyed in the process.

The bill has $3 billion in emergency funding for the HUD Road Home Program for people whose homes were damaged and destroyed by Hurricanes Katrina and Rita. The Governor of Louisiana, Governor Blanco, came to see me, along with the mayor of New Orleans, Mr. Nagin, and they told me about this program, one that the Federal Government agreed to fund. It has been a program that has been widely subscribed and needs additional money to be completed. It is just for the people who have legitimate claims, and it gives them a chance to come home. It is about time the people in New Orleans had a chance to come home.

Mr. President, our country faces threats on many fronts. Our duty in Congress is to provide the authority and the funding for our military to be equipped and trained to meet those threats. I support this funding bill which gives our soldiers the tools they need to safeguard our Nation. To my friends on the Republican side of the aisle, as they ponder whether to support this bill, I hope they will understand funding our military at this moment in our history is critical; providing continuing resources for our Government to stay in business is the right thing to do.

Saying no to veterans at this moment is a bad decision. Saying no as well to the victims of fires is not defensible. And saying no to those people who have struggled and need a helping hand across America is not consistent with who we are and what we should be.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I want to state my support for the Department of Defense conference agreement that is before the Senate today. As we have done for so many years, my good friend from Hawaii, Senator INOUYE, and I have worked in a bipartisan manner with our counterparts in the House to draft an agreement that meets the needs of the military. This bill balances our priorities for funding, pay, and benefits to the military and civilian personnel, maintaining force readiness in the operating accounts, and providing significant investment for the modernization of weapons systems. I strongly support the defense side of this bill.

I remain deeply disturbed by what is not included in the bill. What is missing from the conference agreement is what is known as the bridge fund or supplemental appropriations to support our troops in the field. For each of the last 3 years, and in the current CR, the bridge funding for the costs of operations in Iraq, Afghanistan, and around the world have been included, until a full supplemental bill could be considered has passed the Congress in the Spring.

This has been a difficult matter for us to deal with. I was unsuccessful in the defense conference in adding $70 billion as a bridge fund. As I understand it, the House has indicated they will bring forth a stand-alone bridge fund bill to be considered by the Congress as early as next week. As a matter of fact, it may be tomorrow that they take it up. I have not seen any action yet to assure that we will get a clean bridge fund bill that can be signed by the President. This bothers me considerably.

The continuing resolution attached to this bill does not contain a bridge fund. As I said, every defense bill since fiscal year 2005 has included a bridge fund that funded contingency operations. Unfortunately, the absence of this bridge fund leaves the Department will be forced to divert money from their regular accounts to fund overseas operations. They will also be forced to reprogram money from the Defense bill itself in order to cover the problems of the men and women in the field.

I have said I would offer a motion to invoke rule XXVIII against this bill, but upon reflection and after talking to the people in the administration, the intention is to allow that this Defense bill to be passed because there are overwhelming problems in the Defense Department itself.

So contrary to my own deep thoughts about the lack of the bridge fund, I think, considering the matter of all of those people who serve us, it is essential we get the Defense bill itself passed. It will give us the basic funds to continue the ongoing operations for a limited period of time.

It bothers me that without the bridge fund—the Congress has failed to recognize the overall process of supporting our deployed forces and replacing worn equipment. These effort are at risk for being delayed, when this bridge fund is not provided. The current CR, which contains funding for our deployed forces, runs out on the 16th of this month.

I say to the Senate, it is a great risk we are taking, a great risk not to fund the people who are serving valiantly overseas. These people ought to be the first under consideration. Unfortunately, we are presented with a dichotomy of protecting the whole of the Department of Defense and getting the bill to the President to be signed, as opposed to having the additional moneys necessary to continue to support those overseas.

In the past 3 years, as I said, we have included a bridge fund. Without this funding, the Department of Defense will now have to divert money, reprogram money from this bill we are going to pass, to fund overseas operations. Those operations cost about approximately $13 billion a month. That is money that is necessary to keep the people who are in the field now, sustain the rotation of those forces, and ensure that they have the equipment that they need. A significant portion of that money is dedicated to the troops and their families as they come home. It costs much more to bring a soldier or Marine back and put that person back into their unit and take care of all the medical problems associated with returning personnel as it does to send someone over.

The difficulty is without a bridge fund those people are going to be the first ones harmed. We still have time. This is the point just made to me—we still have time before November 16 to pass a clean bridge fund, one without bells and whistles, one without political concepts in it, one without telling the President to end a war he can't end.

I do hope the Senate understands we should not have a political dispute bar us from supporting those people who have volunteered. This is a total volunteer military. They have depended upon us to support them. We have until November 16 to do what we should do, and that is pass a bridge bill.

I do hope the House will keep its word to us and send us a bridge bill. No matter what happens between the White House and the Congress and the parties within the Congress, we should not lose sight of the fact that those people have volunteered to serve this country, they are there, some of them are coming back, and others are going over to take their place until this issue is settled. I, for one, hope it is settled as soon as possible, but I do not believe we can solve the problem by denying the Department the money it needs to support those in the field.

We have men and women in uniform in 146 countries today. It is not just Iraq and Afghanistan. These servicemembers are still chasing terrorists around the world. I think we send the wrong message to the deployed troops who have volunteered for duty if we neglect them. This will be the first time we have done that.

By not raising the point of order I am relying upon what I believe is a commitment of the House to send us a bridge bill, a bridge bill that can be passed and signed by the President by the 16th, by the time the current CR expires. I do not believe we can ignore our commitments to our forces overseas, and I do hope the Senate will join us in agreeing to pass a bridge bill that is not political.

I know my friend, and I disagreed on the basic concept of entering this war. But after the troops were there, we have set aside any political differences and decided our job was to make sure the volunteers who commit themselves, commit their lives and put them at stake, are going to get what they need so long as the Commander in Chief orders them to do what he has the power to do under the Constitution, and that is to represent this country in events taking place in Iraq, Afghanistan, and throughout the world.

These are very complicated times. We are reading what is going on in Pakistan, which impacts our operations in Afghanistan. When we were there the last time I was there, the one thing they wanted was support for helicopters and equipment to assist in the war on terrorism.

I remind my colleagues there is more than $11 billion in this package for mine resistance, ambush protected, or MRAP vehicles. Senator INOUYE and I totally support that concept. But force protection for the troops goes far beyond the vehicles in which they ride. It includes everything from body armor to helmets, to ballistic eye protection, aircraft survivability equipment, to improved sensors, communications for better situational awareness—all of that should be in the bridge fund that is not here.

I am disturbed with myself, as a matter of fact, to a certain extent, that I am not going to raise that point of order. But you have to weigh this, now, as to what is in the best interests of the people in uniform.

We are not saying today there is not going to be a bridge fund. We are saying we will pass this bill now, but we are committing ourselves—I am committing myself to do everything possible to get a bridge fund passed by November 16.

We do not want to send the wrong message to our people deployed. The interesting thing about it—I have spent the last few evenings, quite late into the morning, watching this marvelous public television series called "The War." That was our war, Senator INOUYE's war, and my war. As a matter of fact, Senator INOUYE has a dramatic presentation in that series, and I applaud him for that. But the difference between that war and this war, these conflicts in which we are involved now, is overwhelming.

I remember leaving Miami and calling my aunt and uncle, with whom I lived, then when I came back from China, calling them from Hawaii, almost 2 years later. There was no communication—no phones, no e-mails, no messages. Once in a while, about twice a month maybe, a letter or a package.

This is a different concept. These people overseas can hear us now. They are going to get e-mails today saying the Senate did not pass that bridge bill. They are watching us—and they should. They have every right to watch us, and their families do too.

I think to do anything less than passing this bridge bill before we go home for Thanksgiving—to me, it would be irresponsible. We have to keep our commitment to these people. The $70 billion that is available to the Department of Defense under the current CR, it ought to remain available to them until we pass the main supplemental, which the Congress will take up sometime in March or April.

I do hope the Senate will understand what we are doing. We have a bill today, which includes the Continuing Resolution, that has a great many provisions in it that we didn't have much to do with here in the Senate. The Senate is on warning that it could well become surplusage in the processes of the Congress if we let this happen again. These items were entered into the conference report entirely separate from the defense bill that is before us tonight. Rule XXVIII is supposed to bar that. The exigencies of the situation now are such that we must let the Defense bill go to the President in order to achieve our goal of supporting the activities of the Department of Defense.

It is with reluctance I urge my colleagues to support this bill, send it to the President for his signature—which I am assured will happen. If we don't stand up as a Senate and support our troops, we will be neglecting our duty.

We have duties here too. We support the Constitution, and the Constitution gives the President of the United States power to send troops overseas whether we like it or not. As a matter of fact, we passed the resolution to make sure the President had that power and then asked him to do it.

So under these circumstances, we should not neglect those people who are overseas, who are wearing our uniform and putting their lives at risk on a daily basis. I do hope the Senate will take notice that we cannot let this become a common practice, we cannot neglect our job in terms of having the Congress consider the things we believe are absolutely necessary for our country.

The only reason I do not do it now is this gap between now and a week from now on November 16. We have the time to pass a bridge bill. We have the time to authorize the money that is needed to support these people during our absence on what we call the Thanksgiving recess. I hope and I pray to God we will do it. We must do it. It is on that basis that I do not raise a point of order.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, for the past 30 years, I have been privileged to serve on the Appropriations Defense Subcommittee with my illustrious partner, the senior Senator from Alaska. We have always done this in a bipartisan fashion. It has been so bipartisan that, notwithstanding the controversies involved in the bill, as the Senate knows very well, we passed the bill in the subcommittee in less than half an hour and the full committee in less than an hour and a half.

We should also keep in mind that 4 days from now, we will be saying thank you to the veterans of World War I, II, and the others.

This is a must bill. I think we should take the words of the senior Senator from Alaska, his words of wisdom, with seriousness because it deserves serious consideration.

•Mr. McCAIN. Mr. President, we are a country at war and yet it is business as usual in the Halls of the Congress. This conference report is chocked full of unrequested and unauthorized funding provisions while actually underfunding the budget requested by the President for the Department of Defense by $3.5 billion. That is correct, Mr. President. We are underfunding one of the most critical agencies to the safety and security of the American public in order to spend extraordinary amounts on unnecessary, wasteful earmarks and run of the mill porkbarrel projects. There are over 2,000 earmarks in this year's Defense Appropriations conference report and its accompanying Statement of Managers, with 24 earmarks added outside the scope of conference.

Today, we are engaged in a struggle against Islamic fascism and yet it seems that many on both sides of the aisle are placing special interest and pet projects before the urgent funding needs of our troops and providing what they need to succeed in their mission. While this bill has $3 billion of Katrina relief for Louisiana homeowners, it does not have one dime allotted for bridge funds for the global war on terror. I support doing what we can do to aid in the Katrina recovery. But we must be equally committed to our brave men and women in uniform.

Allow me to highlight some of the earmarks that are taking real money away from our fighting men and women: $25,000,000 for the Hawaii Federal Health Care Network; $23,000,000 for the National Drug Intelligence Center, NDIC; $20,000,000 for historically Black colleges and universities; $5,000,000 for the United States Olympic Committee, USOC Paralympic Military Program; $4,800,000 for the Jamaica Bay Unit of Gateway National Recreation Area; $3,000,000 for "The First Tee," a golf foundation in St. Augustine, FL; $2,400,000 for the Vertical Lift Center of Excellence-Institute of Maintenance, Science and Technology; $2,000,000 for brown tree snake eradication; $1,600,000 for the New York Structural Biology Center; $1,200,000 for the National Bureau for Asian Research; $800,000 for extended shelf life produce for remotely deployed forces; and $500,000 for the Maine Institute for Human Genetics.

I am not questioning the merits of some of these programs and initiatives but they do not belong on a Defense appropriations bill. It is our responsibility to be faithful stewards of the taxpayers' hard-earned dollars. Whatever position you have on the war in Iraq, the global war on terror or this administration, as long as our soldiers, sailors, airmen and marines are in harm's way, it is our responsibility to provide them with whatever is necessary for them to succeed in their missions around the world and come home safely. We can do better than this for our troops and for the American taxpayer.•

Mr. FEINGOLD. Mr. President, I oppose the 2008 Department of Defense appropriations conference report because it provides money to continue the misguided war in Iraq but fails to require the redeployment of U.S. troops. The war in Iraq is the wrong war. It is overstretching our military and undermining our national security. It is long past time for this war to end.

Some may pretend that this conference report does not include any Iraq money. That claim is misleading, at best. This bill provides the regular DOD funding that keeps the war going. In fact, this bill will pay for a significant part of our operations in Iraq. Moreover, there is nothing in this bill to prevent the Defense Department from shifting regular funds to pay for the full costs of the war in Iraq in the event that the Congress does not enact supplemental appropriations for the war.

I strongly support our brave men and women in uniform. We do not do them any favors by giving the President money to keep this open-ended war going with no strings attached. For their sake, and for the sake of our national security, we should use our power of the purse to force the President to bring this war to a close. This bill represents another missed opportunity, and another example of Congress failing to use its power to bring our troops out of Iraq.

Mr. AKAKA. Mr. President, I would like to urge my colleagues to support the conference report to accompany the fiscal year 2008 Department of Defense appropriations bill. I would also like to thank all of the House and Senate conferees for their hard work and dedication to ensure that our troops and their families have all the necessary equipment and support they need.

As both a senior member of the Armed Services Committee and chairman of the Committee on Veterans' Affairs, I am particularly pleased to support $70 million in funding for programs authorized under the Dignified Treatment of Wounded Warriors Act, designed to assist members of our Armed Forces and their families in the often difficult transition from battlefield to home. I am also glad to support the inclusion of $980 million in additional funds to ensure that National Guard and Reserve forces have the equipment they need to train for deployments abroad and to respond to natural disasters at home.

In addition, I applaud the conferees' decision to retain a provision recognizing the dedication and sacrifices made by members of our Armed Forces and their civilian counterparts, by providing a 3.5-percent increase in basic pay for all service members and civilian personnel, 0.5 percent above the President's request. Similarly, I am pleased to support the inclusion of $2.6 billion to be used for the immediate needs of our military families. These funds which will be used to hire counselors, teachers, and child care providers are critical for our military readiness and for sustaining our troops by ensuring the well-being of their families.

Once again, let me urge my colleagues to set aside differences and reach the compromises necessary to provide our brave men and women in the armed services with the resources they need.

Mr. BYRD. Mr. President, I certify that the information required by Senate rule XLIV, related to congressionally directed spending, has been identified in the conference report to accompany H.R. 3222, Department of Defense appropriations bill, 2008, House Report 110-434, filed on November 6, 2007, and that the required information has been available on a publicly accessible congressional Web site at least 48 hours before a vote on the pending conference report.

Mr. ENZI. Mr. President, I rise to express my opposition to the conference report to H.R. 3222, the Defense Appropriations Act for fiscal year 2008. This Defense bill, which I strongly support, unfortunately includes a so-called "continuing resolution" which is full of earmarks.

I am extremely disappointed that our troops must continue to pay the price for political posturing and the inclusion of funding for pet programs in a must-pass military funding bill. Our troops are being used to carry pork projects and this is a text book example of irresponsible legislating.

Let's be clear about what a continuing resolution is. This continuing resolution provides stopgap funding for existing Federal programs at current or reduced fiscal year levels because the majority couldn't get its appropriations bills completed by the beginning of a new fiscal year.

What we should be considering is a straight CR: no earmarks, no plus ups, no new "emergency" spending. This bill has it all. It has a $3 million earmark for a golf center—an expense clearly not linked to our national defense. There is even $800,000 to study the effects of sound on marine mammals.

This is a dangerous way to operate.

This Congress has already shown it has zero fiscal discipline. Business as usual is bad enough, but if we, the U.S. Senate, concede on the definition of a CR, this kind of unconscionable spending will be done forever. It will be standard operating procedure. That is not what the American people want.

I want to make very clear my strong support for the members of our Armed Forces and the vital work they are doing around the world every day. I have the greatest admiration for all of them for their commitment to preserving our freedoms and maintaining our national security. They are all true heroes and they are the ones who are doing the heavy lifting and making great sacrifices in our country's name so that we might continue to be the land of the free and the home of the brave.

We are faced tonight with a vote on a bill that our troops need, but the troops are not the focus of this conference report. This political tactic does our troops and all Americans who want good government, a disservice.

I want to provide our troops with the funding and the resources they need to be successful in all their objectives. I want the Senate to consider the Fiscal Year 2008 Defense Appropriations Act on its merit. Legislating isn't a barter system, or at least it shouldn't be. The men and women of our armed services deserve better than having the funding they need to do their job being used in a horse-trading scheme so a Member of Congress can get funding for his or her own special cause. There is more than $50 million worth of projects being slipped in this so-called CR. We are moving quickly toward midnight. I guess that's a fitting time to vote on a bill laden with pork slipped in under the cover of darkness. The people of the United States deserve better.

Mrs. MCCASKILL. Mr. President, with great reluctance, I will vote today in opposition to passage of the 2008 Department of Defense appropriations conference bill. This legislation contains $459 billion in funding to provide the resources needed to run daily military operations.

I supported this legislation when it first came to the Senate floor in October. However, I can not vote in support for the final House-Senate conference report because it contained $59 million in earmarks that were added during the closed-door conference negotiations. One of those earmarks was for $3 million to fund a golf center that is in the name of the congressman who requested it. What is a golf center doing on a DOD appropriations bill?

This was a difficult decision because I strongly support most of the provisions in this bill, and I have deep respect for Chairman INOUYE and Ranking Member STEVENS and their efforts to craft a good funding bill.

However, I made a commitment during my campaign and when I took my oath of office in January to reform the secretive earmarking process. I thought we had made real progress with the passage and enactment of S.1, the ethics reform bill, that requires far more transparency and disclosure on earmarks than there has ever been. Unfortunately, I have since discovered there are still some gaps in the ethics bill that need to be filled.

One of which has to do with the difficulty of raising a 60-vote point of order on earmarks added during appropriations conference negotiations. S.1 says that we can do that. But in reality, we really can't. Most of these added funding earmarks are contained in the Joint Explanatory Statement of Managers, which, technically, isn't part of the conference report bill text. What that means is we can't raise a point of order against those earmarks to strike them out of the bill.

Let me give me you some perspective on what we are talking about. The Defense appropriations conference text was 133 pages long. The Joint Explanation of Managers—470 pages long. The JES as they call it, contains all of the earmarks, all kinds of substantive direction and is three times as long as the official conference report, and it is not subject to a point of order? This is wrong. It's not what I believe most of us thought would escape the oversight rules of S. 1 when we voted for it. At the very least, it seems disingenuous in how we sold this bill to the American public as a way to clean up our taxpayer-funded shop and how we do business around here.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

## EXECUTIVE SESSION

## NOMINATION OF MICHAEL B. MUKASEY TO BE ATTORNEY GENERAL

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to executive session to consider Executive Calendar No. 374, the nomination of Michael Mukasey to be Attorney General of the United States; that there be a time limitation of 5 hours of debate equally divided between the chairman and ranking member of the Judiciary Committee, with the Democratic time divided as follows: Senator LEAHY, 45 minutes; Senator DORGAN, 15 minutes; Senator DURBIN, 20 minutes; Senator CARDIN, 10 minutes; Senator REED, 15 minutes; Senator KENNEDY, 10 minutes; Senator HARKIN, 10 minutes; Senator BOXER, 15 minutes; Senator SALAZAR, 10 minutes; that upon the conclusion or yielding back of the time, the leaders be recognized for 10 minutes each, with the majority leader going last; that the Senate then vote on confirmation of the nomination; the motion to reconsider be laid on the table; the President be immediately notified of the Senate's action, and the Senate then resume legislative session; that the Senate then, without intervening action or debate, vote adoption of the conference report on H.R. 3222.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, I wish to put in the RECORD that this has been cleared with the leader on our side also. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. REID. Mr. President, I appreciate the cooperation of everyone. This has been a difficult day. These are very sensitive issues we are dealing with, with the troops and the financing of the country, in addition to the nomination of a Cabinet officer. It is a time when you need cooperation from both sides. That is what we have had. It has not been easy. I extend my appreciation to my colleagues on the other side of the aisle and the cooperation of my Members. I would finally say that for those of you who have had questions asked by Democrats and Republicans, we are going to finish the farm bill. There is some real movement on that with amendments. I feel comfortable we will be able to get that done in the near future. I appreciate everyone's cooperation.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Michael B. Mukasey, of New York, to be Attorney General.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, the Senate is now taking up the nomination of Judge Michael Mukasey to be the next Attorney General of the United States. It is a nomination which has become controversial. Judge Mukasey has served his country in many different ways. He served as a Federal judge before he retired, then went into private practice and was summoned to serve as Attorney General by this President. I had a chance to meet with him personally in my office. One cannot help but be impressed by the man's intelligence and erudition. He clearly is a person of strongly held beliefs and it takes little time to appreciate that when you meet him.

I left, after meeting him in my office, believing his nomination hearings would be interesting, and they were. On the first day, Judge Mukasey was a great witness, saying things that needed to be said about his plans to change the Department of Justice from the days of Alberto Gonzales, about his feeling of responsibility to the country not to abide by any decisions made by the President that were inconsistent with the law or the Constitution.

He went so far as to say he would resign before he would allow that to occur. I can recall speaking to my colleagues, including Senator SCHUMER, who sat next to me in the Judiciary Committee, and saying: What a breath of fresh air, how refreshing that he would be so candid and forthright. After all the years of Alberto Gonzales dodging questions, refusing to answer, here was a man who answered the questions. That was the first day.

Then came the second day of the hearing. When my turn came to ask questions, I proceeded to ask Judge Mukasey specific questions about torture. His answers to those questions led to a great deal of controversy and lead us to this moment in the Senate debate.

When we write the history of this early 21st century in America, there are going to be countless stories of courage and compassion: Firefighters and police officers racing into the burning Twin Towers minutes before they collapsed on 9/11.

The passengers on United Airlines flight 93 overcoming hijackers and plunging to certain death instead of allowing the terrorists to reach what many believe was their intended target, the U.S. Capitol, and those of us working in the building at the time. Those passengers on that flight were true American heroes. Those of us in the Senate and the House and all of us in the Capitol will be forever in their debt.

There were hundreds of thousands of brave service men and women, every single one of them volunteers, leaving families and friends to defend our country. Thousands of them have come home to America in flag-draped coffins. Stories of courage and stories of compassion.

Sadly, during the same period, there have been stories of cowardice and cruelty. A short way down Pennsylvania Avenue from this Capitol building is the U.S. Department of Justice. In that building, attorneys manipulated the law to justify practices which were unthinkable in America. They put our troops at risk and sacrificed principles for which America has always stood and for which thousands died on 9/11 and the years since. They did tremendous harm to the image of this great Nation. The late historian Arthur Schlesinger, Jr., said this about the Bush administration's torture policy:

> No position taken has done more damage to the American reputation in the world—ever.

Alberto Gonzales was an architect of the Bush administration's torture policy. As White House counsel, he recommended the President set aside the Geneva Conventions. The phrase "Geneva Conventions" brings to mind civility, fairness, and justice. How did Alberto Gonzales characterize the Geneva Conventions? He called them "quaint" and "obsolete." He requested and approved the infamous Justice Department torture memo that limited the definition of torture to abuse that causes pain equivalent to organ failure or death.

Now we are asked to consider the nomination of Judge Michael Mukasey to succeed Alberto Gonzales. Judge Mukasey is obviously intelligent, with a distinguished record. But that is not enough. In light of Alberto Gonzales's shameful role in justifying torture, Judge Mukasey bears a special burden to make clear where he stands on the issue. I am sorry to say he has not met that burden.

Prior to his confirmation hearing when I met him in private, his responses troubled me. He told me "there is a whole lot between pretty please and torture" and that coercive techniques short of torture are sometimes effective. When I reminded Judge Mukasey that cruel, inhuman, and degrading treatment are illegal under U.S. law, he said he thought these terms were "subjective" and suggested the President might have authority as Commander in Chief to ignore the prohibition.

In light of these responses, which troubled me greatly, I decided to follow up with the questions I asked at his confirmation hearing. I asked him whether the torture technique known as waterboarding is illegal. He refused to answer, saying:

> I don't know what's involved in the technique. If waterboarding is torture, torture is not constitutional.

Frankly, I was surprised that Judge Mukasey was unfamiliar with waterboarding. This is not a new technique. It may be one of the oldest recorded forms of torture in the world.

Retired RADM John Hutson, former Navy Judge Advocate General, also testified at Judge Mukasey's hearing. He was asked about Judge Mukasey's position on waterboarding. This is what he said:

> Other than perhaps the rack and thumbscrews, waterboarding is the most iconic example of torture in history. . . . It has been repudiated for centuries. It's a little disconcerting to hear now that we're not quite sure where waterboarding fits in the scheme of things. I think we have to be very sure where it fits in the scheme of things.

To give Judge Mukasey a chance to clarify his views, I wrote him a letter, which all 10 Democrats on the Senate Judiciary Committee signed, and asked him a very straightforward question. Certainly, straightforward questions need to be fielded by lawyers, by judges, and the Attorney General.

The question was this: Is waterboarding illegal?

It took Judge Mukasey four pages, in a response to our committee, to say nothing. He refused to say whether waterboarding was illegal because "hypotheticals are different from real life." He went on to say it would depend on "the actual facts and circumstances."

Waterboarding is not hypothetical. This old woodcut dates back to the Spanish Inquisition, 515 years ago. It shows a prisoner being subjected to waterboarding. This is no new idea. It is simulated drowning to create panic in the mind of the detainee and to force compliance.

The Spanish inquisitors referred to waterboarding as "tormenta de toca," after the linen towel they placed over a victim's mouth and nose during the procedure. Waterboarding was part of an elaborate regime of torture that included the rack and dislocating limbs by means of a pulley.

Here we are 500 years later, and it is still being used today, sadly, in Burma by the military dictatorship. There are no facts and circumstances that need to be considered—it either is or it isn't torture.

Judge Mukasey would not say whether waterboarding was torture. Many others have, and they did not need four pages of legal obfuscation. I received a letter from four retired military officials about Judge Mukasey's position on waterboarding. This is what they said:

> This is a critically important issue—but it is not, and never has been, a complex issue. . . . Waterboarding detainees amounts to illegal torture in all circumstances. To suggest otherwise—or even to give credence to such a suggestion—represents both an affront to the law and to the core values of our nation.

In a recent statement on the Mukasey nomination, Republican Senators JOHN MCCAIN, JOHN WARNER, and LINDSEY GRAHAM wrote:

> Waterboarding, under any circumstances, represents a clear violation of U.S. law. . . . anyone who engages in this practice, on behalf of any U.S. government agency, puts himself at risk of criminal prosecution.

The Judge Advocates General, the highest ranking military lawyers in America—all four branches—testified unequivocally to the Senate Judiciary Committee that waterboarding is illegal and violates Common Article 3 of the Geneva Conventions. If these high-ranking military officials and our fellow colleagues in the Senate can answer this question so directly, why can't Judge Mukasey?

Let's take an example.

BG Kevin M. Sandkuhler, Staff Judge Advocate to the Commandant of the Marine Corps, stated that "threatening a detainee with imminent death, to include drowning, is torture." No equivocation there. Nothing about "facts and circumstances." He did not need to hear more. Simulated drowning is torture.

Malcolm Nance is a former master instructor and chief of training at the U.S. Navy Survival, Evasion, Resistance and Escape School. He trained Navy SEALS to resist torture, including waterboarding. Listen to what Mr. Nance, former master instructor of the SEALS, had to say:

> I know the waterboard personally and intimately. . . . I personally led, witnessed and supervised waterboarding of hundreds of people. . . . Waterboarding is a torture technique. Period. There is no way to gloss over it or sugarcoat it. . . . Waterboarding is slow motion suffocation with enough time to contemplate the inevitability of black out and expiration—usually the person goes into hysterics on the board. . . . When done right it is controlled death.

Each year, our State Department stands in judgment of the human rights record of the world. It is a rather bold thing for us to do, to say that our Nation has the moral authority to judge all the nations in the world when it comes to human rights. This is not the first President to do it. Many before have. Our own State Department has long recognized that waterboarding is torture and repeatedly criticized countries such as Sri Lanka and Tunisia for the use of the technique—a technique Judge Mukasey will not even acknowledge as torture.

For over 100 years, our Government has treated waterboarding as a crime. Judge Evan Wallach, who used to work for majority leader HARRY REID, is a former military lawyer and expert on waterboarding. He recently wrote a study that concluded:

> In all cases, whether the water treatment was applied by Americans or to Americans, or simply reviewed by American courts, it has uniformly been rejected as illegal, often with severely punitive results. . . .

In April of 1902, 105 years ago, during the U.S. occupation of the Philippines, Secretary of War Elihu Root directed that officers alleged to have used water torture be tried by court-martial. That year, U.S. Army MAJ Edwin Glenn was convicted of having ordered and directed the application of the so-called water cure. Army Judge Advocate General George Davis said of Major Glenn that he was guilty of "a resort to torture with a view to extort a confession." Mr. President, 105 years ago we convicted an American soldier of engaging in torture, for using waterboarding in the Philippines.

What happened after World War II? The United States prosecuted Japanese military personnel as war criminals for waterboarding U.S. and other prisoners.

At the U.S. military commission at Yokohama, we tried three Japanese defendants for torture. The charges included "fastening [an American Prisoner of War] on a stretcher and pouring water up his nostrils." During the trial, Thomas Armitage, one of the American victims, described it. This is what he said:

> [T]hey would lash me to a stretcher then prop me up against a table with my head down. They would then pour about two gallons of water from a pitcher into my nose and mouth until I lost consciousness.

What did we say of the Japanese soldiers responsible for that heinous conduct? We said they were guilty of war crimes—war crimes against American soldiers and prisoners. They were convicted and sentenced to between 15 and 25 years of confinement at hard labor—for a crime that this man who would be our Attorney General cannot acknowledge as obvious, clearly illegal, and inconsistent with America's values.

In the trial of a Japanese soldier for the torture and murder of Philippine civilians, one victim testified:

> I was ordered to lay on a bench and [they] tied my feet, hands and neck to that bench lying with my face upward. After I was tied to the bench [they] placed some cloth on my face and then with water from the facet they poured on me until I became unconscious.

What does it take? What does it take to get this man who wants to be the premier law enforcement official in America to acknowledge the obvious? Waterboarding is torture. Waterboarding is illegal. Waterboarding is unconstitutional and inconsistent with American values.

Some within this administration share the puzzlement that Judge Mukasey has over torture. Apparently, Vice President DICK CHENEY is one. He was asked whether it would be acceptable to him to give a detainee "a dunk in the water." The Vice President's response was: "it's a no-brainer for me."

And the Bush administration now seems to have reined in the State Department, despite the fact that we have condemned other nations for waterboarding. Earlier this week, John Bellinger, the State Department's top legal adviser, was asked whether there could be any circumstances in which a foreign government could justify waterboarding an American citizen. Listen to this response from the Bush administration as to whether an American citizen could be waterboarded:

> One would have to apply the facts to the law, the law to the facts, to determine whether any technique, whatever it happened to be, would cause severe physical pain or suffering.

Incredible. We prosecuted Japanese soldiers for doing this to Americans, and now this administration, maintaining this notion that somehow this is a hazy, undefinable concept, will not even clearly condemn the use of waterboarding to torture Americans.

Judge Mukasey's position on waterboarding is troubling, but there are other serious concerns which I explained during the Judiciary Committee debate. He would not answer direct questions about other torture techniques even though the Judge Advocates General had made it clear they were torture. Sadly, time and again, he said his response would depend on the facts and circumstances.

Mr. President, I do not know when—I do not know if I will be here to see it; I may not be alive at the time—but history will be written about this moment. The history will be written about what we have done as a nation under the administration of George W. Bush. There will be good things said, I am sure, but there will also be chapters written about, how this administration raised an issue which we thought was a settled matter, how this administration has now brought in play the question of torture, how this administration has identified this great, caring, and good Nation with that issue.

Our only hope is that men and women of courage within this administration and outside will stand up and say clearly, once and for all, torture is un-American, torture is ineffective, and torture is unacceptable when applied to detainees in our control or to Americans in the control of others. Judge Mukasey would not say that. He was unwilling to make those statements.

I think this issue transcends many other issues. Some will come before us and say the problem here is Congress just has not done its job. If Congress would sit down and really put a good definition of torture together, then maybe we could ask Judge Mukasey about it, ask whether he would enforce it.

Really? Mr. President, 105 years ago, the United States knew waterboarding was torture and prosecuted an American soldier for engaging in it. Sixty years ago, we knew waterboarding was torture and prosecuted Japanese soldiers for war crimes. And now, in this moment in history, is there really any uncertainty? The real uncertainty is what the administration has done in the name of our country in the treatment of prisoners.

When the history of this time is written, there will be stories of courage and stories of cowardice. Rest assured, the United States will not be viewed kindly if we confirm as the chief law enforcement officer of this country someone who is unwilling or unable to recognize torture when he sees it.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the allocation has been made of 5 hours equally divided on the confirmation of Judge Michael Mukasey to be Attorney General and also to cover the Department of Defense appropriations bill.

I have been informed that I will be in charge of the allocation of time. So I say to my colleagues who want to speak in favor of former Judge Mukasey or who want to speak on the Defense appropriations bill on the Republican side, come to the floor and let me know how much time you would like. The Democrats who are speaking in favor of Judge Mukasey will come out of my time as well. We ought to have some idea as to how much time will be required. Five hours will put us close to midnight.

The ways of the Senate are wondrous. It is hard to figure out—we had our last vote at 11:45 and finished shortly after noon and could have started this debating process early in the afternoon. But, as I say, in the wondrous ways of the Senate, we could not begin it until 7 o'clock, until we had reached an agreement on procedural details, which might well have been done earlier. But I have been here a while, and I learned a long time ago the Senate is a lot smarter than I am, and we follow—we play the cards we are dealt. But I don't think there is any need for us to be in session until midnight, although things could get lively and perhaps some stray television viewers will turn on C-SPAN 2; they certainly wouldn't do it during the daytime when the soaps are on. But, it may well be that the time will be yielded back. And so, I inform my colleagues to not necessarily expect to vote as late as midnight, although that may be the case.

Now, on to former Federal Judge Michael Mukasey. He is a man with an outstanding record. If you went to central casting, you couldn't find a better prospect to be Attorney General of the United States on substance or on qualifications. He graduated from Columbia University in 1963, Yale Law School in 1967, and was on the Board of Editors of the Yale Law Journal. With credentials from Yale, including the Board of Editors, and his high academic standing, these are excellent qualifications. He was an associate in a major New York law firm for 5 years after graduating from law school. He was then an assistant United States Attorney for the Southern District of New York from 1972 to 1976 and was chief of the Official Corruption Unit for 2 years. Then, he returned to the practice of law for 11 years and became a Federal judge in 1988, serving for almost two decades, through 2006. He was Chief Judge of the Federal Court in the Southern District of New York in Manhattan from 2000 to 2006 where he presided over some very important trials involving terrorism. The courthouse for the Federal court in New York was just a few blocks from the Trade Towers, which were victimized on September 11, 2001.

Now, a great deal has been said about the issue of waterboarding. The Senator from Illinois who just spoke said the morals of our country will be judged by what has gone on with Judge Mukasey's confirmation process. We have worked through this issue, and I believe we have a satisfactory resolution of it, which accomplishes the substance of what the Senator from Illinois was decrying.

I am opposed to waterboarding. I think waterboarding is torture. When the issue was before the U.S. Senate on the Military Commission Act, we had a vote, and this body voted 53 to 46 not to classify waterboarding as torture. That is what the Senate did. In another legislative matter, the Detainee Treatment Act, waterboarding was prohibited. But, as of this moment, the Congress of the United States has not spoken on the matter.

Now Judge Mukasey has stated that if waterboarding is declared the equivalent of torture, as Attorney General he will uphold that congressional determination, even if the President seeks to reject the statute by virtue of the President's Article 2 powers as Commander in Chief and other inherent authority, which the President possesses under Article 2. Now that is exactly what the President did on the Terrorist Surveillance Program. The Foreign Intelligence Surveillance Act enacted in 1978 specifies that the exclusive way to wiretap is to go to a Federal judge with a statement of probable cause and get a warrant—judicial approval—to do the wiretapping. But, President Bush said he had authority to disregard the statute because he had constitutional authority.

As a matter of constitutional doctrine, you can't amend the Constitution with a statute. To amend the Constitution, you have to have a constitutional amendment. An amendment must pass the Congress by a two-thirds vote and be ratified by three-fourths of the States.

So the President took the position that his constitutional power superseded the statute, and he rejected it and ignored it. I have grave doubts about the propriety of what the President did. We didn't find out about it until it was disclosed in the newspapers in mid-December of 2005 when we were in the midst in this Chamber of debating the PATRIOT Act. I chaired the Judiciary Committee, and I was at this podium managing that bill when the news broke in the morning papers that day, and a number of Senators said they were prepared to vote for the PATRIOT Act until they found out what had been done secretly under the Terrorist Surveillance Program.

As the record shows, we didn't pass the bill until early in 2006. But the relevance of that procedure is that there was concern that even if Congress said waterboarding was torture and was therefore illegal, the President might seek to use his Article 2 powers to ignore that law.

The first disclosure that former Judge Mukasey would not uphold that type of Presidential action came with a disclosure by Senator SCHUMER about a meeting he had with former Judge Mukasey last Friday. It appeared in the press that Judge Mukasey would say the congressional enactment was controlling. I then had a discussion by telephone with Judge Mukasey last Monday morning to be explicit and to confirm what I had read in the papers. Not wanting to rely on that, Judge Mukasey told me he that it was his legal judgment that Congress had the constitutional authority to legislate, to say waterboarding was torture and was, therefore, illegal. And if such legislation was enacted, then it was Judge Mukasey's legal judgment that the President could not supersede the statute and could not rely on Article 2 power to ignore that finding. That was confirmed in writing.

I ask unanimous consent that a copy of that letter dated last Monday, November 5, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. I said in the letter, as the record will show, if Judge Mukasey had any difference with my statement, he should let me know promptly. I know it was received by White House personnel, and we communicated, staff to staff, about it, and that is a binding commitment. That commitment, in conjunction with Judge Mukasey's response to my questioning—I asked him if the President of the United States ignored his advice as Attorney General if and when confirmed on a matter of serious import, would Judge Mukasey resign as Attorney General, just as Attorney General Elliot Richardson had resigned on the Saturday Night Massacre when efforts were made to stop the investigation of President Nixon at that time, and Judge Mukasey said he would resign. So, I think we have a very solid record.

Now, I do believe there were reasons Judge Mukasey did not express a judgment on waterboarding as being torture, although candidly it would have been my preference if he had done so and if he had agreed with my vote on the subject. But, Judge Mukasey said in written responses that he believed he could not make that pronouncement without placing people at risk to be sued or perhaps even criminally prosecuted. A few weeks ago, former Secretary of Defense Rumsfeld was in Paris at a time when people sought legal process against him. It was unclear whether it was a criminal procedure or a civil procedure, but we do know that many nations are exercising extraterritorial jurisdiction when they may consider conduct to be a violation of the law against humanity.

We know, for example, that Israeli Prime Minister Sharon was indicted, I believe it was in Belgium. They couldn't serve the warrant, but had he gone to Belgium. He would have been subject to that process. We know the case of Pinochet from Chile where extraterritorial jurisdiction was sought as to him. So this is a matter of some considerable import.

Professor Goldsmith wrote, speaking from his experience as Assistant Attorney General in the Office of Legal Counsel, that members of the administration had expressed concerns that they might be subject to civil liability or even criminal liability if it was later determined that some of their conduct was illegal. So, Judge Mukasey faced a situation where an expression of an opinion by him would put people at risk.

Professor Goldsmith, in a book which was recently published, documented the concern that members of the administration had expressed. Judge Mukasey also sought to explain his unwillingness to give a legal opinion on whether waterboarding was torture because he hadn't been read into the program. I thought that was inadequate and insufficient. While it is true he was not read into the program, there is no doubt it would have been easy for him to have been read into the program. The investigation which had been conducted prior to the President submitting his name to the Senate as a nominee for Attorney General was very thorough, and there is no doubt that he would have been entrusted with whatever classified information was involved in being informed on the issue of waterboarding. So I thought that was an excuse and not weighty—or not a valid excuse.

Parenthetically, I think it is worth noting that there are members of the Judiciary Committee who were called upon to pass on Judge Mukasey's qualifications who had not been read into the program on waterboarding; that is, to know specifically what it was, whether it was used, what it was all about, was it entirely hypothetical, or what the facts were. We have some members of the Judiciary Committee—four—who are on the Intelligence Committee. The chairman and I as ranking member were read into the program. I tried to get the administration to read the members of the Judiciary Committee into the program, but the administration wouldn't do it. Now, they read the Intelligence Committee into the program, and I think the Intelligence Committee should have been read into the program, but the operative committee to pass on Judge Mukasey was not the Intelligence Committee. It was the Judiciary Committee. We voted on Judge Mukasey with members of the Judiciary Committee not knowing the specifics on waterboarding to have a sufficient basis, in my view, to cast an intelligent vote. But the administration precluded that. This evening, there will be about 80 Senators—if they stay up until midnight, or whenever it is that we vote—who will be voting on Judge Mukasey and waterboarding is going to be a central issue of the debate tonight—without knowing the details of what waterboarding is.

The brutal fact is that the administration has not given Congress the information Congress should have received so that we can perform our oversight function. The Intelligence Act requires that members of the Intelligence Committee be notified of matters such as the secret terrorist surveillance program, and it may be that a few Members of Congress—the Speaker of the House, the senior Republican in the House, the majority leader of the Senate, and the minority leader of the Senate—were informed about the terrorist surveillance program. It may be that, finally, the chairman and ranking members on the Intelligence Committee in both Houses were informed. But the full committee, under the statute, was supposed to be informed. The administration didn't follow the statute as they should have. It was only when the confirmation of General Hayden came before the Senate that the administration finally notified the Intelligence Committee.

I voted against General Hayden to be Director of the CIA as a protest vote. I said he was well qualified for the job, and I voted against him as a protest because the administration had not followed the law. They should have informed me, as chairman of the Judiciary Committee in the 109th Congress, and Senator LEAHY, as ranking member. That is a statement of what might be considered as a collateral matter. It is relevant in this discussion because Judge Mukasey was not read into the program. I think he should have been. I don't know that he would have said anything more. But now the ball is squarely in our court—the congressional court. Legislation is pending that would make waterboarding torture and, therefore, illegal.

This is the kind of question which I think is a quintessential example of what the Congress of the United States ought to decide. In a representative democracy, the Congress ought to make the determination of what is the appropriate public policy, and the Congress ought to assess the risk of terrorism—what is the risk to the United States?—and then consider the conduct of waterboarding. What does it do? How frequently has it been used, if at all? Where is there an intent to use it? The Congress ought to make this evaluation and make the decision. We are the proper people to decide that issue. If the Congress enacts legislation that is signed into law, then Judge Mukasey has stated unequivocally that he would enforce it.

Then there is another issue we all dance around, and that is the issue of the so-called ticking-bomb case. That is the situation described where a terrorist may come into possession of a powerful weapon—perhaps even a nuclear weapon—and, regrettably, that is not beyond the realm of possibility. There might be a situation where someone would know information that could stop the ticking bomb and injury to an enormous number of people could be prevented. What is to be done in that situation?

The generalized statements that have been made by so-called leaders in our society are that we ought not to define that situation. They say, if we were to say that torture, waterboarding, or some other extreme form of interrogation were legal under even the most limited circumstances, that we would give legitimacy to waterboarding, to torture. And then with an exception, you find people that say—as the expression goes, the hole is so big, you could drive a truck through it. But, if this Senate and the House take up our duty to decide whether waterboarding is torture, we ought to make a decision as to whether it could be used in any circumstance. Perhaps we should decide it should be used in no circumstance.

There has also been discussion about legislation to define the extraordinary circumstances when torture would be permitted—with a warrant application to a judge. We ask for judicial approval on wiretapping or warrants of arrest or on a variety of issues.

Then there are some who the surmise that if the President was faced with a situation of a ticking bomb, it would be up to the President to act under those exigent circumstances, and he could be relied upon. But that is not so easy either because it may well be—and I think, in fact, is—that agents of the CIA would not undertake, under a Presidential order, a violation of U.S. law because no one is above the law. Even if the President were to authorize it, the President doesn't do the waterboarding or interrogation. Those people would be unwilling to undertake something that was a violation of law.

There was a famous case, after World War I, where a ship was sunk by a submarine. The survivors in the lifeboat were at sea, and the submarine surfaced. The commander ordered the gunner to shoot the people in the lifeboat. The gunner resisted for a while, and then he followed his orders. He shot and killed the people in the lifeboat. The gunner was prosecuted, and he defended that he was following orders. The court said that you cannot follow illegal orders. Anybody should know better than to shoot people in a lifeboat.

So we have a major issue to consider as it relates to the confirmation of Judge Mukasey, and I think the ball is now in our court. He will enforce legislation that equates waterboarding with torture.

There are a couple of other points worthy of comment. I was not satisfied with Judge Mukasey's response to my questions on signing statements. We have seen that the President of the United States now does not follow the constitutional options when legislation is presented to him having been passed by both bodies, both Houses, where the Constitution says the President has the choice of signing it or vetoing it. We now find that he signs it and issues the signing statement, cherry-picking, deciding which of the provisions he will enforce and which he will not enforce.

One of the measures passed by Congress by a 90-to-9 vote of the Senate was prohibiting interrogation that met certain standards. The President had a famed rapprochement with Senator McCAIN on the point. They came to terms. We passed the McCain language. Then the President issued a signing statement which, in effect, said he retained his Article II powers not to follow it.

The PATRIOT Act, which came out of the committee during my tenure as chairman, gave the FBI substantial additional powers. In consideration of that, we reserved additional oversight. And then, notwithstanding that negotiation approved by the President's agents at the Department of Justice, the President issued a signing statement cherry-picking and leaving him free to disregard the oversight provision.

I think Judge Mukasey should have been unequivocal in condemning that practice and should have said he would advise the President to either sign legislation or veto it but not to cherry-pick. He had a very artful answer where he says he will try to avoid this kind of tension and conflict between the executive branch and the Congress. While I don't like that, I don't think it is a sufficient reason to vote against him.

Judge Mukasey was forthright on his views as to habeas corpus. He acknowledged that habeas corpus is a constitutional right, unlike his predecessor, who really rejected the plain English of the Constitution, which states that habeas corpus is a constitutional right.

Considering all of these factors, it is my judgment, after meeting informally with former Federal Judge Mukasey and participating in the extensive hearings and reviewing answers to many written questions, that Judge Mukasey is well qualified to be Attorney General. I think it unfortunate that there will be many negative votes against him. I think those negative votes will be in the context of this waterboarding issue, where there are very substantial emotional and political considerations involved, and Senators exercise rights to vote as they choose. But I do believe that even those who vote against Judge Mukasey will acknowledge his qualifications. He is well qualified by way of academic and professional background, and he has a very sterling record as a judge; that he is honest, forthright, and talented. He is a lawyer's lawyer or a judge's judge. When you talk to him or question him at a hearing, you get back very sophisticated, erudite answers, analytically displaying a vast knowledge of the Constitution and the cases which have been interpreted. What weighs heavily in my mind on Judge Mukasey is the urgent need of the Department for new leadership.

I thank the chairman for having a special markup on Tuesday. It was extra work for the committee, but Senator LEAHY called the Judiciary Committee together for an extra markup. He has exercised the leadership to bring this matter to a vote tonight.

I thank the distinguished majority leader also for scheduling the vote, because the Department of Justice needs Judge Mukasey at work tomorrow morning. They need to have him sworn in sometime between the vote of confirmation tonight and 8 a.m. tomorrow, when people ought to report to work at the Department of Justice. The Department of Justice has been categorized as dysfunctional, in disarray. It is in urgent need of an Attorney General. When that is done, I think we will see some nominations for Deputy, which is vacant. An Associate Attorney General is only an acting deputy, and a number of assistants are only acting.

All things considered, I think it is in the national interest that we confirm former Federal Judge Mukasey. I predict he will do a sterling job as Attorney General.

How much time remains, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator has 2 hours remaining under his control.

Mr. SPECTER. I thank the chair and yield the floor.

EXHIBIT 1

U.S. SENATE,
*Washington, DC, November 5, 2007.*

Hon. MICHAEL B. MUKASEY,
*Avenue of the Americas,*
*New York, NY.*

DEAR JUDGE MUKASEY: I think it is important to have our telephone conversation of this morning on the record so I'm writing to confirm the following:

(1) In your opinion, Congress has the constitutional authority to legislate that waterboarding is torture and is therefore illegal; and

(2) If such legislation is enacted, it is your opinion that the President would not have the authority under Article II of the Constitution to overrule that legislation.

If I have inaccurately stated our conversation, I would appreciate your prompt advice.

As we discussed, the New York Times on Saturday quoted Senator Schumer on your commitment to the same effect. If I do not hear from you to the contrary, I intend to release this letter to the news media because this information would be important on the Senate's consideration of your confirmation.

Sincerely,

ARLEN SPECTER.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, how much time has been reserved for the Senator from Vermont?

The ACTING PRESIDENT pro tempore. The Senator has 45 minutes.

Mr. LEAHY. How much time is reserved overall for those in opposition to this nomination?

The ACTING PRESIDENT pro tempore. An hour and 45 minutes. Twenty has been used, so 1 hour 25 minutes remains.

Mr. LEAHY. I thank the Chair.

Mr. President, this debate is as much a discussion of principles that are vital to American ideals and to the American soul as it is a debate about who is going to act as the Attorney General for the next 14 months.

During the Judiciary Committee's consideration of this nomination earlier this week, Senators KENNEDY, KOHL, FEINGOLD, DURBIN, CARDIN, WHITEHOUSE, and I made clear the fallacy that would disregard settled law and discredit America's role in the struggle for liberty and human dignity, something we should all support.

On the way to rationalizing support for a particular nominee, just as with rationalizing support for a particular piece of legislation, it may be tempting this once—just this once, we might tell ourselves—tacitly to abet the arguments of those who want to define torture down to make it something less. Whatever the temptation—whatever the temptation, this once—we cannot rationalize away our core American ideals, the rule of law, and the principle that in America, not even the President is above the law.

The President and Vice President should not be allowed to violate our obligations under the Convention Against Torture and the Geneva Conventions, should not be allowed to disregard U.S. statutes, such as our Detainee Treatment Act and War Crimes Act. They should not be allowed to overturn more than 200 years of our Nation's reverence for human rights and moral leadership around the world.

The administration has compounded its lawlessness by cloaking its policies and miscalculations under a veil of secrecy. They left the Congress, they left the courts, and, most importantly, they left the American people in the dark about what they were doing. The President says we do not torture, but then he had his lawyers redefine "torture," and he had them do that in secret memos, in fundamental conflict with American values and law.

Again, yesterday, I wrote to the White House counsel reiterating my earlier request for this administration's secret, purported justifications for having Americans engage in waterboarding and other treatment that would violate our Nation's obligations and values.

I ask unanimous consent to have printed in the RECORD a copy of my most recent letter to Counsel Fielding on this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
*Washington, DC, November 7, 2007.*

Mr. FRED FIELDING, Esq.,
*Office of the Counsel to the President,*
*The White House, Washington, DC.*

DEAR MR. FIELDING: I have not received a reply to the letter I sent to you almost two weeks ago seeking a fuller accounting of this Administration's legal justifications and policies with regard to torture and interrogation. Another copy of my unanswered October 25, 2007, letter is enclosed.

Over the past few days I have read in the press that there may, in fact, be three legal memoranda from the Justice Department's Office of Legal Counsel in 2005, not just two, that have been withheld from us. Apparently, the Administration has conceded the existence of three such memoranda in court filings this week. Without even an accounting from you and the Administration, it is impossible for me to know.

As I have previously noted, the Committee does not yet have a complete picture of the Administration's historic position on the legal basis and standards for detention, transfer, and interrogation in connection with counter-terrorism efforts. It is important that you share with the Senate Judiciary Committee all legal opinions on these issues from the Office of Legal Counsel and elsewhere in the Department of Justice and the Administration. I noted in my previous letter that you have not, despite our repeated requests, provided us with the 2005 memoranda that apparently authorize the use of combinations of cruel and extreme practices. We are fast approaching the one-year anniversary of my November 15, 2006, request for "any and all Department of Justice directives, memoranda, and/or guidance . . . regarding CIA detention and/or interrogation methods."

I regret that you did not take the opportunity created with the announced resignation of Alberto Gonzales to work with us to put these matters to rest. The first step would have been disclosure of the legal memoranda still being kept secret from the Senate Judiciary Committee. That has yet to occur. As you have recently witnessed, without these materials and a shared understanding of what the Administration has been doing, is doing, its justifications, its legal analysis, and its purported basis for overriding our laws and treaty obligations, many Members of the Committee remain very concerned.

Much of the controversy and discussion surrounding the Committee's consideration of the President's nomination of Michael Mukasey to serve as Attorney General arose from these matters. The Administration's lack of cooperation greatly contributed to the controversy and ultimately to the opposition to that nomination.

Sincerely,

PATRICK LEAHY,
*Chairman.*

Mr. LEAHY. Mr. President, I agree with the generals, the admirals, and the judge advocates general that waterboarding is torture and is illegal. The generals, the admirals, the judge advocates general say waterboarding is torture and illegal.

I ask unanimous consent to have printed in the RECORD a copy of a letter I received from MG John Fugh, RADM Don Guter, RADM John Hutson, and BG David Brahms, dated November 2.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 2, 2007.

Hon. PATRICK J. LEAHY,
*Chairman, U.S. Senate,*
*Washington DC.*

DEAR CHAIRMAN LEAHY: In the course of the Senate Judiciary Committee's consideration of President Bush's nominee for the post of Attorney General, there has been much discussion, but little clarity, about the legality of "waterboarding" under United States and international law. We write because this issue above all demands clarity: Waterboarding is inhumane, it is torture, and it is illegal.

In 2006 the Senate Judiciary Committee held hearings on the authority to prosecute terrorists under the war crimes provisions of Title 18 of the U.S. Code. In connection with those hearings the sitting Judge Advocates General of the military services were asked to submit written responses to a series of questions regarding "the use of a wet towel and dripping water to induce the misperception of drowning (i.e., waterboarding). . . ," Major General Scott Black, U.S. Army Judge Advocate General, Major General Jack Rives, U.S. Air Force Judge Advocate General, Rear Admiral Bruce MacDonald, U.S. Navy Judge Advocate General, and Brigadier Gen. Kevin Sandkuhler, Staff Judge Advocate to the Commandant of the U.S. Marine Corps, unanimously and unambiguously agreed that such conduct is inhumane and illegal and would constitute a violation of international law, to include Common Article 3 of the 1949 Geneva Conventions.

We agree with our active duty colleagues. This is a critically important issue—but it is not, and never has been, a complex issue, and even to suggest otherwise does a terrible disservice to this Nation. All U.S. Government agencies and personnel, and not just America's military forces, must abide by both the spirit and letter of the controlling provisions of international law. Cruelty and torture—no less than wanton killing—is neither justified nor legal in any circumstance. It is essential to be clear, specific and unambiguous about this fact—as in fact we have been throughout America's history, at least until the last few years. Abu Ghraib and other notorious examples of detainee abuse have been the product, at least in part, of a self-serving and destructive disregard for the well-established legal principles applicable to this issue. This must end.

The Rule of Law is fundamental to our existence as a civilized nation. The Rule of Law is not a goal which we merely aspire to achieve; it is the floor below which we must not sink. For the Rule of Law to function effectively, however, it must provide actual rules that can be followed.

In this instance, the relevant rule—the law—has long been clear: Waterboarding detainees amounts to illegal torture in all circumstances. To suggest otherwise—or even to give credence to such a suggestion—represents both an affront to the law and to the core values of our Nation.

We respectfully urge you to consider these principles in connection with the nomination of Judge Mukasey.

Sincerely,

Rear Admiral Donald J. Guter, United States Navy (Ret.), Judge Advocate General of the Navy, 2000–02; Rear Admiral John D. Hutson, United States Navy (Ret.), Judge Advocate General of the Navy, 1997–2000; Major General John L. Fugh, United States Army (Ret.), Judge Advocate General of the Army, 1991–93; Brigadier General David M. Brahms, United States Marine Corps (Ret.), Staff Judge Advocate to the Commandant, 1985–88.

Mr. LEAHY. Mr. President, these distinguished military officers, flag officers, people who are charged with knowing what is our law, what is our Constitution, what are our treaty commitments, and what are the rules our military must follow, write with absolute clarity, and I quote the significant sentence from their letter:

> Waterboarding is inhumane, it is torture, and it is illegal.

They also quote the sitting judge advocates general of the military services from our committee's hearing last year in which they unanimously and unambiguously agreed that waterboarding is inhumane, it is illegal, it is a violation of law.

Think for a moment, if another nation picked up an American and waterboarded that American and we heard about it; no Senator, no American would have to know the circumstances and the purported justifications for it. We would condemn it. All 100 of us would be on the floor condemning it, and 435 members of the other body would be condemning it. Whoever was President of the United States would condemn it. But you know what, that was before this debate began, and now, tragically, this administration has so twisted America's role and our laws and values that apparently our own State Department is now ordered they cannot say that waterboarding of an American is illegal.

Mr. President, that is how far we have sunk. I ask unanimous consent to have printed in the RECORD a copy of a letter I sent to Secretary Rice protesting this order.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
*Washington, DC, November 6, 2007.*

Hon. CONDOLEEZZA RICE,
*Secretary of State,*
*Washington, DC.*

DEAR SECRETARY RICE: There are reports that one of your principal aides and legal advisers, a Mr. John Bellinger, is taking the legal position that he cannot say whether it is permissible to waterboard Americans and that it depends on the facts and circumstances. I could not disagree more strongly. There are no conceivable facts or circumstances that would justify waterboarding an American anywhere in the world for any reason. Our treaty obligations and domestic law make waterboarding illegal. Please respond without delay and set this matter straight.

Sincerely,

PATRICK LEAHY,
*Chairman.*

Mr. LEAHY. Mr. President, senior State Department legal officers are told that waterboarding, which has been recognized as torture, not for the last 10 years or 50 years or 100 years, but has been recognized as torture for the last 500 years, is a "technique" they cannot rule out as something a foreign intelligence service might be justified in using against Americans. This is "Alice in Wonderland."

Never mind that President Teddy Roosevelt, no shrinking violet he, prosecuted American soldiers for this more than 100 years ago. Never mind that we prosecuted Japanese soldiers for waterboarding Americans during World War II. Never mind what repressive regimes are doing to this day around the world. It is appalling.

When it comes to our core values—the things that make our country great, that define America's place in the world—it does not depend on the circumstances; it depends on our core values. America, the great and good nation that has been a beacon to the rest of the world on human rights, does not torture, it should not stand for torture, and it should stand against torture.

I ask unanimous consent to have printed in the RECORD a copy of a letter I received from the National Religious Campaign Against Torture, dated November 1.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RELIGIOUS CAMPAIGN
AGAINST TORTURE,
*Washington, DC, November 1, 2007.*

Hon. PATRICK LEAHY,
*Chairman, U.S. Senate, Committee on the Judiciary, 433 Russell Senate Office Building, U.S. Senate, Washington, DC.*

DEAR SENATOR LEAHY: The National Religious Campaign Against Torture (NRCAT), a campaign of over 130 religious organizations working together to abolish U.S.-sponsored torture and cruel, inhuman or degrading treatment of anyone, without exception, is deeply concerned about the responses Judge Michael Mukasey gave both at his nomination hearing and in his most recent written response on the subject of torture. We believe his answers leave open the door to the use of techniques by the U.S. government that would be cruel, inhuman and degrading and that could amount to torture. This is true not only for waterboarding, which is clearly illegal and a form of torture, but also for a number of other techniques we understand the CIA has used and may continue to use.

Our country already knows what happens when we have an Attorney General who countenances torture and cruel, inhuman or degrading treatment. We lose our moral compass; decent Americans are called upon on our behalf to commit acts that damage their souls; our soldiers who may be captured are placed in greater jeopardy; we are shamed in the eyes of the world.

It is time to turn a new page; the confirmation of a new Attorney General is such an opportunity. It would be tragic to allow an individual who has not clearly rejected the illegal and immoral practices of torture and cruel, inhuman degrading treatment to become the leading law enforcement officer of our nation.

NRCAT members, who include representatives from the Catholic, evangelical Christian, mainline Protestant, Orthodox Christian, Unitarian Universalist, Jewish, Quaker, Muslim, and Sikh communities, believe that torture violates the basic dignity of the human person that all religions, in their highest ideals, hold dear. It degrades everyone involved—policy-makers, perpetrators and victims—and it contradicts our nation's most cherished values. We believe that any policies that permit torture and inhuman treatment are shocking and morally intolerable.

We urge you to approve a nominee as Attorney General who is unequivocal in his or her stance against the use of torture and cruel, inhuman or degrading treatment.

Sincerely,

LINDA GUSTITUS,
*President.*
REV. RICHARD KILLMER,
*Executive Director.*

Mr. LEAHY. Mr. President, what do we set as an example? We lose our way on this question of torture. When America arranged to have a Canadian citizen, changing a plane in the United States on the way to Canada, sent to Syria to be tortured, what did we tell the rest of the world? I will tell you what we told the rest of the world: Here we have the outrageous conduct of President Musharraf's Government in Pakistan. He is closing down the courts, he is closing down the opposition, he is closing down the press. We have to meekly say: Please don't do that; we do send you billions of dollars in aid; please don't destroy democracy.

A Cabinet Minister in his Government was interviewed yesterday on a Canadian show. When he was asked if he was ashamed of the images the world was seeing of Pakistanis being clubbed by police in the streets, part of his reply was this: Are other countries—referring to the United States—ashamed of taking persons from another country to a third country and torturing them? Are they ashamed?

I would like to think as Americans we hold the high moral ground, but we can be lectured because we have not, by the likes of a member of the Cabinet of a despotic regime in Pakistan, and there is no answer to it. There is no answer to it because what he objects to us doing is sending a citizen of another country who was on our land to Syria to be tortured, and we have no answer to that because this administration and this Government did it.

I am proud to be an American. I am so happy my maternal grandparents immigrated to this country from Italy and gave me a chance to be an American, as did my great-grandparents from Ireland. I am proud of it. I am proud to see my children growing up as Americans, now my grandchildren, as I know the distinguished Presiding Officer whose family has been in this country much longer than mine is proud of his American heritage. But torture should not be what America stands for. Indeed, the better example is set by the Army Field Manual, which instructs our forces to consider how we would react if what a soldier is about to do to someone was done to an American soldier. How would our soldiers react if they found somebody waterboarding an American soldier? They would do everything to rescue them because it would be wrong and it would be illegal. It is not just illegal and wrong if somebody else does it, it is illegal and it is wrong if we do it.

Sadly, when I cited this very standard in a written question to Judge Mukasey and asked if it would be an abuse if another country waterboarded an American, he sidestepped the question, and he failed to condemn even waterboarding of Americans. When we found our State Department to begin to do the same, I saw a pattern.

In their recent letter to the nominee, Senators WARNER, MCCAIN, and GRAHAM do not take that approach. They recognize, as I do and I hope all Senators do, that waterboarding, under any circumstances, represents a clear violation of U.S. law. That is what Senators WARNER, MCCAIN, and GRAHAM said. As chairman of the Senate Judiciary Committee, I agree with them.

When the administration and others state that we cannot state whether America waterboards people because it would tip off our enemies, they have it precisely wrong. That is about as effective as Saddam Hussein hinting that he had weapons of mass destruction, even though he did not, as he tried to impress his enemies.

In refusing to say we do not waterboard prisoners, what do we do? We end up giving license to others. When the United States cannot state unequivocally that waterboarding is torture and illegal and will not be tolerated, what does that mean for other Governments? What comfort does that provide the world's most repressive regimes? How does it allow the United States, that hitherto has been a beacon for human rights, to criticize or lecture these repressive regimes that torture that way?

Some have sought to find comfort in Judge Mukasey's personal assurance that he would enforce a future, some kind of new law against waterboarding if Congress were to pass one. Even some in the press have used that talking point from the White House. Any such prohibition would have to be enacted over the veto of this President, a President who has not ruled out the use of waterboarding.

But the real damage in this argument is not its futility. The real harm is that it presupposes we don't already have laws and treaty obligations against waterboarding. As we know, when we enter a treaty, it becomes the law of the land. We have laws already against it. We don't need a new law. No Senator should, with any kind of clear conscience, abet this administration's legalistic obfuscations by those, such as Alberto Gonzales, who take these positions, or John Yoo and David Addington, by agreeing somehow that the laws we already have on the books do not already make waterboarding illegal. We have been properly prosecuting water torture for more than 100 years.

Vote for the nominee or vote against the nominee, but don't hide behind some kind of a cloak and say maybe we should have a law in the future. We have that law. This is as if, when somebody murders somebody with a baseball bat, they were to say: We had a law against murder, but we never mentioned baseball bats. Murder is murder; torture is torture. Our laws make both illegal, and our laws—but especially our values—do not permit this to be an open question or even one that depends on who is doing the waterboarding. We cannot say it is wrong when other countries do it but, of course, it is right when we do it because our heart is pure. That is a prescription for disaster. That is what heightens the risk to American citizens and soldiers around the world, and it gives repressive regimes comfort, and that is something I will not do.

I will not accept this fallacious argument. I will not accept this pretense that it is OK because we have not yet passed a law, when that has always been the law in the United States. It was in Theodore Roosevelt's day, it was when we prosecuted Japanese soldiers after World War II for waterboarding, and it is today.

It would be like saying we haven't a specific law for some of the things done in Abu Ghraib. Of course, we had not. We knew such actions violated every principle of our law. Are we going to say, however, it was all right because we didn't have spelled out in the law every single thought that could be raised about torture so we could specifically cite to that?

Mr. President, hasn't there been enough harm done to the United States by the images of Abu Ghraib? Hasn't there been enough harm done to the United States by this Government intentionally taking a Canadian citizen and sending that citizen to Syria to be tortured? Hasn't there been enough harm done to this country that we don't need to have Senators stand on the floor of the Senate and say: Well, maybe sometime in the future we should have a law against waterboarding, when our top military and everybody else all agree this is already against the law.

Now, I wish I could support Judge Mukasey's nomination because I like him. I like his legal abilities. I like his background as a prosecutor. He is a tough, no-nonsense prosecutor. But we are dealing with an administration that has been acting outside the law, an administration that has now created a confirmation contortion. Mr. President, I am not a moral contortionist, and I am not going to aid and abet the confirmation contortions of this administration. When many of us voted to confirm General Petraeus, the administration turned around and, for political advantage, tried to claim when we voted to confirm the general, we also voted for the President's war policies. Well, I did not vote for a war in Iraq. I voted against it. And I do not vote to allow torture. And just as I do not support this President's Iraq policy, I do not support his torture policy or his views of unaccountability or unlimited Executive power.

No one is more eager to restore strong leadership and independence to the Department of Justice than I. For almost 3 years, it has been leaderless. For almost 3 years, it has engaged in every single effort not to follow the law, but to find ways around the law. That has created a terrible problem of morale among the very wonderful men and women, the talented men and women who work there.

We all know what we need most right now is an Attorney General who believes and understands there must be limitations on Executive power. Whether the Executive is a Republican or a Democratic President, there have to be limitations. America needs to be certain of the bedrock principles of our laws and our values and that no President, no American, can be authorized to violate them. In America, no one is above the law. The President of the United States is not above the law. He is not allowed to place anybody else above the law. That is what has maintained this democracy for over 200 years.

When we began considering this nomination, I observed that the Department of Justice has experienced an unprecedented crisis of leadership. It is a crisis that has come more and more into view as Senator SPECTER and I have led a bipartisan group of concerned Senators serving on our Judiciary Committee to consider a U.S. attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, and the politicization of hiring at the Department of Justice. What we have seen is not just poor leadership, but the complete breakdown of the principles that have always embodied the Department of Justice and the position of Attorney General.

For me, the issue has never been personal to Alberto Gonzales. The Judiciary Committee's investigations into the Department's many scandals were not designed to force the resignation of Alberto Gonzales, but rather to restore the integrity and the mission of the Department of Justice. My goal was not to force his resignation but to restore the Department of Justice. That the administration had him remain more than 6 months after the U.S. attorney firing scandal was known continued the harm and forestalled the restoration of order.

It was not just the fact that he lost my confidence that forced him to leave. It was not the Senate passing a resolution of no confidence. Rather it was our bipartisan efforts in which Republicans and Democrats who care about Federal law enforcement and the Department of Justice joined together to press for accountability.

The issue during the Senate confirmation of Alberto Gonzales remains today. The Department of Justice has always set out to enforce the law and to ensure that no one, not even the President, is above the law. As we consider the nomination of Michael Mukasey, we must determine what kind of Attorney General he would be and whether he will stand for the rule of law against the demands of this White House.

I began my consideration of this nomination as I did with the last Attorney General nomination, hoping to be able to support the nominee. After the hearing for the last nominee in 2005, I decided that I could not vote for the confirmation of Alberto Gonzales. I did so noting, as Justice James Iredell had in 1792, that the person who serves as Attorney General "is not called Attorney General of the President, but Attorney General of the United States." This is a different kind of Cabinet position, distinct from all the others, and it requires greater independence. The departing Attorney General never understood this. Instead, he saw his role as a facilitator for this White House's overreaching policies and partisan politics.

The crisis of leadership that led to the resignation of the entire senior leadership of the Department and their staffs, as well as Karl Rove and his two top aides at the White House, has taken a heavy toll on the tradition of independence that had long guided the Department of Justice and protected it from political influence. As a former prosecutor I know that the dismay runs deep, from the career attorneys at Justice and in our U.S. attorney offices, straight down to the cops on the beat.

The Senate should only confirm a nominee who will bring a commitment to the rule of law and American liberties and values back to the Justice Department. As I have reviewed Judge Mukasey's nomination, I have found much to like. He has impressive credentials, vast experience as a lawyer and a judge, and a refreshingly straightforward manner. I liked him when I met him, and I am convinced that he is a man of integrity and would not be governed merely by personal or political loyalty.

At his hearing, he answered firmly that he would not tolerate political meddling in investigations or litigation and would end hiring based on politics, and he was clear in asserting that he would resign if the President insisted on going forward with a course of action he had found to be illegal. These were encouraging signs.

But I am concerned that he shares with this administration a view of virtually unbridled executive power and authority. In these uncertain times, it may be tempting simply to defer the Commander in Chief, but I believe that in difficult times, it is more important than ever to insist on the rule of law and the principles that have made our country unique in the world for more than 200 years. Even Judge Mukasey's strong promise to resign if the President insists on an illegal course of action loses its power if he believes the President to be largely unconstrained by law. If nothing the President can do would be illegal, there would never be an occasion for him to make such a principled stand.

That is why I was so disappointed by Judge Mukasey's answers suggesting that he sees little occasion to check the President's power. I was disturbed by his insistence that, with regard to warrantless wiretapping and the Foreign Intelligence Surveillance Act, the President has inherent authority outside of the statute and could authorize and immunize conduct contrary to the law. I fail to see a valid distinction justifying his assertion that the President could have the power of an executive override in the surveillance context, but not in the torture context, and I worry about where his reasoning could lead us.

I was disappointed in his abandoning his initial answer to parrot the White House's conclusion that a U.S. attorney could not bring a congressional contempt citation to a grand jury. That is the mechanism in the law that allows an independent court the opportunity to referee any claim of executive privilege that the executive and legislative branches could not resolve amongst themselves. He, instead, insisted that the solution in such a situation was an "accommodation" of the kind that this administration has been consistently unwilling to make. Once again, his position leads me to worry that he would allow this President's unprecedented assertions of power to go completely unchecked.

I was saddened to hear Judge Mukasey say that he apparently would not support habeas corpus rights for detainees, rejecting a core legal right and a basic American value which Senator SPECTER and I have fought so hard to restore. I was disappointed to see him echo in response to my questions the same administration policy on extraordinary rendition that has led to several disgraceful episodes for this Nation and fail to commit even to review the case of Maher Arar, a prominent and disturbing episode of rendition.

Which brings me back to the issue that came to dominate the consideration of this nomination, the issue of torture. The United States does not torture. The United States does not inflict cruel, inhuman, and degrading treatment. This is part of the moral fiber of our country and our historical place as a world leader on human rights, and it has long been fixed in our laws, our Constitution, and our values.

That is why I was so saddened when Judge Mukasey, given repeated opportunities, refused to say that the ancient and extreme technique of waterboarding, a brutal practice in which a person is subjected to simulated drowning, is illegal. There may be interrogation techniques that require close examination and extensive briefings. Waterboarding is not among them. Judge Mukasey does not need a classified briefing to learn about waterboarding. He could go to the library to read about waterboarding that was done as far back as the Spanish Inquisition, or about American prosecutions of Japanese war criminals for waterboarding after World War II. Evan Wallach, a judge at the U.S. Court of International Trade, a professor who teaches the law of war, and a former JAG officer, wrote an insightful column in last Sunday's Washington Post that I ask unanimous consent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### WATERBOARDING USED TO BE A CRIME

(By Evan Wallach)

As a JAG in the Nevada National Guard, I used to lecture the soldiers of the 72nd Military Police Company every year about their legal obligations when they guarded prisoners. I'd always conclude by saying, "I know you won't remember everything I told you today, but just remember what your mom told you: Do unto others as you would have others do unto you." That's a pretty good standard for life and for the law, and even though I left the unit in 1995, I like to think that some of my teaching had carried over when the 72nd refused to participate in misconduct at Iraq's Abu Ghraib prison.

Sometimes, though, the questions we face about detainees and interrogation get more specific. One such set of questions relates to "waterboarding."

That term is used to describe several interrogation techniques. The victim may be immersed in water, have water forced into the nose and mouth, or have water poured onto material placed over the face so that the liquid is inhaled or swallowed. The media usually characterize the practice as "simulated drowning." That's incorrect. To be effective, waterboarding is usually real drowning that simulates death. That is, the victim experiences the sensations of drowning: struggle, panic, breath-holding, swallowing, vomiting, taking water into the lungs and, eventually, the same feeling of not being able to breathe that one experiences after being punched in the gut. The main difference is that the drowning process is halted. According to those who have studied waterboarding's effects, it can cause severe psychological trauma, such as panic attacks, for years.

The United States knows quite a bit about waterboarding. The U.S. government—whether acting alone before domestic courts, commissions and courts-martial or as part of the world community—has not only condemned the use of water torture but has severely punished those who applied it.

After World War II, we convicted several Japanese soldiers for waterboarding American and Allied prisoners of war. At the trial of his captors, then-Lt. Chase J. Nielsen, one of the 1942 Army Air Forces officers who flew in the Doolittle Raid and was captured by the Japanese, testified: "I was given several types of torture. . . . I was given what they call the water cure." He was asked what he felt when the Japanese soldiers poured the water. "Well, I felt more or less like I was drowning," he replied, "just gasping between life and death."

Nielsen's experience was not unique. Nor was the prosecution of his captors. After Japan surrendered, the United States organized and participated in the International Military Tribunal for the Far East, generally called the Tokyo War Crimes Trials. Leading members of Japan's military and government elite were charged, among their many other crimes, with torturing Allied military personnel and civilians. The principal proof upon which their torture convictions were based was conduct that we would now call waterboarding.

In this case from the tribunal's records, the victim was a prisoner in the Japanese-occupied Dutch East Indies:

A towel was fixed under the chin and down over the face. Then many buckets of water were poured into the towel so that the water gradually reached the mouth and rising further eventually also the nostrils, which resulted in his becoming unconscious and collapsing like a person drowned. This procedure was sometimes repeated 5–6 times in succession.

The United States (like Britain, Australia and other Allies) pursued lower-ranking Japanese war criminals in trials before their own tribunals. As a general rule, the testimony was similar to Nielsen's. Consider this account from a Filipino waterboarding victim:

Q: Was it painful?

A: Not so painful, but one becomes unconscious. Like drowning in the water.

Q: Like you were drowning?

A: Drowning —you could hardly breathe.

Here's the testimony of two Americans imprisoned by the Japanese: They would lash me to a stretcher then prop me up against a table with my head down. They would then pour about two gallons of water from a pitcher into my nose and mouth until I lost consciousness. And from the second prisoner: They laid me out on a stretcher and strapped me on. The stretcher was then stood on end with my head almost touching the floor and my feet in the air. . . . They then began pouring water over my face and at times it was almost impossible for me to breathe without sucking in water.

As a result of such accounts, a number of Japanese prison-camp officers and guards were convicted of torture that clearly violated the laws of war. They were not the only defendants convicted in such cases. As far back as the U.S. occupation of the Philippines after the 1898 Spanish-American War, U.S. soldiers were court-martialed for using the "water cure" to question Filipino guerrillas.

More recently, waterboarding cases have appeared in U.S. district courts. One was a civil action brought by several Filipinos seeking damages against the estate of former Philippine president Ferdinand Marcos. The plaintiffs claimed they had been subjected to torture, including water torture. The court awarded $766 million in damages, noting in its findings that "the plaintiffs experienced human rights violations including, but not limited to . . . the water cure, where a cloth was placed over the detainee's mouth and nose, and water producing a drowning sensation."

In 1983, federal prosecutors charged a Texas sheriff and three of his deputies with violating prisoners' civil rights by forcing confessions. The complaint alleged that the officers conspired to "subject prisoners to a suffocating water torture ordeal in order to coerce confessions. This generally included the placement of a towel over the nose and mouth of the prisoner and the pouring of water in the towel until the prisoner began to move, jerk, or otherwise indicate that he was suffocating and/or drowning."

The four defendants were convicted, and the sheriff was sentenced to 10 years in prison.

We know that U.S. military tribunals and U.S. judges have examined certain types of water-based interrogation and found that they constituted torture. That's a lesson worth learning. The study of law is, after all, largely the study of history. The law of war is no different. This history should be of value to those who seek to understand what the law is—as well as what it ought to be.

Mr. LEAHY. More than 100 years ago, in 1901 and 1902, U.S. military commissions charged American officers with waterboarding detainees in the Philippines, and President Theodore Roosevelt wrote:

> Great as the provocation has been in dealing with foes who habitually resort to treachery, murder and torture against our men, nothing can justify the use of torture or inhuman conduct of any kind on the part of the American Army.

This country's abhorrence for cruel treatment of detainees goes back further still to General George Washington who wrote of captured troops during the Revolutionary War:

> Treat them with humanity, and let them have no reason to complain of our copying the brutal example of the British Army in their treatment of our unfortunate brethren.

Those are American standards and American values that should not be compromised.

As RADM John Hutson, former Judge Advocate General of the Navy, testified to the Judiciary Committee:

> Other than perhaps the rack and thumbscrews, water-boarding is the most iconic example of torture in history. It has been repudiated for centuries. It's a little disconcerting to hear now that we're not quite sure where water-boarding fits in the scheme of things. I think we have to be very sure where it fits in the scheme of things.

Judge Mukasey acknowledged that, in evaluating interrogation techniques, we look to standards such as whether the conduct "shocks the conscience," whether it is "outrageous," or whether it is "for the purpose of humiliating and degrading the detainee." He was unwilling, though, to say that waterboarding meets these standards. To me, it is not a hard call that waterboarding shocks the conscience, that it is outrageous, that it humiliates and degrades detainees. I do not believe that the question whether waterboarding is illegal is subject to a balancing test. It is. Indeed, it is that kind of "balancing test" that has allowed this President to claim the discretion to commit so many abuses that have brought such disgrace on this great country.

Senator McCAIN, who knows too much about the issue of torture, said recently:

> Anyone who knows what waterboarding is could not be unsure. It is a horrible torture technique used by Pol Pot and being used on Buddhist monks as we speak. People who have worn the uniform and had the experience know that this is a terrible and odious practice and should never be condoned in the U.S. We are a better nation than that.

I agree.

Nothing is more fundamental to our constitutional democracy than our basic notion that no one is above the law. This administration has undercut that precept time after time. They are now trying to do it again, with an issue as fundamental as whether the United States of America will join the ranks of those governments that approve of torture. That is why I will vote no on the President's nomination.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before yielding 20 minutes to the distinguished Senator from California, I praise Senator FEINSTEIN for her work on the confirmation of Judge Mukasey. As is customary for Senator FEINSTEIN, she is present at all the hearings, at all the Judiciary Committee business, and comes to the meetings extraordinarily well prepared. I think she has a natural advantage, however, because she is not a lawyer.

It is a very difficult matter in this body to state the facts and to cross party lines, and to do so requires a number of factors. It requires a lot of confidence and judgment, and it requires a lot of courage to stand up as one of very few.

Her vote and Senator SCHUMER's vote were indispensable to move the nomination to the Senate floor. So she has 20 minutes.

Mrs. FEINSTEIN. I thank the ranking member of the Judiciary Committee.

Mr. President, shortly the Senate will vote on whether to confirm Michael Mukasey as the next Attorney

General or whether to leave the Department of Justice without a real leader for the next 14 months.

I believe that is the issue. I will vote to confirm Judge Mukasey.

For me, the Department of Justice has always been the beacon of law enforcement and justice around the world. I have always truly believed we had a state-of-the-art system of justice that functioned independently of whoever happened to hold the White House or whoever was in the Congress. This beacon has been dimmed in the last 7 years, and I am one who finds the Department in disarray today.

I think the real issue before us today is: Can this nominee be a strong and independent leader of the Justice Department in the remaining time of this administration? Can he depoliticize the Department? Can he restore its morale? Will he be independent from the White House?

If your answer is yes, then I believe we should vote for him. If it is no, then you don't mind an Acting Attorney General for the next 14 months.

Ten of the most important positions in the Department today have no permanent person serving but are either acting or interim. Mr. President, 21 out of 93 U.S. Attorney positions are vacant, and only 2 nominees are pending before the Senate for confirmation.

Cases have been brought based on partisan considerations instead of the facts and the law. U.S. Attorneys who did not initiate partisan prosecutions were summarily fired. The Civil Rights Division has been weakened and politicized.

Judge Mukasey has shown he will be a strong and independent Attorney General.

He couldn't be any more different from Alberto Gonzales. Alberto Gonzales owed his political career, and his legal career to a great extent, to President Bush. Judge Mukasey does not. He has followed an independent path. And he has been, for 18 years, a Federal district court judge—yes, following the rule of law, not the rule of man. He has stood on his own, he has litigated on his own, he has judged on his own.

Judge Mukasey, in my view, is going to be a very different Attorney General. And it is hard for me to understand why everyone in this body doesn't come to the same conclusion just by judging his background against the background of the prior Attorney General. That is very hard for me to understand. Their backgrounds—their legal backgrounds, their service backgrounds—are so entirely different.

If you read the 178 pages of answers to questions that were submitted by Senators, some as many as 30, 35 questions, you see the independence of Judge Mukasey. In response to question 20 by Senator KENNEDY, Judge Mukasey said this:

> There can be no political litmus test for the hiring of career civil service employees. This is, and must be, a bedrock principle.

He added that he would have "zero tolerance" in this area.

Isn't that what we want?

On the issue of politically motivated prosecutions, which, as I have said, I believe there have been by this department, he said, in the transcript, dated 10/17/07, page 19:

> Partisan politics plays no part in either the bringing of charges or the timing of charges.

And in response to question 20(a) by Senator DURBIN he also said he would recommend the firing of any U.S. Attorney who brought or planned to bring a case for partisan gain.

Isn't that what we want?

With regard to election crime prosecutions, he wrote this:

> The closer to an election, the higher the standard that must be met for charges to be brought.

That was in response to question no. 18 from Senator KENNEDY.

In addition, Judge Mukasey made it clear he will work to fix the many problems that have arisen in the Department's Civil Rights Division. He wrote this to us:

> The Civil Rights Division occupies a crucial place in the Department precisely because it continues to carry out the work of the civil rights movement by enforcing the Nation's civil rights laws. I strongly support the mission of the Civil Rights Division and will ensure that it has the tools and resources it needs to fulfill its mandate.

This was in answer to a question submitted by Senator LEAHY.

I think these answers alone show it is not going to be business as usual in the Department of Justice.

Isn't that what we want?

Now, the President has said publicly he will not send another nominee to the Senate. So what does that mean? It means if we don't confirm this nominee, we will effectively have an Acting Attorney General for the remaining 14 months of this President's tenure.

And what does that mean? It could likely mean that Peter Keisler, who has been an architect of Bush administration policies at DOJ for more than 5 years, will remain as Acting Attorney General for the rest of this administration.

Is that what we want?

It means most likely there will be recess appointments this winter for the 10 major leadership positions in the Department.

And what does that mean? Simply stated: The administration could put in place the most egregious and political leadership, and we—the Senate—could do nothing about it. We would have reduced transparency and reduced congressional oversight.

Now this is the realpolitik. This is the likelihood, should Judge Mukasey fail confirmation.

I believe it is the fundamental and driving factor for confirmation of this nominee. Not to confirm him will leave this vital department open to a continuation of egregious past actions, and we have railed against those past actions for years now. We have a chance to make a change.

We don't select the nominee, the President selects the nominee.

Does he have failed character? No. Does he lack in experience? No. Does he have the temperament to be Attorney General? He has proven it with 18 years as a Federal judge.

Does he know one of the most important areas of the law—national security law? He has tried some of the major terrorist cases that have been tried in Article III courts in the United States of America, and defendants have gone to prison.

Now, I have seen people pound their breasts here on torture. And none of us want torture.

There is a difference between U.S. law and treaty law. We have passed certain U.S. laws. We have passed a Military Commissions Act. That is a law of the United States of America. We have passed the Detainee Treatment Act. That is a law of the United States of America. The Detainee Treatment Act prohibits waterboarding for any military personnel anywhere in the world.

So, to the opponents of this nomination: We have passed a law. They say it is not necessary to pass a law, but in fact we have passed a law prohibiting waterboarding. And Judge Mukasey has said the Detainee Treatment Act is binding on the President and binding on this country.

The one exception is, there is no U.S. law that deals with the CIA. That is the exception. There are prestigious human rights groups that say it doesn't matter; the Geneva Conventions and the Conventions Against Torture prevail. The President is saying I have Article II authority, and AUMF authority, and my view of Presidential power.

So what will solve it? A constitutional confrontation? The Supreme Court? What solves it?

My belief is, it is so easy: Instead of pounding our chests, simply do what we did in the Detainee Treatment Act, but do it for the CIA and prohibit waterboarding. End of debate.

Some people want to keep the issue alive rather than solve the problem. I am not one of those people. I believe we should end the ambiguity, and simply prohibit waterboarding across the board.

I do not believe Judge Mukasey should be denied confirmation for failing to provide an absolute answer on this one subject.

Nobody should think anything else is happening tonight. He would be denied confirmation because he said, I would like an opportunity to look at these laws, to look at these treaties, to read the legal opinions that have been written, and then have time to make up my mind.

Maybe we will want people to snap to and issue immediate judgments. This man has been a judge for 18 years. Maybe he likes to consider the facts before he makes a decision. I don't think that should be disqualifying.

We can bring him before the Judiciary Committee in late January and simply say: Judge Mukasey, now-Attorney General Mukasey, you have had an opportunity to look at the law. What is your opinion?

At the same time, I can say to you quite honestly, I believe waterboarding is illegal. I don't think it should be countenanced by the United States of America. I am not a lawyer, and I have not been for 18 years—or even 1 year—a Federal judge.

I believe waterboarding is prohibited under the Convention Against Torture and the Geneva Conventions. But it is not prohibited by name. It is prohibited in terms of its effects. There is a certain grayness for some—for some.

The opponents of this nomination have not given us any reason to think an acting or interim Attorney General would give us a better answer about waterboarding.

As a matter of fact, I would hazard a guess they would not. I would hazard a guess that if this nominee goes down, the exact same policies that have characterized the last 7 years will continue for the next 14 months. Am I being too abrupt to suggest we are missing something, that we should not get overwhelmed by the pounding of the chest against torture—that this is our chance for change?

If Judge Mukasey were not a respected judge, if he didn't have the legal background, if he didn't have the streak of independence—and read 178 pages of questions and answers and you will see that streak of independence—I would tend to agree with some of what has been said here. But I do not, because I seriously believe this is the only chance this Senate is going to be offered to put new leadership in the Department of Justice.

If, in fact, you believe it is in disarray, then there is only one action to take. If you believe it has been politicized, there is only one action to take.

The former Attorney General has not been independent, and he said he wore two hats—one serving the White House and one serving the people. If you believe there is only one hat an Attorney General can wear, and that is serving the people, then you have no choice other than Judge Mukasey. That is because otherwise, there will be an Acting Attorney General, not subject to confirmation, not subject to questioning, not subject to any kind of oversight—but, again, an arm of the White House.

Most of the major newspapers in my State have editorialized in favor of Judge Mukasey. This is what the San Diego Union-Tribune had to say about him:

> Torture is antithetical to American values. President Bush ought to issue an Executive order explicitly outlawing waterboarding. That said, Mukasey is not to blame for the Bush administration's interrogation policies. In his confirmation hearings, he has demonstrated a firm commitment to defend the Constitution. He merits confirmation by the Senate.

They got it.

The Detroit Free Press had this to say:

> As Attorney General, Mukasey can be expected to fight hard for what's legal rather than what's expedient.

Don't we want that?

> At least that's a step toward restoring the rule of law in the last 14 months of the Bush administration. The full Senate should confirm Mukasey, lest the president's next pick be someone with a more malleable sense of right and wrong.

Then, a paper from my State, The Sacramento Bee, got it right:

> As a replacement for Alberto Gonzales, Michael Mukasey, the nominee for U.S. attorney general, would bring a restorative independence of mind to the job. . . . Mukasey appears likely to operate in the open and with a higher respect for the system of the U.S. Government than for personal ties.

A critical question.

> We would expect him to urge the president to work with Congress. The Senate should confirm Mukasey to begin the cleanup at Justice.

This is the only chance we have. It is not as if we can turn him down and the administration is going to send us another nominee. They have already said they will not.

I do not believe that voting down this nominee will do even a bit of good in preventing torture. No one has explained why more of the same at the Justice Department would be better than putting Judge Mukasey in charge.

I do believe he will be a truly nonpolitical, nonpartisan Attorney General; that he will make his views very clear; and that, once he has the opportunity to do the evaluation he believes he needs on waterboarding, he will be willing to come before the Judiciary Committee and express his views comprehensively and definitively.

In conclusion, this nominee had no part in the administration's policies or legal opinions with respect to torture. We should not blame him for them. How can this man be the standard-bearer for torture? He is not. Why is he being treated as such?

We should give this nominee an opportunity to look at these treaties, look at the laws, read the opinions, and we should do what we are here to do—legislate and prohibit waterboarding across the board.

I thank the ranking member.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I ask unanimous consent I control the time allocated to Senator REED of Rhode Island, who has indicated he will not be using that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I further ask unanimous consent that the next Democratic speakers be the following: Senators CARDIN, BOXER, KENNEDY, SALAZAR and SANDERS but not necessarily in that order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, would the sequence permit alternating between those four against Judge Mukasey?

Mr. MENENDEZ. It would.

The ACTING PRESIDENT pro tempore. The order would so provide.

Mr. SPECTER. So provided, for alternation?

The ACTING PRESIDENT pro tempore. For alternation.

Mr. SPECTER. I thank the Chair, thank the Senator from New Jersey, and pardon the interruption.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. Fifteen minutes.

Mr. MENENDEZ. Mr. President, I rise today to express my opposition to the nomination of Judge Michael Mukasey to be the next Attorney General for the United States. This has not been an easy decision for me to make.

I met Judge Mukasey before the judiciary hearings and liked him immensely on a personal level. We discussed the unprecedented and extremely harmful politicization that that has occurred within the Justice Department since the beginning of the Bush administration. I was encouraged by the steps he said he would take to reverse it. We talked about the problems of leaking secret grand jury information, and I was impressed by his commitment to investigate any allegations of grand jury leaks and to terminate any responsible prosecutors.

In fact, after my meeting, I thought that I could comfortably vote to confirm Judge Mukasey as our next Attorney General. But, then came the judiciary hearings.

On the second day of the hearings, Judge Mukasey was specifically asked whether waterboarding was illegal. Now, before I get to Judge Mukasey's answer, let me describe what waterboarding is. And, let me make clear that my description contains no classified information—nothing that Judge Mukasey would need special security clearance to know.

The term waterboarding can be used to describe several different interrogation techniques. In one, the victim is immersed in water. In another, water is forced into the victim's nose and mouth. In the third, water is poured onto material—like cellophane—that is placed over the victim's face so that the victim inhales and swallows the water.

Regardless of which technique is used, the victim experiences the sensations of drowning: they struggle, they panic, they hold their breath. They inhale water into their lungs—they vomit and sometimes black out. This is not simulated drowning. It is simulated death. The drowning is real.

Despite this public knowledge of what constitutes waterboarding, Judge Mukasey refused to say whether waterboarding was illegal. According to the judge "hypotheticals are different from real life." Therefore whether waterboarding was illegal would depend on "the actual facts and circumstances"—things he did not know I have a hard time understanding what facts and circumstances could make the procedures I just described legal. I have a hard time understanding what facts and circumstances could make them somehow not cruel and inhumane. The only thing I don't have a hard time understanding is why Judge Mukasey's evasive and non-committal comments sound so familiar.

We have heard them before and all too often. Time and time again, other members of the Bush administration have played word games to justify their use of illegal or inappropriate interrogation techniques.

Judge Mukasey tried to backpedal by saying that he found waterboarding personally repugnant. Well, as many of us know, whether someone finds a law personally repugnant often has no impact on whether that person will enforce the law. Whether they find an action personally repugnant often has no impact on whether they will prosecute that action.

Judge Mukasey also said he would uphold any law that Congress passes in the future outlawing waterboarding. I am not sure how reassuring this statement is, since waterboarding is already illegal in the United States. Why should Congress have to pass a law prohibiting something that is already illegal?

Judge Mukasey should be well aware that waterboarding is illegal. On October 31, Senators McCAIN, GRAHAM, and WARNER—all experts in the area of interrogation and military justice—wrote a letter to Judge Mukasey stating, without a shadow of a doubt that "waterboarding, under any circumstances, represents a clear violation of U.S. law." And my colleagues should know this. They authored the 2005 prohibition on cruel, inhuman, and degrading treatment that the President signed into law. During the debate, they made it very clear that the so-called "McCain amendment" prohibits waterboarding or other extreme techniques that "shock the conscience."

I ask unanimous consent that a letter concerning waterboarding from Senators McCAIN, WARNER and GRAHAM and letters of opposition and concern from the American-Arab Anti-Discrimination Committee and the American Psychological Association be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. MENENDEZ. Knowing what we know about waterboarding, there is no way anyone can argue that it does not shock the conscience.

The McCain amendment is not the only provision of U.S. law prohibiting waterboarding. The 2006 Military Commissions Act clearly prohibits the practice. It enumerates the grave breaches of common article III of the Geneva Conventions that constitute offenses under the War Crimes Act. And, it explicitly prohibits acts that inflict "serious and nontransitory mental harm." As my colleagues stated so clearly in their letter "Staging a mock execution by inducing the misperception of drowning is a clear violation of this standard."

In fact, the U.S. has successfully prosecuted individuals who have engaged in waterboarding. After World War II, U.S. Military Commissions accused and successfully convicted Japanese soldiers for torturing American prisoners through the use of waterboarding. How can we stand here over 60 years later and confirm an individual to be our country's highest ranking law enforcement official if he will not enforce laws we have already prosecuted?

There is no reason to believe that waterboarding is anything but illegal. There is no compelling argument that it could ever be consistent with U.S. law. There is no ambiguity here. No shades of gray. It is clear to me that water boarding is illegal. It is clear to my colleagues Senators McCAIN, GRAHAM, and WARNER that waterboarding violates U.S. law. The only person that it is not clear to is Judge Mukasey.

I have spent some time trying to understand why Judge Mukasey refused to confirm something that is so clear under our laws. The only thing I can come up with is that his statement is consistent with the current Bush administration policy. It protects administration officials who have admitted waterboarding occurred on their watch, and it tacitly permits President Bush to continue utilizing waterboarding as an interrogation technique.

It strikes me as more than a little coincidental that on his first day of testimony before the Judiciary Committee, Judge Mukasey was not afraid to depart with administration policy and assert his independence. Yet on the second day of testimony, he all of a sudden began to play the role of loyal footsoldier.

One has to wonder whether this change of heart occurred under pressure from the administration. If nothing else, it certainly makes me wonder whether Judge Mukasey will be as independent of a thinker and an actor as he led us all to believe he would be.

I hope that I am wrong about Judge Mukasey. This is a critical point in history for the Justice Department. Since the beginning of the Bush administration, we have seen the influence of political appointees expand exponentially. We have seen good, qualified, dedicated prosecutors fired and replaced by Bush loyalists. We have seen the number of civil rights prosecutions drop, and we have seen clearly discriminatory voter I.D. laws approved by partisan political appointees over the objections of experienced career employees.

The Justice Department clearly needs new leadership. It needs to be cleaned up. It needs someone who will not only stop the continuing politicalization but reverse the effects of what has already happened.

If confirmed, I hope that Judge Mukasey will be that kind of leader. I hope that he will exhibit the independence and honesty that he said he would when I met with him. I hope he is as committed to upholding the laws of the United States as Attorney General as he appeared to be as a United States Judge. I hope that his statements on waterboarding are an exception to, not an indication of, the role he will play as Attorney General.

But, I cannot vote on hope alone. I have to vote on facts. And, given the facts available, I simply cannot support Judge Mukasey's nomination.

EXHIBIT 1

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC, October 31, 2007.*

Hon. MICHAEL B. MUKASEY,  
*Patterson Belknap Webb & Tyler LLP,*  
*New York, NY.*

DEAR JUDGE MUKASEY: We welcome your acknowledgement in yesterday's letter that the interrogation technique known as waterboarding is "over the line" and "repugnant," and we appreciate your recognition that Congress possesses the authority to ban interrogation techniques. These are important statements, and we expect that they will inform your views as Attorney General. We also expect that, in that role, you will not permit the use of such a practice by any agency of the United States Government.

You have declined to comment specifically on the legality of waterboarding, deeming it a hypothetical scenario about which it would be imprudent to opine. Should you be confirmed, however, you will soon be required to make determinations regarding the legality of interrogation techniques that are anything but hypothetical. Should this technique come before you for review, we urge that you take that opportunity to declare waterboarding illegal.

Waterboarding, under any circumstances, represents a clear violation of U.S. law. In 2005, the President signed into law a prohibition on cruel, inhuman, and degrading treatment as those terms are understood under the standards of the U.S. Constitution. There was at that time a debate over the way in which the Administration was likely to interpret these prohibitions. We stated then our strong belief that a fair reading of the "McCain Amendment" outlaws waterboarding and other extreme techniques. It is, or should be, beyond dispute that waterboarding "shocks the conscience."

It is also incontestable that waterboarding is outlawed by the 2006 Military Commissions Act (MCA), and it was the clear intent of Congress to prohibit the practice. As the authors of the statute, we would note that the MCA enumerates grave breaches of Common Article 3 of the Geneva Conventions that constitute offenses under the War Crimes Act. Among these is an explicit prohibition on acts that inflict "serious and nontransitory mental harm," which the MCA states (but your letter omits) "need not be prolonged." Staging a mock execution by inducing the misperception of drowning is a clear violation of this standard. Indeed, during the negotiations, we were personally assured by Administration officials that this language, which applies to all agencies of the U.S. Government, prohibited waterboarding.

We share your revulsion at the use of waterboarding and welcome your commitment to review existing legal memoranda covering interrogations and their consistency with current law. It is vital that you do so, as anyone who engages in this practice, on behalf of any U.S. government agency, puts himself at risk of criminal prosecution, including under the War Crimes Act, and opens himself to civil liability as well.

We must wage and win the war on terror, but doing so is fully compatible with fidelity to our laws and deepest values. Once you are confirmed and fully briefed on the relevant programs and legal analyses, we urge you to publicly make clear that waterboarding can never be employed.

Sincerely,

JOHN MCCAIN,
*United States Senator.*
LINDSEY GRAHAM,
*United States Senator.*
JOHN WARNER,
*United States Senator.*

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AMERICAN-ARAB
ANTI-DISCRIMINATION COMMITTEE,
*Washington, DC, November 1, 2007.*

Hon. PATRICK LEAHY,
*Chairman, Senate Committee on the Judiciary, Washington, DC.*

DEAR CHAIRMAN LEAHY: On November 5, as the Senate Committee on the Judiciary convenes a nomination hearing for Attorney General Nominee Judge Michael Mukasey, the American-Arab Anti-Discrimination Committee (ADC), the nations premier organization dedicated ensuring the civil rights of Arab Americans, would like to express its opposition to Judge Mukasey's confirmation.

Judge Mukasey has disappointed our national expectations and failed our patriotic legacy as champions of democracy, human rights, and due process. He refused to name the practice of waterboarding as torture, has cast doubts as to whether non-citizens in U.S. custody should enjoy the protection of the U.S. Constitution, and has advocated for the creation of separate national security courts, casting doubt on our time-proven judiciary system.

It should be noted that all four currently serving Judge Advocates General for our armed forces are on record in qualifying waterboarding as torture and constituting a war crime. The Attorney General is the nation's chief law enforcement officer and is tasked with the application of the rule of law. The Attorney General must be able to maintain the delicate balance between national security and individual liberties and rights. Judge Mukasey's hesitancy on these vital matters, his doubts as to whether the U.S. Constitution, our supreme law of the land, applies to non-citizens, foreshadow a possible unwillingness on his part to enforce the role of law, including that of our Constitution and international legal standards; standards that our nation has championed for decades.

It is time for President Bush to nominate an attorney general who stands up for the values that have defined our nation; Judge Mukasey is not such a nominee. As our nation's largest non-profit organization dedicated since 1980 to defending the civil rights of Americans of Arab descent, we ask that you stand up as a patriot and a leader in defense of our national values and oppose Judge Mukasey's confirmation as the next attorney general.

Thank you for your consideration of this matter. Should you or your staff have any questions concerning this matter or ADC's work with the U.S. Department of Justice please do not hesitate to contact ADC Legislative Director Christine Gleichert at Christine@adc.org or (202) 244-2990.

Very truly yours,

KAREEM W. SHORA, JD, LLM,
*National Executive Director.*

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AMERICAN PSYCHOLOGICAL
ASSOCIATION,
*Washington, DC, November 1, 2007.*

Hon. PATRICK J. LEAHY,
*Chairman, Senate Judiciary Committee, Washington, DC.*
Hon. ARLEN SPECTER
*Ranking Member, Senate Judiciary Committee, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: We are writing on behalf of the American Psychological Association (APA), the world's largest scientific and professional organization of psychologists, to commend and support your ongoing efforts related to the confirmation hearing and follow-up correspondence to Attorney General nominee Michael B. Mukasey. We highly value your commitment to ensure that the next U.S. Attorney General is dedicated to safeguarding the physical and psychological welfare and human rights of individuals incarcerated by the U.S. government in foreign detention centers. We are all too aware of reports of a 2002 memorandum by then Assistant U.S. Attorney General Jay Bybee that granted power to the President to issue orders in violation of the Geneva Conventions and international laws that prohibit torture and cruel, inhuman, or degrading treatment. (Fortunately, this memorandum has since been disavowed by President Bush and overridden by his Executive Order in July of this year.)

In a separate letter to President Bush, we urged him to regard the ongoing Senate confirmation process involving his Attorney General nominee as a timely opportunity to expand his recent Executive Order to clarify that "enhanced" interrogation techniques, such as forced nudity, waterboarding, and mock executions, which are defined as torture or cruel, inhuman, or degrading treatment by the Geneva Conventions and the United Nations Convention Against Torture, shall not be used or condoned by the U.S. government. We also urged the government to disallow any testimony resulting from the use of these techniques.

APA unequivocally condemns the use of torture and cruel inhuman, or degrading treatment or punishment under any and all conditions, including the detention and interrogation of both lawful and unlawful "enemy combatants," as defined by the U.S. Military Commissions Act of 2006 (see attached August 2007 resolution). Accordingly, we also urge the Congress and the Bush administration to establish policies and procedures to ensure the judicial review of these detentions, which in some instances have gone on for years without any determination of their legality.

Psychologists consulting to the military and intelligence communities, like their colleagues in domestic forensic settings, use their expertise to promote the use of ethical, effective, and rapport-building interrogations, while safeguarding the welfare of interrogators and detainees. It is always unethical for a psychologist to plan, design, or assist, either directly or indirectly, in interrogation techniques delineated in APA's 2007 resolution and any other techniques defined as torture or cruel, inhuman, or degrading treatment or punihment under the Geneva Conventions, the United Nations Convention Against Torture, and APA's 2006 Resolution Against Torture.

There are no exceptional circumstances whatsoever to these prohibitions, whether induced by a state of war, threat of war, or any other public emergency, or in the face of laws, regulations, or orders. APA will support psychologists who refuse to work in settings in which the human rights of detainees are not protected. Moreover, psychologists with knowledge of the use of any prohibited interrogation technique have an ethical responsibility to inform their superiors and the relevant office of inspectors general, as appropriate, and to cooperate fully with all government oversight activities to ensure that no individual is subjected to this type of treatment.

We look forward to working with the Senate Judiciary Committee to develop policies on interrogation that provide for ethical and effective means to elicit information to prevent acts of violence. Our own work in this area is ongoing, and we plan to make available a casebook and commentary (upon completion) to provide guidance on the interpretation of our resolution. If you have any questions or are in need of additional information, please contact APA's Director of Ethics, Stephen Behnke, J.D., Ph.D., at (202) 336-6006 or at sbehnke@apa.org, or our Senior Policy Advisor, Ellen Garrison, Ph.D., at (202) 336-6066 or egarrison@apa.org.

Sincerely,

SHARON STEPHENS BREHM, PH.D,
*President.*
NORMAN B. ANDERSON, PH.D.,
*Chief Executive Officer.*

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Attachment

### REAFFIRMATION OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION POSITION AGAINST TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT AND ITS APPLICATION TO INDIVIDUALS DEFINED IN THE UNITED STATES CODE AS "ENEMY COMBATANTS"[i]

Whereas the mission of the American Psychological Association is to advance psychology as a science and profession and as a means of promoting health, education and human welfare through the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association;

Whereas the American Psychological Association is an accredited non-governmental organization at the United Nations and so is committed to promote and protect human rights in accordance with the United Nations Charter and the Universal Declaration of Human Rights;

Whereas the American Psychological Association passed the 2006 Resolution Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, a comprehensive and foundational position applicable to all individuals, in all settings and in all contexts without exception;

Whereas in 2006, the American Psychological Association defined torture in accordance with Article 1 of the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment,

[T]he term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official [e.g., governmental, religious, political, organizational] capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions [in accordance with both domestic and international law];

Whereas in 2006, the American Psychological Association defined the term "cruel, inhuman, or degrading treatment or punishment" to mean treatment or punishment by a psychologist that, in accordance with the McCain Amendment, is of a kind that would be "prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984." Specifically, United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture stating, "the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States."[ii]

Be it resolved that the American Psychological Association reaffirms unequivocally the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment in its entirety in both substance and content (see Appendix A);

Be it resolved that the American Psychological Association affirms that there are no exceptional circumstances whatsoever, whether induced by a state of war or threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture or cruel, inhuman, or degrading treatment or punishment, including the invocation of laws, regulations, or orders;

Be it resolved that the American Psychological Association unequivocally condemns torture and cruel, inhuman, or degrading treatment or punishment, under any and all conditions, including detention and interrogations of both lawful and unlawful enemy combatants as defined by the U.S. Military Commissions Act of 2006;

Be it resolved that the unequivocal condemnation includes an absolute prohibition against psychologists' knowingly planning, designing, and assisting in the use of torture and any form of cruel, inhuman or degrading treatment or punishment;

Be it resolved that this unequivocal condemnation includes all techniques defined as torture or cruel, inhuman or degrading treatment under the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the United Nations Convention Against Torture, and the Geneva Convention. This unequivocal condemnation includes, but is by no means limited to, an absolute prohibition for psychologists against direct or indirect participation in interrogations or in any other detainee-related operations in mock executions, water-boarding or any other form of simulated drowning or suffocation, sexual humiliation, rape, cultural or religious humiliation, exploitation of phobias or psychopathology, induced hypothermia, the use of psychotropic drugs or mind-altering substances used for the purpose of eliciting information; as well as the following used for the purposes of eliciting information in an interrogation process: hooding, forced nakedness, stress positions, the use of dogs to threaten or intimidate, physical assault including slapping or shaking, exposure to extreme heat or cold, threats of harm or death; and isolation, sensory deprivation and overstimulation and/or sleep deprivation used in a manner that represents significant pain or suffering or in a manner that a reasonable person would judge to cause lasting harm; or the threatened use of any of the above techniques to the individual or to menbers of the individual's family;

Be it resolved that the American Psychological Association calls on the United States government—including Congress, the Department of Defense, and the Central Intelligence Agency—to prohibit the use of these methods in all interrogations and that the American Psychological Association shall inform relevant parties with the United States government that psychologists are prohibited from participating in such methods;

Be it resolved that the American Psychological Association, in recognizing that torture and other cruel, inhuman or degrading treatment and punishment can result not only from the behavior of individuals, but also from the conditions of confinement, expresses grave concern over settings in which detainees are deprived of adequate protection of their human rights, affirms the prerogative of psychologists to refuse to work in such settings, and will explore ways to support psychologists who refuse to work in such settings or who refuse to obey orders that constitute torture;

Be it resolved that the American Psychological Association asserts that any APA member with knowledge that a psychologist, whether an APA member or non-member, has engaged in torture or cruel, inhuman, or degrading treatment or punishment, including the specific behaviors listed above, has an ethical responsibility to abide by Ethical Standard 1.05, Reporting Ethical Violations, in the Ethical Principles of Psychologists and Code of Conduct (2002) and directs the Ethics Committee to take appropriate action based upon such information, and encourages psychologists who are not APA members also to adhere to Ethical Standard 1.05;

Be it resolved that the American Psychological Association commends those psychologists who have taken clear and unequivocal stands against torture and cruel, inhuman or degrading treatment or punishment, especially in the line of duty, and including stands against the specific behaviors (in lines 81 through 100) or conditions listed above; and that the American Psychological Association affirms the prerogative of psychologists under the Ethical Principles of Psychologists and Code of Conduct (2002) to disobey law, regulations or orders when they conflict with ethics;

Be it resolved that the American Psychological Association asserts that all psychologists with information relevant to the use of any method of interrogation constituting torture or cruel, inhuman, or degrading treatment or punishment have an ethical responsibility to inform their superiors of such knowledge, to inform the relevant office of inspectors general when appropriate, and to cooperate fully with all oversight activities, including hearings by the United States Congress and all branches of the United States government, to examine the perpetration of torture and cruel, inhuman, or degrading treatment or punishment against individuals in United States custody, for the purpose of ensuring that no individual in the custody of the United States is subjected to torture or cruel, inhuman, or degrading treatment or punishment;

Be it resolved that the APA Ethics Committee shall proceed forthwith in writing a casebook and commentary that shall set forth guidelines for psychologists that are consistent with international human rights instruments, as well as guidelines developed for health professionals, including but not limited to: Common Article 3 of the Geneva Conventions; The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; The United Nations Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and The World Medical Association Declaration of Tokyo: Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment;

BE IT RESOLVED that the American Psychological Association, in order to protect against torture and cruel, inhuman, or degrading treatment or punishment, and in order to mitigate against the likelihood that unreliable and/or inaccurate information is entered into legal proceedings, calls upon United States legal systems to reject testimony that results from torture or cruel, inhuman, or degrading treatment or punishment.

ENDNOTES

[i] Defined as both unlawful enemy combatants and lawful enemy combatants as set

forth in the U.S. Military Commissions Act of 2006 (Chapter 47A; Subchapter I: §948a. Definitions)

"(1) Unlawful enemy combatant.—

(A) The term 'unlawful enemy combatant' means—

"(i) a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant (including a person who is part of the Taliban, al Qaeda, or associated forces); or

"(ii) a person who, before, on, or after the date of the enactment of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense.

"(B) Co-belligerent.—In this paragraph, the term 'cobelligerent', with respect to the United States, means any State or armed force joining and directly engaged with the United States in hostilities or directly supporting hostilities against a common enemy.

"(2) Lawful enemy combatant.—The term 'lawful enemy combatant' means a person who is—

"(A) a member of the regular forces of a State party engaged in hostilities against the United States;

"(B) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or

"(C) a member of a regular armed force who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

"Article V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof; are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Resolution Adopted by the Council of Representatives of the American Psychological Association on August 19, 2007.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield 10 minutes to the distinguished Senator from Alabama, Mr. SESSIONS.

Mr. SESSIONS. Mr. President, I believed we were moving toward a very harmonious vote on Judge Mukasey's confirmation. I have been disappointed that has not occurred.

Opponents have latched on to complaints about torture and a specific classified procedure that Judge Mukasey has never seen or studied in detail. Since he refused to express a legal opinion on that one specific technique, they have asserted that he supports torture, and many have decided to vote against him. I think that is unfair to the judge.

I will recall that Judge Mukasey was called to the attention of the President through Senator SCHUMER who has spoken highly of him and who voted for him in the committee, as did Senator FEINSTEIN, two Democratic colleagues. Senator SCHUMER apparently has known him and his reputation in New York for some time. The President attempted to reach out and to pick a nominee who appeared to be above politics, apart from politics, a person who had a history of competence and integrity.

Being a Federal judge is about as removed from the normal give and take of politics and compromise and wheeling and dealing as you can get. And he served in that position for many years but also had experience as an assistant U.S. attorney involved in leading a public corruption section in New York which was pretty sizable and important and dealt with a lot of important cases.

He was on the Law Review at Yale and has all of the kind of academics credentials and practical experience you would look for and is the kind of U.S. Attorney General I, and I think people of both parties can feel comfortable with. I really do believe that.

I was hopeful we would see a nominee such as Larry Thompson, a longtime friend of mine. He served as former Deputy Attorney General of the United States, a former U.S. attorney; Ted Olson, who served as Solicitor General; or former Attorney General Bill Barr. These are a few individuals who would be considered normal Republican appointees for this position and whose views are well known to be in accord with those of the President on most issues. But, instead, the President reached out and appointed someone who appeared to have strong bipartisan support.

I am sorry we have had some of these complaints because I think they distort the record and what the judge actually said in his testimony and are inaccurate in a number of different ways.

The issue of torture has been discussed in great detail. But in many ways it has not been handled with accuracy, and the issues have not been squarely addressed. They have been sort of sloughed over, and he has been accused of things, and others, including the President and former Attorney Generals and the military and other people have been accused of things in an inaccurate fashion.

I think I would like to make a few comments about how I see the legal situation that we find ourselves in and how things have developed. Prior to the Supreme Court's ruling in 2006 in Hamdan, a legitimate position, clearly, for the United States was that our personnel, when they were dealing with unlawful combatants, were bound by the torture statute, title 18, U.S. Code, Section 2340. That is the controlling statutory authority. It defined torture. It was passed overwhelmingly by Congress in 1994.

It was passed by a vote of 92 to 8. Every current member of the Senate Judiciary Committee who was here in the Senate in 1994 voted for it. Senator BIDEN, Senator FEINGOLD, Senator FEINSTEIN, Senator GRASSLEY, Senator HATCH, Senator KENNEDY, Senator KOHL, Senator LEAHY, and Senator SPECTER all voted for this act.

I asked Mr. Jack Goldsmith, former head of the Office of Legal Counsel in the Department of Justice under President Bush who resigned because he was not happy with some of the things that were being done, about the legal landscape regarding torture prior to the Hamdan decision—and he wrote a book about it.

I asked Mr. Goldsmith about the landscape prior to Hamdan—which found that the Common Article III of the Geneva Convention applied to enemy unlawful combatants detained at Guantanamo Bay. But that decision did not occur until the summer of 2006, so prior to that, pretty clearly, the authority that controlled the U.S. military in dealing with unlawful combatants, which we, I think, had every right to conclude were not covered by the Geneva Conventions, was the torture statute Congress passed in 1994. That is the statute that our military was compelled to comply with.

And so the statute on torture is pretty clear. The people who drafted it wanted to make sure that whether in the United States or out of the United States that persons in our custody ought not to be tortured.

That certainly is an honorable and appropriate goal, and they did that. They passed this statute in which they defined torture:

> As used in this chapter (1) "torture" means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;
>
> (2) "severe mental pain or suffering" means the prolonged mental harm caused by or resulting from—
>
> (A) the intentional infliction or threatened infliction of severe physical pain or suffering.

And it goes on.

Playing music or segregating a prisoner or giving one prisoner less food or less quality food than you give another one, placing them in stressful conditions clearly does not qualify under this torture statute as inflicting severe physical or mental pain.

Our military had lawyers. As Mr. Goldsmith, who was a critic, really, of this administration's behavior, said in his testimony and in his book, they were awash with lawyers. They had lawyers all over the place. Everything was read by lawyers. He said the CIA had 100 lawyers. I don't know how many in the Department of Defense and others he made reference to were there trying to figure out how to conduct interrogations at a time when our country had been attacked, 3,000 people had been killed, and we were trying to figure out if there were other cells in our country and other groups prepared to kill more Americans.

I remember when Senator John Ashcroft was nominated for Attorney General, and they were jumping on him about all of this and what should be done and what they had heard that somebody might have done. An exasperated then-Senator, Attorney General nominee Ashcroft responded to one question in frustration by saying: Well, the problem I have with you, Senator, is, it is not my definition of torture that counts, it is the one you enacted into law.

So that is what we enacted into law. If people are not happy with it—I think it is a legitimate statute, but if they are not happy with it, so be it. That is the one we passed into law. Our lawyers were telling our intelligence people and others who were apprehending terrorists who were committed to destroying America that they had to comply with this statute.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SESSIONS. I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania yield an additional minute to the Senator from Alabama?

Mr. SPECTER. What is the request pending?

Mr. SESSIONS. One additional minute.

Mr. SPECTER. Granted.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. There is another matter of some importance. A number of Senators have demanded that Judge Mukasey make express statements of law regarding the separation of powers, and they have asked him these questions as a condition of his confirmation. Several Senators alluded to private conversations in which they say Judge Mukasey stated that a President cannot act outside the parameters set by the legislative branch, I guess on most any matter. Particularly, I guess it dealt with FISA. I believe this contradicts the fundamental separation of powers set forth in the Constitution by our Founding Fathers. The oath the President takes is to faithfully execute the Office of the President and to preserve, protect, and defend the Constitution of the United States. That is written in the Constitution.

While the original FISA statute was being debated in 1978, then Carter administration Attorney General Judge Griffin Bell testified:

> The current bill recognizes no inherent power of the President to conduct electronic surveillance, and I want to interpolate here to say that this does not take away the power of the President under the Constitution.

I associate myself with the remarks of Griffin Bell and recognize that nothing we can do in this Congress can impede on the powers vested in the Executive by the Constitution. Congress cannot curtail the constitutional powers of the Executive by statutory law.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SPECTER. How much more time would the Senator like?

Mr. SESSIONS. One additional minute.

Mr. SPECTER. Granted.

Mr. SESSIONS. The purported conversations that Senators indicate they have had apparently took place in private settings and not in a confirmation hearing held by the Judiciary Committee where these statements could be made a part of the record or cross-examined or where the words could be recorded with any accuracy. These types of promises, though touted as justification for a vote, perhaps, are not legislative history and have not been made a part of the record of this nomination. They cannot be a part of a legislative history of any kind.

Furthermore, I would suggest that if Judge Mukasey did, in fact, say that in a categorical manner, which I really doubt, he would be in error. Any President has certain constitutional powers that cannot be taken away by statute.

I yield the floor.

Mr. SPECTER. Mr. President, how much time remains on each side?

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania has 1 hour 26 minutes; the Senator from Vermont has 1 hour 36 minutes.

The Senator from Maryland is recognized for 10 minutes.

Mr. CARDIN. Mr. President, I have the opportunity to serve on the Judiciary Committee, so I participated in the confirmation hearings on Judge Mukasey. I had a chance to personally meet with him. I had the chance to propound written questions and received written answers from him. Throughout this process, all of us have been looking for a person to be the next Attorney General who would be an Attorney General for the American people and not just the President of the United States.

I cannot accept Judge Mukasey's answer on waterboarding. As my colleagues have said, waterboarding is an interrogation technique that simulates death by drowning. The original question that was asked Judge Mukasey on the second day of the confirmation hearings asked specifically about waterboarding. He didn't really answer the question. I must tell you, I gave him the benefit of the doubt on that question. He indicated that he may not have been familiar with what waterboarding is. I found that difficult to believe, but okay. He would have a chance to reflect upon it, be able to look at the historical information on waterboarding, and we asked him a written question followup as to whether he would comment on the interrogation technique of waterboarding.

The question was asked. As waterboarding is generally known, it has been used for centuries. Judge Mukasey would not give us a direct answer as to whether waterboarding was torture and prohibited under U.S. law. Then we find out that Judge Mukasey says: Look, if Congress passes a statute that specifically outlaws waterboarding, I would enforce that statute. That is not necessary because waterboarding is already illegal. But that causes me some additional problems.

Let me talk a little bit about the various issues because to me it is more than just waterboarding. We are talking about torture and the U.S. position on torture and the U.S. leadership in advancing human rights as the leader of the free world. I believe that reputation has been damaged.

The United States historically has provided clarity and leadership on advancing human rights issues. There should be no doubt that waterboarding is torture and waterboarding is illegal. My colleagues have cited the torture statutes that have been passed by the Congress that make it clear that this kind of conduct would fall under the general definition of torture and is illegal in the United States.

It is internationally condemned under the Geneva Conventions article 3. Our Constitution prohibits torture, and waterboarding would fall under that. We prosecuted Japanese officials after World War II as war criminals because they waterboarded American soldiers.

We recently passed the McCain amendment that said that cruel, inhumane, and degrading treatment or punishment of persons under the detention, custody, or control of the United States would not be permitted. So there should be no doubt that waterboarding is torture and illegal.

Admiral Hutson, who testified before the committee on a panel of outside witnesses, told us a little bit more about the historical aspects of waterboarding. He is a former Judge Advocate General, former senior uniformed legal advisor to the Secretary of the Navy and the Chief of Naval Operations. He stated that waterboarding "is the most iconic example of torture." It was devised during the Spanish Inquisition, and its use has been repudiated for centuries. This is not a new technique. It is well known. I don't believe we need to pass another statute. It is clear already.

I have heard my colleagues say: All we have to do is pass a statute. Does that mean we are going to have to pass a statute that outlaws all types of specific uses of torture such as mock execution or forced nudity or attack dogs or the use of rack or thumb screws? Are we going to have to outlaw those specific techniques because it is not clear under our statute of torture that is illegal today? I hope not. I hope it is clear that these techniques are torture, as is waterboarding, and it is illegal.

Admiral Hutson put it best when he said the Attorney General, as our chief law enforcement officer, has to be absolutely unequivocal as to what is torture and what is not. On torture, I want the President of the United States and the Attorney General to be very clear to the international community that the United States will not tolerate torture being used by the United States, waterboarding being used by the United States or used against any American. We have to be clear about that.

I want our Government to use all resources at its disposal if a foreign agent attempts to torture an American, including waterboarding of an American. It has been said, but can you imagine the resolution that would be brought before this body if an American soldier was waterboarded by a foreign enemy, what we would be doing here, each one of us?

I have my concern because I want our country to be clear on this issue. I have the President of the United States, in a signing statement on the McCain amendment, saying: Well, maybe torture doesn't apply to me. Now I have an Attorney General nominee who tells us that he can't tell us with precision that waterboarding is illegal?

We do have international responsibilities. We are the leader of the free world. I am proud to represent this body in the Helsinki Commission as the chair, to speak up internationally on human rights issues. I find myself defending America. I am having a hard time on this issue as to where we stand on the issue of torture.

Judge Mukasey is not responsible—let me make it clear because some of my colleagues have intimated this—for the Bush administration's policies on torture or on techniques to interrogate. He is not responsible. He had nothing to do with it. But I do believe we need to make sure he will stand up to the Bush administration to challenge these tactics if they, in fact, are illegal. Judge Mukasey is a good person. He is an honorable man. But on the critical issue of whether he will stand up to the President and give independent advice as to what is torture and what is not, I have my doubts.

I will be voting against his confirmation.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we have about 3 hours remaining of time, and I note Senators on the floor speaking in opposition to Judge Mukasey. So I would ask my colleagues who want to speak in favor to come to the floor so we can make some evaluation as to how much time we need, and perhaps some can be yielded back. We are not required to vote on Friday morning necessarily.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized for 15 minutes.

Mrs. BOXER. Mr. President, thank you very much.

Mr. President, I rise to express my opposition to the nomination of Judge Michael Mukasey to be our next Attorney General. I thank Chairman LEAHY and his committee, including Senator SPECTER and members I see here, Senator KENNEDY, for working hard to examine the nominee's record and, frankly, for asking the tough questions, which I think gave us a real look into the mind and the heart of this man.

I have respect for Judge Mukasey's background, his dedication to public service, his reputation as a distinguished jurist, and as a good man. But when evaluating our Nation's chief law enforcement official, we must weigh far more than background and likability. Particularly now—particularly now—when we are following the disastrous tenure of Alberto Gonzales, particularly now, when we have lost so much more leadership in the world because of what is happening in Iraq, and, unfortunately, what has happened in Abu Ghraib, we need to look past likability and qualifications.

We must firmly believe our next Attorney General must always put his loyalty to the Constitution above his loyalty to the President. We have a President and a Vice President who have dangerously abused their Executive power and who have undermined the public trust. This is not a partisan opinion.

Listen to what John Dean, White House Counsel to President Richard Nixon, wrote:

> Not since Nixon left the White House have we had such greed over presidential power, and never before have we had such political paranoia. . . . History never exactly repeats itself, but it does some rather good imitations.

When an administration spies on its own citizens without a warrant, strips habeas corpus rights from those held by America, and fires its own U.S. attorneys for political reasons, that is a shocking abuse of Executive power.

When an administration thinks it can just ignore an entire coequal branch of Government, even using signing statements to reinterpret or disregard more than 750 laws that Congress has passed, that is a shocking abuse of Executive power.

When an administration silences its own officials, rewriting testimony, redacting testimony, shelving reports, refusing to let experts publicly speak the truth, that is a shocking abuse of Executive power.

I have seen this so many times with this administration. The latest time was with global warming experts whose truths the White House find "inconvenient." And what did they do? They redacted testimony of the CDC Director, the Center for Disease Control Director, when we asked her to come before the Environment Committee of the Senate and tell us what would the health effects of unfettered global warming be. What would happen? The White House muzzled her by slashing her testimony. They gave all kinds of excuses as to why it was done. None of them were real.

Then, when I wrote to the President, and I said: Mr. President, we need to hear what Dr. Gerberding has to say about the impacts of global warming on the health of our people; Mr. Fielding, White House Counsel, wrote back: Oh, gee, we are not going to send you her original testimony you have asked for. Oh, no, that would be an abuse of executive privilege. Let me restate that: That would be an abuse of the separation of powers. And he asserted executive privilege. Imagine asserting executive privilege for something like the health effects of global warming. It is unbelievable.

So now we need an Attorney General who is going to be the people's lawyer, not the President's lawyer, not the one who is going to tell us: Oh, yeah, we just cannot do anything about it, Congress.

We need an Attorney General who is going to check this unprecedented abuse of power, not rubberstamp it.

Unfortunately, because of the deep and thorough questioning of the Judiciary Committee, and my reading of that, I cannot support Judge Mukasey.

Judge Mukasey ruled that President Bush had the authority to detain American citizens as enemy combatants without criminal charges or habeas corpus rights; likewise, during his confirmation hearing, Judge Mukasey failed to demonstrate that he would independently evaluate this President's broad assertion of executive privilege.

When asked if he would permit the U.S. attorney to execute congressional contempt citations when the White House refuses to provide documents to

Congress, Judge Mukasey did not say yes. He should have said yes.

The statute is clear. The statute is clear that when Congress issues a contempt citation, the U.S. attorney is required to bring the matter to a grand jury.

What Judge Mukasey said was, he would have to look at it. He would have to see if it really was reasonable. The fact is, that is not what the statute says. There is no "reasonable" test. When the Congress issues a contempt citation, the U.S. attorney is required to bring the matter to a grand jury. If the President says "executive privilege," it does not matter. But the judge said he would look at it and see if the President was being reasonable.

So we have to send a clear and unequivocal message to the Justice Department staff. We have to send a clear message to the American people and to the world that the United States honors and respects and will never turn away from our Constitution.

It is so amazing to me. We have a crisis in Pakistan where a dictator—unfortunately, is what I am saying General Musharraf is behaving like—has suspended the Constitution—and everyone here, all of us, feel terrible about this, including the President of the United States, who, as I understand it, talked to him on the phone and told him to restore the Constitution—and here we cannot get papers from this White House.

I am not comparing that in any way, shape, or form to the kind of suspension of the Constitution we see abroad. But I am saying in this country—in this country—everyone assumes the Constitution will be followed. That is why we need an Attorney General now, in 2007, who is going to be so strong on the point.

Yes, he should have said if Congress issues a contempt citation, of course, we will do what we have to do under the law. So it is not enough to hope the nominee will exercise independent judgment and stand up to this President and Vice President. We must know from the record before us that this nominee will uphold the Constitution and our laws and do it clearly and unequivocally.

Now, that is a high standard. I admit that. But that is what the people of this great Nation deserve, nothing less. Unfortunately, Judge Mukasey's response to questions about torture do not meet the standard.

During his confirmation hearing, the nominee was asked whether waterboarding is illegal. Now, I know a lot of people have discussed this, and perhaps we are all being repetitious. But I think we need to say how we feel.

This is a moment for this Senate. This has been a long day for all of us. I know for me it has been a big day. I helped to lead, along with Senator INHOFE, an override of a very important bill. I had a hearing on global warming. I had a briefing on global warming. I have been at it, just as we all have.

But I came out to the floor because I think this is an important moment where Members have to be heard. We must know from the record before us that the nominee will uphold the Constitution and our laws. And, yes, it is a high standard that the people deserve.

So when the nominee was asked whether waterboarding is illegal, he responded if waterboarding is torture, then, in fact, it is unconstitutional. So I have to ask this rhetorical question: If waterboarding is torture? If? We are talking about a brutal interrogation technique that simulates drowning.

Not surprisingly, members of the Judiciary Committee were not satisfied with this answer. And I praise them. They probed, they questioned, they asked again: Is waterboarding illegal?

This time, the judge responded with a four-page letter that, once again, failed to answer. He called the question "hypothetical." He said his legal opinion would depend on "the actual facts and circumstances." Depend on "the actual facts and circumstances" if waterboarding is torture? Is this the message we want to send to the world, that our evaluation of a brutal tactic depends on "facts and circumstances"?

In fact, Judge Mukasey's answer was a bit too similar to a statement by Alberto Gonzales that the legality of torture techniques "would depend on circumstances."

This is not a clear answer. This is not unequivocal. And it is not what we need in an Attorney General now, in 2007, when the world is turning away from America as a moral leader.

Teddy Roosevelt did not have to consider the "facts and circumstances" in 1902 when he court-martialed and removed an American general in the Philippines for allowing his troops to engage in waterboarding. That was 1902, the last century, the turn of the last century, and we have someone equivocating on this point? President Roosevelt said then nothing can justify the use of torture or inhuman conduct by our military.

Senators McCAIN, WARNER, and GRAHAM did not have to consider "the facts and circumstances" when they wrote to Judge Mukasey:

> Waterboarding, under any circumstances, represents a clear violation of U.S. law.

Waterboarding today is not a hypothetical. It is used in Burma against supporters of democracy. Waterboarding is an unconstitutional form of cruel and inhumane treatment. It is illegal under U.S. laws—from the Torture Act, which prohibits acts "specifically intended to inflict severe physical or mental pain or suffering," to the Detainee Treatment Act, which prohibits "cruel, inhuman or degrading treatment."

It is illegal under international laws, such as the Geneva Conventions, which are not quaint. Those conventions prohibit cruel, humiliating, and degrading treatment.

Following World War II, the United States convicted several Japanese soldiers for waterboarding American and allied POWs. Let me repeat: Following World War II, the United States convicted several Japanese soldiers for waterboarding American and allied POWs. What kind of statement are we hearing from Judge Mukasey? Our law and our history are crystal clear, so why can't Judge Mukasey state in unequivocal terms that waterboarding is torture and that is illegal?

Mr. President, I ask unanimous consent for 1 additional minute and I will sum up.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, our country is at a critical point in our history. This President and Vice President have shown reckless disregard for the rule of law and the institutions sworn to uphold it.

Now, more than ever before, we need an Attorney General who can exercise independent judgment and who will exercise independent judgment. We need an Attorney General who shows every day, by word and by deed, that the United States is still the world's standard bearer for the rule of law. We need an Attorney General who will truly turn the page and write a new chapter for the Justice Department and for our country.

It is very rare that I vote no on these kinds of nominations. I do it now and then. But I have to say, regretfully, tonight I have concluded Judge Mukasey does not meet the critical standard and at this time I feel very strongly that he should not be confirmed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, the Department of Justice is in a state of crisis. Under Attorney General Gonzales, it too often served as a rubberstamp for the White House and as a pawn for political gain, rather than as the Nation's guardian of the rule of law. It ignored the law and authorized torture and warrantless surveillance. It let politics drive decisions about who should be prosecuted. It fired U.S. attorneys who would not go along. It hired and punished career attorneys on the basis of their personal politics, and it abandoned enforcement of our civil rights laws.

After such an unacceptable period of tarnished leadership of the Department, we need a clear, decisive, and straightforward Attorney General who is not afraid to stand up for the Constitution and the rule of law—especially when that means disagreeing with the President of the United States.

I had hoped Judge Mukasey would be that person. He is, clearly, an able lawyer, and his commitment to public service as an assistant U.S. attorney and Federal judge is admirable. As a Federal judge for almost 19 years, he was, by all accounts, fair and conscientious in the courtroom. But after listening to Judge Mukasey's testimony and considering his responses to written questions from the members of the Judiciary Committee, I have concluded he is not the right person to lead the Justice Department at this crucial period of our history.

The next Attorney General must restore confidence in the rule of law. He must show the American people and the world America has returned to its fundamental belief in the rule of law as the bedrock protector of our national values. Only an Attorney General who is not afraid to speak truth to power can be such a leader. Regrettably, Michael Mukasey has shown he is not that leader.

Similar to many of my colleagues and many American citizens, I am deeply troubled by Judge Mukasey's evasive answers about torture. He has repeatedly refused to acknowledge that waterboarding—the controlled drowning of a prisoner—is torture. Instead, he has said only that torture is unconstitutional without being willing to say whether waterboarding is torture.

As the record makes clear, courts and tribunals have consistently found waterboarding to be an unacceptable act of torture. As Malcolm Nance, a former master instructor and chief of training at the U.S. Navy Survival, Evasion, Resistance and Escape School, said of waterboarding:

> For the uninitiated, it is horrifying to watch and if it goes wrong, it can lead straight to terminal hypoxia. When done right it is controlled death.

During the questions for Judge Mukasey in the Judiciary Committee, he was asked these questions:

> Is the use of a wet towel and dripping water to induce the misperception of drowning (i.e, waterboarding) legal?

Listen to what the Judge Advocates said:

"No," said RADM Bruce McDonald, U.S. Navy Judge Advocate General.

"No," said BG Kevin Sandkuhler, U.S. Marines, Judge Advocate General.

"No. An interrogation technique that is specifically intended to cause severe mental suffering involving a threat of imminent death by asphyxiation is torture," said MG Jack Rives, U.S. Air Force Judge Advocate General.

"Inducing the misperception of drowning as an interrogation technique is not legal," said MG Scott Black, U.S. Army Judge Advocate General.

Waterboarding is an ancient and barbaric technique. In the fifteenth and sixteenth centuries, interrogators of the Spanish inquisition used it. It was used against slaves in this country. In World War II, it was used against our soldiers by Japan. In the 1970s, it was used against political opponents of the Khmer Rouge and the military dictatorships of Chile and Argentina. As I speak, it is being used against prodemocracy activists by the military dictators of Burma. This is the company the Bush administration embraces when it refuses to renounce waterboarding.

But Judge Mukasey is unwilling to say waterboarding violates the law. He calls it repugnant, and it obviously is. But he refuses to condemn it as unlawful. Why? The answer seems painfully obvious. Former intelligence officers and supervisors have admitted—and the Vice President has confirmed—that the CIA has waterboarded detainees. Had Judge Mukasey renounced waterboarding as unlawful, he would have had to assert his independence and speak the truth about this administration's lawlessness. He was unwilling to do so.

We were told Judge Mukasey had agreed to enforce a new law prohibiting waterboarding if Congress passed it. There are two problems with this statement. First, enforcing laws passed by Congress that are constitutional is the job of the Attorney General. It is a prerequisite to occupying the office, not a concession to be offered to win confirmation.

But, second, waterboarding is already illegal. It is illegal under the Geneva Conventions, which prohibit "outrages upon personal dignity," including cruel, humiliating, and degrading treatment. It is illegal under the Torture Act, which prohibits acts "specifically intended to inflict severe physical or mental pain or suffering." It is illegal under the Detainee Treatment Act, which prohibits "cruel, inhumane, or degrading treatment," and it violates the Constitution. The Nation's top military lawyers and legal experts across the political spectrum have condemned waterboarding as illegal. After World War II, the United States prosecuted Japanese officers for using waterboarding. What more does this nominee need to enforce existing laws?

The Attorney General must have the legal and moral judgment to know when an activity rises to the level of a violation of our Constitution, treaties or statutes. But this nominee wants to pass the buck to Congress. He has failed to demonstrate that he will be the clear, decisive, and straightforward leader the Department of Justice so desperately needs.

This administration has recklessly brushed aside the rule of law for 7 years. We need an Attorney General who will stand up to this destructive conduct and say: No more. We cannot afford to take our chances on the judgment of an Attorney General who either does not know torture when he sees it or is willing to look the other way to suit the President.

I urge the Senate to vote no on this nomination.

Mr. SPECTER. Mr. President, before yielding 15 minutes to the Senator from New York, I would like to note to my colleagues we have Senator GRAHAM listed with a request for a short period of time, and the only request pending for those in support of Judge Mukasey, so unless other Senators come to the floor, at least on our side, we may be nearing the end of debate. I think it is appropriate to put all Senators on notice that we could be voting perhaps shortly after 10 or the 10:30 range.

I yield 15 minutes, as I said, to Senator SCHUMER.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 15 minutes.

Mr. SCHUMER. Thank you very much, Mr. President. I wish to thank Senator SPECTER for yielding time and I wish to thank all my colleagues for this debate.

I intend to vote to confirm Michael B. Mukasey to be the 81st Attorney General of the United States. I do so for one overarching reason: the Department of Justice, one of the crown jewels among our Government institutions—once the crown jewel—is now adrift and rudderless. It desperately needs a strong and independent leader at the helm to set it back on course. A number of people's lives who are affected day to day in quiet but material ways by what this Justice Department does are at risk. We don't hear from them. Their issues, whether it is the ability to vote or the right to be safe or the ability to be protected from economic crime, we don't hear about that. But it matters.

Under previous leadership—or lack thereof—the Justice Department has become adrift. The Justice Department has become rudderless. The Justice Department has become politicized. The Justice Department has become an agency where morale is as low as it has ever been. So we desperately need a strong and independent leader at its helm to set it back on course, and that is not a trivial statement or a statement to be forgotten or passed over. I believe Judge Mukasey is that person.

As almost everyone in America knows, the Justice Department has been run into the ground by the Bush administration, especially under Alberto Gonzales. As I said when I introduced Judge Mukasey, he will be inheriting an agency experiencing its greatest crisis since Watergate and, if confirmed, his tasks will be no less momentous and no less difficult than that facing Edward Levi when he took the reins of John Mitchell's Justice Department after Watergate. A department in such crisis should not be left to an unconfirmed and unaccountable caretaker.

We need to look no further than our own investigation in the Senate Judiciary Committee to see that we need a real leader at the top of the Justice Department. What we learned in that investigation over the last 9 months leads inexorably to the conclusion we cannot afford a caretaker Attorney General for the next 14 months.

Let me review—because they seem almost forgotten in this Chamber tonight—some of the most disturbing revelations. We learned that outstanding U.S. attorneys were dismissed without cause or, worse, because they may have been too tough on Republicans or too soft on Democrats. We learned that career Civil Rights Division lawyers have been driven out in droves; that when these lawyers said that civil rights were being violated or the Voting Rights Act was being violated, they were overruled by political decisions made from the top.

In my judgment, there was no way that any fair Justice Department would have allowed the voter ID process that is now in place in Georgia and take back the ability to vote that was fought for so long and hard.

We learned that individuals appear to have been prosecuted for political reasons. In the other House, the Judiciary Committee did an extensive investigation, and in the process of doing one, it appears more and more likely that a Democratic Governor in Alabama is sitting in jail because of a political prosecution. How can we have that in America? How can we allow that? How can we countenance it?

We learned that White House liaison Monica Goodling unlawfully rejected young lawyers for career jobs because they were not conservative ideologues.

We learned that there were improper political litmus tests in hiring decisions in the Civil Rights Division, in the prestigious Honors Program, and even in the Summer Law Intern Program. So politics permeated the Justice Department—the Department, above all, that should be immune from politics and had been until this administration.

We learned that Bradley Schlozman, in violation of the Department's own policy, brought indictments on the eve of an election in Missouri, seemingly to influence the result. We learned that politics seems to have trumped professionalism in decisionmaking about voting rights cases, tobacco litigation, and other matters. The list goes on and on.

Justice is sacred in this country. It is the Justice Department that must produce justice.

In sum, we learned that politics has been allowed to infect all manner of decisionmaking at the Department of Justice.

Now we are on the brink of a reversal. There is virtually universal agreement, even from those who oppose Judge Mukasey, that he would do a good job in turning the Department around in these areas.

One of my colleagues who is voting against the nominee nonetheless lauded Judge Mukasey as "a brilliant lawyer, a distinguished jurist and, by all accounts, a good man."

Another colleague on the Judiciary Committee, who is also voting nay, had this to say:

> Over the remaining 15 months of the Bush Presidency, the Department must recover its credibility and its reputation. . . . Judge Mukasey appears to have the intelligence, the experience, and the stature to undertake this very important task.

Such comments of confidence echo the comments of those who have appeared before the judge in court. As a jurist, Judge Mukasey has a well-deserved reputation for efficiency, fairness, and integrity. Indeed, even those who didn't always receive the benefit of a favorable ruling from the judge have been quick to describe the judge's basic fairness and decency.

Upon his retirement from the bench, one of Jose Padilla's lawyers said, "I admire him greatly" and described herself as "another weeping fan." That is a lawyer for Mr. Padilla.

Another Padilla lawyer has said, "I don't always agree with where he comes out, but I am happy, always happy to draw him as a judge. You are going to get your day in court." He went on to say that "his sense of fairness and due process—it's more than intellectual. It's really down to the genetic level. It's in his DNA."

There are many such testimonials for Judge Mukasey. Because he is so dead wrong on torture, which I think he is, does not take away all of these other things. And if we are to reject him, make no mistake about it, we will not have somebody in his place who can live up to that standard. Should we reject Judge Mukasey, President Bush has already said he would install an acting caretaker Attorney General who could serve for the rest of his term without the advice and consent of the Senate. It would be another Alberto Gonzales or maybe even worse. It would be the Cheney-Addington wing running the Justice Department on the issues of security. Judge Mukasey is hardly perfect. He would not be the person I would have nominated, but he is clearly head and shoulders better than what we would get. That is not something to be dismissed. That is not something to be forgotten. It is hardly mentioned on this floor.

The main function of the Justice Department would be taken back and railroaded far from where it should be, and it would be gone for another long 14 months. It would mean accepting and exacerbating the declining morale at the highest levels of the Department. It would mean delaying vital reforms relating to depoliticizing prosecutions. It would mean tolerating continued vacancies in many of the top positions at the Justice Department. Perhaps most important, it would mean surrendering the Department to the extreme ideology of Vice President CHENEY and his Chief of Staff, David Addington. All the work we have done—the hearings, the letters, the requests to get the Attorney General to resign—would be undone in a quick moment. That is serious, colleagues.

I have complete respect for people who disagree. It is a values choice. But let's not forget that a caretaker Attorney General will not be close to Judge Mukasey on the issues that brought the downfall of Attorney General Gonzales. Let us also not forget that Judge Mukasey has had a long and distinguished career. Because his views on torture are different from so many of ours, including my own, does not evaporate all of these other important considerations.

Let me be clear on the torture question, which understandably motivates so many of my colleagues. I deeply oppose this administration's opaque, mysterious, and inexplicable policy on the use of torture. This is not a policy that was constructed by Judge Mukasey.

In particular, I believe that the cruel and inhumane technique of waterboarding is not only repugnant but also illegal under current laws and conventions, period. I also support Congress's efforts to pass additional measures that would explicitly ban this and other forms of torture. I voted for Senator KENNEDY's antitorture amendment in 2006, and I am a cosponsor of a similar bill in this Congress. If it was important to do it in 2006, it is also important to do it in 2007.

When Judge Mukasey came before the Senate Judiciary Committee last month, he refused to state that waterboarding was illegal. That was unsatisfactory, that was wrong, and that will be a blemish on his distinguished career for as long as he lives. But he has personally made it clear that if Congress passed further legislation in this area, the President would have no legal authority to ignore it—not even under some theory of inherent authority granted by article II of the Constitution. That is a very important point.

My colleagues say we will never pass an amendment on torture and waterboarding. That may be; it may not. But the fact that Judge Mukasey has rejected the overreaching theory of the unitary executive certainly in this area, and in others, says something about what kind of Attorney General he will be on torture, on wiretapping, and on all of the other issues where basically this Department and this administration thought Congress should have no say at all.

Furthermore, maybe it will be the courts that will rule torture is illegal.

Judge Mukasey will abide by those court decisions that make waterboarding illegal. Judge Mukasey will allow those court decisions to stand. I don't think we doubt that.

The expansive article II argument, of course, is one that this administration—in the form of President Cheney and David Addington—has explicitly endorsed. In an infamous torture memo, the following passage was reportedly insisted upon by David Addington:

> Prohibitions on torture must be construed as inapplicable to interrogations undertaken pursuant to his commander-in-chief authority. . . . Congress may no more regulate the President's ability to detain and interrogate enemy combatants than it may regulate his ability to direct troop movements on the battlefield.

That is a horrible statement. Unlike either of his predecessors, Judge Mukasey specifically rejects this view.

I asked him:

> If Congress were to legislate against certain forms of coercive interrogation, such as waterboarding, in all circumstances, not just relating to those in the Department of Defense custody, would it be acting within its constitutional authority?

He answered "yes." No qualifier. And contrary to the views of the Vice President and his Chief of Staff, he specifically stated that the President would not have legal authority to ignore it, even under his inherent authority under article II. For a Bush nominee, this is no small commitment. It is a dramatic difference from both Attorney General Ashcroft and Attorney General Gonzales. It is a quantum leap over the views of Alberto Gonzales and signals that we may yet get an independent review—and perhaps reversal—of some of the worst of the administration's legal policies.

I also believe this because I asked him what he thought of a book written by Jack Goldsmith called "The Terror Presidency." Mr. Goldsmith, as many will recall, was the former head of the Office of Legal Policy, the principal person who sounded the alarm over badly reasoned and overreaching legal opinions within the Government. He was the courageous official who started the process that led to the infamous showdown in the hospital room of John Ashcroft over the President's warrantless wiretapping program.

In his book, Mr. Goldsmith is a relentless critic of the unilateral my-way-or-the-highway approach of Vice President CHENEY and David Addington. When I asked Judge Mukasey what he thought of the book, he said he thought it was superb, and he endorsed many of its arguments. He also told me privately that the administration's unilateral approach to legal policy was likely responsible for its low approval ratings in the polls. So we have a nominee who is head and shoulders above his predecessors in a number of ways, including in his commitment to work with Congress.

One more thing on the issue of torture, my colleagues. Let's assume Congress cannot pass a law, and let's assume even that the courts do not rule the way we think they should. Still, Judge Mukasey will be head and shoulders different, very possibly, than a caretaker. Mukasey would be more likely than a caretaker to find on his own that waterboarding and other coercive techniques are illegal. He didn't say they are illegal. A caretaker would. He said he would have to study them. He should not have to. There is still a chance that somebody regarded as thoughtful and independent, and a lawyer above all, may—and I cannot say he will, and I wish I could—find on his own that waterboarding and other coercive techniques are illegal. Certainly, there is more of a chance with Judge Mukasey than with a caretaker. So even if you are voting on the issue of torture alone—which I am not—to vote down Judge Mukasey and install an independent caretaker will not solve the problem of torture and, in all likelihood, will leave us worse off, not better.

Judge Mukasey's answers to our questions demonstrated more openness to ending the practices we abhor than either of those who were the previous Attorney General nominees.

In many respects, Judge Mukasey reminds me of Jim Comey, a former Deputy Attorney General in the Bush administration who has been widely praised for his independence. Would we turn down Jim Comey knowing his courage? No. Today, would we turn down Goldsmith? No. Both of them have very conservative views.

Might I have an additional 5 minutes to finish my remarks, I ask my colleague from Pennsylvania.

Mr. SPECTER. The Senator may.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator is recognized.

Mr. SCHUMER. Mr. President, again, if the issue is torture alone, we clearly will be as bad off as we are today with a caretaker. We may—not will, maybe not even likely—have a chance, a decent chance of being better with Mukasey than with the alternative. And as with Comey and Goldsmith, no, Mukasey will not have our views particularly on issues of security. No one this President nominates will. That is why we are working so hard to get a new President with different views. But on issues of the rule of law and independence and integrity, Judge Mukasey will clearly be much better than others.

I wish to say this to my colleagues, a vast majority of my colleagues who oppose this nomination: I respect their views. I understand the anger and the anguish about what this administration has done to that beautiful lady who stands in the harbor of the city in which I live. I share that anguish. I share it. Unfortunately, we are in a world where this administration will continue for another 14 months.

Let me ask my colleagues to think about this: Let's say we reject Judge Mukasey tonight and the caretaker is installed, and 6 months from now the exact same policies we abhor continue. Will this have been a great victory?

I understand the importance of standing up to the President. Few would accuse me of not doing that. And I understand the importance of symbolic victory. But this is a tough choice because there is a lot at stake on the other side. There is at stake the integrity of a department which is in shambles, which is politicized, and which has routinely rejected the rule of law which is the fundamental wellspring of this Nation and this democracy. And we have a chance, at least a good part of the way, to restore it. The Department of Justice is the front-line agency safeguarding our civil rights, fighting public corruption, curbing violent crime, enforcing environmental laws, and much more.

I deplore the administration's opaque policy on torture, as I mentioned before, but I also care about attempts to affect elections through suspiciously timed criminal prosecutions. I care about criminal cases brought for political reasons. I care about allegations that our leading law enforcement agency is stocked with inexperienced cronies rather than experienced professionals. I care about a downward spiral in civil rights cases brought in recent years. I care about a loss of morale among a 100,000-person strong institution and every week, at one airport or another in this country, how insistent U.S. attorneys came to me and said: Do something. Judge Mukasey, in all likelihood, will do something. A caretaker will not. I don't want to turn those pleas aside, even though I have strong disagreement with Mr. Mukasey on many substantive issues, torture among them. I care about a continuing uptick in violent crime due to a department's failure to keep its eye on the ball and not have the most qualified people in important positions. I care about the Department, and I care about justice. And it is not a small matter to take someone who is measurably better than what his replacement would be and reject it.

Again, this is value choice. There are good arguments on each side. People's values will have them come down on different sides. But anyone who thinks this is an easy choice, anyone who thinks that should Judge Mukasey be rejected things will improve from the desperate, deplorable state in which they are now is wrong.

No one questions that Judge Mukasey would do much to turn around the Justice Department and move to remove the stench of politics from this vital institution. I believe we should give him that chance. There is too much at stake not to.

Mr. BINGAMAN. Mr. President, I rise today to speak about the nomination of Michael Mukasey to be the next United States Attorney General.

First, let me say that by all accounts Judge Mukasey is a good man with a long distinguished record. In his testimony before the Senate Judiciary Committee, he made clear that he understands the need to restore the public's trust and confidence in the Department of Justice. I also believe he demonstrated a willingness to take the necessary steps to de-politicize the Department, and to provide the leadership required to repair its credibility.

However, I am also deeply troubled by the positions Judge Mukasey has taken regarding several important issues. Much has been said about Judge Mukasey's unwillingness to clearly state that certain interrogation techniques, such as waterboarding, are unlawful and amount to torture. I share this concern, but I would also like to highlight another area that I find particularly disturbing; that is the idea that the President doesn't have to comply with a constitutional law passed by Congress.

Over the last 6 years, the Bush administration has put forth a view of Executive power that is incredibly expansive, and in my opinion, an unjustified and dangerous threat to our fundamental rights and our commitment to the rule of law.

The President has asserted the right to unilaterally imprison whomever he wants without judicial review, whether or not they are a United States citizen, if he determines that they are a so-called "enemy combatant." The administration has taken the position that the President can authorize the use of techniques that amount to torture, and then immunize any person acting pursuant to his orders from criminal liability. The President also authorized warrantless surveillance in direct contravention to the Foreign Intelligence Surveillance Act.

In all of these instances, the President justified his actions on the basis that he was acting within his authority as commander-in-chief to defend the country, and that neither Congress nor the courts can infringe on this power. While many of these assertions have ultimately been rejected by Federal courts, Congress, or overturned internally when they became public, the President continues to assert that there are few restraints on his power when it comes to national security matters.

During his confirmation hearing, Judge Mukasey stated that he would step down if he determined that the President's actions were unlawful and the President refused to heed his advice to change course. Although this does signal a welcomed degree of independence, I remain concerned about what Judge Mukasey will find to be "lawful."

Let me read an exchange that took place during a hearing in the Senate Judiciary Committee which illustrates this point.

> Senator Leahy: . . . where Congress has clearly legislated in an area, as we've done in the area of surveillance with the FISA law, something we've amended repeatedly at the request of various administrations . . . if it's been legislated and stated very clearly what must be done, if you operate outside of that, whether it's with a presidential authorization or anything else, wouldn't that be illegal?
>
> Judge Mukasey: That would have to depend on whether what goes outside the statute nonetheless lies within the authority of the president to defend the country.
>
> Senator Leahy: Can the President put someone above the law by authorizing illegal conduct?
>
> Judge Mukasey: If by illegal you mean contrary to a statute but within the authority of the President to defend the country, the President is not putting somebody above the law, the President is putting somebody within the law.

While this view may be consistent with the current administration's position regarding Executive authority, this stance is not consistent with how the powers of the president have traditionally been interpreted. The notion that the President may disregard a valid law by citing his inherent power to defend the country is disconcerting.

And frankly, it is all too reminiscent of President Nixon's assertion that actions taken in the name of national security, whether or not they are in accordance with relevant statues, are by definition legal if they are carried out on behalf of the President. This assertion was widely rejected, as it should have been.

As our Nation's highest law enforcement officer, it is essential that the Attorney General faithfully execute laws passed by Congress. It is one thing for the Attorney General to state that he or she will not enforce a certain measure because it is unconstitutional; however, it is a very different matter if the Executive Branch asserts that it is not bound by a law that is clearly constitutional.

It is for this reason that I cannot support the nomination of Judge Mukasey to be the next Attorney General.

Mr. ALLARD. Mr. President, I rise today in support of President Bush's nomination of Judge Michael B. Mukasey to serve as Attorney General of the United States. I am pleased that leadership is bringing Judge Mukasey's nomination to the Senate floor. It has been more than 45 days since his nomination, making him the longest pending nominee for Attorney General in more than 20 years.

Judge Mukasey expressed to me earlier today his desire to fill the leadership void at the Justice Department and assured me that he is prepared to address the challenges we face as a nation. I greatly appreciate his attention to the important issues pertaining to Colorado and his strong commitment to the rule of law.

Judge Mukasey demonstrated a fine record of management as the presiding judge over one of the busiest judicial districts in the Nation and I am confident that he is qualified to be our next Attorney General and aware of the challenges we face at the Justice Department.

I am truly impressed with this Nominee's background. I would point out that Judge Mukasey is not a Washington insider. Judge Mukasey recently worked as a partner at the New York law firm of Patterson, Belknap, Webb and Taylor. Judge Mukasey has spent his career in New York since President Ronald Reagan nominated Mukasey to serve on the U.S. District Court for the Southern District of New York in 1987. He spent almost 19 years as a Federal judge, including serving as chief judge until his retirement from the bench in 2006.

Judge Mukasey has shown a strong commitment to the rule of law and has a demonstrated record of managing one of the busiest judicial districts in the Nation. Both attributes qualify him to lead the Department of Justice in fulfilling its mission of enforcing all of the Nation's laws fairly and vigorously.

Judge Mukasey's record as a Federal district judge shows a strong and independent commitment to the rule of law. As chief judge of the Southern District of New York, he managed one of the busiest dockets in the Nation. His work following the attacks of September 11 ensured that individuals could access the courthouse even in the immediate aftermath of a national emergency.

Attorney General Mukasey would not hesitate to say no to anyone, including the President. No man is above the law, and Judge Mukasey has stated that he would resign rather than participate in a violation of the law.

I would also point out that Judge Michael Mukasey has a very strong background on national security issues, most notably as a federal district court judge. He has ruled in national security cases involving at least 15 different defendants. Moreover, he has issued at least two dozen national security related opinions.

I strongly urge my colleagues to cast a vote in favor of Judge Michael B. Mukasey's confirmation as the 81st Attorney General of the United States.

Mr. LEVIN. Mr. President, tonight the Senate will vote on the nomination of Judge Michael Mukasey to be Attorney General. His nomination comes at a critical time. At this moment in history, America is faced with serious challenges both at home and abroad. We are at war in Iraq and Afghanistan and are engaged in a long-term struggle against al-Qaida and other extremists. Military might alone will not be enough for us to win these fights. Strengthening America's security requires us to harness the power of our ideals and values and lead a global effort to confront these threats. When we project moral hypocrisy or suggest that our commitment to our fundamental values depends on the circumstances, we lose the support of the world in our common efforts against common enemies, thereby compromising our own security.

The pictures of American soldiers mistreating prisoners at Abu Ghraib and the stories of detainee abuse at Guantanamo Bay compromised our moral authority and our ability to lead the global struggle against al-Qaida. America must demonstrate an unambiguous commitment to basic human rights. And this is not some intellectual musing. It is hard headed pragmatism.

Earlier this year, I visited some of our veterans at a Michigan VA hospital. I asked one Korean war veteran who was lying in his bed: What can we do to help you? And do you know what he said? "Win back the respect of people around the world for America." That veteran understands that the erosion of support for America makes us less secure and weakens us in a way that military force cannot remedy.

I have devoted significant time looking into the issue of detainee abuse and considering what is appropriate when it comes to the treatment of detainees in U.S. custody. Building back the respect for America that the Michigan veteran and all of us seek requires a definitive commitment to treating all people—even our enemies—in a manner consistent with both our laws and basic human rights.

Last month I asked Judge Michael Mukasey, President's Bush's nominee to be Attorney General of the United States, what I thought was a straightforward question for the record:

> Would you consider it inhumane to secure a detainee onto a flat surface and slowly pour water directly onto the detainee's face or onto a towel covering the detainee's face in a manner that induced a perception by the detainee that he was drowning?

That question to Judge Mukasey should have prompted a simple answer of "yes." But the Judge said that, while the tactic is "repugnant" to him, he could not say it was inhumane without evaluating the "facts and circumstances." Judge Mukasey's ambiguous response is more than deeply troubling, it sends a message—from the man nominated to head the Department of Justice—that abuses of detainees in U.S. custody may not have been categorically wrong, but that such acts might have been justified by the circumstances.

In 2002, the Department of Defense requested authority to use a number of aggressive interrogation techniques—including mock drowning—on detainees held at Guantanamo Bay. FBI agents vigorously objected to the aggressive techniques. One stated in a legal analysis that aggressive techniques, including mock drowning, were "not permitted by the U.S. Constitution."

Another FBI agent also expressed alarm to his Justice Department colleagues over a DOD interrogation plan for a detainee held at Guantanamo Bay, saying "You won't believe it!" An e-mail described abuses that a FBI agent had witnessed, including detainees being chained in fetal positions on the floor for 18 to 24 hours at a time, having urinated and defecated on themselves and being subjected to extreme cold.

If Judge Mukasey were to be confirmed to lead the Department of Justice, he would take charge of the FBI. How would Judge Mukasey respond to those FBI agents? Would he have said that the validity of those objections depended on the "circumstances"?

Over the past 5 years, the Department of Justice has repeatedly issued aggressive legal opinions that seek to exploit any possible legal ambiguity to justify the administration's policies. In 2002, for example, the Department of Justice issued a now disavowed memo finding that physical pain had to be "equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death" to constitute torture. The Executive order that the President issued in July of this year interprets Common Article 3 of the Geneva Conventions to bar only those outrageous acts that are done "for the purpose of humiliating or degrading the individual." The Geneva Conventions make no such distinction. These results-driven interpretations of law have contributed to the negative image of the United States in the world, leaving many to question why we attempt to impose standards on other countries that we do not require of ourselves. These interpretations endanger our troops when captured because their captors will cite these interpretations to justify abuses of our troops.

It does a disservice to our Nation for a person who has been nominated to lead the Department of Justice to hide behind purposeful ambiguities, particularly at a time when our Nation's prestige has been so tarnished by abuses against detainees in our custody. The legality of mock drowning—waterboarding—does not depend on the circumstances. It is illegal.

Waterboarding clearly runs afoul of three Federal statutes—the 1994 antitorture statute, the Military Commissions Act, and the Detainee Treatment Act—and it is inconsistent with our obligations under Common Article 3 of the Geneva Conventions.

In his answers to questions from the Judiciary Committee, Judge Mukasey refused to state whether waterboarding constitutes torture under U.S. law. Under the Federal antitorture statute adopted in 1994, 18 U.S.C. § 2340, an act is torture if it is specifically intended to cause "severe physical or mental pain or suffering." The statute defines "severe mental pain and suffering" as mental harm caused by, among other things, "threat of imminent death." Pouring water over a detainee's face to create the sensation of drowning is intended to threaten imminent death.

In questions for the record of an August 2006 Senate Judiciary Committee hearing, Senator DURBIN asked each of the Judge Advocates General, JAGs, of the Marine Corps, Air Force, Army, and Navy whether, in their personal view: "the use of a wet towel and dripping water to induce the misperception of a drowning (i.e., waterboarding) (was) legal?" The answer from each of the JAGs was an unequivocal "No." The Marine Corps JAG responded to Senator DURBIN "Threatening a detainee with imminent death, to include drowning, is torture under 18 U.S.C. § 2340"—the anti-torture statute. Similarly, the Air Force JAG stated: "An interrogation technique that is specifically intended to cause severe mental suffering involving a threat of imminent death by asphyxiation is torture under 18 U.S.C § 2340." And the Army JAG responded: "inducing the misperception of drowning as an interrogation technique is not legal."

Whether the practice of mock drowning is legal is a question that our Nation's top military lawyers had no problem answering. But the nominee for Attorney General says that it depends on "circumstances," it could be "yes," it could be "no."

The U.S. Navy's Survival, Evasion, Resistance, and Escape—SERE—School trains our troops, whose dangerous assignments leave them susceptible to being captured, to resist and survive abusive tactics that might be used by the enemy. Waterboarding is one of the tactics that troops are exposed to at Navy SERE school. Listen to how a former master instructor and chief of training at the Navy's SERE school described waterboarding in an October 31, 2007, article in the New York Daily News:

> Waterboarding is slow-motion suffocation with enough time to contemplate the inevitability of blackout and expiration. Usually the person goes into hysterics on the board. For the uninitiated, it is horrifying to watch. If it goes wrong, it can lead straight to terminal hypoxia—meaning, the loss of all oxygen to the cells."

As he put it, "waterboarding is a torture technique—without a doubt. There is no way to sugarcoat it."

A U.S. Federal court has concluded that mock drowning constitutes torture. The Ninth Circuit Court of Appeals examined an interrogation technique used by the Philippine military under Ferdinand Marcos whereby "all of [the victim's] limbs were shackled to a cot and a towel was placed over his nose and mouth; his interrogators then poured water down his nostrils so that he felt as though he was drowning." The court referred to this practice as "water torture" and found against those responsible for this and other illegal acts.

By contrast, Judge Mukasey not only refuses to state that waterboarding is torture, he also refuses to say whether it constitutes "cruel or inhuman treatment," which is illegal under the Military Commissions Act of 2006.

Congress enacted the Military Commissions Act in the wake of Abu Ghraib scandal. The statute bans interrogations tactics that constitute "cruel or inhuman treatment," which it defines as any act generally intended to cause "serious mental or physical pain and suffering."

Medical experts who have treated and observed the survivors of water torture have described the physical and psychological severity of the practice and its long-term effect. Dr. Allan Keller, associate professor of medicine at New York University, NYU, School of Medicine and director of the Bellevue/NYU Program for Survivors of Torture, recently testified before the Senate Intelligence Committee that a person subjected to the waterboard, "gags and chokes, [and] the terror of imminent death is pervasive, with all of the physiologic and psychological responses expected, including an intense stress response, manifested by tachycardia, rapid heart beat and gasping for breath. There is a real risk of death from actually drowning or suffering a heart attack or damage to the lungs from inhalation of water." Dr. Keller put it plainly, the "clinical experience and data from the medical literature are clear and unequivocal. These techniques can cause significant and long lasting psychological and often physical pain and harm."

It is clear that waterboarding involves "serious" physical or mental pain or suffering and therefore constitutes illegal "cruel or inhuman treatment" under the Military Commissions Act. Yet in response to questions from Senator KENNEDY and Senator BIDEN, Judge Mukasey would not say whether waterboarding is "cruel or inhuman" under this legal standard.

When asked whether the practice of mock drowning on detainees was "cruel, inhuman, or degrading," which is a violation Detainee Treatment Act, Judge Mukasey would not respond to the question, simply giving his stock answer that his analysis depends on the "circumstances."

Congress passed the Detainee Treatment Act in 2005 to make clear that inhumane treatment is illegal. The Detainee Treatment Act prohibits subjecting any detainee in U.S. Government custody or control, wherever held, to "cruel, inhuman, or degrading treatment or punishment." Those terms were defined to restrict any conduct that would constitute cruel, unusual, and inhumane treatment or punishment prohibited by the U.S. Constitution, which includes conduct that "shocks the conscience."

There can be no question that mock drowning "shocks the conscience" and rises to the level of "cruel, inhuman, or degrading treatment or punishment" under the Detainee Treatment Act.

I asked Judge Mukasey whether the practice of mock drowning on detainees was "inhumane," which would be a violation of Common Article 3 of the Geneva Conventions. Judge Mukasey would not respond to that question, again giving his stock answer that his analysis depends on the "circumstances." Regardless of what the President's recent Executive order would suggest, the humane standard of Common Article 3 has never varied depending on the type of information in someone's possession or the purpose behind the acts.

The Army Field Manual on Intelligence, which sets standards for military interrogations consistent with the Geneva Conventions and with U.S. law that prohibits "torture or cruel, inhuman, or degrading treatment or punishment" explicitly bans certain coercive techniques including "waterboarding."

Throughout history America has condemned waterboarding by seeking prosecution of enemies who have used the technique on American servicemembers. Following the Second World War, U.S. military commissions and international tribunals prosecuted individuals who had used waterboarding, or similar forms of water torture on civilians and Allied forces. The U.S. military commissions in the Pacific theater explicitly held that the "water cure" was torture in prosecuting cases related to the mistreatment of captured U.S. bomber crews. The U.S. Military Commission at Yokohama, Japan also tried four Japanese defendants for torture, including water torture, of American and Allied forces. Each of the defendants was convicted and sentenced to 20 years hard labor.

Would Judge Mukasey find it acceptable if U.S. soldiers were subjected to mock drowning by our enemies? Would he say that its acceptability depends on the "circumstances"? Would Judge Mukasey say that he needed to know the motives of our enemies before saying that our soldiers who endured waterboarding had been tortured or subject to inhumane treatment? Would he distinguish between someone who waterboarded our troops to elicit information as contrasted to someone who used the technique on our troops for sadistic purposes?

Judge Mukasey needs to be clear that waterboarding is illegal for the sake of protecting our men and women in uniform from abuse should they ever be captured. Judge Mukasey has not been clear and if he is confirmed to head our Justice Department, it will be America signaling moral ambiguity about what is unambiguously torture and inhumane.

In fact, the United States has prosecuted its own servicemembers who have used waterboarding and similar water tortures during interrogations. During the American intervention in the Philippines, in 1902, a military court rejected MAJ Edwin Glenn's defense of "military necessity" and convicted him for using water torture on a captured insurgent. During the Vietnam war, a soldier participated in water torture which was captured in photos and published in the Washington Post on January 21, 1968. According to the Washington Post, the soldier was court martialed for his involvement in the practice.

U.S. veterans who served as interrogators in the Second World War recently discussed how proud they were that they were able to obtain vital information by using skill, not torture, and by treating a dangerous enemy with "respect and justice." In an article in the Washington Post last month, one veteran proudly exclaimed:

> During the many interrogations, I never laid hands on anyone. We extracted information in a battle of the wits. I'm proud to say I never compromised my humanity.

I had hoped Judge Mukasey would stand with that veteran and stand up for American values. But despite the clear law and history, Judge Mukasey engaged in legalisms and obfuscation, playing into the negative image that others project about the U.S.—that we apply double standards.

This kind of obfuscation tarnishes America's image, which has a negative impact on our ability to organize and maintain alliances to achieve national goals. As Steven Kull, the director of the Program on International Policy Attitudes, stated:

> The thing that comes up repeatedly is not just anger about Iraq. The common theme is hypocrisy. The reaction tends to be—You were a champion of a certain set of rules. Now you are breaking your own rules.

Purposeful ambiguity about the legality of waterboarding and the other coercive interrogation techniques he was asked about is at the center of Judge Mukasey's confirmation, just as it is at the center of how we are viewed in the world. That ambiguity is untenable and unacceptable in the person who, if confirmed, will symbolize America's concept of justice before the world. For these reasons, I oppose Judge Mukasey's nomination to be Attorney General.

Mr. FEINGOLD. Mr. President, I will vote against the nomination of Judge Mukasey to be the next Attorney General. This was a difficult decision, as

Judge Mukasey has many fine qualities. I was particularly impressed by his determination to depoliticize the Department of Justice. After the debacle of the last Attorney General, this is obviously a very high priority. If nothing else, over the remaining 15 months of the Bush Presidency, the Department must recover its credibility and its reputation. Never again should it be led by someone who is willing to wield its awesome power for political purposes or fill its most important positions with individuals chosen for their politics rather than their legal skills. Judge Mukasey appears to have the intelligence, the experience, and the stature to undertake this very important task.

There are other areas where I was favorably impressed by Judge Mukasey. His straightforward promise to stop the disparate treatment of gay employees at the Department of Justice was welcome and refreshing. He indicated his intention to be a much more hands-on manager of the process for seeking the federal death penalty, and when I asked him in writing if a request by a U.S. attorney to discuss a death penalty decision with Attorney General personally was a valid reason to fire that U.S. attorney, he answered simply, "No." If Judge Mukasey is confirmed, I look forward to working with him to try to ensure that Federal death penalty is fairly administered.

I was also impressed that on several occasions Judge Mukasey was willing to admit in his written answers that some thing he had said or written in the past were incorrect. This administration needs more people who will admit they were wrong when that is the case. That kind of humility and honesty is often the first step toward correcting mistakes and reaching consensus.

In many respects then, Judge Mukasey is a big improvement on the previous Attorney General. At this point in our history, however, the country needs more. Simply put, after all that has taken place over the last seven years, we need an Attorney General who will tell the President that he cannot ignore the laws passed by Congress. And on that fundamental qualification for this office, Judge Mukasey falls short.

The President's warrantless wiretapping program, instituted after 9/11 and carried out in secret until it was revealed in a New York Times article in December 2005, presented the Department of Justice with a historic test of its integrity and its commitment to the rule of law. Under the previous leadership, the Department failed that test. We need an Attorney General who, when faced with a similar crisis, will look the President in the eye and tell him "No."

When I first met with Judge Mukasey, I questioned him about the two justifications for authorizing warrantless wiretaps that the Department has put forward publicly. With respect to the argument that the authorization for use of military force, or AUMF, somehow authorized warrantless wiretaps, he said, "I don't see that argument." With respect to the argument that the program was legal under the President's article II powers, he said he was "agnostic."

I and a number of my colleagues on the Judiciary Committee returned to this question in the hearings and in written questions for the record. Unfortunately, this time the results were not reassuring. He responded to my question for the record about the largely discredited AUMF justification by saying that "I still have not come to a conclusion. . . . I believe there are good arguments on both sides of that issue." That is a statement that ought to give pause to anyone in this body.

His answers to questions concerning the article II justification indicate that he is no longer agnostic on that question, but instead he has become a believer that executive power trumps the laws written by Congress.

Both at the hearing and in writing, Judge Mukasey stated several times that the President must obey all valid and constitutional statutes, even if he is acting to defend or protect the country. He also said that "FISA is a constitutional law" and that "[a]s a general matter, therefore, the President is not free to disregard or violate FISA."

But he also stated that "difficult separation of powers questions" would arise, and would have to be resolved through the three-part test articulated in the Supreme Court Youngstown case, if a statute—and FISA in particular—were to constrain the President's constitutional authority. If FISA is constitutional—and Judge Mukasey says it is—then why are these separation of powers questions so "difficult"? Clearly, Judge Mukasey believes that a law can be constitutional on its face, but can become unconstitutional if its application constrains the constitutional authority of the President. There is no difference between this view of executive power and the theory that executive power trumps congressional power. There is no other way to interpret Judge Mukasey's statement to Senator LEAHY: "If by illegal you mean contrary to a statute, but within the authority of the president to defend the country, the president is not putting somebody above the law; the president is putting somebody within the law."

This view is simply contrary to Justice Jackson's three-part test in Youngstown. Youngstown makes clear that where the President's constitutional authority and a statute passed by Congress come into conflict, the President's powers are reduced by whatever powers Congress holds over the subject—not vice versa. Jackson states that when the President acts against the will of Congress, "he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling Congress from acting upon the subject." Congress is thus free to constrain the President's constitutional powers to any degree it likes, as long as Congress is acting within its own powers in doing so; likewise, the President's actions may be upheld only if they are "within his domain and beyond control of Congress."

The argument that constitutional statutes can become unconstitutional ignores this second part of the inquiry—whether the limitation on the President's authority is in an area where Congress cannot legislate. It is clear that wiretapping is not within the exclusive domain of the President, as Judge Mukasey admits that FISA is a constitutional law. Moreover, the executive authority that Judge Mukasey invoked most often—the authority to protect and defend the country—is not exclusive to the President. It is an authority that Congress shares, which Judge Mukasey admitted in answers to written questions.

I have discussed this issue in some detail because extreme theories of executive power have become one of the primary, and most unfortunate, legacies of the Bush administration. Congress needs to be very clear in rejecting them, and in making respect for the rule of law a nonnegotiable qualification for the office of Attorney General of the United States.

Let me say a word about the issue of torture, which has dominated the debate on the nomination of Judge Mukasey in the past week. Last week, the White House press secretary again implied that Members of Congress who have been briefed on the CIA's interrogation program have approved it or consented to it. That is not the case. I have vigorously opposed the program, and continue to do so. The program is of highly questionable legality, it is inconsistent with our values as a nation, and it does not make our Nation any safer. In fact, I believe that it may have the effect of exposing Americans—including military and other U.S. personnel—to greater risk.

I have detailed the reasons for my strong objections to the CIA's program in classified correspondence, sent shortly after I was first briefed on it. More recently, I have stated my opposition publicly, although I am prohibited by classification rules from providing further details about my concerns in a public setting.

In any event, neither detailed legal and factual analysis, nor knowledge of the operational details of the CIA's program, is necessary to reach a judgment on whether waterboarding is torture. Waterboarding has been used by some of the most evil regimes in history. It has been considered torture in this country for over a century. If Judge Mukasey won't say the simple truth—that this barbaric practice is torture—how can we count on him to stand up to the White House on other issues?

America needs an Attorney General who stands squarely on the side of the rule of law. This is not an arid, theoretical debate. The rule of law is the very foundation of freedom and a crucial bulwark against tyranny. Congress cannot stand silent in the face of this challenge by the executive to the crucial underpinnings of our system of government.

The Nation's top law enforcement officer must be able to stand up to a chief executive who thinks he is above the law. The rule of law is too important to our country's history and to its future to compromise on that bedrock principle.

Mr. COBURN. Mr. President, I rise today to support the nomination of Judge Michael Mukasey to be Attorney General of the United States. Judge Mukasey is eminently qualified for this position. For almost 20 years he served as U.S. District Judge for the Southern District of New York, presiding over prominent terror trials and gaining familiarity with complex national security issues that continue to challenge our Nation.

Specifically, Judge Mukasey presided over the trial of the "Blind Sheik," who was involved in planning the 1993 World Trade Center bombing. Upon conviction, Judge Mukasey sentenced the terrorist to life in prison. The Second Circuit Court of Appeals, in affirming the verdict, praised Mukasey by saying: "The trial judge, the Honorable Michael B. Mukasey, presided with extraordinary skill and patience, assuring fairness to the prosecution and to each defendant and helpfulness to the jury. His was an outstanding achievement in the face of challenges far beyond those normally endured by a trial judge." Indeed, Judge Mukasey's ruling in the Blind Sheik case presented extraordinary challenges—his ruling drew death threats that required him to receive years of 24-hour armed protection.

Yet Judge Mukasey maintained his objectivity as a judge, ruling years later that while Jose Padilla—a U.S. citizen later convicted of Federal terrorism support charges—could be held by the government as an enemy combatant, he was also entitled to legal counsel. One of Padilla's defense lawyers who said he had "more cases before Mukasey than I can count," praised the judge saying, "I don't always agree with where he comes out . . . [but] I am always happy to draw him as a judge. You are going to get your day in court." Another of Padilla's lawyers said about Judge Mukasey, "I admire him greatly," describing herself as "another weeping fan."

Since his nomination, many of Michael Mukasey's colleagues and lawyers who appeared before him have offered statements of praise and support. While it would be impossible to reiterate them all, perhaps former U.S. Attorney Mary Jo White's statement best encapsulates the general sentiment. She said that Judge Mukasey "is a man of great intellect and integrity with an unswerving commitment to the rule of law. He is independent, fair-minded and has a wealth of relevant experience from his years of service on the bench, in the private sector and as an assistant United States attorney in the Southern District of New York." I agree that Judge Mukasey's intellect, integrity, and experience make him uniquely qualified to serve as Attorney General.

It is, however, imperative that our Attorney General put his oath to protect and uphold the Constitution before all other loyalties. As such, I looked to Judge Mukasey for assurances that he would put the Constitution first. Judge Mukasey gave the first of such assurances on October 5, 2007, the day that he was nominated, when he said, "The department faces challenges vastly different from those it faced when I was an assistant U.S. attorney 35 years ago. But the principles that guide the department remain the same—to pursue justice by enforcing the law with unswerving fidelity to the Constitution." After studying his record and participating in the confirmation process, I am confident that Judge Mukasey's great respect for the Constitution and the rule of law is sincere.

The Justice Department has undergone difficult times of late, but I know Judge Mukasey has the integrity and intellect to carry out the necessary work to restore the American public's trust in the department. America has been well-served by Judge Mukasey's past public service and is fortunate that such an accomplished individual—who entered retirement just one year ago—is willing to answer the call to public service once again. I thank Judge Mukasey for his continued sacrifice.

I am pleased to vote in favor of Judge Michael Mukasey's nomination to be Attorney General of the United States and look forward to working with him in the future.

• Mr. McCAIN. Mr. President, I am pleased the full Senate today is considering the nomination of Judge Michael Mukasey as Attorney General of the United States. I strongly support his confirmation.

As many of you know, the President nominated Judge Mukasey on September 17; however, the Senate Judiciary Committee did not vote on his nomination until Tuesday. This ranks as one of the longest spans between a nomination and a confirmation vote for an Attorney General nominee. This is particularly unfair to the American people who deserve to have in place a chief enforcer of our Nation's laws.

I believe Judge Mukasey is the right nominee to enforce our laws, particularly during this time of war. As a Federal judge, he presided over one of the country's busiest trial courts and one that has overseen several terrorism-related cases. These included the trial of the terrorist known as "the Blind Sheikh," a man who was convicted of conspiracy to destroy the World Trade Center.

In comprehensive responses to questions posed by members of the Senate Judiciary Committee, Judge Mukasey exhibited mainstream legal views on constitutional checks and balances. He stated that the President cannot waive congressionally mandated restrictions on interrogation techniques, including those included in the "McCain amendment" and the Military Commissions Act. This is a particularly important conclusion given that, under these laws, anyone who engages in waterboarding, on behalf of any U.S. Government agency, puts himself at risk of civil liability and criminal prosecution.

Judge Mukasey also, in a separate letter, acknowledged that the interrogation technique known as waterboarding is "over the line" and "repugnant." These are important statements, and I expect that they will inform his views as Attorney General. I strongly urge that, in that role, Judge Mukasey will publicly make clear that waterboarding is illegal and can never be employed.

Waterboarding, under any circumstances, represents a clear violation of U.S. law. In 2005, the President signed into law a prohibition on cruel, inhuman, and degrading treatment as those terms are understood under the standards of the U.S. Constitution. There was at that time a debate over the way in which the administration was likely to interpret these prohibitions. Along with Senators WARNER and GRAHAM, I stated then my strong belief that a fair reading of the "McCain amendment" outlaws waterboarding and other extreme techniques. It is, or should be, beyond dispute that waterboarding "shocks the conscience."

It is also incontestable that waterboarding is outlawed by the 2006 Military Commissions Act, MCA, and it was the clear intent of Congress to prohibit the practice. As one of the authors of that statute, I would note that the MCA specifically prohibits acts that inflict "serious and nontransitory mental harm" that "need not be prolonged." Staging a mock execution by inducing the misperception of drowning is a clear violation of this standard. For this reason, during the negotiations that led to the MCA, my colleagues and I were personally assured by administration officials that this language, which applies to all agencies of the U.S. Government, prohibits waterboarding. Many of us share Judge Mukasey's revulsion at the use of waterboarding, and I welcome his commitment to further review its legality once confirmed. I expect that he will reach the same conclusion.

I sincerely hope that the recent public debate over the use and legality of waterboarding is America's last. In discussing this practice, we are speaking of an interrogation technique that dates from the Spanish Inquisition, one that has been a prosecutable offense for over a century, one that was employed by the Khmer Rouge in Cambodia and which is reportedly being used by the thugs in Burma today against the innocent monks protesting their repression. Waterboarding simply has no place in the America I know. Let us take it off the table, once and for all, and move beyond this debate.

There is evil in the world today, and it takes form in those who commit themselves to the destruction of America and the ideals we hold dear. Let us fight them, let us defend America, but let us in so doing never forget that we are, first and foremost, Americans. Make no mistake—we will prevail—but we must wage this war with fidelity to our laws and deepest values. These laws and values are the source of strength, not weakness, for though we are stronger than our enemies in men and arms, we are stronger still in ideals. We will win the war on terror not in spite of devotion to our cherished values, but because we have held fast to them.

Based on the statements and responses that this nominee has provided over the past week, I believe that Judge Mukasey shares this view. He is a consensus nominee, one with a reputation as a rigorous, independent, and honest thinker. I am pleased to offer him our support and I hope that my colleagues will join us in voting for confirmation.●

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, without losing my right to the floor, I yield to the distinguished Senator from Pennsylvania on his time to ask a question of the Chair.

Mr. SPECTER. Mr. President, how much time is left on each side?

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 hour. The majority has a total time of 1 hour 5 minutes.

Mr. SPECTER. Mr. President, I know of only one additional Senator who wishes to speak in favor of Judge Mukasey, and that request has been limited to 5 minutes. So I ask him to come to the floor or anyone else who wishes to speak on behalf of Judge Mukasey to come to the floor.

If I may consult with my colleague, the distinguished chairman, perhaps we can take an inventory now as to how much time the other speakers will want so we can give our colleagues an idea as to when we will be voting.

Mr. LEAHY. Mr. President, Senators are waiting to be recognized. I ask unanimous consent—the time allotted to me is 20-some-odd minutes—that when he is recognized, the Senator from Vermont, Mr. SANDERS, be recognized for 12 of my 24 minutes. Perhaps while the next Senator is speaking, I will make an attempt to find out how much more time we have so I can report to the Senator from Pennsylvania. I ask unanimous consent that when he is recognized, the Senator from Vermont, Mr. SANDERS, be recognized for 12 minutes of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise today to speak about the nomination of Judge Michael Mukasey to be the next U.S. Attorney General. I come to the floor tonight with a heavy heart because I had hoped I would have been able to come to the floor and make a statement in support of Judge Mukasey.

I reviewed the answers he gave to the Judiciary Committee and the written responses he gave to important questions, including the question of torture. After reviewing that information, I also met with Judge Mukasey in my office in the Senate office buildings. He was very generous with his time, and I very much appreciate the time he gave me to review some of the fundamental questions.

There is no doubt that Judge Mukasey is a brilliant man, a talented and successful judge who has given a great deal to this country. So it is with a heavy heart that I have reached the conclusion that I cannot and will not support his nomination. I will not support his nomination because there is no room for equivocation on the American position on the fundamental issue of torture. There is no room for equivocation on that issue.

Before coming to the Senate, I had the great privilege of serving as the attorney general of the State of Colorado. For me, it was an enormous responsibility and one which carried many duties. There were duties of making sure that over 10,000 people were put into prison, some of them serving a lifetime in prison. It was an enormous duty in terms of rendering tens of thousands of legal opinions to a vast State agency, and I understood the responsibilities of being an attorney general. Those responsibilities, first and foremost, were to make sure I was upholding the oath of office I had taken to the Constitution of the State of Colorado, to uphold the constitutional laws in my State, and to enforce those laws and to make sure no one was above the law.

I also served as legal counsel to the Governor and to the head of State agencies, where I provided them legal counsel that a lawyer would provide to their client. As attorney general, it was not often that my oath to enforce Colorado's constitutional laws came into conflict with my responsibilities to advise and to serve the Governor. But when it did, it was my duty—it was my solemn duty—to defend the rule of law, not the Governor or the executive agency or the agency heads. On some occasions, driven by that solemn duty to enforce that law, I had to take my own clients to court to enforce the rule of law, and I did that.

The Attorney General of the United States must likewise enforce our laws because very simply we are a nation of laws, and that is what makes us a special place on this globe.

This role today is more important than at any other time in the history of the Justice Department. Trust in the Department is at an alltime low given the high-profile memos that now have become public which enabled torture to occur by the agents of the United States, which allowed for the firing of nine U.S. attorneys and other reports of politicization within the Department of Justice, which should never be politicized because it enforces our laws. Therefore, the next U.S. Attorney General must restore the confidence of the American people that the Justice Department will enforce the law regardless of the Attorney General's personal beliefs or who happens to sit in the Oval Office as President of these United States.

I am troubled that Judge Mukasey is unwilling to clearly and unambiguously state that he will uphold U.S. law barring the use of waterboarding. I explicitly asked Judge Mukasey in my office what he would do as Attorney General if he were asked whether an agent of the United States could use waterboarding in interrogation settings. Judge Mukasey's response to me was disappointing. He said he did not know because it depended on whether there was intent to cause pain. That answer, in my view, is simply unacceptable given the legal history of this issue in this country.

Under Common Article 3 of the 1949 Geneva Conventions, the following acts are prohibited at any time and at any place: First, "violence to life and person, in particular . . . cruel treatment and torture, and, two, outrages upon personal dignity, in particular, humiliating and degrading treatment."

The War Crimes Act, as amended by the Military Commissions Act in 2006 by this Congress, prohibits breaches of Common Article 3 of the Geneva Conventions which is defined in that legislation to include "torture and cruel and inhumane treatment." Torture is further defined as:

> The act of a person who commits, or conspires or attempts to commit an act specifically intended to inflict severe physical or mental pain or suffering upon another person.

On October 5, 2005, we in this Chamber passed, by a vote of 90 to 9—only nine Senators in this Chamber voting against the legislation—the Detainee Treatment Act, otherwise known by many of us as the McCain amendment. The amendment states:

> No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhumane, or degrading treatment or punishment.

By our most basic human sensibilities, waterboarding, whereby water is forced into the nose, mouth, or lungs of a person to create the sensation that they are drowning and dying, is torture, and it is illegal. The feeling—from those who have spoken about this at length—is one that causes struggle, panic, ingestion of water, vomiting, and psychological trauma.

This truth, Mr. President, that this is torture, has been affirmed by the top lawyers in the Army, the Navy, the Air Force, and Marines, both current and retired. It has been affirmed by my colleagues, by some of my most respected colleagues on the Republican side of the aisle, for whom I have tremendous respect.

Through our history, we have prosecuted those who have used the technique against our own people as criminals of war. When Japanese soldiers waterboarded American prisoners of war in World War II, we convicted them for their crimes. We convicted them for their crimes. When our own soldiers, over 100 years ago, used waterboarding in the 1898 Spanish-American War in the interrogation of Filipino insurgents, they were court-martialed. In Vietnam, U.S. generals declared waterboarding to be illegal and strictly enforced the ban on its use.

Mr. President, I very much recognize the importance of the advice and consent clause of our Constitution, in our working with the President in the consent function that we play with respect to his Cabinet appointments. I have worked very hard for 3 years on many of those confirmations in an effort to develop the kind of cooperation and collaboration that is required. However, Mr. President, there are some fundamental core principles for which we must stand. These principles are tested, no doubt, in the face of violence and war, but it is in these moments when these principles are all the more important. The fact that we do not torture, the fact that we in this Nation do not torture is fundamental to who we are as a people, whether it is in conflict, such as the conflict we are in today, or conflicts that have happened in the past in this Nation.

For me, Mr. President, this is not a complex issue.

Mr. President, I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. For me, Mr. President, this is not at all a complex issue. It is not open to interpretation or to equivocation. I will say it again: In my view, waterboarding is torture, it is illegal, and it is inhumane. And Judge Mukasey has refused to acknowledge that fact. Mr. President, I cannot, in good conscience, overlook Judge Mukasey's equivocation on torture.

Our laws are clear. We need an Attorney General who will enforce those laws, including the laws against torture, no matter what. Mr. President, I will be voting against Judge Mukasey, and I would urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM. Mr. President, I would ask for 5 minutes.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. And I thank the Senator from Vermont. I appreciate that.

Mr. President, I will be voting for Judge Mukasey because I think he is the solution, not the problem. My good friend from Colorado made a very eloquent statement, and I respect him greatly. This has been a good debate, and it has been long overdue.

Where do we go, and how do we get there? What do we want to do to fight this war? What is in bounds, what is out of bounds? It is very tough, America. We are fighting a vicious enemy, one not in uniform, and one that will do anything to wreak havoc on this world; an enemy that would kill a child in a heartbeat and not think about it, in the name of God. So we have a real task ahead of ourselves, very difficult, and we have a great military.

My question for my colleagues is, the fact that our military would do the things that Senator SALAZAR said, consciously take waterboarding off the table, does that make us weaker? I don't think so. I go to bed at night feeling pretty good about America when our military lawyers come before the Congress and say: We don't do that. We don't do that.

Now, what does our enemy do when they capture one of our soldiers? We all know. They are brutal. They are horrible. The fact we don't cut their heads off, is that a sign of weakness? The fact that we will give them a lawyer when they won't give us one; that we will base our judgments on evidence, not revenge and hatred, does that make us weaker? No.

The ticking time bomb is not the scenario of a terrorist who may possess some special knowledge. The ticking time bomb is a world that is losing its way. There is no shortage of people who will cut your head off in this world. There is a shortage of people who will stand up for a better way. We know what bad people will do to good people. The question is, what do good people do to bad people?

We are good people, and we are struggling. And I think Judge Mukasey is part of the solution. He has lived a good life in the law, and he has been asked a question about solving a problem not of his making.

If I thought, I say to Senator SALAZAR, he really believed that waterboarding, at the end of the day, was the legal way to do business, I wouldn't vote for him. He is in a bind. He can't answer that question. But he will one day because I have asked him. And he doesn't have this theory of the law that there is only one branch of Government in a time of war that has been pushed by this administration to the point of being absurd.

He is a mainstream legal thinker. He answered my question that there is no power given to the President, inherent or otherwise, to avoid the Geneva Conventions obligations of this country or to set aside the McCain amendment. That was music to my ears. He is bound.

The question for us, as we have been a part of the conventions for a long time, and we have led the world for a long time by being different from our enemy, do we reserve to our Executive in those special circumstances the right to set the conventions aside? You see, we are threatened by someone out there who has no boundaries, a group that has no boundaries. So do we reserve to ourselves the ability to treat them any way we want to because the means justifies the end?

Well, let me tell you what will happen if we go down that road, and where we will wind up. What will we say to the Chinese Communist dictator who waterboards the Christians because they are threatened by the Bible? What do we say to people in China who will torture the Buddhist monk because they are threatened by a humble, decent religion? What do we say in Venezuela? What do we say anywhere in the world when people who feel threatened use horrible tactics simply because they are threatened?

This is a good man of the law, Judge Mukasey. Over time, Senators SCHUMER and FEINSTEIN will be shown to have done the country some good—a lot of good. And to those who cannot vote for Judge Mukasey because he didn't answer this question as directly as you would like, I understand. But we are about to fix a problem in the Justice Department that needs to be fixed, and we are going to have an honest, good debate about how to win this war.

I can tell you right now, the only way we will win this war is not just by killing because this is not about how many of them we can kill. That is an endless number. This is not about a capital to conquer, an air force to shoot down, or a navy to sink. This is about ideas. Our way of living is better than theirs, only if we will have the courage and the common sense to embrace it and not be afraid to be good in a time where there is evil.

God bless you.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 12 minutes.

Mr. SANDERS. Let me thank my colleague from Vermont, Senator LEAHY, for yielding, and applaud him for the role he is playing on the Judiciary Committee.

Mr. President, several weeks ago, I informed the citizens of Vermont that I would be voting against the confirmation of Judge Mukasey to be Attorney General, and tonight I am going to, in fact, be casting a "no" vote.

Mr. President, there are several reasons I will vote no on Judge Mukasey. First, like many of my colleagues, I was deeply disturbed by his response to the question of waterboarding. He apparently does not know whether waterboarding is torture. Well, millions of Americans know waterboarding is torture. People all over the world know waterboarding is torture. The Geneva Conventions are quite clear about waterboarding being torture. And, frankly, I don't think it is too much to ask for us to have an Attorney General who knows waterboarding is torture. That is one reason I am voting against Judge Mukasey, but there is a second reason, and perhaps maybe an even more important reason.

For the last 6 years, it is clear that we have had a President who does not understand what the Constitution of the United States is about. What this President believes, essentially, is that he can do anything he wants, at any time, against anybody in the name of fighting terrorism. And he happens to believe the war on terrorism is unending. It is going to go on indefinitely. I think it is very important that we have an Attorney General who can explain the Constitution to a President who clearly does not understand it. Unfortunately, Mr. Mukasey is not that person.

In the last 6 years under President Bush, we have seen the National Security Agency start a program which allows wiretapping without first obtaining a court order, to my mind, in violation of the Constitution. We have seen personal records that have been extensively mined for data. How many millions? Who knows? Nobody in the Senate really knows. We don't have access to that information. It is massive amounts of data mining, in clear violation of the privacy rights and the laws of America under this President.

We have seen the phenomenon of extraordinary rendition, which has shifted detainees to prisons in countries abroad which allow torture. We have seen the firing and the politicization of the Office of the U.S. Attorney. We have seen detainees of the United States being denied the oldest right in the Western legal system—the right to habeas corpus. We are running a prison camp in Guantanamo where prisoners have minimal legal rights, which is an international embarrassment for us as we struggle against international terrorism. And we have seen many other assaults by this President on our constitutional rights and on the laws of this country.

We have a President who clearly does not understand the separation of powers; that the Congress of the United States is an equal branch of our Government; that the Judiciary is an equal branch of our Government; that the executive branch does not have all of the power.

A little while ago I was on a statewide TV program in Vermont. Somebody called in and they said: When is Congress going to begin to stand up to this President?

That is a good question, and I didn't have a good answer. But what I can tell you, the time is long overdue for us to begin to stand up to this President, who thinks he can veto virtually every piece of legislation we send him, who ignores the Constitution of this country—I think it is time we begin to stand up.

I have heard some of my colleagues say, if we reject Mr. Mukasey, the President is not going to send us another nominee. That is the right of the President of the United States. But we have our rights as well. We have the right to demand an Attorney General who supports, strongly, the Constitution and is prepared to tell the President when he is acting against our Constitution. That is our right. It is about time we began to defend our right.

I can't blame the President for taking over the rights of Congress, if Congress is not prepared to stand up and fight back. I think that time is long overdue.

Mr. President, if you do not want to send us another nominee, that is your right. We have our rights as well. I will be voting against Mr. Mukasey. I hope my colleagues do as well.

In conclusion, I ask unanimous consent that letters of opposition and concern from the American Civil Liberties Union, the Leadership Conference on Civil Rights, and Common Cause be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
*Washington, DC, November 5, 2007.*

Re Nomination of Michael Mukasey for Attorney General

Hon. PATRICK LEAHY,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*
Hon. ARLEN SPECTER,
*Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND SENATOR SPECTER: The American Civil Liberties Union strongly urges you to oppose moving the nomination of Judge Michael Mukasey for Attorney General out of the Judiciary Committee unless he states that waterboarding and other extreme interrogation tactics are torture, within the meaning of federal law, and commits to the full enforcement of federal laws against torture and abuse. This commitment is important for two reasons: (1) to ensure that the federal government stops, and does not resume, the use of torture and abuse in interrogations; and (2) to have the next attorney general committed to investigating and, if appropriate, prosecuting persons who authorized or committed torture or abuse.

Mukasey's unwillingness to answer questions on whether waterboarding and similar practices are torture undermines the rule of law and threatens the security of Americans. In response to questions from members of the Judiciary Committee, Mukasey not only refused to state whether waterboarding is torture when authorized by or committed by the federal government, but he also refused to say whether it is illegal for foreign countries to commit acts such as waterboarding, electric shocks, beatings, head slaps, and induced hypothermia on Americans.

Federal law is clear that waterboarding and all other forms of torture and abuse are illegal. The Anti-Torture Act criminalizes the use of torture; the War Crimes Act criminalizes the use of torture and abuse against detainees protected by the Geneva Conventions (which includes alleged Taliban and al-Qaeda detainees); the McCain Amendment of the Detainee Treatment Act reaffirms the prohibition in the U.S.-ratified Convention Against Torture against the use of torture and cruel, inhuman, and degrading treatment; the U.S.-ratified Convention Against Torture prohibits all torture and cruel, inhumane, and degrading treatment, and general criminal laws such as federal statutes criminalize conduct such as assaults by or against Americans in federal facilities. These laws reflect American values, all in statutes or treaties enacted or ratified under presidents ranging from Ronald Reagan to George W. Bush.

However, Mukasey refuses to answer the straightforward question of whether waterboarding is torture, and thereby illegal. In a four-page response to ten members of the Committee, Mukasey describes how he would decide the question of whether waterboarding is torture, but he states the question is "hypothetical" and that "the actual facts and circumstances are critical." The actual facts and circumstances of waterboarding are brutal, but fairly simple. Several senators described to Mukasey all of the elements of waterboarding, as practiced over the centuries by dictatorships, rogue nations, and war criminals—and as prosecuted by the United States against war criminals. Mukasey has the law, including the Anti-Torture Act and the War Crimes Act, and all of the facts before him. After decades as a Federal prosecutor and Federal judge, Mukasey certainly has the capacity to answer the question of whether waterboarding is torture.

In addition to undermining American values, Mukasey's unwillingness to answer the question on whether waterboarding is torture could threaten the security of Americans overseas. In a little-noticed question-and-answer, Senator Kennedy asked Mukasey, "Do you think it would be lawful for another country to subject an American to waterboarding, induced hypothermia or heat stress, standing naked, the use of dogs, beatings, including head slaps, or electric shocks?" Mukasey responded with his stock response that he cannot answer hypotheticals, and that "the actual facts and circumstances are critical." This response was to a question on whether it was illegal for a foreign country to shock, beat, and waterboard an American citizen. The response provides no assurance to American servicemen and servicewomen and American intelligence personnel that the United States will demand protection for them against foreign torturers.

This line of questioning is not hypothetical. The use of waterboarding and other forms of torture was reportedly discussed and approved based on discussions that occurred at the highest levels of government, including participation by aides to the President and Vice President. The result was authorization of specific forms of torture and abuse, and a permissive climate that fostered even more torture and abuse. Federal Government documents obtained by the ACLU through our Freedom of Information Act litigation and reports of the International Committee of the Red Cross documented torture or abuse against U.S.-held detainees, including acts such as soaking a prisoner's hand in alcohol and setting it on fire, administering electric shocks, subjecting prisoners to repeated sexual abuse and assault, including sodomy with a bottle, raping a juvenile prisoner, kicking and beating prisoners in the head and groin, putting lit cigarettes inside a prisoner's ear, force-feeding a baseball to a prisoner, chaining a prisoner hands-to-feet in a fetal position for 24 hours without food or water or access to a toilet, and breaking a prisoner's shoulders.

Mukasey's equivocal responses to these questions on waterboarding and other forms of torture and abuse reveal a more fundamental and troubling problem with his views on the scope of executive power—not only on torture—but on government spying as well. Under the theory of executive power Mukasey espoused, any restrictions on government spying that Congress passes may be meaningless, since Mukasey believes the president has power to engage in domestic wiretapping without a warrant and outside the law. If an Attorney General, whose mission is to enforce the law, believes the President has the power to disregard the law, our constitutional balance of powers is in peril.

A forthright answer to a question about torture is so fundamental to restoring the rule of law that the Judiciary Committee should not move Mukasey's nomination out of committee unless he states that waterboarding and other extreme interrogation tactics are torture. American values and American security both depend on his answer.

Thank you for your attention to this matter, and please do not hesitate to call us if you have any questions regarding this issue.

Very truly yours,

CAROLINE FREDRICKSON,
*Director.*
CHRISTOPHER E. ANDER,
*Legislative Counsel.*

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WASHINGTON, DC,
*November 5, 2007.*

Hon. PATRICK J. LEAHY,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*
Hon. ARLEN SPECTER,
*Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: On behalf of the undersigned organizations, we write to express our opposition to the confirmation of Judge Michael B. Mukasey to the office of Attorney General. At his hearing and in his responses to written questions, Judge Mukasey refused to condemn waterboarding as torture, endorsed broad assertions of executive authority, and failed to make firm commitments to the enforcement of civil rights. For these reasons, we are compelled to oppose his nomination.

What is urgently needed in our next Attorney General is an unequivocal commitment to thoughtfully and independently uphold the rule of law. However, on human and civil rights issues, it is difficult to distinguish Judge Mukasey's views from the controversial views of this Administration. It seems certain that, after his careful avoidance of making commitments that might be antithetical to the Administration's interests, Judge Mukasey is either unwilling to exercise the independence we need in our next Attorney General on critical issues, or his views align perfectly with those of the President.

On the issue of interrogation techniques, Judge Mukasey acknowledged that the law holds that torture is unlawful, but declined to state whether waterboarding is torture. Waterboarding, a technique defined as the use of a wet towel to induce the misperception of drowning, has been declared unlawful by all four current Judge Advocate Generals of our armed services. Judge Mukasey's condemnation of this technique as "repugnant," while true, is inconsequential; what counts is his legal opinion of whether the practice is torture. In spite of the fact that waterboarding is widely classified by military officials and human rights experts as unlawful torture, Judge Mukasey refused to answer this question directly.

Judge Mukasey further endorsed a view of executive authority that greatly expands the power of the President at the expense of the other branches of government. Judge Mukasey suggested he would allow the President to engage in warrantless surveillance of persons in the United States in violation of congressional laws. Indeed, he outlined a view of the Constitution that privileged the view of the executive branch over that of Congress on matters of constitutional interpretation, making it possible for the President to disregard the laws of Congress based on the President's constitutional judgment. In fact, under this view, the President's failure to enforce a congressionally-enacted law would prevent the courts from ever having an opportunity to weigh in, making the President the final arbiter of constitutionality of our laws.

Finally, with respect to questions regarding how he would improve civil rights enforcement, Judge Mukasey offered platitudes, but no firm commitments. Civil and voting rights enforcement have been low priorities within the Department of Justice, making it especially important that the next Attorney General have a thorough understanding of our civil rights laws and be committed to the vigorous and unbiased enforcement of those laws. Judge Mukasey failed to offer solutions to the extremely low number of cases brought by the Civil Rights Division on behalf of women and minorities in employment discrimination cases. On an issue as central to the civil rights community as voting rights, Judge Mukasey would not commit to the straightforward proposition that a voter identification requirement that disproportionately impacts minorities could violate Section 2 of the Voting Rights Act. His responses to questions concerning civil and voting rights enforcement evidenced little understanding of the problems that currently plague the Civil Rights Division.

Nowhere is the Senate's constitutional role in reviewing a presidential cabinet nominee more important than in the case of a prospective Attorney General. Judge Mukasey has failed to deliver on the expectation that he would be willing to challenge this Administration's widely condemned human and civil rights policies. As a result, there is serious doubt about his suitability for the position of Attorney General and about the impact his tenure would have on civil and human rights in this country and elsewhere. Thus, we must urge you to not confirm Judge Mukasey.

Thank you for your consideration. If you have any questions, please feel free to contact LCCR Vice President and Director of Public Policy Nancy Zirkin or LCCR Counsel and Policy Analyst Paul Edenfield.

Sincerely,

Leadership Conference on Civil Rights.
AFL-CIO.
AFSCME.
American-Arab Anti-Discrimination Committee (ADC).
Asian American Justice Center.
Global Rights: Partners for Justice.
Human Rights First.
International Union, United Auto Workers.
National Association for the Advancement of Colored People (NAACP).
National Fair Housing Alliance.
National Urban League.
Open Society Policy Center.
People For the American Way.
Service Employees International Union (SEIU).

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COMMON CAUSE,
*Washington, DC, November 5, 2007.*

Senator PATRICK LEAHY,
*Chair, Senate Committee on the Judiciary, Washington, DC.*

DEAR SENATOR LEAHY: Common Cause believes that it would be a serious mistake for the Senate Judiciary Committee to confirm Judge Michael Mukasey's nomination as attorney general to replace Alberto Gonzales.

In his nomination hearings before the Senate Judiciary Committee, Judge Mukasey provided evasive answers to critical questions about whether "waterboarding" is torture, feigning ignorance of the well-known procedure and dodging the question when it was defined for him.

An attorney general's first job is to protect the rule of law, not to protect a President. We have just seen the damage caused when an attorney general places partisan loyalty above law. The country cannot withstand more of such disregard for the rule of law.

As the Committee knows—and now the American public knows too well—

waterboarding has been an infamous form of torture dating back as far as the Spanish Inquisition. The United States has both prosecuted waterboarding as a war crime when used against our soldiers and court marshaled a U.S. military officer who used it against our enemies, George Washington University Professor Jonathan Turley wrote last week.

Senator Charles Schumer (D-NY) stated that in conversations with Judge Mukasey as late as Friday, Judge Mukasey assured him that Congress could pass a law banning waterboarding and other forms of torture and the President would have absolutely no authority to ignore such a law. But, under the Geneva Convention, adopted by the United States as law, it is already against the law to use waterboarding.

Judge Mukasey's disingenuous responses about torture shows a contempt for Congress and a disturbing willingness to turn his back on the law when the alternative—acknowledging illegal torture—could have troubling implications for the President who nominated him.

This is unacceptable from a nominee to America's top law enforcement position. And it is equally unacceptable for the United States Congress to turn its back on its constitutional duty.

Judge Mukasey's non-answers on torture do not stand alone. We are equally concerned about his equivocations on the President's power to conduct a secret program of warrantless wiretapping, despite laws duly enacted by Congress and protections afforded to all Americans by the Constitution.

It is the hope of the nation that a new attorney general will be a fresh start for the Justice Department that Gonzales tarnished through his partisanship and left in tatters. That hope cannot be served by a nominee who begins by dissembling over what the law is in order to protect the Administration and the Justice Department from possible unpleasant ramifications even before he has been confirmed. It is difficult to see how such a nominee could repair the integrity and reputation of the Justice Department, heighten sagging morale or stem the exodus of career professionals fleeing that agency.

Common Cause believes this is one of the most urgent issues of our day: a President who usurps greater and greater powers without regard for the law or Constitution, and a Congress that stands idly by and lets it happen. Common Cause took a stand when the actions of President Nixon threatened to unravel America's democracy, and we take the same stand now.

The American people are watching what you do this week. The whole world is watching. We need you to demand respect for the rule of law, the Constitution, and the role of the United States as a reliable world partner dedicated to international justice. It is up to you to restore voters' confidence in the vitality of America's democracy. And it is up to you to safeguard our troops abroad, who become more vulnerable to torture when we condone it.

Common Cause urges you to stand firm and vote against the confirmation of Judge Mukasey as our next attorney general. We urge you to turn the tide on abuse of executive power and show America that they can depend on you to defend the Constitution and the rule of law.

Sincerely,

BOB EDGAR,
*President and CEO.*

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Iowa has 10 minutes.

Mr. HARKIN. Mr. President, despite the many positive attributes of Judge Mukasey, I cannot support his nomination for Attorney General. The next Attorney General must be more than a capable steward of the Department of Justice. I have heard a lot about that, that he can run it well.

Given this administration's disdain for the rule of law, it is imperative the next Attorney General be a strong and independent voice for a return to the very basic principle that we are a government of laws and not of the King—the President. Regrettably, I do not believe Judge Mukasey will be that voice.

Over the last 6 years, this administration, supported by faulty legal opinions from the Justice Department, has claimed it can ignore acts of Congress. The President has argued that, despite the fact that since 1978 the Foreign Intelligence Surveillance Act has been the law of the land, he, the President—he has the authority, he says, despite the law, to eavesdrop on American citizens without a warrant or judicial review. He, the President, believes—the President, the King—he can seize American citizens on American soil, indefinitely detain them without charges, without providing the accused access to counsel, without judicial review. He—the President, the King—believes he can utilize interrogation techniques long considered immoral, ineffective, and illegal, regardless of the laws and treaties Congress has approved.

As Justice Sandra Day O'Connor wrote, however, "[a] state of war is not a blank check for the President when it comes to the rights of the nation's citizens."

At a time when we sorely need an Attorney General who will stand up for the rule of law, Judge Mukasey has expressed a troubling view of unchecked Executive power. For example, Judge Mukasey asserted that the President can violate congressional statutes where the President claims broad authority to "defend the Nation." That is a loophole big enough to drive anything through. Judge Mukasey refused to answer whether he believes American citizens, detained by the President, have the right to habeas corpus, a right that goes back to 1215; the Magna Carta, articles 38 and 39 of the Magna Carta. You go read it. It says the King can't pick you up and throw you in jail and hold you there unless it is supported by evidence and testimony from your peers. That is the right of habeas corpus, enshrined, article I, section 9 of our Constitution. Mukasey refused to answer whether he believes American citizens have the right to habeas corpus when they are detained by the President.

Similar to many of my colleagues—the Senator from Vermont and the Senator from Colorado talked about this—I am deeply troubled by the judge's failure to assert that waterboarding is illegal, a process that simulates death by real drowning. Everybody is focused on waterboarding. Sadly, he also refused to answer that other terrible practices which this administration has used are illegal. These include electrical shocks, beatings, the use of dogs, forcing prisoners to stand naked, induced hypothermia. Judge Mukasey doesn't know—he doesn't know whether these are illegal. Imagine that.

Let there be no misunderstanding. Whether waterboarding is illegal is not a difficult question. This Senate has repeatedly stated it, going back at least to the ratification of the Geneva Convention in 1955, that torture is a violation of our highest values and simply not permitted. In 2005, we adopted the McCain amendment, 90 to 9, 90 votes to 9. The amendment stated that cruel, degrading or inhuman treatment of detainees was prohibited.

Last year, the Military Commission Act expressly made clear that the President is bound by the prohibitions against cruel, inhuman, and degrading treatment of prisoners. Yet Judge Mukasey says he doesn't know. He can't determine whether waterboarding is illegal because he has not seen the evidence. He has not seen the classified material.

You don't need classified material. You don't need any classified material on this.

RADM John Hutson, former Judge Advocate General of the Navy, testified that, "other than, perhaps the rack and thumbscrews, waterboarding is the most iconic example of torture in history." He added, "[I]t has been repudiated for centuries." Going back to the Spanish Inquisition and including World War II, the U.S. military has brought charges against those who practice this technique. In adopting the Military Commission Act, many Senators made clear that interrogation techniques such as waterboarding are illegal and constitute "grave breaches" of the Geneva Conventions.

Given this law, given the history, it is disappointing that an esteemed judge, with the highest reputation in our legal community, would not unequivocally state that, of course, waterboarding is both torture and it is illegal. It wasn't a difficult question. It is a question any serious candidate for Attorney General should answer. Because he could not answer it, he is not qualified to be Attorney General.

Are we going to have another Attorney General who is going to kowtow to the King—the President—I am sorry, I get those terms kind of confused when I am talking about Bush. I don't know whether he is King or President. According to the last Attorney General, he was King. Maybe this one believes the same thing. He can do whatever he wants to. But even in 1215, the King of England was held to the standard of habeas corpus. I guess we want to turn the clock back to before the Magna Carta.

I am also troubled by Judge Mukasey's refusal to commit to recommend to the President that the detention center at Guantanamo Bay be closed. He said, "There are substantial problems with Guantanamo, both problems of reality and problems of perceptions." If he believes that, why wouldn't he join with Secretary of Defense Gates and former Secretary of State Colin Powell in recommending that it be closed?

I have a petition, signed by more than 1,000 people from around the United States, urging that our next Attorney General be committed to closing down the detention facility at Guantanamo Bay.

I ask unanimous consent it be printed in the Congressional Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

TEXT OF PETITION

Revelations of human rights abuses at the prison at Guantanamo Bay have damaged America's reputation and impeded our efforts to fight terrorism.

By continuing to isolate detainees on Guantanamo Bay without bringing charges against them, we have forfeited our moral leadership and hindered our ability to rally support in our fight against terrorism. Closing this facility is our single best opportunity to rally our allies in a more effective fight against terrorism and reduce the risk to Americans traveling abroad.

Mr. HARKIN. Mr. President, issues such as torture and Guantanamo Bay, I have to admit, are somewhat personal to me. It was 20-some years ago—I am sorry, 37 years ago, now that I think about it, 1970—when I was a congressional staffer on the House side, for a committee that went to Vietnam to investigate our involvement in the war in Vietnam. During that trip over, through a series of circumstances and because of the bravery of a couple of young people, I was able, with two Congressmen—Congressman "Gus" Hawkins from California and Congressman Bill Anderson from Tennessee—to uncover the infamous tiger cages on Con Son Island off the coast of Vietnam.

What did we find there? Inhuman, degrading, terrible conditions, where the Vietnamese had imprisoned civilians—students, human rights activists, along with North Vietnamese POWs—being tortured almost on a daily basis. It would take me more time than I have this evening to be able to describe to you the horrors we saw when we broke into this prison. It was all done with the full knowledge and consent and supervision of the U.S. Government. That is proven. That is on the record. It is on the record.

I saw the damage that it did, what that did to us. We were always saying to the North Vietnamese: Treat our prisoners according to the Geneva Conventions, when our colleague John McCain was there, and others. Yet we were doing the same thing in Vietnam. If you want to go into the court of world opinion, you better go in with clean hands; the court of equity. What we are doing now in Guantanamo covers all that up. It does damage to our reputation. It makes us like them.

The one thing we proved in the 1950s when Joseph McCarthy stood on the floor of this Senate—one thing we proved then is we did not have to be like the Communists to beat them. We don't have to be like the terrorists to beat them. The more we are like them the more likely we are to lose. We need an Attorney General of the United States who has the guts to stand before the committee and say he is going to tell the King that the King is wrong, and this Attorney General nominee will not do that.

Oh, he may run a good department. Oh, he may do all the right things. But we need an Attorney General to tell this King he is wrong and that the rule of law will apply and the rule of law says we will not torture. We will not treat people with inhumane treatment. We will abide by the Geneva Conventions. We will not be like our enemies.

That will send a stronger signal to the world than anything else we could do. For those reasons I, in good conscience, cannot in any way support this nominee for Attorney General.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask the Senator from Connecticut how much time he would like.

Mr. LIEBERMAN. Up to 5 minutes.

Mr. SPECTER. I yield 5 minutes to Senator Lieberman, then Senator McConnell, the Republican leader, will speak.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Pennsylvania. I have spoken before on the Senate floor about the nomination of Judge Michael Mukasey to be our next Attorney General. I can be brief.

I have listened to my colleagues. I respect what they have said. I have listened to those who have spoken against Judge Mukasey's nomination. I am compelled to rise and speak because, with all respect, based on knowing this man for 43 years, I believe people are not treating him fairly who are contemplating voting against him.

I respect the opinions that have been stated. But based on this long knowledge of this good man, I think he deserves to be confirmed by the Senate by a very strong vote. I met Michael Mukasey when we first arrived together at law school—the same law school, Yale Law School.

As I have said on the Senate floor before, the young man I met then—smart, sensible, honorable, good sense of humor—is very much the same man who has been nominated by President Bush to be our next Attorney General, except, of course, that he is older and wiser and has had extraordinary experiences as an attorney in private practice, as a very successful assistant U.S. attorney, as a Federal judge respected by all who came before him, and now, in really a twist of fate, having retired from the bench, gone back to private practice, he comes to the attention of President Bush and is nominated as Attorney General.

He carries with him all the attributes one would expect and want of an Attorney General. I would add this: He is exactly the right person to be Attorney General at this moment in our Nation's history, after the travails the Department has been through, the accusations of excessive political interference there, the questions about the judgment of the previous Attorney General. I cannot think of a nominee for Attorney General who will be more independent of the President nominating him than Michael Mukasey in a long time.

Think about it. President Kennedy nominated his brother. President Carter nominated Griffin Bell, his attorney and close friend from Atlanta. President Reagan nominated his own lawyer, William French Smith, to be Attorney General, and so on. President Bush and Michael Mukasey, as far as I know, did not know each other before his consideration for this position. But he impressed the President based on his experience, his knowledge, his record; particularly his record in dealing with difficult cases regarding terrorism.

He has the integrity, the sound legal judgment, and the tremendous work ethic to raise this Department up to where we need it to be, to raise the morale of the employees of the Department.

If you look at the whole record of his experience, it seems to me, as I have listened to my colleagues who are opposing him, they are in large part expressing their opposition to the administration, to the judgments made by the previous Attorney General, and not being fair to this nominee.

Judge Michael Mukasey is a man of the law. He is not a man of politics. If he was a man of politics, he would have said waterboarding is illegal because he knew that is what many Members of the Senate wanted him to say. But he did not believe, as a matter of law, as a man of law, that he was justified in saying that.

I hope all my colleagues have read Judge Mukasey's response to the letter that was sent to him by the chairman of the Judiciary Committee and other members on this question of waterboarding because it tells you who Judge Mukasey is and what kind of Attorney General he will be. It is a reasoned opinion. It is a straightforward opinion. It is an opinion based on law.

He says waterboarding to him personally is repugnant. He says, he opines, as a matter of law, that waterboarding done by employees of the Department of Defense is illegal. I have not heard that enough in this debate. He says that explicitly in this letter. Why? Because the law says it is illegal.

The Detainee Treatment Act refers to the field manual of the Department of Defense, and that field manual said waterboarding is illegal; therefore, Judge Mukasey says waterboarding is illegal.

But then he says: I cannot say that for other employees of the Federal Government, particularly employees of the intelligence community, because there is no law that says that. And I would have to have the evidence of what it is, the previous legal opinions to do so. So he answered as a man of law, not a man of politics.

He is extremely well suited to be the Attorney General America needs now. I say this based on long knowledge of this man and his record. He ought to be confirmed overwhelmingly.

I regret that appears not to be what will happen. But I take some comfort from the fact that he will be confirmed. I am confident those who are his detractors today will become his admirers over the next year and a half as he conducts himself as the Attorney General of the United States.

Mr. McCONNELL. Mr. President, I am pleased that today, 7 weeks after he was nominated, the Senate will finally vote on the confirmation of Judge Michael Mukasey to be our Nation's 81st Attorney General.

Judge Mukasey's nomination is the culmination of a process in which the President was extremely solicitous of the views of the Democratic majority. In fact, it's hard to imagine how he could have been any more bipiartisan with respect to this nominee. Just to recap:

Our Democratic friends did not want the former Attorney General to continue in office. Well, he has resigned.

Our Democratic colleagues wanted to be consulted on whom the next Attorney General should be. Well, the administration consulted extensively with them.

Our Democratic colleagues said that if the "President were to nominate a" conservative "like a Mike Mukasey," he "would get through the Senate very, very quickly." Well, the President did not nominate someone "like" Mike Mukasey; he nominated Mike Mukasey himself. And the President received widespread acclaim for choosing a "consensus" nominee.

So it is apparent that the President acted in a very bipartisan fashion. Did our Democratic friends reciprocate? Let's review the record:

First, they held up the nomination for weeks before even scheduling a hearing, a failure to act which the Washington Post termed "irresponsible."

Then, despite the fact that Judge Mukasey testified for 2 days and answered over 250 questions, our Democratic colleagues asked him an additional 500 written questions. By contrast, Attorney General Reno did not receive any written questions until after she was confirmed.

Then it took our Democratic colleagues over 2 weeks to schedule a markup. Again, by contrast, the Judiciary Committee marked-up Attorney General Reno's nomination on the very same day it finished her hearings.

By the time the Mukasey nomination was marked-up, this "consensus" nominee had somehow become "controversial." How did this happen? The answer is that Judge Mukasey fell victim to the politicization of the confirmation process, just like another recent nominee who suddenly became "controversial."

Both Leslie Southwick and Michael Mukasey were nominated because they were consensus candidates:

Judge Southwick previously had been unanimously approved by Democrats on the Judiciary Committee.

And Judge Mukasey had been repeatedly recommended by a Democratic member of that committee, not just for a 15-month stint as Attorney General but even for a lifetime position on the Supreme Court.

Judge Southwick was suddenly deemed controversial because of two opinions out of 7,000. He didn't write either of them and at any rate, both opinions existed when the Judiciary Committee earlier approved him to another lifetime Federal judgeship.

And Judge Mukasey suddenly became controversial because of one question out of the 750 oral and written questions he was asked. That one question was whether waterboarding terrorist killers legally constitutes torture in all applications, regardless of circumstances and regardless of how many American lives might hang in the balance.

Well-known members of the vast Right Wing Conspiracy, like Professor Alan Dershowitz of Harvard Law School and Stuart Taylor of National Journal, say the answer to that question is no. But Judge Mukasey didn't say anything even close to that. He was far more reserved.

Rather, Judge Mukasey promised to bring his trademark thoughtfulness to bear in answering this question, and swore that he would rather resign than countenance any illegality. In doing so, Judge Mukasey answered the question the way his Chief Recommender, our friend, the senior Senator of New York, said it ought to be answered, namely, "carefully."

Specifically, in 2004, Senator SCHUMER implored us to be "reasonable" and not get into "high dudgeon" about the issue of torture. He noted:

> There are probably very few people in this room or in America who would say that torture should never, ever be used, particularly if thousands of lives are at stake.

Our friend from New York noted that it is easy to "sit back in the armchair", as he put it, and demagogue the issue. But "when you're in the foxhole," as he described it, "it's a very different deal."

Senator SCHUMER said he respected "the fact that the President is in the foxhole every day. So he can hardly be blamed for asking" his Attorney General or his White House counsel or the Defense Department "to figure out when it comes to torture, what the law allows and when the law allows it and what there is permission to do." But, our friend from New York correctly cautioned, the legal analysis has "to be done carefully."

Judge Mukasey applied just such a careful analysis to this legal question. And an important part of carefulness, of course, is not to prejudge the legality of an intelligence program that one is not read into, and that concerns interrogation techniques that, even if used, are classified.

But despite the fact that Judge Mukasey answered the question in the same thoughtful manner that our friend from New York noted it demands, and despite the fact that Judge Mukasey was much more reserved in his pronouncements than Professor Dershowitz, this once-consensus candidate is now controversial. If my Democrat colleagues vote against Judge Mukasey because of his comments on waterboarding, it must mean they also would vote against Professor Dershowitz and Senator SCHUMER if they were nominated for Attorney General.

I have a hard time believing that my Democratic colleagues would vote against Professor Dershowitz's nomination to be Attorney General. And I have an even harder time believing that our colleagues would vote against Senator SCHUMER if he were nominated to this position.

In conclusion it should not have taken nearly this long to process Judge Mukasey's nomination. I am glad that tonight, almost 2 months after he was nominated, the waiting will finally end, and that Judge Mukasey will soon get to work at the Justice Department, the thing our Democratic colleagues said they wanted all along.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I yield back the time of the majority except for the statement I am going to give.

Mr. LEAHY. Mr. President, parliamentary inquiry: Is there still time reserved to the Senator from Vermont?

The PRESIDING OFFICER. Yes, there is.

Mr. LEAHY. How much?

The PRESIDING OFFICER. Ten minutes.

Mr. LEAHY. I don't want to interfere with the majority leader, but I am not about to yield back that time, if I might mention for a moment, and then I will yield it back so he may speak, I hate to see records made on this floor that bear absolutely no relationship to the facts. The suggestion was made that there was one question on waterboarding out of hundreds of questions and that created the problem. Unlike Senators who may have spoken that way, I was there. I was there through the whole hearing on the first day. I was there through the whole hearing on the second day. I am probably the only Senator, other than possibly Senator SPECTER, who was there for every bit of it. There were several questions on this issue. In fact, the reason that as chairman I had a second day of hearings is because of some of the questions that were raised on the first day of hearings. I took the transcript and read it during that night because of it. There were questions on executive privilege, but there were questions on waterboarding.

Contrary to suggestions which seem to be more for political cover by some who may want to vote one way or the other, we do not need a new law on waterboarding. President Teddy Roosevelt did not need a law on that to find people had violated our laws 100 years ago. We did not need a new law on the question of waterboarding to prosecute Japanese war criminals for waterboarding Americans. We have not needed it at all. It is against the law. We do not need it. None of the military who write our Uniform Code of Military Justice need a new law to find it wrong. None of the Judge Advocate Generals need a new law to find it wrong. They have declared it wrong.

Our treaties, our other obligations find it wrong. Up until the last week or so of this administration, we would have objected to any other country using such techniques on Americans as wrong.

I understand the White House determines what their nominees want to say. That is fine. I have not lobbied any Senator one way or the other on this issue. But let us not pretend there was one question out of hundreds on waterboarding. There were many questions. Several Senators asked questions on this, more on the philosophy of: Is a President above the law? Can the President arbitrarily set people in this country above the laws of America or do the laws that we pass and their assignment to law by Presidents, is that a law that applies to every single American, including the President of the United States? Most of us feel the same way we learned in civics 101, that no one in America is above the law. That is the issue we raised in the Judiciary Committee. Those who are voting no on this is because they felt a great deal of concern about the answers.

Nobody questions Judge Mukasey's legal abilities. I find him a very attractive candidate for Attorney General. I do not find the ability to continue to vote for a myth that somehow the President is above the law anymore than those of us who voted to confirm General Petraeus were, as the White House then wanted to say, saying that we believed in everything the President was doing in Iraq. Many of us voted against the war in Iraq who then voted for General Petraeus because of his ability as a four star general. They are entirely different things. The suggestion otherwise, I find beneath the quality of discourse in this great body. I resent it. I reject it. Let people make up their mind how to vote one way or the other, but don't vote on red herrings. Don't vote on made-up ideas that we need to pass some law in the future and then, of course, we can be tough. In the future, we will do something and then we can be tough. That is sort of like saying: Gosh, if we had known we weren't being told the truth, we might have voted differently on Iraq. If we knew that waterboarding was bad, we might have voted differently.

Vote one way or the other. I will not question the motives of any Senator, no matter how they vote, either for or against this nominee. But let's not do it on a hypocritical pretext that the President is above the law when he is not or that the President can put any American above the law because he cannot. Let us not pretend that torture is not torture because it is, and it is beneath the great ideals of the most wonderful Nation on Earth.

I thank the Senator from Nevada and yield back the remainder of my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, the hearing in this matter on Judge Mukasey was good. The Judiciary Committee, with Senators LEAHY and SPECTER, did a good job, a full airing of this man's qualifications and ideas were present before the American people and the Senate. The debate that has transpired today dealing with Michael Mukasey has been extremely good. It has been good for the process. It is good for the American people to understand that the chief law enforcement officer of this country has had a fair hearing and a good debate in the Senate.

I will vote against the nomination of Michael Mukasey for Attorney General. My historical analysis is different than that of my good friend, the senior Senator from Kentucky, much different. It is regrettable that I must vote no. When the President first nominated Michael Mukasey, I was fully prepared to support him. That is the history I remember.

Judge Mukasey has a stellar reputation for integrity and judicial excellence throughout his decades of Government service. He has an excellent academic background. I was pleased to see that after the Gonzales debacle and with the Justice Department in shambles, the President finally relented to pressure from Senate Democrats to look beyond his inner circle at this most important appointment.

I considered it significant that an administration that has shown such contempt for the other two branches of Government, particularly judges, would turn to a candidate who served in the judicial branch for so many years. So like many Democrats, I was predisposed to support this nomination. In fact, I was prepared to embrace this nomination. I, too, met with Judge Mukasey and told him I was impressed with his credentials and his background and I hoped the hearing went well.

Well, the hearing didn't go well, from my perspective. During this confirmation process, Judge Mukasey expressed views about Executive power that I and many other Senators found deeply disturbing. I was outraged by his evasive hair-splitting approach to questions about the legality of waterboarding. After his initial comments, Judge Mukasey was given every opportunity to address these concerns. But he was unable to state clearly that waterboarding is torture and, therefore, illegal under U.S. law. This is not a difficult or complex legal question. It does not require high-level security briefings.

I agree with former Navy General Counsel Alberto Mora and former Assistant Secretary of State John Shattuck who wrote in an op-ed this week:

> The question of whether waterboarding constitutes torture is a no-brainer.

Why is it a no-brainer? My friend, former Nevadan and now a long-time Federal Judge Evan Wallach, a former decorated Vietnam combat veteran who came back from military service in the first Gulf War and is now a leading expert on the law of war, wrote in a recent Washington Post article—in fact, it was last Sunday on the front page of the opinion section—

> The media usually characterize the practice as "simulated drowning" [but] that's incorrect. To be effective, waterboarding is usually real drowning that simulates death.

The only difference between actual drowning and waterboarding is that the waterboarding process is halted before death. Victims inhale water, suffocate, and often pass out. Who could reasonably argue this is anything other than torture?

Judge Wallach further points out, in a related law review article in the Columbia Law Review, that even under the extreme and now disavowed legal theories of former Justice Department officials such as John Yoo, waterboarding still constitutes torture.

"Can there be any question," Judge Wallach asks, "that water torture, the repetitive artificial drowning and revival of another human being, falls within their memo's parameters?" No. There can be no question at all.

Notwithstanding the novel legal theories of the Bush administration, whose approval rating as we speak is 23 percent—and we wonder why—it has long been settled law in this Nation and around the world that waterboarding is torture and it is illegal. Civil and military courts in the United States have rejected waterboarding, as Senator LEAHY has said more than once today, for more than 100 years, whether directed at or committed by Americans.

U.S. soldiers were court-martialed for using water torture to question Filipino guerrillas during U.S. occupation of the Philippines after the 1898 Spanish-American war. After World War II, the United States prosecuted and convicted Japanese soldiers for waterboarding American allied prisoners of war. During the 1980s, a Texas sheriff was sentenced to 10 years in prison for using waterboarding to force confessions of prisoners. So this is not a new debate, nor an unsettled question.

Judge Mukasey doesn't need a classified briefing from the Bush White House to answer the question, is waterboarding torture. He has more than 100 years of established American law on which to base his position. His position was evasive without any question, misleading. That is why it is so disturbing that for all his impressive years on the bench, Judge Mukasey could not give a simple straightforward answer to the question posed by members of the Judiciary Committee, Democrats and Republicans. His lengthy nonresponsive answer was wrong. This was a question that demanded brevity and certainty, not lawyerly semantics.

My Republican colleagues, JOHN MCCAIN, LINDSEY GRAHAM and JOHN WARNER, who served as leaders in the Senate on this issue, recently issued a detailed legal analysis that concluded waterboarding "represents a clear violation of the U.S. law."

For purposes of this debate, let's give a little added credence to a man who served 7 years in a Vietnamese prison camp and was tortured more than half the time he was there—the rest of the time was in solitary confinement—JOHN MCCAIN. Let's give that a little more foundation.

Former and sitting Judge Advocate Generals agree. On Friday in a letter to the chairman of the Judiciary Committee, several prominent former Judge Advocate Generals declared unequivocally:

> Waterboarding is inhumane, it is torture, and it is illegal . . . Waterboarding detainees amounts to illegal torture in all circumstances.

I could continue at length quoting military and civilian experts who all agree the answer to this question is settled. And it is settled. But why is this issue of waterboarding so critical for the chief law enforcement officer of our country, the U.S. Attorney General? Tremendous damage has been done to the moral credibility of our great country, both in the eyes of our allies and of our enemies abroad, by the widespread belief that our country, the United States, has used waterboarding and other abusive interrogation techniques. The United States of America has done that? All over the world now they know it.

As a result, our allies have at times refused to cooperate with us in the fight against terrorism, under constraints from their own laws and public opinion at home.

Even if the Bush administration is no longer utilizing waterboarding—which I do not know now—the President's refusal to publicly disavow it gives license to our enemies abroad to use it. This puts our troops and any citizen who may fall into our enemies' hands at risk and serves as an ongoing recruiting tool for militant extremists.

How do these evil people, who are trying to do damage to this country—how are they using the fact that America tortures people they want to get information from? How is this a recruiting tool for these bad people? A pretty good one, I would think.

President Bush claims we must not disclose our techniques to the enemy. But I contend we should shout from the hills and the rooftops for all to hear, that no matter how hateful the actions of our enemies, we will never relinquish our most treasured commitment to human rights.

That is America, Mr. President—not water torture, not thumb screws, not the rack.

We should make it clear to all the world that no matter what our enemies do, our core American values cannot be shaken. We are a constitutional form of government. We deserve an Attorney General who will uphold this message to the world.

Judge Mukasey's answer to the waterboarding question was important in itself, but it also raised for me serious doubts about whether he is prepared to be the truly independent voice that the Justice Department, which is now in shambles, so desperately needs. If he cannot stand up to the President on such a question of profound importance and simplicity with a clear legal answer, how can we be sure he would be more than just another mouthpiece for an administration that treasures secrecy and loyalty above all?

I respect Judge Mukasey's long career in public service. I have said that before. We have met in person. I have said that before. And there is no question he is an intelligent man. In the past, he has been very capable.

If he is confirmed, the eyes of every American will be on him as he faces the unenviable task of depoliticizing the Department of Justice and restoring the integrity that was so lacking under his predecessor, Alberto Gonzales. He will have my earnest support in that challenge.

But in light of his responses during and following his confirmation hearings, I cannot stand by him today with my words or my vote.

One day, Mr. President, historians will expend countless reams of paper and barrels of ink writing the story of the Bush-Cheney administration's extremism in support of its never-ending quest to expand the reach of their Executive power. There is no question that this time will be remembered as a dark chapter in America's otherwise steady march toward justice.

But for now, all we can do is honor the trust and authority given to us as individual Senators by the American people and do what we, as Senators, can to turn the page to a brighter day because it needs to be turned.

What we can do today is reject this nomination. The next Attorney General must be able to stand up to the President and stand up for the rule of law.

If confirmed, I hope Judge Mukasey is up to that challenge. But because he has not given me confidence of his independence, I will vote against confirmation, and I urge my colleagues to do the same.

Mr. President, I ask for the yeas and nays on the nomination of Mike Mukasey to be Attorney General of the United States.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Michael B. Mukasey, of New York, to be Attorney General?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut

(Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "nay."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Texas (Mr. CORNYN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Texas (Mr. CORNYN) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 40, as follows:

[Rollcall Vote No. 407 Ex.]

YEAS—53

Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lieberman
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Roberts
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—40

Akaka
Baucus
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Conrad
Dorgan
Durbin
Feingold
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—7

Alexander
Biden
Clinton
Cornyn
Dodd
McCain
Obama

The nomination was confirmed.

Mr. MENENDEZ. Without objection, the motion to reconsider is laid on the table.

The President shall be notified of the Senate's action.

## LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, there will be no more rollcall votes this week. The first vote next week will be at 10:10 Tuesday morning.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order. Members will take their conversations off the floor.

## UNANIMOUS CONSENT REQUEST—S. 1233

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate may proceed to the consideration of Calendar No. 335, S. 1233, at any time determined by the majority leader, following consultation with the Republican leader; that when the bill is considered, the only amendments in order to the bill, other than the committee-reported amendment, be first-degree amendments that are relevant to the subject matter of the bill and that they be subject to relevant second-degree amendments; that upon the disposition of all amendments, the committee-reported substitute amendment, as amended, if amended, be agreed to; the bill, as amended, be read the third time, passed, and the motion to reconsider be laid upon the table; that the title amendment be agreed to, and the motions to reconsider be laid upon the table, en bloc; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. I object.

The PRESIDING OFFICER. Objection is heard.

## UNANIMOUS CONSENT REQUEST—S. 1315

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate may proceed to the consideration of Calendar No. 336, S. 1315, at any time determined by the majority leader following consultation with the Republican leader; that when the bill is considered, the only amendments in order to the bill, other than the committee-reported amendment, be first-degree amendments that are relevant to the subject matter of the bill and that they be subject to relevant second-degree amendments; that upon the disposition of all amendments, the committee-reported substitute amendment, as amended, if amended, be agreed to; the bill, as amended, be read the third time, passed, and the motion to reconsider be laid upon the table; that the title amendment be agreed to, and the motions to reconsider be laid upon the table, en bloc; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. I object.

The PRESIDING OFFICER. Objection is heard.

## UNANIMOUS CONSENT REQUEST—S. 2168

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 459, S. 2168; further that the committee amendments be agreed to; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CRAIG. Mr. President, I wish to discuss my opposition to two bills reported by the Veterans' Affairs Committee, but I continue to hope we can resolve the concerns I will address today.

Unanimous consent has been sought to pass two controversial bills: S. 1233, the Veterans Traumatic Brain Injury and Health Programs Improvement Act, and S. 1315, the Veterans Benefits Enhancement Act. Although both bills are well-intended, they contain unacceptable provisions that I believe would be detrimental to the care our returning wounded warriors deserve and currently receive at VA facilities. At the very least, these provisions are controversial enough to merit considerable floor debate, and therefore I have no alternative but to oppose the unanimous consent agreement.

In the past, the Veterans' Affairs Committee has worked in a bipartisan fashion to settle differences at the committee level and avoid taking up Senate floor time to debate and amend significant veterans legislation. Unfortunately, that is not the case with S. 1233 and S. 1315. Even so, I do not want to close the door on these bills because each has numerous provisions that I support or have sponsored in the past. Both bills contain provisions to enhance the care our veterans receive, and I believe that if we can return to the negotiating table, we can find an acceptable solution to both my concerns and the concerns of my colleagues.

I would like to address these two bills separately because they clearly raise different issues. S. 1315, the Veterans Benefits Enhancement Act, contains a number of important provisions that will enhance benefits and services for America's combat veterans returning from the war in Iraq and the global war on terror and for all veterans with service-connected disabilities.

Among those provisions that I believe are important and responsible for us to provide our veterans are retroactive payments under the traumatic injury protection program of Servicemembers' Group Life Insurance for those injured outside of Operation Iraqi Freedom or Operation Enduring Freedom theaters of operation between October 7, 2001, and December 1, 2005. This will ensure that soldiers injured on their way to fight in OIF or OEF, but not in the theater of combat, are eligible for these benefits.

Other provisions in this bill will expand the housing grant assistance program available to those with severe burn injuries—injuries that are a sad and terrible reality of our current conflict. We must continue to adapt and modify the benefits our veterans receive based on the changing environment in which our soldiers fight; these provisions are a great example of our ability to do so.

However, there is a section within this bill that I vigorously oppose. In fact, this provision is the sole reason for my unwillingness to support the bill, and I would like to explain it here today. Included in S. 1315 is a section that would expand benefits to certain Filipino veterans residing both in the United States and abroad. I have supported, and continue to support, improving benefits for Filipino veterans who fought under U.S. command during World War II. However, I believe that the approach taken in this section with respect to special pension benefits for non-U.S. citizens and non-U.S. resident Filipino veterans and surviving spouses goes beyond the intent of veterans benefits. Further, I do not believe such a provision would have the support of the American people.

Let me explain.

Pension benefits for veterans in the United States are paid at a maximum annual rate of $10,929 for those with no dependents, $14,313 for those with dependents, and $7,329 for a surviving spouse. The maximum VA pension represents somewhere between 16 percent and 31 percent of the annual U.S. household income of $46,000. Contrast that with the average Philippines household income of $2,800. The special pension for Filipino veterans in S. 1315 would amount to an astounding 86 percent to 161 percent of the Philippines household income.

This legislation did not take into account the vast discrepancy between the standard of living in the United States and the Philippines. By refusing to look at the purchasing power of the benefits being provided here, this legislation would pay veterans in the Philippines far more in benefits and pension than we pay our own veterans. It is especially ironic that a bill intending to treat Filipino veterans equitably would create such a dramatic inequity for our U.S. veterans.

Furthermore, the offset that S. 1315 uses to ensure that the bill is in compliance with congressional budget rules would have the effect of reducing pension amounts to elderly, poor, and disabled veterans predominantly residing in the United States. I acknowledge there is considerable agreement that these extra payments for certain categories of veterans were never contemplated by Congress and, therefore, are not justified. However, if presented with the choice of using the savings from eliminating these payments to provide extra pension assistance to low-income veterans in the United States or to underwrite the kind of special benefit I described earlier, I believe the American people would choose to take care of our own veterans' pensions first—and when providing benefits to the Filipino veterans, they would insist that those benefits are adjusted to reflect the real differences in costs of living between our two countries.

The other bill I would like to address today is S. 1233, the Veterans Traumatic Brain Injury and Health Programs Improvement Act. I was originally a cosponsor of this legislation and would very much like to see it move forward and be signed into law. However, there are a few provisions that are premature, considering the current capacity of our VA medical facilities, and I hope my colleagues will agree these provisions should be deferred to a later date.

The provisions I must regrettably oppose at this time are the proposed admittance of Priority 8 and Priority 4 veterans into the VA health system. To ensure VA can meet our Nation's obligation to veterans with combat or military-related disabilities, lower income veterans, and those needing specialized care like veterans who are blind or have spinal cord injuries—to ensure appropriate care for these veterans, former VA Secretary Anthony Principi suspended additional enrollments for veterans with the lowest statutory priority. This category includes veterans who are not being compensated for a military-related disability and who have higher incomes.

It has become very clear, especially over the last few years, that servicemembers returning from Iraq and Afghanistan are enduring lengthy waiting times for care. In the face of such assessments, I do not understand why we should be in a rush to open up the health care system to hundreds of thousands—if not millions—of new patients who by definition are not in need of immediate assistance or can afford private health care.

Moreover, it appears that the provision in this bill would open VA to new enrollees on the day the legislation is signed into law. Yet no plan is required to ensure that the enrollment process would be orderly and executed so as to minimize impacts on current patients, nor is there any requirement that the necessary funding be available prior to its implementation. Instead, VA would simply open the doors and wait to see who arrives. I believe that is irresponsible and unfair to the current enrollees who are in most need of care.

We should forgo opening up the VA health care system until such a time as the Secretary of the VA can certify that troops returning from Iraq and Afghanistan are being provided timely, high-quality health care and neither timeliness nor quality would suffer because of newer enrollees, such as Priority 8 veterans. VA's health care system was created primarily to care for "he who shall have borne the battle." Congress should ensure that this unique group of veterans is not unduly burdened by any new influx of higher income veterans with no military-related disabilities.

Some Senators may contend that money can overcome any obstacle to providing all veterans with health care through VA. However, since any money provided for new patients would be used to acquire new staff, new equipment, and new space, it is important to know if those resources are even available.

Let's first consider where VA will find the new staff needed to care for the huge influx of patients this legislation proposes. It is widely known that our Nation has a shortage of primary care physicians and nurses to provide basic health care services in non-VA facilities. This issue was made clear in a July 2007 report from the Health Research Institute of PricewaterhouseCoopers which showed that the United States will be short nearly 1 million nurses and 24,000 physicians by 2020. In this environment, simply finding new staff to hire will be a challenge for any health care system, including VA.

Further, assuming the requisite staff can be found, I am skeptical that VA has the necessary clinical space in which to provide more primary and specialty care services. I am also skeptical that many VA facilities could open the additional operating rooms, postsurgical recovery units, and intensive care units that would be required with a large increase in patients.

Last, the Congressional Budget Office has scored this legislation at $1.3 billion for the first year of inclusion of just Priority 8s into the system, or $8.8 billion from 2008 to 2012. However, it must be noted that CBO assumed Priority 8s would only be allowed to enroll in the system for 1 year, after which enrollment would be closed. Based on past experience, it is highly unlikely that Congress will maintain such a 1-year limit and virtually certain the costs would continue to rise above and beyond what CBO projected for implementation of this legislation.

When the VA health care system can support a substantial increase in patients, I will be more than happy to address this issue with my colleagues. However, at this point, when even our returning wounded warriors are forced to sit in long waiting lines to receive care, it would be grossly irresponsible for us to move forward with this legislation, and I must therefore continue to object to its passage.

The underlying legislation also contains a provision waiving required inpatient care copayments for Priority 4 veterans with higher incomes. I have concerns with this provision as well.

The passage of this provision would change VA's policy of charging a copayment for the care of a nonservice-connected condition, to allow an exception for circumstances that have nothing to do with a veteran's ability to pay. A grateful Nation has seen fit to provide cost-free care for service-connected conditions and has generously extended the same benefit to those with limited financial resources. However, with this provision, it would no longer be relevant whether veterans could afford to contribute even modestly to the cost of their care. Rather, cost-free care would be provided to a population of patients based solely on a particular health condition. That is a bad precedent.

If this legislation passes, I believe that in the not too distant future, it will be strongly argued by higher income, service-connected veterans that their benefit—cost-free care for service-connected conditions—has been diluted. And the dilution is not fair because now they would be charged for nonservice-connected care, while those with similar economic means in Priority 4 would not be forced to make copayments for the same type of care. With this provision as precedent, a future Congress will be forced to concede to the dilution and its unfairness. Then they will probably be forced to accede to the change.

All that being said, I would like to make sure that my colleagues understand that while I am objecting to passage of these bills in their current form, I sincerely hope and believe that accommodations can be made so that we can pass these bills and get much needed improvements made to the VA health care and benefits systems. Both bills have very meaningful and well-intentioned provisions that I support; unfortunately, there are a few provisions that I believe are detrimental or simply unfair to our Nation's veterans, and for that reason I am here on the floor of the Senate explaining my reasons for objecting to passage of these bills.

I look forward to discussing with my colleagues ways that we can move these bills and reach a compromise that benefits our brave veterans.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VETERANS DAY

Mr. McCONNELL. Mr. President, 89 years ago this Sunday, the guns fell silent in Europe. It was the end of a global conflict so savage that many people doubted anyone would ever want to start a war again. New technologies had clashed with old ways of fighting to create new horrors and apocalyptic battles like the Somme, which tested not only the limits of armies but our powers of comprehension.

America had no role in starting the war, but we played a decisive one in ending it. Our Doughboys earned the gratitude of entire nations. They gave their countrymen a new sense of purpose. And America would always remember Armistice Day, as President Wilson said, with "solemn pride in the heroism of those who died in the country's service and with gratitude for the victory. . . . ."

As we all know, the War to End All Wars did not live up to its name. Just 11 years after it ended, a former corporal from the German Army who had fought on the Western Front was already building a regime that would bring new horrors. At the end of World War I, museums were dedicated to the memory of war. But soon enough even "Big Willie," the first tank, was being rolled out of one of those museums and converted into shells and shrapnel for another terrible war.

And again, the world would turn to America for help. More than 16 million U.S. servicemen would be called upon to defend the cause of freedom against tyranny and terror in World War II—young men like 2LT DAN INOUYE Honolulu and a 19-year-old surfer from Manhattan Beach, CA, named TED STEVENS.

It has been noted that when American servicemen came home from World War II, no one said, "We Won!" They said "It's over!" Because, as President Roosevelt once observed, "The primary purpose of the United States of America is to avoid being drawn into war." When called, our young men and women have served. But when the fight is over, they just want to go home.

And World War II was like that. Everybody just picked up where they left off, stepped right back into the assembly line, or the office, or the baseball diamond, or the boxing ring. These are the humble heroes of our country, the only aristocrats in a democracy—men and women who risk their lives so we can live in freedom and peace. And who ask nothing in return but to return to their hometowns and to carry on as they please.

And so it is up to us to speak well of them, to honor them in special ceremonies and songs and in this annual day of remembrance that for the last 53 years we have referred to simply as Veterans Day. Since 1954, Americans have paused on November 11 not just to remember the men who fought in the Great War those who fought in all our wars: from Valley Forge to Antietam, from the beaches of France to the jungles of Vietnam—paused to remember and to thank them for what they have done for us and for the "millions not yet born" whose freedom will rest on their sacrifice.

We also remember this Veterans Day those who will soon be called veterans, the men and women in Afghanistan and Iraq who are have volunteered to protect us in this new era from new horrors and the many men and women who have died in this struggle for freedom—people like SGT William Bowling, of Beattyville, KY, a shy but proud husband and father who was killed earlier this year by a roadside bomb while patrolling the streets of Baghdad.

Like so many before him, Sergeant Bowling threw himself into his mission. "This is the job he wanted to do," his wife Jennifer said shortly after his death. "He wanted to serve his country."

By his courage and devotion to duty and the cause of freedom, Sergeant Bowling showed the best that Kentucky and this country have to offer. And he reminds all of us what makes this country great: young men and women who believe that serving others is greater than serving self, and who have proved it in every generation since Yorktown by making the sacrifices freedom too often demands.

There is no greater service to our great Nation than the one Sergeant Bowling gave on a dusty road in Baghdad. And there is no greater hope for humanity than men and women like him. They come from places like Honolulu and Manhattan Beach. They come from places like Beattyville.

And we pray to God that they continue to come.

Mr. DOMENICI. Mr. President. I would like to take a moment to commemorate Veterans Day and honor all those who have served, fought, and sacrificed for our country and the freedom all Americans enjoy.

We as a nation should never forget the debt we owe to the generations of Americans who have served as soldiers, sailors, airmen and marines. From the First and Second World Wars, to Korea, Vietnam, and the Persian Gulf war, millions of Americans have answered the call of duty to preserve the freedom we all hold so dear. This is also true for our service men and women who are right now doing an amazing job in Iraq and the war on terror and throughout the world.

Sadly, many Americans have paid the ultimate price and have given their lives for our country. No praise can be too great for the courage, valor, and patriotism of these men and women, and their sacrifice will never be forgotten.

I think it is also important to remember the service of veterans to our country has never ended with their departure from the Armed Forces. They have enriched every community in which they reside with their strength of character, hard work, and devotion to family. For this we must also be grateful.

On this Veterans Day, I hope New Mexicans will honor all the veterans of our great Nation, but I would like them to think particularly about our service men and women who are right this moment in harm's way. They, like all veterans, have left behind the comfort of home, family, and friends to defend our country and its countless blessings. For this, many have paid an immense price, emotionally and physically. I know our thoughts and prayers are with these outstanding individuals.

Again, I would like to thank all those who have served past and present to preserve and protect our great Nation.

## FREE FLOW OF INFORMATION ACT

Mr. LEAHY. Mr. President, when the Judiciary Committee reported Federal reporters' shield legislation to the floor on October 23, I called on the full Senate to promptly consider and pass this important legislation. The Senate version of the Free Flow of Information Act, S. 2035, is bipartisan legislation that was favorably reported by the Judiciary Committee on a strong bipartisan vote. The House has already passed legislation on this same subject, H.R. 2102, with a strong, bipartisan and veto-proof majority of 398 to 21.

Both of these bipartisan bills are available and waiting for Senate action, and I believe that there are well over 60 votes in favor of passing a shield bill in the Senate. I strongly support the enactment of a Federal shield law for journalists, and I urge the Senate to promptly consider and pass Federal shield legislation.

All of us have an interest in enacting a balanced and meaningful first amendment privilege. According to a newly released study by Privacy International—a privacy, civil liberties and human rights watchdog organization, the United States is one of just a few established democracies around the world that does not have a law to protect journalists from being forced to reveal confidential sources. In fact, according to that study, approximately 100 countries have adopted laws that allow journalists to honor their promise of confidentiality.

Sadly, the press has become the first stop, rather than the last resort, for our government and private litigants when it comes to seeking information. This is a dangerous trend that can have a chilling effect on the press and the public's right to know.

Enacting Federal shield legislation would help to reverse this troubling trend. In fact, proceeding promptly to consideration of this legislation is something I strongly support. Should the Senate take up the bipartisan shield bill that overwhelmingly passed in the House, federal shield legislation could go immediately to the President's desk and be signed into law without delay this year.

The Senate bill has the support of a bipartisan coalition of Senators, including Senators SPECTER, SCHUMER, LUGAR, DODD, GRAHAM, and myself, who have all united to cosponsor this legislation. In addition, more than 50 news media and journalism organizations support this legislation and the call for Senate action on this historic bill extends to editorial pages across the country, including The New York Times, Arizona Republic, L. A. Times, Salt Lake Tribune, and San Francisco Chronicle, among others.

The Senate and House bills protect law enforcement interests and safeguard national security. Moreover, both of these bills follow the lead of 33 States and the District of Columbia which have shield laws, and many other States, including Vermont, which recognize a common law reporters' privilege. Tellingly, the Bush administration has not identified a single circumstance where a reporters' privilege has caused harm to national security or to law enforcement, despite the fact that many courts have recognized such a privilege for years.

Given the overwhelming need and support for a federal shield law to protect the public's right to know, I urge the Senate to promptly consider and pass a Federal shield bill.

I ask unanimous consent that a copy of a support letter from the Media Coalition Supporting the Free Flow of Information Act, which is signed by 67 different news organizations, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEDIA COALITION SUPPORTING THE
FREE FLOW OF INFORMATION ACT,
NOVEMBER 6, 2007.

Re S. 2035 and H.R. 2102, the Free Flow of Information Act

DEAR SENATOR: On behalf of the men and women across the nation who work to bring the American people vital news and information, we, the undersigned media companies and organizations, urge you to support expeditious Senate passage of the Free Flow of Information Act, legislation that is vitally important to the national interest. Protecting confidential sources through federal legislation has broad support on both sides of the aisle, in both houses of Congress, and from state attorneys general across the nation. Your support is essential to ensure that the American people have access to information about their government and the institutions that affect their daily lives.

Democrats and Republicans have united to provide overwhelming support for this legislation. The Senate Judiciary Committee reported S. 2035 by a 15–4 vote on October 4, and the House passed H.R. 2102 by a 398–21 vote on October 16. Both versions of the Free Flow of Information Act are available for immediate floor action on the Senate Business Calendar. As the strength of these votes suggests, Senators and House Members from opposite ends of the political spectrum have joined together to support the public's right to have essential information and to protect whistleblowers who are sometimes the only way the public can get this information.

While the Free Flow of Information Act will protect confidential sources by establishing a uniform standard for obtaining information from reporters in federal court proceedings, it is important to note that both versions of the legislation have been amended to ensure that national security is also protected. While many state laws provide for a more absolute privilege, both versions of this legislation are limited to a qualified privilege with exceptions for acts of terrorism or other significant harm to national security.

With 49 states and the District of Columbia having either common law or codified protection for confidential sources, there is a growing (bipartisan) acknowledgement that enactment of a federal law is imperative. In a recent brief filed with the United States Supreme Court, a group of 34 state attorneys general pointed out that lack of a clear standard of federal protection undermines state law. These state laws have worked successfully for many years, defining those covered by the law and the limits of that coverage. At the same time, they have protected the public's right to information while still allowing these states to investigate crimes and protect public safety.

News organizations prefer to have their sources on the record whenever possible. However, history is replete with examples of news articles critical to the national interest that would have never been written had it not been for the protection of confidential sources. As many of your colleagues have stressed and state legislatures have recognized, the time is now for the protection of confidential sources, and the safeguarding of the public's right to know. This issue is too important to remain unresolved as the year and the congressional session draw to a close. We urge you to press for immediate and favorable Senate floor consideration of the Free Flow of Information Act. Thank you.

If you have any questions or need additional information, please contact Paul Boyle or Laura Rychak of the Newspaper Association of America at 202-783-4697.

Very truly yours,

ABC Inc.
Advance Publications, Inc.
Allbritton Communications Company.
American Business Media.
American Society of Magazine Editors.
American Society of Newspaper Editors.
The Associated Press.
The Associated Press Managing Editors Association.
Association of Alternative Newsweeklies.
Association of American Publishers.
Association of Capitol Reporters and Editors.
Belo Corp.
Bloomberg News.
CBS.
Clear Channel.
CNN.
Coalition of Journalists for Open Government.
The Copley Press, Inc.
Court TV.
Cox Television.
Cox Newspapers.
Cox Enterprises, Inc.
Daily News, L.P.
First Amendment Coalition of Arizona, Inc.
Freedom Communications, Inc.
Gannett Co., Inc.
Gray Television.
Hachette Filipacchi Media U.S., Inc.
Hearst Corporation.
Lee Enterprises, Inc.
Magazine Publishers of America.
The McClatchy Company.
The McGraw-Hill Companies.
Media Law Resource Center.
National Association of Broadcasters.
National Federation of Press Women.
The National Geographic Society.
National Newspaper Association.
National Press Club.
National Press Photographers Association.
National Public Radio.
NBC Universal.
News Corporation.
Newspaper Association of America.
The Newspaper Guild-CWA.
Newsweek.
The New York Times Company.
North Jersey Media Group Inc.
Online News Association.
Radio-Television News Directors Association.
Raycom Media, Inc.,
Reporters Committee for Freedom of the Press.
Reuters America LLC.
E. W. Scripps.
Society of Professional Journalists.
Time Inc.
Time Warner.
Tribune Company.
The Walt Disney Company.
The Washington Post.
U.S. News & World Report.
White House News Photographers Association.

## HONORING OUR ARMED FORCES

### LIEUTENANT SETH PIERCE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Marine Corps 2LT Seth Pierce of Lincoln, NE. Lieutenant Pierce died on October 21 from injuries he sustained in an automobile accident on base at Quantico, VA, where he was stationed. He was 23 years old.

Lieutenant Pierce graduated from Lincoln Southeast High School in 2002, where he led the relay team to a State championship in 2001. After graduating from Arizona State University in 2006, he was commissioned as a second lieutenant into the U.S. Marine Corps.

All of Nebraska is proud of Lieutenant Pierce's service to our country, as well as that of the thousands of brave men and women serving in the U.S. Armed Forces.

Lieutenant Pierce is remembered as a devoted son, brother, and grandson. He is survived by his parents Larry and Linda; his brother Aaron, and his grandparents, Edwin and Ruth Steffens, and Luther and Esther Pierce.

I ask my colleagues to join me and all Americans in honoring 2LT Seth Pierce.

## MEDICARE PHYSICIAN PAYMENTS

Ms. STABENOW. Mr. President, if Congress does not act soon, Medicare payments to physicians and health care professionals will be cut by 10 percent on January 1, 2008 as a result of the fatally flawed sustainable growth rate formula.

This does not make any sense. While costs continue to increase, physicians will actually be paid less than they are paid today.

While a 10 percent cut in 2008 is completely indefensible, it does not end there. When combined with the additional cuts required under current law through 2016, physician payment rates will be reduced by approximately 40 percent.

What will be the result? Doctors will decrease the number of Medicare patients they accept, defer purchase of health information technology, and rural outreach services will be discontinued. The Medicare Program, which for more than 40 years has lifted countless seniors out of poverty, and has ensured access to necessary, affordable, quality medical care for our most vulnerable citizens, would be destabilized. The health of the nearly 42 million Americans who rely on Medicare would be threatened.

Physicians are the foundation of the Medicare Program and our Nation's health care system and patients of all ages depend upon them for health care services. Every aspect of our health care system, from hospitals to rural health clinics, relies upon the skills and services of physicians. Yet, on average, physician payments in 2007 are below what they were in 2001.

It defies common sense to think that payment rates that are lower today than they were 6 years ago will be enough to maintain the access to care our seniors need. Very simply put, the projected 2008—and beyond—payment cuts will place beneficiary's access to health care at risk.

I am proud of the work that over 20,000 M.D.s and D.O.s in Michigan do, providing more than 1.4 million seniors and people with disabilities in Michigan with high-quality medical services under the Medicare Program.

I want them to be able to continue to do that, but there is simply no way that can be expected unless we do something now about the payment system used to reimburse physicians for Medicare services.

Physicians in Michigan will lose $670 million for the care of elderly and disabled patients over the next 2 years due to the 10 percent cut in Medicare payments for 2008 and the additional 5 percent cut in 2009. My physicians are looking at cuts of more than $10 billion by 2016 as a result of the SGR formula and 9 years of cuts.

We certainly cannot expect that physicians can continue to provide the same level of care while their payments are cut $670 million over the next 2 years alone.

Several studies and surveys have shown that payment cuts will result in physicians modifying their participation in the Medicare Program and limiting the number of new Medicare patients they treat.

We also know from the studies that the lack of a predictable and equitable Medicare payment system encourages older physicians to retire, discourages younger physicians from entering specialties that predominately treat Medicare patients, and hinders investment in health information technology.

In addition to the studies that have been conducted, and our own common sense, the Medicare Payment Advisory Commission, an independent Federal body established by Congress in 1997 to advise us on issues affecting the Medicare program, has been telling us since 2001 that the Medicare sustainable growth rate formula is a flawed, inequitable mechanism for controlling the volume of services and that it should be repealed.

It is absolutely critical that ultimately Congress needs to enact a long-term solution to this issue. In the short term, we need to end the practice of dealing with the cuts on a yearly basis in a manner that results in deeper automatic physician payment reductions in future years.

At a minimum, I believe we must pass legislation this year that provides physicians with 2 years of positive Medicare payment updates and do so in a way that does not add to the cost of eliminating the SGR.

By providing 2 years of positive Medicare payment updates for physicians, we would avoid having to come back next year facing the same issue and would instead create the ability for Congress to develop a new, sustainable Medicare physician payment system.

I thank Senator BAUCUS, the Senate Finance chairman, for his work on behalf of Medicare beneficiaries and physicians and I fully support his goal of providing a 2-year "fix" for physician payments in the package he develops in the coming month.

I share his belief that ultimately we need to repeal the SGR and establish a Medicare physician payment system that will provide stable, positive payment updates to preserve Medicare beneficiaries' access to high-quality care for the long term. I hope we will be able to begin that process under his leadership next year.

## WAR IN IRAQ

Mr. FEINGOLD. Mr. President, the Senate has spent little time in recent weeks discussing Iraq, but we cannot ignore the latest grim news from this misguided war. The Associated Press reported this week that 2007 is now the deadliest year in Iraq for U.S. troops—even though we still have almost 2 months of this year remaining. I will ask that the article be printed in the RECORD.

According to a recent Associated Press count at least 3,858 Americans have been killed and 28,385 Americans have been wounded in Iraq. We are fast approaching two very grim milestones—4,000 killed and 30,000 casualties. We should stop and consider the implications of these numbers. I grieve for those who are lost and wounded, and I am all the more determined that no more of our brave men and women should be killed in a war that has no end in sight and is not making our country safer.

Instead of acknowledging that these sad milestones are indications of a failed policy, the administration is once again digging it in heels. Lately, it has been talking about the recent decline in U.S. deaths as a justification for continuing its open-ended military policies in Iraq.

The American people are not fooled by these claims of success. They know all too well that the President's policies are simply buying time, and they continue to reject them. A recent ABC News/Washington Post poll illustrates that a majority of Americans are still calling for a change of course in Iraq. 59 percent of Americans think we're not making significant progress in Iraq and 6 out of 10 that's 60 percent of Americans want the level of U.S. forces reduced. And yet, the President ignores the wishes of the public, offering a small, token drawdown of forces in the near future but no timeline as to when significant numbers of troops will come home.

If the goal of the surge was to provide a window for political reconciliation, as the President outlined last January, victory remains elusive. Meanwhile, Al-Qaida has reconstituted and strengthened itself along the Afghanistan-Pakistan border region at the same time while we have been focused on fighting a war in Iraq. The President likes to say that Iraq is the central front in the war on terror instead of fixing all his attention on Iraq, he needs to address what is happening hundreds of miles to the east.

Again and again, the American people have once again voiced their opinion that this war makes no sense and that they expect us uphold our congressional responsibilities and use our power to end it. It is bad enough to have the President disregard the American people by escalating our involvement in Iraq. Despite the efforts of Democratic leaders, Congress is also ignoring the will of the American people.

And so I urge my colleagues not to allow Iraq to remain on the congressional backburner. We cannot say we've done everything possible to end the war—we cannot say we are acting on our constituents' top concern—when we are not discussing, not debating, and certainly not voting on Iraq.

We cannot afford to sideline this critical issue at a time when we are close to reaching 4,000 American men and women killed and 30,000 wounded in a misguided; never-ending war. It is a war that will continue through the waning days of this administration unless we summon our congressional power to end it. It is a war that we cannot sit back and doing nothing about. It is a war that has cost over half trillion dollars, stretched our military to the breaking point, and made us less safe. It is an unacceptable war.

Mr. President, I ask unanimous consent that the article from the Associated press to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### AP: DEADLIEST YEAR FOR U.S. IN IRAQ—MILITARY ANNOUNCES DEATHS OF FIVE U.S. SOLDIERS, RAISING YEAR'S TOTAL TO 852

BAGHDAD.—Five more U.S. troops were killed in Iraq, the military said Tuesday—making 2007 the deadliest year for American forces in Iraq, according to an Associated Press count.

At least 852 U.S. military personnel have died in Iraq so far this year—the highest annual toll since the war began in March 2003, according to AP figures. Some 850 troops died in 2004.

The grim milestone passed despite a sharp drop in U.S. and Iraqi deaths here in recent months, after a 30,000-strong U.S. force buildup.

#### DEADLY IEDS

The five U.S. soldiers died Monday in two separate attacks, Rear Adm. Gregory Smith, director of the Multi-National Force-Iraq's communications division, told reporters Tuesday. "We lost five soldiers yesterday in two unfortunate incidents, both involving IEDs," he said, using the military's shorthand for improvised explosive devices—roadside bombs.

Their deaths brought to at least 3,855 the number of U.S. troops who have died since the beginning of the Iraq war, according to an AP count. The figure includes eight civilians working for the military.

At least 852 American military members died in Iraq in 2007, compared with 850 troops in 2004. That year saw mostly larger, more conventional battles like the campaign to cleanse Fallujah of Sunni militants in November, and U.S. clashes with Shiite militiamen in the sect's holy city of Najaf in August.

#### WIDENING REACH OF U.S. MILITARY

But the American military in Iraq reached its highest troop levels in Iraq this year—165,000. Moreover, the military's decision to send soldiers out of large bases and into Iraqi communities means more troops have seen more "contact with enemy forces" than ever before, said Maj. Winfield Danielson, a U.S. military spokesman in Baghdad.

"It's due to the troop surge, which allowed us to go into areas that were previously safe havens for insurgents," Danielson told the AP on Sunday. "Having more soldiers, and having them out in the communities, certainly contributes to our casualties."

Last spring, U.S. platoons took up positions—often in abandoned houses or in muddy, half-collapsed police stations—at the heart of neighborhoods across Baghdad and nearby communities.

The move was part of President Bush's new strategy to drive al-Qaida from the capital.

It was the first time many residents had seen U.S. troops up close, rather than whizzing by in armored convoys en route to huge bases that house thousands of troops. And it was the first time many U.S. troops went to bed each night outside those fortresses, to the sounds of Iraqi life: gunfire, the roar of helicopters overhead and an occasional explosion.

The move has worked, U.S. officials say. Increasingly, the sounds of Baghdad include children playing on the streets.

"It's allowed Iraqi civilians to get more comfortable with U.S. forces—increasing the number of tips we get from Iraqi citizens," Danielson said. "That leads us to insurgent leaders and cells, and cleaning those up has led to a decline in violence over the past couple months."

Death tolls for Americans and Iraqis have fallen dramatically in recent months, as have the number of bombings, shootings and other violence.

At least 1,023 Iraqi civilians died in September; in October, that figure was just 875. The number of U.S. troop deaths dropped from 65 to 36 in the same period, according to statistics kept by the AP. That's the lowest monthly toll of American deaths this year.

On average, 56 Iraqis—civilians and security forces have died each day so far in 2007, according to the AP count.

#### MASS GRAVE LOCATED

Meantime, Iraqi troops discovered 22 bodies in a mass grave in the Lake Tharthar area northwest of Baghdad, the U.S. military also said Tuesday. The bodies were found during a joint operation Saturday.

It was the second mass grave found in the area in less than a month.

Meanwhile, the United States said it planned to release nine Iranian prisoners in the coming days, including two captured when U.S. troops stormed an Iranian government office in Irbil last January. The office was shut after the raid, but it reopened as an Iranian consulate on Tuesday, Iraqi and Iranian officials said.

### GATES SAYS IRAN FULFILLS PLEDGE

A military spokesman said Iran appears to have kept its promise to stop the flow into Iraq of bomb-making materials and other weaponry that Washington says has inflamed insurgent violence and caused many American troop casualties.

U.S. Defense Secretary Robert Gates said last week that Iran had made such assurances to the Iraqi government.

"It's our best judgment that these particular EFPs . . . in recent large cache finds do not appear to have arrived here in Iraq after those pledges were made," Smith said.

Among the weapons Washington has accused Iran of supplying to Iraqi insurgents are EFPs, or explosively formed projectiles. They fire a slug of molten metal capable of penetrating even the most heavily armored military vehicles, and thus are more deadly than other roadside bombs.

The No. 2 U.S. commander in Iraq, Lt. Gen. Ray Odierno, said last week that there had been a sharp decline in the number of EFPs found in Iraq in the last three months. At the time, he and Gates both said it was too early to tell whether the trend would hold, and whether it could be attributed to action by Iranian authorities. Iran publicly denies that it has sent weapons to Shiite militias in Iraq.

## IRAN

Mr. FEINGOLD. Mr. President, the President of the United States is pursuing a strategy towards Iran that is badly flawed, dangerous, and likely doomed to failure. I am deeply concerned about Iran's nuclear program and its support for terrorism, and by indications that it is aiding groups in Iraq that are killing American troops, but the administration has so far failed to come up with an effective way to address these very serious matters.

For instance, less than 2 weeks ago the administration designated the Quds Force of the Islamic Revolutionary Guards Corps as a material supporter of terrorism, and the IRGC for proliferation activities. I support sanctions that target proliferators and have introduced legislation that would strengthen our sanctions regime, but the designation of Iranian government entities raises new policy questions that do not seem to have been fully explored, and it may very well be counterproductive.

Moreover, this poorly timed action undermines efforts to win support for multilateral initiatives. Instead of acting alone, we should maintain and strengthen the international community's collective ability to counter Iranian ambitions, including with regard to its nuclear program.

Iran's actions pose serious threats to our national security. But aggressive saber-rattling is not an appropriate or effective response. The administration has shown repeatedly that it is too quick to turn to military power, and its threat, to address problems overseas. It has also shown time and again an inability to see the big picture. And it still seems to prefer unilateral over multilateral approaches. All of these are mistakes we cannot afford to have repeated.

We can't focus on Iran in isolation, the way the administration has focused for so long on Iraq without considering a broader context or taking a more comprehensive approach.

Instead of repeating the myopia of Iraq, the administration should approach the problem of Iran through a more strategic lens one that incorporates a broader and more integrated vision, that takes into account regional concerns, and that is consistent with our top national security priority, which is the fight against al-Qaida and its affiliates. We need a national security strategy that addresses al-Qaida, Iran, Iraq, and the many other problems we face. Instead, the administration prefers to focus on Iraq, and now Iran, as if we had the luxury of addressing these challenges in isolation.

We must vigorously oppose any efforts by Iran to acquire nuclear weapons and its support to terrorist organizations that goes almost without saying. But we must curb these actions by seeing the whole board and by using more of the tools at our disposal. And that is not happening. Instead, the administration is taking an unnecessarily belligerent approach that runs the risk of increasing our vulnerability, both at home and abroad.

The United States should be working in unison with the international community, which shares our concern over Iran's nuclear program. At the same time as the new sanctions were announced, the European Union's foreign policy chief, Javier Solana, was meeting in Rome with Iran's negotiators to discuss Tehran's nuclear program and discussions among the EU+ 3 comprised of France, Germany and the UK plus China, Russia and U.S.—are likely to continue at the end of November following the completion of another IAEA report.

In the past, Secretary Rice and others at State have publicly supported these talks and expressed confidence in the negotiations. But the administration's hard line position is unlikely to win over Russia and China, without whom there can be little progress.

The administration should be trying to persuade our friends and allies to increase their economic pressure on Iran, ideally through the U.N. Rather than imposing unilateral sanctions, we should be pressing the EU to announce multilateral sanctions, which would have a much greater impact given that we have not traded or invested in Iran for nearly 30 years. Instead, our bellicose rhetoric and hard-line approach could be undermining our ability to gain support from—Russia, China and even from some EU countries—to implement multilateral sanctions that Iran cannot ignore.

Trying to unilaterally isolate Iran further is unlikely to curb its nuclear program. And it won't make sure that Iran does not aid the proliferation of and access to weapons in Iraq. Veiled, and not-so-veiled, threats of military action aren't likely to work either. They are, however, likely to embolden Iran's hardliners as they seek to thwart moderates in that country who might otherwise encourage dialogue or political reform.

Instead of using the Iraq focused bilateral talks that have occurred in Baghdad as a platform from which to build, we are launching ourselves on to a collision course that may further endanger U.S. troops in Iraq in the near term. And that might only be the beginning. Our massive presence in Iraq undermines our ability to deal with Iran. It is draining our resources, exhausting our troops, exposing them to potential Iranian attacks, and undermining our credibility.

We should redeploy our troops from Iraq so that we can deal with Iran from a position of greater strength. Instead, the President is leading us deeper into the quagmire that his misguided policies in Iraq created.

It is essential that those of us here in Congress condemn the violent and defiant statements coming out of Iran. But we also have a responsibility as a coequal branch of government to respond to this administration's aggressive words, ill-considered decisions and ad hoc policies, particularly when they may undermine our own national security. Dealing with Iran is a daunting task. But we are only making it more difficult with our counterproductive policies of isolation and warmongering. We cannot again succumb to the shortsightedness that keeps us fixated on Iraq and drains the attention and resources needed to combat threats to our national security around the world.

## CORPORATE AVERAGE FUEL ECONOMY STANDARDS

Mr. FEINGOLD. Mr. President, as Congress continues to work on comprehensive energy legislation, I want to discuss the importance to my constituents of enacting strong yet achievable corporate average fuel economy standards.

The final energy package needs to increase vehicle fuel economy requirements, but it should do so without undercutting hardworking families in Wisconsin and across the country. Between manufacturing, dealerships, and the automotive parts industry, there are upwards of 50,000 auto jobs in Wisconsin. Having grown up in Janesville—home to a General Motors plant—I understand how important the auto industry is to the State's economy and its communities. For far too long, under different administrations and different Congresses, the U.S. has pursued trade and other policies that have undermined our country's manufacturing base. Now, it is time to pay attention to the concerns of America's workers.

We can have strong and achievable CAFE standards. However, this will require several reasonable revisions to the Energy bill that the Senate passed. For starters, separate standards for cars and trucks need to be maintained. I recently organized a coalition of senators to write the Senate's Democratic leadership and urge it to maintain the distinction in current law between standards for cars and trucks. Passenger cars and light-duty trucks are inherently different. They should have separate fuel economy standards. Unfortunately the Senate's CAFE language is unclear in this regard, providing little certainty on how the Department of Transportation will interpret this provision. Congress must provide the necessary certainty.

In order to ensure the Energy bill takes the right approach on CAFE standards, I have also joined colleagues in calling for a formal House-Senate conference to meet to draft the final bill. We should not abandon the normal legislative process on such an important issue and resort to informal, backroom dealmaking. I understand that there are still objections to convening a conference and I hope that those will be resolved soon.

Since the Senate considered the Energy bill, I have worked to ensure that the final version includes a CAFE standard that supports working families in Janesville and elsewhere. When the Senate considered the bill earlier this year, I supported the reasonable Pryor-Bond-Levin amendment to increase CAFE standards, and I was disappointed that it was never brought to a vote. I continue to work with them and other colleagues to make sure that Congress strikes the right balance on this important issue.

As the Congress works to finalize its comprehensive energy legislation, I urge my colleagues to help set strong yet achievable vehicle fuel economy requirements. We can increase CAFE standards while also ensuring that my hometown of Janesville—and hometowns like it across the country—still has the family-supporting jobs that are vital to the strength of the community.

### NATIONAL RADIATION PROTECTION PROFESSIONALS WEEK

Mr. INHOFE. Mr. President, I wish to honor the members of the radiation protection profession and to recognize that the Conference of Radiation Control Program Directors and the Health Physics Society have resolved that November 4-10, 2007, should be named National Radiation Protection Professionals Week.

Since Wilhelm Conrad Roentgen's discovery of x-rays on November 8, 1895, the use of radiation has become vital in the Nation's health care, defense, security, energy, and industrial programs. However, if misused, this vital technology can harm and injure those using it or benefiting from it. Members of the radiation protection profession make it their life's work to allow government, medicine, academia, and industry to safely use radiation. By providing the necessary leadership, these professionals protect people from radiation hazards thus enabling society to reap benefits of this remarkable technology. I encourage all citizens to recognize the valuable resource represented by their professional scientific organizations, such as the Conference of Radiation Control Program Directors, the Health Physics, the National Registry of Radiation Protection Technologies, and the American Association of Physicists in Medicine. I deeply appreciate the commitment of these professionals and professional organization, and their contribution to our Nation and the world. I invite my colleagues to join me in celebrating National Radiation Protection Professionals Week.

I ask that both of their resolutions be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### RESOLUTION OF THE HEALTH PHYSICS SOCIETY

Whereas, Wilhelm Conrad Roentgen discovered X-rays on November 8, 1895; and

Whereas, radiation is a useful and necessary part of our modern world; and

Whereas, radiation exposure can be harmful to people; and

Whereas, Radiation Protection Professionals work with government, industry, medical, educational, and private sources to bring the benefits of radiation to the public while minimizing the hazards of radiation exposure; and

Whereas, the Health Physics Society Board of Directors supports efforts to encourage all citizens to recognize the importance of Radiation Protection Professionals who provide necessary leadership in protecting the public from the hazards associated with the use of radiation: now be it

*Resolved*, That November 4-10, 2007 is National Radiation Protection Professionals Week.

That the week-long observance is dedicated to recognizing Radiation Protection Professionals for their contributions to public safety.

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#### CONFERENCE OF RADIATION CONTROL PROGRAM DIRECTORS, INC., RESOLUTION

Whereas, Wilhelm Conrad Roentgen discovered X-rays on November 8, 1895; and

Whereas, radiation is a useful and necessary part of our modern world; and

Whereas, radiation exposure can be harmful to people; and

Whereas, Radiation Protection Professionals work with government, industry, medical, educational, and private sources to bring the benefits of radiation to the public while minimizing the hazards of radiation exposure; and

Whereas, the Conference of Radiation Control Program Directors, Inc. supports efforts to encourage all citizens to recognize the importance of Radiation Protection Professionals who provide necessary leadership in protecting the public from the hazards associated with the use of radiation: Now be it

*Resolved*, That November 4-10 is National Radiation Protection Professionals Week.

That the week-long observance is dedicated to recognizing Radiation Protection Professionals for their contributions to public safety.

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### HONORING JACK AND LOLA BRADLEY

Mr. BARRASSO. Mr. President, I rise today to honor Jack and Lola Bradley who will celebrate the 70th anniversary of their wedding during Thanksgiving week.

On November 20, 1937, Jack Bradley and Lola Davis made a commitment to one another to become lifelong partners. True to their word, they have remained as husband and wife for 70 years.

Jack met Lola in Cheyenne, WY, while they were students at Cheyenne High School. The story goes that it was love at first sight. The couple maintained their relationship while Jack went to the University of Wyoming and Lola finished up her high school education.

They started their lives together by moving to Newcastle, WY, to run the family business, Manewal Bradley Refinery—and they remain active in the operation today. They raised three children: Linda, Jack and Lolly. Jack and Lola are respected members of the community. They've supported local charities, they donated land for a city park, and even allowed the use of their property for a community baseball diamond.

Every candidate for public office in Wyoming knows Jack and Lola. They are the go-to people in Weston County. During campaign season, Jack and Lola continue to provide advice, support, and time to candidates at all levels of government.

Through the challenges of running a business, raising a family, and serving their community, it was the undying love for each other that made such a strong relationship that it would last well into the 21st century. I am pleased to take this moment to express my congratulations to Jack and Lola and join with their family and friends in wishing them the very best in the years to come.

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### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

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### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION THAT WAS DECLARED IN EXECUTIVE ORDER 12938 ON NOVEMBER 14, 1994—PM 32

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I transmit herewith notice of a 1-year continuation of the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, as amended.

GEORGE W. BUSH.
THE WHITE HOUSE, *November 8, 2007.*

## REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN THAT WAS DECLARED IN EXECUTIVE ORDER 12170 ON NOVEMBER 14, 1979—PM 33

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared in Executive Order 12170 on November 14, 1979, is to continue in effect beyond November 14, 2007.

Our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981 agreements with Iran is still underway. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2007.

GEORGE W. BUSH.
THE WHITE HOUSE, *November 8, 2007.*

## MESSAGES FROM THE HOUSE

At 9:47 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the bill (S. 2265) to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008, with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Messrs. GEORGE MILLER of California, KILDEE, Ms. WOOLSEY, Messrs. DAVIS of Illinois, GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Messrs. SARBANES, SESTAK, LOEBSACK, Ms. HIRONO, Ms. SHEA-PORTER, Messrs. MCKEON, CASTLE, Messrs. Fortuño, BISHOP of Utah, KELLER of Florida, WILSON of South Carolina, BOUSTANY, and HELLER of Nevada as managers of the conference on the part of the House.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1119. An act to amend title 36, United States Code, to revise the congressional charter of the Military Order of the Purple Heart of the United States of America, Incorporated, to authorize associate membership in the corporation for the spouse and siblings of a recipient of the Purple Heart medal.

H.R. 2884. An act to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

H.R. 3495. An act to establish a National Commission on Children and Disasters, and for other purposes.

H.R. 3866. An act to reauthorize certain programs under the Small Business Act for each of fiscal years 2008 and 2009.

H.R. 3997. An act to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 162. Concurrent resolution expressing the sense of Congress that Congress and the President should increase basic pay for members of the Armed Forces.

At 1:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3685. An act to prohibit employment discrimination on the basis of sexual orientation.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 236. Concurrent resolution recognizing the close relationship between the United States and the Republic of San Marino.

At 2:07 p.m, a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

At 3:55 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. OLVER, Mr. PASTOR, Mr. RODRIGUEZ, Ms. KAPTUR, Mr. PRICE of North Carolina, Mr. CRAMER, Ms. ROYBAL-ALLARD, Mr. BERRY, Mr. OBEY, Mr. KNOLLENBERG, Mr. WOLF, Mr. ADERHOLT, Mr. WALSH of New York, Mr. GOODE, and Mr. LEWIS of California as the managers of the conference on the part of the House.

At 8:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2884. An act to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes; to the Committee on the Judiciary.

The following bill was read, and referred as indicated:

H.R. 767. An act to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes; to the Committee on Environment and Public Works.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 162. Concurrent resolution expressing the sense of Congress that Congress and the President should increase basic pay for members of the Armed Forces; to the Committee on Armed Services.

H. Con. Res. 236. Concurrent resolution recognizing the close relationship between the United States and the Republic of San Marino; to the Committee on Foreign Relations.

## MEASURES DISCHARGED

The following measure was discharged from the Committee on Energy and Natural Resources by unanimous consent, and referred as indicated:

H.R. 767. An act to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes; to the Committee on Environment and Public Works.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2318. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax and to permanently extend the reductions in income tax rates, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1119. An act to amend title 36, United States Code, to revise the congressional charter of the Military Order of the Purple Heart of the United States of America, Incorporated, to authorize associate membership in the corporation for the spouse and siblings of a recipient of the Purple Heart medal.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 3495. An act to establish a National Commission on Children and Disasters, and for other purposes.

H.R. 3685. An act to prohibit employment discrimination on the basis of sexual orientation.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3886. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Additions to Quarantined Areas" (Docket No. APHIS–2006–0127) received on November 6, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3887. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Waiver of Specialty Metals Restriction for Acquisition of Commercially Available Off-the-Shelf Items" (DFARS Case 2007–D013) received on November 2, 2007; to the Committee on Armed Services.

EC–3888. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Management Official Interlocks Threshold Change" (12 C.F.R. Section 701.23) received on October 30, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3889. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Use of Indian Housing Block Grant Funds for Rental Assistance in Low-Income Housing Tax Credit Projects" (RIN2577–AC61) received on November 2, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3890. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Allied Ag Cat Productions, Inc. G–164 Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–034)) received on October 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3891. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–201, –202, –203, –223, –243, –301, –321, –322, –323, –341, –342, and –343 Airplanes; and Model A340–200 and –300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–261)) received on October 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3892. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation; Fire Extinguisher Exception for Driveaway–Towaway Operations" (RIN2126–AB08) received on October 30 , 2007; to the Committee on Commerce, Science, and Transportation.

EC–3893. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2007 Base Period T–Bill Rate" (Rev. Rul. 2007–64) received on November 6, 2007; to the Committee on Finance.

EC–3894. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to post–liberation Iraq covering the period from August 15, 2007, to October 15, 2007; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2008" (Rept. No. 110–226).

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Michael J. Sullivan, of Massachusetts, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MCCASKILL (for herself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. COBURN):

S. 2324. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VOINOVICH:

S. 2325. A bill to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN (for himself and Mrs. HUTCHISON):

S. 2326. A bill to improve the safety of motorcoaches, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for Mr. DODD):

S. 2327. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for increased homeowners insurance premiums suffered by certain coastal homeowners or resulting from hurricane events; to the Committee on Finance.

By Mr. REID (for Mr. DODD):

S. 2328. A bill to establish a homeowner mitigation loan program within the Federal Emergency Management Agency to promote pre-disaster property mitigation measures; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 2329. A bill to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mr. OBAMA (for himself and Mr. MENENDEZ)):

S. 2330. A bill to authorize a pilot program within the Departments of Veterans Affairs and Housing and Urban Development with the goal of preventing at-risk veterans and veteran families from falling into homelessness, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself and Mr. WEBB):

S. 2331. A bill to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event, loss of life and limb, at Virginia Polytechnic Institute & State University; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. LOTT, Mr. OBAMA, Ms. SNOWE, Mr. KERRY, Mr. NELSON of Florida, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. BIDEN, and Mrs. CLINTON):

S. 2332. A bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY:

S. 2333. A bill to amend the Public Health Services Act to reauthorize the Community Health Centers program, the National Health Service Corps, and rural health care programs; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN (for himself, Mrs. DOLE, Mr. MCCONNELL, Mr. LOTT, Mr. ISAKSON, Mr. DEMINT, Mr. MARTINEZ, Mr. ROBERTS, Mr. CHAMBLISS, Mr. VITTER, Mr. ALEXANDER, Mr. BURR, Mr. BOND, Mr. INHOFE, Mr. COBURN, Mr. GRAHAM, Mr. GREGG, Mr. ALLARD, and Mr. CORKER):

S. Res. 371. A resolution expressing the sense of the Senate regarding the issuance of State driver's licenses and other government-issued photo identification to illegal aliens; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. BIDEN, Mr. OBAMA, Mr. CASEY, and Mr. DURBIN):

S. Res. 372. A resolution expressing the sense of the Senate on the declaration of a state of emergency in Pakistan; to the Committee on Foreign Relations.

By Mr. SMITH (for himself, Mr. AKAKA, and Mr. COLEMAN):

S. Res. 373. A resolution encouraging all employers to target veterans for recruitment and to provide preference in hiring to qualified veterans; considered and agreed to.

By Ms. LANDRIEU:

S. Res. 374. A resolution expressing support for designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our Nation in times of war and conflict; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 548

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 584

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 616

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 616, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 714

At the request of Mr. AKAKA, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 911

At the request of Mr. REED, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 1027

At the request of Mr. KOHL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1027, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1588

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1679

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1679, a bill to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

S. 1795

At the request of Mr. KENNEDY, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1795, a bill to improve access to workers' compensation programs for injured Federal employees.

S. 1871

At the request of Mr. KENNEDY, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1871, a bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws.

S. 1878

At the request of Mr. WEBB, the names of the Senator from Missouri (Mr. BOND) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1878, a bill to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library.

S. 1905

At the request of Ms. KLOBUCHAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1905, a bill to provide for a rotating schedule for regional selection of delegates to a national Presidential nominating convention, and for other purposes.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 1970

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 1970, a bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

S. 1996

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1996, a bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes.

S. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2140

At the request of Mr. DORGAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2220

At the request of Mr. AKAKA, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2220, a bill to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations.

S. 2246

At the request of Mr. COLEMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2246, a bill to amend the Higher Education Act of 1965 to extend eligibility for Federal TRIO programs to members of the reserve components serving on active duty in support of contingency operations.

S. 2250

At the request of Mr. CRAPO, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2250, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare Program.

S. 2257

At the request of Mr. MCCONNELL, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2257, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.

S. 2317

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2317, a bill to amend titles 17 and 18, United States Code, and the Trademark Act of 1946 to strengthen and harmonize the protection of intellectual property, and for other purposes.

S. 2320

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. RES. 241

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 241, a resolution expressing the sense of the Senate that the United States should reaffirm the commitments of the United States to the 2001 Doha Declaration on the TRIPS Agreement and Public Health and to pursuing trade policies that promote access to affordable medicines.

S. RES. 358

At the request of Mr. SMITH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. Res. 358, a resolution expressing the importance of friendship and cooperation between the United States and Turkey.

S. RES. 366

At the request of Mr. BAUCUS, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Minnesota (Mr. COLEMAN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from California (Mrs. FEINSTEIN), the Senator from Nebraska (Mr. NELSON), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Louisiana (Mr. VITTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 366, a resolution designating November 2007 as "National Methamphetamine Awareness Month", to increase awareness of methamphetamine abuse.

S. RES. 368

At the request of Mr. KERRY, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Hawaii (Mr. INOUYE) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 368, a resolution expressing the sense of the Senate that, at the 20th Regular Meeting of the International Commission on the Conservation of Atlantic Tunas, the United States should pursue a moratorium on the eastern Atlantic and Mediterranean bluefin tuna fishery to ensure control of the fishery and further facilitate recovery of the stock, pursue strengthened conservation and management measures to facilitate the recovery of the Atlantic bluefin tuna, and seek a review of compliance by all Nations with the International Commission for the Conservation of Atlantic Tunas' conservation and management recommendation for Atlantic bluefin tuna and other species, and for other purposes.

AMENDMENT NO. 3501

At the request of Mr. BARRASSO, the names of the Senator from Utah (Mr. HATCH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 3501 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 3501 intended to be proposed to H.R. 2419, supra.

AMENDMENT NO. 3508

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of amendment No. 3508 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3522

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 3522 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

### AMENDMENT NO. 3541

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 3541 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

### AMENDMENT NO. 3543

At the request of Ms. STABENOW, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 3543 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MCCASKILL (for herself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. COBURN):

S. 2324. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. MCCASKILL. Mr. President, I am pleased today to join my colleagues Senators COLLINS, LIEBERMAN and COBURN in introducing the Inspector General Reform Act of 2007. This bill represents a strong bipartisan effort to strengthen the independence and integrity of our nation's Inspectors General, who represent one of our strongest tools in combating waste, fraud and abuse throughout our government.

When I first came to the Senate this January, I made it one of my top priorities to become actively involved in oversight and accountability in Congress and in the Federal Government. I was thrilled to have been given an appointment to the Homeland Security and Government Affairs Committee, which is ably run by Chairman LIEBERMAN. I was proud to have been able to cosponsor S. 680, the bill authored by Senator COLLINS which included not only extensive reforms of Government contracting practices, but also included many provisions geared towards improving the Inspector General system. I must thank Senator COLLINS especially for working with me on the Inspector General legislation, which incorporates not only many of her reform ideas, but also those introduced in the House by Representatives JIM COOPER of Tennessee in H.R. 928, which has passed that chamber by an overwhelming vote of 404 to 11.

My 8 years as State Auditor in Missouri has given me tremendous respect for auditors and investigators working to make sure Government is spending our taxpayer dollars wisely. While many people are aware of the great work done by the legislative branch's Government Accountability Office, very few people realize that there are Inspectors General in many of our most important agencies. These IGs report both to the Executive and Legislative branch, and work in the trenches in the agency, constantly ferreting out cases of fraud, waste, abuse, and other mismanagement. Their unique role, resting inside the very agency they are charged with auditing and investigating, often creates unavoidable tensions.

The goal of the first Inspector General Act, passed 30 years ago next year, was to create a system that would allow the IG to rest harmoniously in the agency but allow them to provide oversight of an agency's actions and duties free from interference.

For the most part, this system has worked. But we can do better to assure that Inspectors General are free of intimidation or inappropriate influence by the agencies they oversee. Recent news reports have noted that the CIA Inspector General, John Helgerson, is being investigated by his own agency, even though there is no apparent legal authority for such an investigation to take place. The Administrator for the General Services Administration has been openly critical of the GSA IG, and has tried to cut the responsibilities and the budget of that office. The State Department IG has answered charges that he has failed to investigate allegations of contracting fraud in Iraq and Afghanistan with the claim that he has not been provided enough money by his agency to do such an investigation.

Obviously, some changes are needed and our IG reform bill attempts to make them. For example, IGs currently request their budgets through their agencies and then the agency heads determine if that request is appropriate before sending their budgets to the White House and then on to Congress. No one in Congress has the ability to see how much an IG office truly needs to adequately fulfill its oversight duties. Our bill requires that IGs can attach comments to the agency's official budget request if he or she believes the funding the agency requested for its IG is not enough to do the job.

As more Executive agencies move to a pay for performance compensation system, bonuses given by the agency have become a bigger part of the total compensation for employees. Having the agency that you audit decide how much of a bonus you will receive is an obvious, unacceptable conflict of interest for Inspectors General. Many IGs refuse to take a bonus, and those who do accept them have myriad reasons for doing so. However, this practice will be forbidden under the new law. Given the negative impact on the compensation for Inspector General and the need to attract and retain the best and the brightest, the pay of presidentially appointed Inspectors General will be raised one level. For the other Executive IGs, their agencies will be directed to pay them the same or more than the total compensation received by other senior level employees. This system will end the possibility of an agency head trying to entice an IG to go easy on them, or to punish an IG who refuses to do so.

This bill also gives the IGs more security from the fear of losing one's job for the simple reason they are too good. Before any IG can be removed, the congressional committees of jurisdiction must be notified, in writing, of the intent to remove the IG, and the reasons for doing so. This notice must be received at least 30 days before the scheduled removal. Bringing transparency to this process should guarantee that no IG will be removed for the wrong reason.

I want to make sure that the good work of the IGs is readily accessible to the people who pay for it, the taxpayer. I was shocked to realize that many IGs did not post their reports on the web. At least one IG shop didn't even have a website. In this day and age the public, and Congress, should have timely and easy access to all the public reports produced by Inspectors General. This bill requires all reports which are open to the public to be posted on the web within three working days of their release. It also requires all IG shops to provide, on their websites, a method for anonymously reporting waste, fraud or abuse.

Finally, this bill codifies a council for the IGs to have as a resource. This council, which exists now only pursuant to Executive order, would provide a structure for IGs to pool their resources when it would effectively help them perform their mission, such as providing Government-wide training for investigators and auditors. It will also include an Integrity Committee that will investigate allegations made against Inspectors General and certain staff members. Congress would receive periodic reports from this committee on the number of investigations they have undertaken, the results of those investigations, and any action by the agency taken in response to the findings of the committee.

I want to make clear that I am one of the biggest fans of the current cadre of Inspectors General, with very few exceptions. I want to make sure these dedicated public servants are able to perform their duties free from interference. I am very proud to be part of the effort to make sure this happens, and again thank my colleagues Senators COLLINS, LIEBERMAN and COBURN for their hard work and dedication to this issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Inspector General Reform Act of 2007".

### SEC. 2. APPOINTMENT AND QUALIFICATIONS OF INSPECTORS GENERAL.

Section 8G(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end "Each Inspector General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.".

### SEC. 3. REMOVAL OF INSPECTORS GENERAL.

(a) ESTABLISHMENTS.—Section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking the second sentence and inserting "If an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.".

(b) DESIGNATED FEDERAL ENTITIES.—Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "shall promptly communicate in writing the reasons for any such removal or transfer to both Houses of the Congress" and inserting "shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer".

(c) LEGISLATIVE AGENCIES.—

(1) LIBRARY OF CONGRESS.—Section 1307(c)(2) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185(c)(2)) is amended by striking the second sentence and inserting "If the Inspector General is removed from office or is transferred to another position or location within the Library of Congress, the Librarian of Congress shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.".

(2) CAPITOL POLICE.—Section 1004(b) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 1909(b)) is amended by striking paragraph (3) and inserting the following:

"(3) REMOVAL.—The Inspector General may be removed or transferred from office before the expiration of his term only by the unanimous vote of all of the voting members of the Capitol Police Board. If an Inspector General is removed from office or is transferred to another position or location within the Capitol Police, the Capitol Police Board shall communicate in writing the reasons for any such removal or transfer to the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, not later than 30 days before the removal or transfer.".

(3) GOVERNMENT PRINTING OFFICE.—Section 3902(b)(2) of title 44, United States Code, is amended by striking the second sentence and inserting "If the Inspector General is removed from office or is transferred to another position or location within the Government Printing Office, the Public Printer shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.".

### SEC. 4. PAY OF INSPECTORS GENERAL.

(a) INSPECTORS GENERAL AT LEVEL III OF EXECUTIVE SCHEDULE.—

(1) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), is amended by adding at the end the following:

"(e) The annual rate of basic pay for an Inspector General (as defined under section 11(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5315 of title 5, United States Code, is amended by striking the item relating to each of the following positions:

(A) Inspector General, Department of Education.

(B) Inspector General, Department of Energy.

(C) Inspector General, Department of Health and Human Services.

(D) Inspector General, Department of Agriculture.

(E) Inspector General, Department of Housing and Urban Development.

(F) Inspector General, Department of Labor.

(G) Inspector General, Department of Transportation.

(H) Inspector General, Department of Veterans Affairs.

(I) Inspector General, Department of Homeland Security.

(J) Inspector General, Department of Defense.

(K) Inspector General, Department of State.

(L) Inspector General, Department of Commerce.

(M) Inspector General, Department of the Interior.

(N) Inspector General, Department of Justice.

(O) Inspector General, Department of the Treasury.

(P) Inspector General, Agency for International Development.

(Q) Inspector General, Environmental Protection Agency.

(R) Inspector General, Export-Import Bank.

(S) Inspector General, Federal Emergency Management Agency.

(T) Inspector General, General Services Administration.

(U) Inspector General, National Aeronautics and Space Administration.

(V) Inspector General, Nuclear Regulatory Commission.

(W) Inspector General, Office of Personnel Management.

(X) Inspector General, Railroad Retirement Board.

(Y) Inspector General, Small Business Administration.

(Z) Inspector General, Tennessee Valley Authority.

(AA) Inspector General, Federal Deposit Insurance Corporation.

(BB) Inspector General, Resolution Trust Corporation.

(CC) Inspector General, Central Intelligence Agency.

(DD) Inspector General, Social Security Administration.

(EE) Inspector General, United States Postal Service.

(3) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENT.—Section 194(b) of the National and Community Service Act of 1990 (42 U.S.C. 12651e(b)) is amended by striking paragraph (3).

(b) INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Notwithstanding any other provision of law, the Inspector General of each designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall, for pay and all other purposes, be classified at a grade, level, or rank designation, as the case may be, at or above those of a majority of the senior level executives of that designated Federal entity (such as a General Counsel, Chief Information Officer, Chief Financial Officer, Chief Human Capital Officer, or Chief Acquisition Officer). The pay of an Inspector General of a designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall be not less than the average total compensation of the senior level executives of that designated Federal entity.

(c) SAVINGS PROVISION FOR NEWLY APPOINTED INSPECTORS GENERAL.—The provisions of section 3392 of title 5, United States Code, other than the terms "performance awards" and "awarding of ranks" in subsection (c)(1) of such section, shall apply to career appointees of the Senior Executive Service who are appointed to the position of Inspector General.

(d) SAVINGS PROVISION.—Nothing in this section shall have the effect of reducing the rate of pay of any individual serving on the date of enactment of this section as an Inspector General of—

(1) an establishment as defined under section 11(2) of the Inspector General Act of 1978 (5 U.S.C. App.);

(2) a designated Federal entity as defined under section 8G(2) of the Inspector General Act of 1978 (5 U.S.C. App.);

(3) a legislative agency; or

(4) any other entity of the Government.

### SEC. 5. PROHIBITION OF CASH BONUS OR AWARDS.

Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 4 of this Act) is further amended by adding at the end the following:

"(f) An Inspector General (as defined under section 8G(a)(6) or 11(3)) may not receive any cash award or cash bonus, including any cash award under chapter 45 of title 5, United States Code.".

### SEC. 6. SEPARATE COUNSEL TO SUPPORT INSPECTORS GENERAL.

(a) COUNSELS TO INSPECTORS GENERAL OF ESTABLISHMENT.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by sections 4 and 5 of this Act) is further amended by adding at the end the following:

"(g) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service, obtain legal advice from a counsel either reporting directly to the Inspector General or another Inspector General.".

(b) COUNSELS TO INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Section 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(4) Each Inspector General shall, in accordance with applicable laws and regulations governing appointments within the designated Federal entity, appoint a Counsel to the Inspector General who shall report to the Inspector General or obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.".

**SEC. 7. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.**

(a) ESTABLISHMENT.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 11 and 12 as sections 12 and 13, respectively, and by inserting after section 10 the following:

**"SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.**

"(a) ESTABLISHMENT AND MISSION.—

"(1) ESTABLISHMENT.—There is established as an independent entity within the executive branch the Council of the Inspectors General on Integrity and Efficiency (in this section referred to as the 'Council').

"(2) MISSION.—The mission of the Council shall be to—

"(A) address integrity, economy, and effectiveness issues that transcend individual Government agencies; and

"(B) increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Council shall consist of the following members:

"(A) All Inspectors General whose offices are established under—

"(i) section 2; or

"(ii) section 8G.

"(B) The Inspectors General of the Office of the Director of National Intelligence and the Central Intelligence Agency.

"(C) The Controller of the Office of Federal Financial Management.

"(D) A senior level official of the Federal Bureau of Investigation designated by the Director of the Federal Bureau of Investigation.

"(E) The Director of the Office of Government Ethics.

"(F) The Special Counsel of the Office of Special Counsel.

"(G) The Deputy Director of the Office of Personnel Management.

"(H) The Deputy Director for Management of the Office of Management and Budget.

"(I) The Office of Inspectors General of the Library of Congress, Capitol Police, and the Government Printing Office.

"(J) Any other members designated by the President.

"(2) CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

"(A) EXECUTIVE CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall be the Executive Chairperson of the Council.

"(B) CHAIRPERSON.—The Council shall elect 1 of the Inspectors General referred to in paragraph (1)(A) or (B) to act as Chairperson of the Council. The term of office of the Chairperson shall be 2 years.

"(3) FUNCTIONS OF CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

"(A) EXECUTIVE CHAIRPERSON.—The Executive Chairperson shall—

"(i) preside over meetings of the Council;

"(ii) provide to the heads of agencies and entities represented on the Council summary reports of the activities of the Council; and

"(iii) provide to the Council such information relating to the agencies and entities represented on the Council as assists the Council in performing its functions.

"(B) CHAIRPERSON.—The Chairperson shall—

"(i) convene meetings of the Council—

"(I) at least 6 times each year;

"(II) monthly to the extent possible; and

"(III) more frequently at the discretion of the Chairperson;

"(ii) exercise the functions and duties of the Council under subsection (c);

"(iii) appoint a Vice Chairperson to assist in carrying out the functions of the Council and act in the absence of the Chairperson, from a category of Inspectors General described in subparagraph (A)(i), (A)(ii), or (B) of paragraph (1), other than the category from which the Chairperson was elected;

"(iv) make such payments from funds otherwise available to the Council as may be necessary to carry out the functions of the Council;

"(v) select, appoint, and employ personnel as needed to carry out the functions of the Council subject to the availability of appropriations and the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

"(vi) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements with public agencies and private persons to carry out the functions and duties of the Council;

"(vii) establish, in consultation with the members of the Council, such committees as determined by the Chairperson to be necessary and appropriate for the efficient conduct of Council functions; and

"(viii) prepare and transmit a report annually on behalf of the Council to the President on the activities of the Council.

"(c) FUNCTIONS AND DUTIES OF COUNCIL.—

"(1) IN GENERAL.—The Council shall—

"(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

"(B) develop plans for coordinated, governmentwide activities that address these problems and promote economy and efficiency in Federal programs and operations, including interagency and interentity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency or entity;

"(C) develop policies that will aid in the maintenance of a corps of well-trained and highly skilled Office of Inspector General personnel;

"(D) maintain an Internet website and other electronic systems for the benefit of all Inspectors General, as the Council determines are necessary or desirable;

"(E) maintain 1 or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various offices of Inspector General;

"(F) submit recommendations of 3 individuals to the appropriate appointing authority for any appointment to an office of Inspector General described under subsection (b)(1)(A) or (B);

"(G) make such reports to Congress as the Chairperson determines are necessary or appropriate; and

"(H) perform other duties within the authority and jurisdiction of the Council, as appropriate.

"(2) ADHERENCE AND PARTICIPATION BY MEMBERS.—To the extent permitted under law, and to the extent not inconsistent with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions, each member of the Council shall adhere to professional standards developed by the Council and participate in the plans, programs, and projects of the Council, as appropriate.

"(3) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—

"(A) INTERAGENCY FUNDING.—Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency funding of activities described under subclause (I) or (II) of clause (i), in the performance of the responsibilities, authorities, and duties of the Council—

"(i) the Executive Chairperson may authorize the use of interagency funding for—

"(I) Governmentwide training of employees of the Offices of the Inspectors General;

"(II) the functions of the Integrity Committee of the Council; and

"(III) any other authorized purpose determined by the Council; and

"(ii) upon the authorization of the Executive Chairperson, any department, agency, or entity of the United States Government shall fund or participate in the funding of such activities.

"(B) SUPERSEDING PROVISIONS.—No provision of law enacted after the date of enactment of this subsection shall be construed to limit or supersede the authority under paragraph (1), unless such provision makes specific reference to the authority in that paragraph.

"(4) EXISTING AUTHORITIES AND RESPONSIBILITIES.—The establishment and operation of the Council shall not affect—

"(A) the role of the Department of Justice in law enforcement and litigation;

"(B) the authority or responsibilities of any Government agency or entity; and

"(C) the authority or responsibilities of individual members of the Council.

"(d) INTEGRITY COMMITTEE.—

"(1) ESTABLISHMENT.—The Council shall have an Integrity Committee, which shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and certain staff members of the various Offices of Inspector General.

"(2) MEMBERSHIP.—The Integrity Committee shall consist of the following members:

"(A) The official of the Federal Bureau of Investigation serving on the Council, who shall serve as Chairperson of the Integrity Committee.

"(B) Three or more Inspectors General described in subparagraph (A) or (B) of subsection (b)(1) appointed by the Chairperson of the Council, representing both establishments and designated Federal entities (as that term is defined in section 8G(a)).

"(C) The Special Counsel of the Office of Special Counsel.

"(D) The Director of the Office of Government Ethics.

"(3) LEGAL ADVISOR.—The Chief of the Public Integrity Section of the Criminal Division of the Department of Justice, or his designee, shall serve as a legal advisor to the Integrity Committee.

"(4) REFERRAL OF ALLEGATIONS.—

"(A) REQUIREMENT.—An Inspector General shall refer to the Integrity Committee any allegation of wrongdoing against a staff member of the office of that Inspector General, if—

"(i) review of the substance of the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and

"(ii) the Inspector General determines that—

"(I) an objective internal investigation of the allegation is not feasible; or

"(II) an internal investigation of the allegation may appear not to be objective.

"(B) DEFINITION.—In this paragraph the term 'staff member' means—

"(i) any employee of an Office of Inspector General who reports directly to an Inspector General; or

"(ii) who is designated by an Inspector General under subparagraph (C).

"(C) DESIGNATION OF STAFF MEMBERS.—Each Inspector General shall annually submit to the Chairperson of the Integrity Committee a designation of positions whose holders are staff members for purposes of subparagraph (B).

"(5) REVIEW OF ALLEGATIONS.—The Integrity Committee shall—

"(A) review all allegations of wrongdoing the Integrity Committee receives against an Inspector General, or against an employee of an Office of Inspector General;

"(B) refer any allegation of wrongdoing to the agency of the executive branch with appropriate jurisdiction over the matter; and

"(C) refer to the Chairperson of the Integrity Committee any allegation of wrongdoing determined by the Integrity Committee to be potentially meritorious that cannot be referred to an agency under subparagraph (B).

"(6) AUTHORITY TO INVESTIGATE ALLEGATIONS.—

"(A) REQUIREMENT.—The Chairperson of the Integrity Committee shall cause a thorough and timely investigation of each allegation referred under paragraph (5)(C) to be conducted in accordance with this paragraph.

"(B) RESOURCES.—At the request of the Chairperson of the Integrity Committee, the head of each agency or entity represented on the Council—

"(i) may provide resources necessary to the Integrity Committee; and

"(ii) may detail employees from that agency or entity to the Integrity Committee, subject to the control and direction of the Chairperson, to conduct an investigation under this subsection.

"(7) PROCEDURES FOR INVESTIGATIONS.—

"(A) STANDARDS APPLICABLE.—Investigations initiated under this subsection shall be conducted in accordance with the most current Quality Standards for Investigations issued by the Council or by its predecessors (the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency).

"(B) ADDITIONAL POLICIES AND PROCEDURES.—

"(i) ESTABLISHMENT.—The Integrity Committee, in conjunction with the Chairperson of the Council, shall establish additional policies and procedures necessary to ensure fairness and consistency in—

"(I) determining whether to initiate an investigation;

"(II) conducting investigations;

"(III) reporting the results of an investigation; and

"(IV) providing the person who is the subject of an investigation with an opportunity to respond to any Integrity Committee report.

"(ii) SUBMISSION TO CONGRESS.—The Council shall submit a copy of the policies and procedures established under clause (i) to the congressional committees of jurisdiction.

"(C) REPORTS.—

"(i) POTENTIALLY MERITORIOUS ALLEGATIONS.—For allegations referred to under paragraph (5)(C), the Chairperson of the Integrity Committee shall make a report containing the results of the investigation of the Chairperson and shall provide such report to members of the Integrity Committee.

"(ii) ALLEGATIONS OF WRONGDOING.—For allegations referred to under paragraph (5)(B), the head of an agency shall make a report containing the results of the investigation and shall provide such report to members of the Integrity Committee.

"(8) ASSESSMENT AND FINAL DISPOSITION.—

"(A) IN GENERAL.—With respect to any report received under paragraph (7)(C), the Integrity Committee shall—

"(i) assess the report;

"(ii) forward the report, with the recommendations of the Integrity Committee, including those on disciplinary action, within 180 days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General) for resolution; and

"(iii) submit to the congressional committees of jurisdiction an executive summary of such report and recommendations within 30 days after the submission of such report to the Executive Chairperson under clause (ii).

"(B) DISPOSITION.—The Executive Chairperson of the Council shall report to the Integrity Committee the final disposition of the matter, including what action was taken by the President or agency head.

"(9) ANNUAL REPORT.—The Council shall submit to Congress and the President by December 31 of each year a report on the activities of the Integrity Committee during the preceding fiscal year, which shall include the following:

"(A) The number of allegations received.

"(B) The number of allegations referred to other agencies, including the number of allegations referred for criminal investigation.

"(C) The number of allegations referred to the Chairperson of the Integrity Committee for investigation.

"(D) The number of allegations closed without referral.

"(E) The date each allegation was received and the date each allegation was finally disposed of.

"(F) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

"(G) Other matters that the Council considers appropriate.

"(10) REQUESTS FOR MORE INFORMATION.—With respect to paragraphs (8) and (9), the Council shall provide more detailed information about specific allegations upon request from any of the following:

"(A) The chairperson or ranking member of the Committee on Homeland Security and Governmental Affairs of the Senate.

"(B) The chairperson or ranking member of the Committee on Oversight and Government Reform of the House of Representatives.

"(C) The chairperson or ranking member of the congressional committees of jurisdiction.

"(11) NO RIGHT OR BENEFIT.—This subsection is not intended to create any right or benefit, substantive or procedural, enforceable at law by a person against the United States, its agencies, its officers, or any person.".

(b) EXISTING EXECUTIVE ORDERS.—Executive Order 12805, dated May 11, 1992, and Executive Order 12993, dated March 21, 1996, shall have no force or effect.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in sections 2(1), 4(b)(2), and 8G(a)(1)(A) by striking "section 11(2)" each place it appears and inserting "section 12(2)"; and

(B) in section 8G(a), in the matter preceding paragraph (1), by striking "section 11" and inserting "section 12".

(2) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by striking the first paragraph (33) and inserting the following:

"(33) a separate appropriation account for appropriations for the Council of the Inspectors General on Integrity and Efficiency, and, included in that account, a separate statement of the aggregate amount of appropriations requested for each academy maintained by the Council of the Inspectors General on Integrity and Efficiency.".

### SEC. 8. SUBMISSION OF BUDGET REQUESTS TO CONGRESS.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(f)(1) For each fiscal year, an Inspector General shall transmit a budget estimate and request to the head of the agency, board, or commission to which the Inspector General reports. The budget request shall specify the aggregate amount of funds requested for such fiscal year for the operations of that Inspector General and shall specify the amount requested for all training requirements, including a certification from the Inspector General that the amount requested satisfies all training requirements for the Inspector General's office for that fiscal year, and any resources necessary to support the Council of the Inspectors General on Integrity and Efficiency. Resources necessary to support the Council of the Inspectors General on Integrity and Efficiency shall be specifically identified and justified in the budget request.

"(2) In transmitting a proposed budget to the President for approval, the head of each agency, board or commission shall include—

"(A) an aggregate request for the Inspector General;

"(B) amounts for Inspector General training;

"(C) amounts for support of the Council of the Inspectors General on Integrity and Efficiency; and

"(D) any comments of the affected Inspector General with respect to the proposal.

"(3) The President shall include in each budget of the United States Government submitted to Congress—

"(A) a separate statement of the budget estimate prepared in accordance with paragraph (1);

"(B) the amount requested by the President for each Inspector General;

"(C) training of Inspectors General;

"(D) support for the Council of the Inspectors General on Integrity and Efficiency; and

"(E) any comments of the affected Inspector General with respect to the proposal, including whether the budget request submitted by the head of the establishment would substantially inhibit the Inspector General from performing the duties of the office.".

### SEC. 9. SUBPOENA POWER.

Section 6(a)(4) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting "in any medium (including electronically stored information, as well as any tangible thing)" after "other data"; and

(2) by striking "subpena" and inserting "subpoena".

### SEC. 10. PROGRAM FRAUD CIVIL REMEDIES ACT.

Section 3801(a)(1) of title 31, United States Code, is amended—

(1) in subparagraph (C), by striking "and" after the semicolon;

(2) in subparagraph (D), by adding "and" after the semicolon; and

(3) by adding at the end the following:

"(E) a designated Federal entity (as such term is defined under section 8G(a)(2) of the Inspector General Act of 1978).".

### SEC. 11. LAW ENFORCEMENT AUTHORITY FOR DESIGNATED FEDERAL ENTITIES.

Section 6(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by striking "appointed under section 3"; and

(2) by adding at the end the following:

"(9) In this subsection the term 'Inspector General' means an Inspector General appointed under section 3 or an Inspector General appointed under section 8G.".

### SEC. 12. APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO INSPECTION REPORTS AND EVALUATION REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in each of subsections (a)(6), (a)(8), (a)(9), (b)(2), and (b)(3)—

(A) by inserting ", inspection reports, and evaluation reports" after "audit reports" the first place it appears; and

(B) by striking "audit" the second place it appears; and

(2) in subsection (a)(10) by inserting ", inspection reports, and evaluation reports" after "audit reports".

### SEC. 13. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

(a) DEFINITION.—In this section the term "agency" means a Federal agency as defined under section 11(5) of the Inspector General Act of 1978 (5 U.S.C. App.).

(b) DIRECT LINKS TO INSPECTORS GENERAL OFFICES.—

(1) IN GENERAL.—Each agency shall establish and maintain on the homepage of the website of that agency, a direct link to the website of the Office of the Inspector General of that agency.

(2) ACCESSIBILITY.—The direct link under paragraph (1) shall be obvious and facilitate accessibility to the website of the Office of the Inspector General.

(c) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—

(1) POSTING OF REPORTS AND AUDITS.—The Inspector General of each agency shall—

(A) in accordance with section 552a of title 5, United States Code (commonly referred to as the Privacy Act), not later than 3 working days after any report or audit (or portion of any report or audit), that is subject to release under section 552 of that title (commonly referred to as the Freedom of Information Act), is made publicly available, post that report or audit (or portion of that report or audit) on the website of the Office of the Inspector General; and

(B) ensure that any posted report or audit (or portion of that report or audit) described under subparagraph (A)—

(i) is easily accessible from a direct link on the homepage of the website of the Office of the Inspector General;

(ii) includes a summary of the findings of the Inspector General; and

(iii) is in a format that—

(I) is searchable and downloadable; and

(II) facilitates printing by individuals of the public accessing the website.

(2) REPORTING OF FRAUD, WASTE, AND ABUSE.—

(A) IN GENERAL.—The Inspector General of each agency shall establish and maintain a direct link on the homepage of the website of the Office of the Inspector General for individuals to report fraud, waste, and abuse. Individuals reporting fraud, waste, or abuse using the direct link established under this paragraph shall not be required to provide personally identifying information relating to that individual.

(B) ANONYMITY.—The Inspector General of each agency shall not disclose the identity of any individual making a report under this paragraph without the consent of the individual unless the Inspector General determines that such a disclosure is unavoidable during the course of the investigation.

(d) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the head of each agency and the Inspector General of each agency shall implement this section.

### SEC. 14. INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL.

(a) AMENDMENT TO REQUIREMENT RELATING TO CERTAIN REFERRALS.—Section 8E(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking paragraph (3).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is further amended—

(1) in subsection (b)—

(A) by striking "and paragraph (3)" in paragraph (2);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by redesignating paragraph (5) as paragraph (4) and in that paragraph by striking "(4)" and inserting "(3)"; and

(2) in subsection (d), by striking ", except with respect to allegations described in subsection (b)(3),".

### SEC. 15. OTHER ADMINISTRATIVE AUTHORITIES.

(a) IN GENERAL.—Section 6(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

"(d)(1)(A) For purposes of applying the provisions of law identified in subparagraph (B)—

"(i) each Office of Inspector General shall be considered to be a separate agency; and

"(ii) the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office, have the functions, powers, and duties of an agency head or appointing authority under such provisions.

"(B) This paragraph applies with respect to the following provisions of title 5, United States Code:

"(i) Subchapter II of chapter 35.

"(ii) Sections 8335(b), 8336, 8344, 8414, 8468, and 8425(b).

"(iii) All provisions relating to the Senior Executive Service (as determined by the Office of Personnel Management), subject to paragraph (2).

"(2) For purposes of applying section 4507(b) of title 5, United States Code, paragraph (1)(A)(ii) shall be applied by substituting 'the Council of the Inspectors General on Integrity and Efficiency (established by section 11 of the Inspector General Act) shall' for 'the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office,'.".

(b) AUTHORITY OF TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION TO PROTECT INTERNAL REVENUE SERVICE EMPLOYEES.—Section 8D(k)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "and the providing of physical security".

### SEC. 16. GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.

(a) IN GENERAL.—

(1) SUBMISSION.—Not later than 360 days after the date of enactment of this Act, the Government Accountability Office shall submit a report examining the adequacy of mechanisms to ensure accountability of the Offices of Inspector General to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Government Reform of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall examine—

(A) the practices, policies, and procedures of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency (and its predecessor committee); and

(B) the practices, policies, and procedures of the Offices of Inspector General with respect to complaints by and about employees of any Office of Inspector General that are not within the jurisdiction of the Integrity Committee.

(b) PAY OF INSPECTORS GENERAL.—Not later than 270 days after the date of enactment of this Act, the Government Accountability Office shall submit a report to the congressional committees of jurisdiction on the implementation of section 4.

Ms. COLLINS. Mr. President. I am pleased to join my colleagues, Senators MCCASKILL, LIEBERMAN, and COBURN, in introducing the Inspector General Reform Act of 2007, a bipartisan measure that will help detect and prevent fraud, waste, and abuse in government operations.

This legislation is an important companion to S. 680, the Accountability in Government Contracting Act of 2007, which the Senate passed last night by unanimous consent. Indeed, many of the reforms in this bill were included in S. 680 in February, when I first introduced that legislation along with Senators LIEBERMAN, COLEMAN, CARPER, and MCCASKILL. At our Committee's markup of S. 680, I recommended that the provisions governing Inspectors General be removed from that bill so that we could work together to improve the effectiveness of our Nation's Inspectors General in a separate legislative vehicle. The legislation we introduce today reflects that collaboration and continues our Committee's strong, bipartisan efforts to improve the effectiveness of Government.

Inspectors General are vital partners in Congress's effort to identify inefficient, ineffective, and improper Government programs. By leveraging the expertise and independence of Inspectors General and their staffs, Congress has been able to identify, and take action to stop, wasteful spending.

Examples of the IGs' invaluable work could be cited in depressingly large numbers, but let me note two efforts that I found particularly striking. In a 6-month period following the Hurricane Katrina disaster, the Department of Homeland Security's IG produced 29 reports that included alarming discoveries, including that 63 percent of the DHS purchase-card transactions made during the response had no documentation of goods or services actually being received. The DHS IG investigations helped produce 243 convictions for fraud or related offenses and aided in recovery of millions of taxpayer dollars.

As you will recall, the impressive work of the Special Inspector General for Iraq Reconstruction led to Congress's extending SIGIR's work in that country. The SIGIR reported, among other things, that more than $9 billion in Iraqi oil revenues disbursed in 2004 could not be accounted for, that hundreds of contracts had problems, and that many projects to restore Iraq's water and electric services would not be completed. The SIGIR's work is estimated to yield taxpayers $25 of benefit for every dollar of cost.

The investigations and reports of IGs throughout the government help Congress shape legislation and oversight activities—improving Government performance, providing important transparency into programs, and giving Americans better value for their tax dollar.

Unfortunately, the past year has produced troubling instances in which the independence of Inspectors General has been challenged within their respective departments. We have also heard allegations of misconduct by some Inspectors General. These alarming examples of pressure and impropriety cannot be tolerated, and the legislation we introduce today is an important first step in clarifying congressional expectations concerning the independence, funding, training, and accountability of the Federal Government's Inspectors General.

The Inspector General Reform Act of 2007 would improve the independence and effectiveness of Inspectors General and contribute to better relations among the IGs, the agencies they serve, and the Congress. These improvements will also help to insulate and protect Inspectors General from inappropriate efforts to hinder their investigations.

First and foremost, the legislation provides a clear manifestation of how Congress believes IGs should be chosen. It amends the Inspector General Act of 1978 to explicitly require appointments on the basis of ability and integrity, not political affiliation.

Additional enhancements included in the bill are a mandatory requirement to notify Congress 30 days before the removal of an IG, helping to prevent politically motivated attempts to terminate effective IGs.

A separate budget line for Inspectors General that includes their overall budget and training needs, helping to ensure that these offices are properly funded to perform their important mission.

A pay increase for IGs and a prohibition on cash bonuses or awards. Most IGs already refuse to accept bonuses to avoid an appearance of conflict, with the result that many deputies earn more than the IGs. This provision will improve an IG's influence and independence within an agency while avoiding the appearance of improper influence that bonuses can create.

Authorization for the Government-wide IG Council on Integrity and Efficiency that will ensure appropriate investigations of misconduct or malfeasance by IGs. And finally,

Clarification that the IGs' subpoena authority extends to electronic documents.

The oversight experience of the Homeland Security and Governmental Affairs Committee and many reviews by the Government Accountability Office have confirmed the vital importance of the Inspector General function in our system of Government. By addressing identified shortcomings and further insulating IGs from inappropriate influence, the legislation we introduce today will make a critical function of Government even more effective. I urge my colleagues to support its prompt consideration and passage.

Mr. LIEBERMAN. Mr. President, I am proud to join my colleagues Senators McCASKILL, COLLINS, and COBURN today in introducing the Inspector General Reform Act of 2007. This bipartisan bill reflects the broad Congressional support for the outstanding work of our Inspectors General and our desire to ensure that these important and unique government officials are given the tools and the accountability to perform at their very best.

It has been almost 30 years since Congress, as part of its post-Watergate reforms, passed the Inspectors General Act of 1978 that created an office of Inspector General in 12 major departments and agencies to hold those agencies accountable to the public interest and report back both to the agency heads and Congress on their findings. The law was amended in 1988 to add an Inspector General to almost all Executive agencies and departments.

The experiment has been a great success, hailed as a sort of consumer protector for the taxpayer deep within each agency. According to the President's Council on Integrity and Efficiency, last year alone IG audits resulted in $9.9 billion in potential savings and another $6.8 billion in savings when the results of civil and criminal investigations are added in.

Some of the IGs' work lands on the front page—exposing major shortcomings in government practices and official conduct. Most of it unfolds more quietly, but is just as critical in helping Federal agencies establish effective and efficient programs that make the most of the taxpayers' hard earned dollars.

Over the years, we have become aware of several instances where the independence of Inspectors General appears to be threatened. It is vital that Congress reiterate its strong support for the internal oversight IGs can provide and ensure they have the independence they need to carry out this vital, but often unpopular work.

Unfortunately, we are also aware of instances in which the watchdog needs watching—that is, situations where the Inspector General has behaved improperly or failed to provide vigorous oversight.

This legislation attempts to address both problems.

It includes an array of measures designed to strengthen the independence of the Inspectors General, such as requiring the administration to notify Congress 30 days before attempting to remove or transfer an IG. This would give us time to consider whether the administration was improperly seeking to displace an Inspector General for political reasons because the IG was, in effect, doing his or her job too well. It requires that all IGs be chosen on the basis of qualifications, without regard to political affiliation.

The legislation would codify and strengthen the existing IG councils, creating a unitary council that can provide greater support for IGs throughout the Government.

The bill would provide greater transparency of IG budget needs, including funds for training and council activities, to help ensure the IG offices have the resources they need for their investigations.

Most IGs would also receive a pay raise, to reflect the importance of the work they do and their proper stature within an agency. Currently, some IGs earn less than other senior officials in their agency and sometimes even less than some of their subordinates. However, we also prohibit bonuses for IGs, to remove a potential avenue for improper influence by the agency head.

Our bill also enhances IG accountability by strengthening the Integrity Committee that handles allegations against Inspectors General and their senior staff, and facilitating greater oversight of Integrity Committee by Congress.

The bill also ensures that the Inspector General of the Justice Department will have the authority, shared by other IGs, to investigate misconduct of any Departmental employee.

The House has already voted overwhelmingly in support of legislation addressing many of these same issues. It is time for the Senate to follow suit. I urge my colleagues to support this worthy and common sense piece of legislation.

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By Mr. WARNER (for himself and Mr. WEBB):

S. 2331. A bill to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event, loss of life and limb, at Virginia Polytechnic Institute & State University; to the Committee on Finance.

Mr. WARNER. Mr. President, today I introduce legislation that will, I hope, help provide some measure of assistance to those family members who lost loved ones and to those who suffered wounds as a consequence of the horrific shootings that took place on April 16, 2007, on the campus of Virginia Tech. I am pleased to have my colleague from Virginia, Senator WEBB, as a cosponsor of this legislation.

In the aftermath of that tragic day, where 32 lives of promise were forever cut short, over 20,000 individuals and groups across the country demonstrated their support for the victims and their families with generous financial donations that totaled approximately $7.5 million. Virginia Tech established the Hokie Spirit Memorial Fund within the Virginia Tech Foundation to accept these charitable contributions. The Hokie Spirit Fund distribution plan offers families of the 32 individuals who lost their lives a choice of receiving proceeds from the Fund or dividing those proceeds between a cash payment and a scholarship in the victim's name. Injured victims are also eligible for Fund proceeds. On October 30, 2007, the University officially distributed these funds to the 79 families and individuals in accordance with the protocols established. While no amount of money can truly compensate for the loss of life or limb, these payments provide both the families of the deceased and the injured survivors with some financial resources to help, in some modest way.

Unfortunately, Federal law is not clear as to whether these payments are subject to Federal taxation. In my view, not only does precedent indicate that these types of payments should be free of Federal income tax, common sense concurs. Accordingly, the legislation that Senator WEBB and I introduce today makes it clear that any payments by Virginia Tech from the Hokie Spirit Fund in conjunction with the April 16, 2007, shooting at Virginia Tech should not be taxable for Federal purposes.

It is my hope that the Congress will expeditiously pass this important legislation. I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2331

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXCLUSION FROM INCOME FOR PAYMENTS FROM THE HOKIE SPIRIT MEMORIAL FUND.**

For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount received from the Virginia Polytechnic Institute & State University, out of amounts transferred from the Hokie Spirit Memorial Fund established by the Virginia Tech Foundation, an organization organized and operated as described in section 501(c)(3) of the Internal Revenue Code of 1986, as a payment in connection with the tragic event, loss of life and limb, on April 16, 2007, at such university.

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By Mr. DORGAN (for himself, Mr. LOTT, Mr. OBAMA, Ms. SNOWE, Mr. KERRY, Mr. NELSON of Florida, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. BIDEN, and Mrs. CLINTON):

S. 2332. A bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership; to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, today I am introducing the Media Ownership Act of 2007, along with Senators LOTT, OBAMA, SNOWE, KERRY, NELSON of Florida, CANTWELL, and FEINSTEIN. We seek with this bill to halt the Federal Communications Commission's, FCC, fast march toward easing media ownership rules.

The FCC has taken a series of destructive actions in the past two decades that, I believe, have undermined the public interest. Now they appear prepared to do it again. The FCC is working to have a rewrite of media ownership rules completed just next month. Now this seems like a massive rush to me and a big mistake. How will the public interest be served by attempting to rush through a plan to relax ownership rules?

We don't need more concentration of ownership in radio and television stations and a green light for cross ownership between newspapers, radio and television stations. Further consolidation of media ownership at all is an affront to common sense. But even if we disagree with the rules the FCC issues, and even if we think the FCC should break up the big media companies rather than allow them to consolidate, the FCC must go through an honest and thorough process. They must study the questions that affect a decision of whether to adjust ownership limits. They have not done this. They have not put the final rules out for comment for a meaningful amount of time, they have not given the necessary consideration to the issue of localism, and they do not know enough about the impact of consolidation on localism or female and minority ownership.

The Media Ownership Act of 2007 ensures that the FCC allow enough time for comment on the actual rule changes. It requires that the FCC put out the final rules proposed by the Commission for 90 days of comment.

The bill also requires that the FCC complete a separate proceeding on the promotion of local programming and content by broadcasters and newspapers. In 2003, Chairman Powell set up a task force to promote localism in broadcasting and they began some hearings and took in comments. Chairman Martin has wrapped those comments into this ownership proceeding and is finishing the last localism hearing as part of this rushed schedule. The bill requires that they must publish a final rule in a separate proceeding and allow 90 days of comment. This must be completed prior to the vote on ownership.

The bill requires that the FCC establish an Independent Panel on Ownership by Women and Minorities. The FCC must collect and provide this panel with data on the specific gender and ethnic makeup of media owners. The panel shall issue recommendations and the FCC must act on these recommendations prior to a vote on media ownership.

The last time the FCC tried to do rush to consolidate media ownership, the United States Senate voted to block it. On September 16, 2003, the Senate voted 55-40 to support a "resolution of disapproval" of the FCC's previous decision to allow further concentration. If we have to do this again we will. A number of us have sent numerous letters to the FCC stating what needs to be done prior to a vote on media ownership limits and yet the Chairman is on track to move this proceeding to a vote. The FCC is clearly not listening and legislation is now necessary.

This is again a bipartisan effort to stop the FCC from destroying the local interests that we have always felt must be a part of broadcasting.

It is time to ensure that we first protect localism and diversity, which the FCC appears to have long forgotten. Only then can we really review the rules of media ownership in a thorough process to see if it is actually in the public interest to reverse any of those rules, or if greater public interest protections are necessary.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2332

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Media Ownership Act of 2007".

**SEC. 2. MEDIA OWNERSHIP REFORMS.**

Section 202 of the Telecommunications Act of 1996 (Public Law 104-104; 110 Stat. 110) is amended by—

(1) redesignating subsection (i) as subsection (l); and

(2) by inserting after subsection (h) the following:

"(i) NOTICE AND PUBLIC COMMENT REQUIREMENT.—

"(1) IN GENERAL.—In modifying, revising, or amending any of its regulations related to broadcast ownership, including any ownership rule or limitation set forth under sections 73.3555, 73.658(g), or 76.501 of its regulations (47 C.F.R. 73.3555, 73.658(g), 76.501), the Commission shall—

"(A) not later than 90 days prior to any vote by the Commission on the adoption of such modification, revision, or amendment publish such prospective modification, revision, or amendment in the Federal Register;

"(B) after such publication provide the public at least 60 days on which to comment on the prospective modification, revision, or amendment; and

"(C) upon the expiration of the 60-day comment period described under paragraph (2), have not less than 30 days in which to reply to any such comments.

"(2) EFFECTIVE DATE.—

"(A) IN GENERAL.—The notice and public requirements under paragraph (1) shall apply to any attempt by the Commission to modify, revise, or amend its regulations related to broadcast and newspaper ownership made after October 1, 2007.

"(B) FAILURE TO COMPLY.—If the Commission fails to comply with the notice and public requirements under paragraph (1) with respect to any modification, revision, or amendment to which such requirements apply, then such modification, revision, or amendment shall be vitiated and shall be of no force and effect.

"(j) PROMOTION OF LOCAL CONTENT IN MEDIA.—Before voting on any change in the broadcast and newspaper ownership rules, the Commission shall initiate, conduct, and complete a separate rulemaking proceeding to promote the broadcast of local programming and content by broadcasters, including radio and television broadcast stations, and newspapers. Before issuing a final rule, the Commission shall—

"(1) conduct a study to determine the overall impact of television station duopolies and newspaper-broadcast cross-ownership on the quantity and quality of local news, public affairs, local news media jobs, and local cultural programming at the market level;

"(2) publish a proposed final rule in the Federal Register not later than 90 days prior to any vote by the Commission on the adoption of the rule;

"(3) after such publication provide the public at least 60 days on which to comment on the prospective rule; and

"(4) upon the expiration of the 60-day comment period described in paragraph (3), have not less than 30 days in which to reply to any such comments.

"(k) INDEPENDENT PANEL ON WOMEN AND MINORITY OWNERSHIP OF BROADCAST MEDIA.—

"(1) ESTABLISHMENT.—The Commission shall establish and convene an independent panel on women and minority ownership of broadcast media to make recommendations to the Commission for specific Commission rules to increase the representation of women and minorities in the ownership of broadcast media.

"(2) CENSUS.—The Commission shall—

"(A) conduct a full and accurate census of the race and gender of individuals holding a controlling interest in broadcast station licensee;

"(B) provide the results of the census to the panel for its consideration before it makes any recommendation to the Commission; and

"(C) study the impact of media market concentration on the representation of women and minorities in the ownership of broadcast media based on the data in the census and report the results of that study to the panel for its consideration before it makes any recommendation to the Commission.

"(3) CONSIDERATION OF PANEL'S RECOMMENDATIONS.—The Commission shall act on the panel's recommendations before voting on any changes to its broadcast and newspaper ownership rules.".

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## SUBMITTED RESOLUTIONS

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## SENATE RESOLUTION 371—EXPRESSING THE SENSE OF THE SENATE REGARDING THE ISSUANCE OF STATE DRIVER'S LICENSES AND OTHER GOVERNMENT-ISSUED PHOTO IDENTIFICATION TO ILLEGAL ALIENS

Mr. COLEMAN (for himself, Mrs. DOLE, Mr. MCCONNELL, Mr. LOTT, Mr. ISAKSON, Mr. DEMINT, Mr. MARTINEZ, Mr. ROBERTS, Mr. CHAMBLISS, Mr. VITTER, Mr. ALEXANDER, Mr. BURR, Mr. BOND, Mr. INHOFE, Mr. COBURN, Mr. GRAHAM, Mr. GREGG, Mr. ALLARD, and Mr. CORKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 371

Whereas some States issue State driver's licenses to aliens who are unlawfully present in the United States;

Whereas by providing official government-issued identification to individuals who are in the United States illegally, States and other government entities reward those who show disrespect and disregard for Federal immigration laws;

Whereas the very act of entering the United States illegally shows disrespect for the laws of the United States and should not be rewarded in any way; and

Whereas issuing driver's licenses to undocumented individuals presents a national security risk and enables election fraud: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that States should not issue driver's licenses or other photo identification to aliens who are unlawfully present in the United States.

Mr. COLEMAN. Mr. President, I thank the majority leader. A few months ago, I stood on the floor of the Senate to decry the practice of sanctuary cities. Municipalities across this country had identified a loophole in the law and banned the practice of police officers inquiring about a suspect's immigration status, allowing cities throughout this country to become sanctuaries for illegal immigrants.

I said that following the attacks of 9/11, we made a promise to the American people to make this country safer; that we identified, on all levels, cracks in our system; and that we found when the left arm doesn't know what the right arm is doing, the consequences can be disastrous.

I stand here today again to condemn another policy that flies in the face of post-9/11 thinking. The State of New York will join eight other States in issuing driver's licenses to illegal immigrants. New Mexico is setting up a program where they will doublecheck the illegal immigrant's identity with the Government of Mexico.

Polish language newspapers have advertised the ease by which licenses from the State of Maine can be acquired. Tennessee recently stopped the practice of issuing driver's licenses to illegal immigrants in the wake of evidence that illegal immigrants from other States were coming to Tennessee to get licenses.

To some, issuing licenses to illegal immigrants may seem harmless, if not commonsensical. If they are going to be driving on the streets, why not ensure that they know the rules of the road? The answer is licenses are much more than a permit to drive. The driver's license is a gateway document to a myriad of other services. Providing illegal immigrants with a driver's license affords them access to bank accounts, airline flights, and other resources that the 9/11 hijackers used to attack this Nation. Beyond national security, driver's licenses allow a person to enter a Federal building, vote in elections, and apply for Government benefits. There is also a considerable question of fraud—when we cannot verify the materials brought to the Department of Motor Vehicles to establish a person's identity, which is certainly the case when we are dealing with noncitizens in an illegal status, you open the doors to corruption, multiple identities, and criminality.

In the Senate, we have been grappling for several years with the issue of what to do with the 12 million or so undocumented people already in the United States. This Senator would like to find a solution that brings these folks out of the shadows. But the message we have received loudly and clearly from the American public is we cannot get the comprehensive immigration reform until we secure the borders and get serious about enforcing the rule of law when it comes to immigration.

Similar to sanctuary cities, the issuance of driver's licenses to illegal immigrants is a setback for those who want to see comprehensive immigration reform because it shows we are not serious about enforcing the law. It flies in the face of what the American people expect their Government to do, which is to control our borders, know who is in the country, and appropriately penalize those who have broken our laws.

I was at a coffee this morning with a columnist, Tom Friedman, a native Minnesotan, who addressed a group today. Immigration came up, and he said in passing that to deal with the illegal immigration, he is for a wall but one with a big gate. We need to remain a country that is open to foreign talent. We benefit from having those with Ph.D's and advanced degrees and what they bring in terms of job creation. We need to look at the issue of immigration and at changes in our laws to encourage the best and brightest to come and contribute to our economy. Until we reestablish the rule of law in immigration policy, we will not be able to get the political consensus that is needed to make any reforms, let alone deal with the 12 million illegals here already.

Sooner rather than later, America is going to have to ask itself: Do we want to take immigration and the State of our Nation's security seriously? To the States that issue licenses to illegal immigrants and the cities that have sanctuary city policies on the books, we must ask the question: Why are you undermining immigration laws at the expense of the safety and security of this country?

Today I am joined by several of my colleagues in introducing a sense-of-the-Senate resolution to make the official position of the Senate that States that issue government identification to illegal immigrants, issue driver's licenses, are disrespecting and disregarding Federal immigration laws. The measure also finds these actions present a national security risk and enables election fraud.

Our colleague, Iowa Congressman TOM LATHAM, has introduced identical legislation in the other body.

I am a former mayor. I am, frankly, deeply concerned, that if there is another attack on U.S. soil and we find that the terrorist was here illegally, if the terrorist was able to obtain a license, if the terrorist was able to move freely about the country, was able to open a bank account, all without the slightest bit of resistance, we are going to have to take a long look in the mirror and ask how we could let it happen. We shouldn't let it happen. It belies common sense to have a policy of States to issue driver's licenses to illegal immigrants. It makes it difficult to maintain the commitment we have to the American people, that we are committed to enforcing the rule of law. It makes it difficult for us who want to move forward on comprehensive immigration reform if we get to that point.

## SENATE RESOLUTION 372—EXPRESSING THE SENSE OF THE SENATE ON THE DECLARATION OF A STATE OF EMERGENCY IN PAKISTAN

Mr. KERRY (for himself, Mr. BIDEN, Mr. OBAMA, Mr. CASEY, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 372

Whereas a democratic, stable, and prosperous Pakistan that is a full and reliable partner in the struggle against Al Qaeda and the Taliban and a responsible steward of its nuclear weapons and technology is a vital national security interest of the United States and essential to combating international terrorism;

Whereas General Pervez Musharraf became the President of Pakistan following a military coup in October 1999;

Whereas President Musharraf dismissed Pakistan's Chief Justice of the Supreme Court, Iftikhar Chaudhry, on March 9, 2007, resulting in massive street protests and a unanimous decision by the Supreme Court of Pakistan to clear him of any wrongdoing and reinstate him on July 20, 2007;

Whereas the Government of Pakistan announced on September 18, 2007, that, if reelected President of Pakistan, General Musharraf would resign his position as Chief of Army Staff of Pakistan by November 15, 2007;

Whereas the Prime Minister of Pakistan, Shaukat Aziz, called this announcement "a clear reflection of President Gen. Pervez Musharraf's firm belief in democracy";

Whereas an amendment to the Constitution of Pakistan allowing President Musharraf to hold the Government of Pakistan's top civilian and military leadership positions expires on December 31, 2007;

Whereas President Musharraf and former Prime Minister of Pakistan Benazir Bhutto conducted extensive negotiations on a power-sharing arrangement that would allow Ms. Bhutto to return to Pakistan and lead the Pakistan People's Party in parliamentary elections in Pakistan scheduled for January 15, 2008;

Whereas President Musharraf was elected to another term by the lame-duck parliament and provincial assemblies of Pakistan on October 6, 2007;

Whereas the Supreme Court of Pakistan has been reviewing the constitutionality of this election and intended to issue a ruling in November 2007;

Whereas former Prime Minister of Pakistan Nawaz Sharif returned to Pakistan on September 10, 2007, and was immediately forced to leave the country in contradiction of a ruling by the Supreme Court of Pakistan;

Whereas former Prime Minister Bhutto returned to Pakistan on October 18, 2007, after more than 8 years in exile, and was immediately targeted in a suicide bombing by extremists in Karachi, Pakistan, that left at least 140 people dead and more than 500 injured;

Whereas on August 10, 2007, Secretary of State Condoleezza Rice personally requested that President Musharraf refrain from suspending the Constitution of Pakistan, and on November 1, 2007, again reiterated to President Musharraf United States opposition to any "extra-constitutional" measures;

Whereas over the past 6 years, the United States has provided approximately $10,000,000,000 in aid to Pakistan, of which about 60 percent was Coalition Support Funds designed to reimburse Pakistan for counter-terrorism efforts, 15 percent was for security assistance to the military, 15 percent was for debt relief and general budget support, and approximately 10 percent was for humanitarian assistance;

Whereas Admiral William Fallon, the senior United States military commander in the Middle East and Southwest Asia, advised General Musharraf on November 2, 2007 that emergency rule might place military aid at risk;

Whereas on November 3, 2007, General Musharraf, in his role as Chief of Army Staff of Pakistan, declared a state of emergency, suspended the Constitution of Pakistan, dismissed Chief Justice Chaudhry, and initiated a nation-wide crackdown on political opposition, the media, and the courts of Pakistan that resulted in the arrest of more than 1,000 political opponents;

Whereas the Administration declared that imposition of emergency rule was "deeply disturbing," and Secretary of State Rice said that the United States would "have to review the situation with aid" in light of these developments;

Whereas on November 7, 2007, President George W. Bush spoke with President Musharraf and conveyed the message that "we believe strongly in elections, and that you ought to have elections soon, and you need to take off your uniform"; and

Whereas on November 8, 2007, the Government of Pakistan announced that parliamentary elections in Pakistan would be held by February 15, 2008, and that President Musharraf would relinquish his position as Chief of Army Staff of Pakistan prior to being sworn in as President of Pakistan: Now, therefore, be it

*Resolved*, That it is the sense of the Senate—

(1) to condemn the decision by President Pervez Musharraf of Pakistan to declare a state of emergency in Pakistan, suspend the Constitution of Pakistan, dismiss the Supreme Court Justices refusing to take a loyalty oath, and initiate a nation-wide crackdown on political opposition, the media, and the courts in Pakistan;

(2) to call on President Musharraf to revoke the state of emergency, respect the rule of law and immediately release political detainees, restore the Constitution of Pakistan, restore freedom of the press and judicial independence in Pakistan, and reinstate all dismissed members of the Supreme Court of Pakistan;

(3) to call upon President Musharraf to honor his commitment to relinquish his position as Chief of Army Staff of Pakistan, allow free and fair parliamentary elections in Pakistan in accordance with the schedule mandated by the Constitution of Pakistan, establish an independent commission to guarantee that such elections are free and fair, and permit full and unfettered independent monitoring of such elections;

(4) that the Government of the United States should provide whatever assistance is necessary to facilitate such free and fair elections, including by supporting independent election monitoring organizations and efforts;

(5) to call upon the Government of Pakistan to conduct a full investigation into the attempted assassination of former Prime Minister of Pakistan Benazir Bhutto and provide her and other political leaders with all necessary security to ensure their personal safety; and

(6) that United States military assistance to Pakistan should be subjected to careful review, and that assistance for the purchase of certain weapons systems not directly related to the fight against Al Qaeda and the Taliban should be suspended if President Musharraf does not revoke the state of emergency and restore the Constitution of Pakistan, relinquish his position as Chief of Army Staff of Pakistan, and allow for free and fair elections to be held in Pakistan in accordance with the announced timeframe.

## SENATE RESOLUTION 373—ENCOURAGING ALL EMPLOYERS TO TARGET VETERANS FOR RECRUITMENT AND TO PROVIDE PREFERENCE IN HIRING TO QUALIFIED VETERANS

Mr. SMITH. (for himself, Mr. AKAKA, and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 373

Whereas the people of the United States have sincere appreciation and respect for the individuals who serve in the Armed Forces;

Whereas in order to recognize their sacrifices, including time out from their civilian careers while serving in the Armed Forces, Congress enacted the Veterans' Preference Act of 1944 to restore veterans to a more favorable competitive position for Federal Government employment;

Whereas, although veterans acquire skills and qualities during their military service that make them ideal candidates for employment, some veterans need assistance in readjusting to civilian life, including some young veterans who experience high unemployment rates;

Whereas it is acknowledged that the dignity, pride, and satisfaction of a civilian job are essential to the smooth and full reintegration into civilian life of those who have answered our Nation's call to arms; and

Whereas all citizens and all employers benefit from the service of members of the Armed Forces and thus bear some responsibility to assist in the reintegration of former servicemembers into civilian life: Now, therefore, be it

*Resolved*, That the Senate—

(1) urges all employers, private sector as well as State, county, and local government, to target veterans for recruitment and to afford qualified veterans hiring preference similar to the benefits provided by chapter 33 of title 5, United States Code, to preference eligibles, as defined in section 2108 of such title; and

## SENATE RESOLUTION 374—EXPRESSING SUPPORT FOR DESIGNATION OF A NATIONAL VETERANS HISTORY PROJECT WEEK TO ENCOURAGE PUBLIC PARTICIPATION IN A NATIONWIDE PROJECT THAT COLLECTS AND PRESERVES THE STORIES OF THE MEN AND WOMEN WHO SERVED OUR NATION IN TIMES OF WAR AND CONFLICT

Ms. LANDRIEU submitted the following resolution; which was considered and agreed to:

S. RES. 374

Whereas the Veterans History Project was established by a unanimous vote of the United States Congress to collect and preserve the wartime stories of American veterans;

Whereas Congress charged the American Folklife Center at the Library of Congress to undertake the Veterans History Project and to engage the public in the creation of a collection of oral histories that would be a lasting tribute to individual veterans and an abundant resource for scholars;

Whereas there are 17,000,000 wartime veterans in America whose stories can educate people of all ages about important moments and events in the history of the United States and the world and provide instructive narratives that illuminate the meanings of "service", "sacrifice", "citizenship", and "democracy";

Whereas the Veterans History Project relies on a corps of volunteer interviewers, partner organizations, and an array of civic minded institutions nationwide who interview veterans according to the guidelines it provides;

Whereas increasing public participation in the Veterans History Project will increase the number of oral histories that can be collected and preserved and increase the number of veterans it so honors; and

Whereas "National Veterans Awareness Week" commendably preceded this resolution in the years 2005 and 2006: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes "National Veterans Awareness Week";

(2) supports the designation of a "National Veterans History Project Week";

(3) calls on the people of the United States to interview at least one veteran in their families or communities according to guidelines provided by the Veterans History Project; and

(4) encourages local, State, and national organizations along with Federal, State, city and county governmental institutions to participate in support of the effort to document, preserve, and honor the service of American wartime veterans.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3566. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3567. Mrs. BOXER (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3568. Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3569. Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. LOTT, and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3570. Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill S. 597, to extend the special postage stamp for breast cancer research for 2 years; which was ordered to lie on the table.

SA 3571. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3572. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3573. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3574. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3575. Mr. COLEMAN (for himself, Mrs. DOLE, Mr. MCCONNELL, Mr. LOTT, Mr. ISAKSON, Mr. DEMINT, Mr. MARTINEZ, Mr. VITTER, Mr. ALEXANDER, Mr. BURR, Mr. BOND, Mr. INHOFE, Mr. GREGG, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table .

SA 3576. Mr. NELSON, of Nebraska (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3577. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3578. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3579. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3580. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3581. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3582. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3583. Mr. SUNUNU (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3584. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3585. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3586. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3587. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3588. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3589. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3590. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3591. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3592. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3593. Mr. DORGAN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3594. Mr. DORGAN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3595. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3596. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3566.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1176, strike line 24 and all that follows through page 1177, line 2, and insert the following:

"(5) water resource needs, including water requirements for biorefineries;

"(6) education and outreach for agricultural producers transitioning to cellulosic feedstocks; and

"(7) such other infrastructure issues as the Secretary may determine.".

On page 1177, strike lines 18 through 21 and insert the following:

"(5) the resource use and conservation characteristics of alternative approaches to infrastructure development;

"(6) the impact on the development of renewable energy when public and private utilities do not pay competitive rates for wind, solar, and biogas energy from agricultural sources; and

"(7) the environmental benefits of planting perennial grasses for the production of cellulosic ethanol.".

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**SA 3567.** Mrs. BOXER (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 980, strike lines 12 and 13 and insert the following:

including fresh-cut produce;

"(7) methods of improving the supply and effectiveness of pollination for specialty crop production; and

"(8) efforts relating to optimizing the produc-

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**SA 3568.** Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

**SEC. 110___. EXEMPTION FROM AQI USER FEES.**

(a) IN GENERAL.—Notwithstanding any other provision of law (including regulations), the owner or operator of any commercial truck described in subsection (b) shall be exempt from the payment of any agricultural quarantine and inspection user fee.

(b) COMMERCIAL TRUCKS.—A commercial truck referred to in subsection (a) is a commercial truck that—

(1) originates in the State of Alaska and reenters the customs territory of the United States directly from Canada; or

(2) originates in the customs territory of the United States (other than the State of Alaska) and transits through the customs territory of Canada directly before entering the State of Alaska.

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**SA 3569.** Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. LOTT, and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 778, between lines 2 and 3, insert the following:

(c) COMMERCIAL FISHING.—Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended—

(1) in subsection (a), by inserting "and, in the case of subtitle B, commercial fishing" before the period at the end of each of paragraphs (1) and (2); and

(2) by adding at the end the following:

"(c) DEFINITION OF FARM.—In subtitle B, the term 'farm' includes a commercial fishing enterprise.".

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**SA 3570.** Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill S. 597, to extend the special postage stamp for breast cancer research for 2 years; which was ordered to lie on the table; as follows:

In section 1, in the section heading, strike "**2-YEAR**" AND INSERT "**4-YEAR**".

In section 1, strike "2009" and insert "2011".

Amend the title so as to read: "To extend the special postage stamp for breast cancer research for 4 years."

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**SA 3571.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

**SEC. 110____. USDA PROGRAM GOALS.**

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) each program of the Department of Agriculture that has received a Program Assessment Rating Tool (referred to in this section as "PART") score of "results not demonstrated"; and

(2) for each such program, the steps being taken by the Secretary to develop acceptable and quantifiable performance goals to determine whether the program is performing as Congress intended.

(b) ANNUAL BUDGET.—

(1) IN GENERAL.—The Secretary shall include in the annual submission to Congress of the budget for the Department of Agriculture a report that identifies each program within the Department of Agriculture that has, as of the date of the report, a PART score of "results not demonstrated" or "ineffective".

(2) FUNDING.—If a program of the Department of Agriculture receives a PART score described in paragraph (1) for 2 or more consecutive years, the amount made available to the Secretary to carry out the program for each subsequent fiscal year shall be decreased by 10 percent until such time as the program receives a PART score of at least "adequate".

(c) REDUCTION OF DEBT.—For each fiscal year for which a program of the Department of Agriculture receives decreased funding under subsection (b)(2), an amount equal to the amount of funding withheld from the Department of Agriculture for that program shall be deposited in the account established under section 3113(d) of title 31, United States Code, for use in reducing the Federal debt.

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**SA 3572.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

AMENDMENT NO. 3572

On page 966, between lines 13 and 14, insert the following:

**SEC. 7050. REGIONAL CENTERS OF EXCELLENCE IN FOOD SYSTEMS VETERINARY MEDICINE.**

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7049) is amended by adding at the end the following:

**"SEC. 1473S. REGIONAL CENTERS OF EXCELLENCE IN FOOD SYSTEMS VETERINARY MEDICINE.**

"(a) DEFINITION OF ELIGIBLE SCHOOL OF VETERINARY MEDICINE.—In this section, the term 'eligible school of veterinary medicine' means a school of veterinary medicine that is—

"(1) a public or other nonprofit entity; and

"(2) accredited by an entity that is approved for such purpose by the Department of Education.

"(b) GRANT PROGRAM.—The Secretary shall make grants to eligible schools of veterinary medicine to assist the eligible schools of veterinary medicine in supporting centers of emphasis in food systems veterinary medicine.

"(c) APPLICATION PROCESS.—

"(1) APPLICATION REQUIREMENT.—To be eligible to receive a grant from the Secretary under subsection (b), an eligible school of veterinary medicine shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONSIDERATION OF APPLICATIONS.—The Secretary shall establish procedures to ensure that—

"(A) each application submitted under paragraph (1) is rigorously reviewed; and

"(B) grants are competitively awarded based on—

"(i) the ability of the eligible school of veterinary medicine to provide a comprehensive educational experience for students with particular emphasis on the species of food animal for which the eligible school of veterinary medicine is applying that is used for food production (including food animal veterinary medicine, food supply bioterrorism prevention and surveillance, food-safety, and the improvement of the quality of the environment);

"(ii) the ability of the eligible school of veterinary medicine to increase capacity with respect to research on the species of food animal for which the eligible school of veterinary medicine is applying that is used for food production; and

"(iii) any other consideration that the Secretary determines to be appropriate.

"(3) PREFERENCE FOR CONSORTIUM.—In making grants under subsection (b), the Secretary shall give preference to eligible schools of veterinary medicine that participate in interinstitutional agreements that—

"(A) cover issues relating to residency, tuition, or fees; and

"(B) consist of more than 1 other—

"(i) school of veterinary medicine;

"(ii) school of public health;

"(iii) school of agriculture; or

"(iv) appropriate entity that carries out education and research activities with respect to food production systems, as determined by the Secretary.

"(d) REQUIRED USE OF FUNDS.—The Secretary may not make a grant to an eligible school of veterinary medicine under subsection (b) unless the eligible school of veterinary medicine agrees to use the grant funds—

"(1) to develop a competitive student applicant pool through linkages with other appropriate schools of veterinary medicine, as determined by the Secretary;

"(2) to improve the capacity of the eligible school of veterinary medicine—

"(A) to train, recruit, and retain faculty;

"(B) to pay such stipends and fellowships as the Secretary determines to be appropriate in areas of research relating to—

"(i) food animal medicine; and

"(ii) food-safety and defense; and

"(C) to enhance the quality of the environment;

"(3) to carry out activities to improve the information resources, curriculum, and clinical education of students of the eligible school of veterinary medicine with respect to—

"(A) food animal veterinary medicine; and

"(B) food-safety;

"(4) to facilitate faculty and student research on health issues that—

"(A) affect—

"(i) food-producing animals; and

"(ii) food-safety; and

"(B) enhance the environment;

"(5) to provide stipends for students to offset costs relating to travel, tuition, and other expenses associated with attending the eligible school of veterinary medicine; and

"(6) for any other purpose that the Secretary determines to be appropriate.

"(e) PERIOD OF GRANTS.—

"(1) IN GENERAL.—Subject to paragraph (2), an eligible school of veterinary medicine that receives funds through a grant under subsection (b) shall receive funds under the grant for not more than 5 years after the date on which the grant was first provided.

"(2) CONDITIONS RELATING TO GRANT FUNDS.—Funds provided to an eligible school of veterinary medicine through a grant under subsection (b) shall be subject to—

"(A) the annual approval of the Secretary; and

"(B) the availability of appropriations.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.".

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**SA 3573.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Section 20 of the Cooperative Forestry Assistance Act of 1978 (as added by section 8004) is amended by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT.—The Secretary shall establish a comprehensive statewide forest planning program under which the Secretary shall provide financial and technical assistance to States for use in the development and implementation of—

"(1) statewide forest resource assessments and plans; and

"(2) community wildfire protection plans.

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**SA 3574.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XI, insert the following:

**SEC. ______. FOOD SAFETY IMPROVEMENT.**

(a) REPORTABLE FOOD REGISTRIES.—

(1) FEDERAL MEAT INSPECTION.—The Federal Meat Inspection Act is amended—

(A) by redesignating section 411 (21 U.S.C. 680) as section 412; and

(B) by inserting after section 410 (21 U.S.C. 679a) the following:

**"SEC. 411. REPORTABLE FOOD EVENT.**

"(a) DEFINITIONS.—In this section:

"(1) REPORTABLE FOOD.—The term 'reportable food' means meat or a meat food product under this Act for which there is a reasonable probability that the use of, or exposure to, the meat or meat food product will cause serious adverse health consequences or death to humans or animals.

"(2) REGISTRY.—The term 'Registry' means the registry established under subsection (b).

"(3) RESPONSIBLE PARTY.—The term 'responsible party', with respect to a reportable food, means an operator of an establishment subject to inspection under this Act at which the reportable food is manufactured, processed, packed, or held.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall establish within the Department of Agriculture a Reportable Meat Registry to which information concerning reportable food may be submitted via an electronic portal, from—

"(A) employees of the Food Safety and Inspection Service;

"(B) Federal, State, and local public health officials; and

"(C) responsible parties.

"(2) REVIEW BY SECRETARY.—The Secretary shall promptly review and assess the information submitted under paragraph (1) for the purposes of—

"(A) identifying reportable food;

"(B) submitting entries to the Registry;

"(C) taking actions under subsection (c); and

"(D) exercising other food safety authority of the Secretary to protect the health and safety of humans and animals.

"(c) ISSUANCE OF AN ALERT BY THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall issue, or cause to be issued, an alert or a notification with respect to a reportable food using information from the Registry as the Secretary considers necessary to protect the health and safety of humans and animals.

"(2) EFFECT.—Paragraph (1) shall not affect the authority of the Secretary to issue an alert or a notification under any other provision of law.

"(d) REPORTING AND NOTIFICATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable, but in no case later than 24 hours after a responsible party determines that meat or meat food product is a reportable food, the responsible party shall—

"(A) submit a report to the Secretary through the Registry that includes information described in subsection (e) (other than the information described in paragraphs (7), (8), and (9) of that subsection); and

"(B) investigate the cause of the event that caused the meat or meat food product to be a reportable food, if the reportable food originated with the responsible party.

"(2) NO REPORT REQUIRED.—A responsible party shall not be required to submit a report under paragraph (1) if—

"(A) the adulteration or misbranding originated with the responsible party;

"(B) the responsible party detected the adulteration or misbranding prior to any transfer to another person of the meat or meat food product; and

"(C) the responsible party—

"(i) corrected the adulteration or misbranding; or

"(ii) destroyed or caused the destruction of the meat or meat food product.

"(3) REPORT NUMBER.—The Secretary shall ensure that, upon submission of a report under paragraph (1), a unique number is issued through the Registry to the person submitting the report, by which the Secretary is able—

"(A) to link reports about the reportable food submitted and amended under this subsection; and

"(B) identify the supply chain for the reportable food.

"(4) RESPONSE TO REPORT SUBMITTED BY A RESPONSIBLE PARTY.—After consultation with the responsible party that submitted a report under paragraph (1), the Secretary may require the responsible party to perform, as soon as practicable, but in no case later than a time specified by the Secretary, 1 or more of the following, as determined by the Secretary:

"(A) Amend the report submitted by the responsible party under paragraph (1) to include the information described in subsection (e)(8).

"(B) Provide a notification—

"(i) to the immediate previous source of the reportable food;

"(ii) to the immediate subsequent recipient of the reportable food; and

"(iii) that includes—

"(I) the information described in subsection (e) that the Secretary considers necessary;

"(II) the actions described under paragraph (5) that the recipient of the notification shall perform, as required by the Secretary; and

"(III) any other information that the Secretary may require.

"(5) SUBSEQUENT REPORTS AND NOTIFICATIONS.—Except as provided in paragraph (6), the Secretary may require a responsible party to perform, as soon as practicable, but in no case later than a time specified by the Secretary, after the responsible party receives a notification under subparagraph (C) or paragraph (4)(B), 1 or more of the following:

"(A) Submit a report to the Secretary through the Registry established under subsection (b) that includes the information described in subsection (e) and other information that the Secretary considers necessary.

"(B) Investigate the cause of the adulteration or misbranding if the adulteration or misbranding of the reportable food may have originated with the responsible party.

"(C) Provide a notification—

"(i) to the immediate previous source of the reportable food;

"(ii) to the immediate subsequent recipient of the reportable food; and

"(iii) that includes—

"(I) the information described in subsection (e) that the Secretary considers necessary;

"(II) the actions described under this paragraph that the recipient of the notification shall perform, as required by the Secretary; and

"(III) any other information that the Secretary may require.

"(6) AMENDED REPORT.—If a responsible party receives a notification under paragraph (4)(B) or paragraph (5)(C) with respect to a reportable food after the responsible party has submitted a report to the Secretary under paragraph (1) with respect to the reportable food, the responsible party—

"(A) shall not be required to submit an additional report or make a notification under paragraph (5); and

"(B) the responsible party shall amend the report submitted by the responsible party under paragraph (1) to include the information described in paragraph (7), and, with respect to both the notification and the report, paragraph (10) of subsection (e).

"(e) INFORMATION.—The information described in this subsection is the following:

"(1) The date on which the meat or meat food product was determined to be a reportable food.

"(2) A description of the reportable food, including the quantity of the reportable food.

"(3) The extent and nature of the adulteration or misbranding.

"(4) If the adulteration or misbranding of the reportable food may have originated with the responsible party, the results of the investigation required under paragraph (1)(B) or (5)(B) of subsection (d), as applicable, and when known.

"(5) The disposition of the reportable food, if known.

"(6) Product information typically found on packaging including product codes, use-by dates, and the names of manufacturers, packers, or distributors sufficient to identify the reportable food.

"(7) Contact information for the responsible party.

"(8) The contact information for parties directly linked in the supply chain and notified under paragraph (4)(B) or (5)(C) of subsection (d), as applicable.

"(9) The information required by the Secretary to be included in a notification provided by the responsible party involved under paragraph (4)(B) or (5)(C) of subsection (d) or required in a report under subsection (d)(5)(A).

"(10) The unique number described in subsection (d)(3).

"(f) COORDINATION OF FEDERAL, STATE, AND LOCAL EFFORTS.—

"(1) FOOD AND DRUG ADMINISTRATION.—In carrying out this section, the Secretary shall—

"(A) share information and coordinate regulatory efforts with the Commissioner of Food and Drugs; and

"(B) if the Secretary receives a report submitted about a food within the jurisdiction of the Commissioner, promptly provide the report to the Commissioner.

"(2) STATES AND LOCALITIES.—In carrying out this section, the Secretary shall work with the State and local public health officials to share information that is not confidential commercial or financial information protected under section 552(b)(4) of title 5, United States Code, and coordinate regulatory efforts, in order to—

"(A) help to ensure coverage of the safety of the food supply chain, including those establishments regulated by the States and localities that are not regulated under this Act; and

"(B) reduce duplicative regulatory efforts.

"(g) MAINTENANCE AND INSPECTION OF RECORDS.—

"(1) IN GENERAL.—The responsible party shall maintain records related to each report received, notification made, and report submitted to the Secretary under this section for at least 2 years.

"(2) INSPECTION.—A responsible party shall, at the request of the Secretary, permit inspection of records maintained under paragraph (1).

"(h) REQUEST FOR INFORMATION.—Section 552 of title 5, United States Code, shall apply to any request for information regarding a record in the Registry.

"(i) SAFETY REPORT.—A report or notification under subsection (d) may be accompanied by a statement, which shall be part of any report released for public disclosure, that denies that the report or the notification constitutes an admission that the product involved caused or contributed to a death, serious injury, or serious illness.

"(j) ADMISSION.—A report or notification under this section shall not be considered an admission that the reportable food involved is adulterated, misbranded, or caused or contributed to a death, serious injury, or serious illness.

"(k) HOMELAND SECURITY NOTIFICATION.—If, after receiving a report under subsection (d), the Secretary believes the reportable food may have been deliberately adulterated or misbranded, the Secretary shall—

"(1) immediately notify the Secretary of Homeland Security; and

"(2) make relevant information from the Registry available to the Secretary of Homeland Security.

"(l) VIOLATIONS.—A responsible party that fails to comply with any requirement of this section shall be subject to an appropriate penalty under section 406.".

(2) POULTRY PRODUCTS INSPECTION ACT.—The Poultry Products Inspection Act is amended by inserting after section 10 (21 U.S.C. 459) the following:

**"SEC. 10A. REPORTABLE FOOD EVENT.**

"(a) DEFINITIONS.—In this section:

"(1) REPORTABLE FOOD.—The term 'reportable food' means poultry or a poultry product under this Act for which there is a reasonable probability that the use of, or exposure to, the poultry or poultry product will cause serious adverse health consequences or death to humans or animals.

"(2) REGISTRY.—The term 'Registry' means the registry established under subsection (b).

"(3) RESPONSIBLE PARTY.—The term 'responsible party', with respect to a reportable food, means an operator of an official establishment.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall establish within the Department of Agriculture a Reportable Poultry Registry to which information concerning reportable food may be submitted via an electronic portal, from—

"(A) employees of the Food Safety and Inspection Service;

"(B) Federal, State, and local public health officials; and

"(C) responsible parties.

"(2) REVIEW BY SECRETARY.—The Secretary shall promptly review and assess the information submitted under paragraph (1) for the purposes of—

"(A) identifying reportable food;

"(B) submitting entries to the Registry;

"(C) taking actions under subsection (c); and

"(D) exercising other food safety authority of the Secretary to protect the health and safety of humans and animals.

"(c) ISSUANCE OF AN ALERT BY THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall issue, or cause to be issued, an alert or a notification with respect to a reportable food using information from the Registry as the Secretary considers necessary to protect the health and safety of humans and animals.

"(2) EFFECT.—Paragraph (1) shall not affect the authority of the Secretary to issue an alert or a notification under any other provision of law.

"(d) REPORTING AND NOTIFICATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable, but in no case later than 24 hours after a responsible party determines that poultry or poultry product is a reportable food, the responsible party shall—

"(A) submit a report to the Secretary through the Registry that includes information described in subsection (e) (other than the information described in paragraphs (7), (8), and (9) of that subsection); and

"(B) investigate the cause of the event that caused the poultry or poultry product to be a reportable food, if the reportable food originated with the responsible party.

"(2) NO REPORT REQUIRED.—A responsible party shall not be required to submit a report under paragraph (1) if—

"(A) the adulteration or misbranding originated with the responsible party;

"(B) the responsible party detected the adulteration or misbranding prior to any transfer to another person of the poultry or poultry product; and

"(C) the responsible party—

"(i) corrected the adulteration or misbranding; or

"(ii) destroyed or caused the destruction of the poultry or poultry product.

"(3) REPORT NUMBER.—The Secretary shall ensure that, upon submission of a report under paragraph (1), a unique number is issued through the Registry to the person submitting the report, by which the Secretary is able—

"(A) to link reports about the reportable food submitted and amended under this subsection; and

"(B) identify the supply chain for the reportable food.

"(4) RESPONSE TO REPORT SUBMITTED BY A RESPONSIBLE PARTY.—After consultation with the responsible party that submitted a report under paragraph (1), the Secretary may require the responsible party to perform, as soon as practicable, but in no case later than a time specified by the Secretary, 1 or more of the following, as determined by the Secretary:

"(A) Amend the report submitted by the responsible party under paragraph (1) to include the information described in subsection (e)(8).

"(B) Provide a notification—

"(i) to the immediate previous source of the reportable food;

"(ii) to the immediate subsequent recipient of the reportable food; and

"(iii) that includes—

"(I) the information described in subsection (e) that the Secretary considers necessary;

"(II) the actions described under paragraph (5) that the recipient of the notification shall perform, as required by the Secretary; and

"(III) any other information that the Secretary may require.

"(5) SUBSEQUENT REPORTS AND NOTIFICATIONS.—Except as provided in paragraph (6), the Secretary may require a responsible party to perform, as soon as practicable, but in no case later than a time specified by the Secretary, after the responsible party receives a notification under subparagraph (C) or paragraph (4)(B), 1 or more of the following:

"(A) Submit a report to the Secretary through the Registry established under subsection (b) that includes the information described in subsection (e) and other information that the Secretary considers necessary.

"(B) Investigate the cause of the adulteration or misbranding if the adulteration or misbranding of the reportable food may have originated with the responsible party.

"(C) Provide a notification—

"(i) to the immediate previous source of the reportable food;

"(ii) to the immediate subsequent recipient of the reportable food; and

"(iii) that includes—

"(I) the information described in subsection (e) that the Secretary considers necessary;

"(II) the actions described under this paragraph that the recipient of the notification shall perform, as required by the Secretary; and

"(III) any other information that the Secretary may require.

"(6) AMENDED REPORT.—If a responsible party receives a notification under paragraph (4)(B) or paragraph (5)(C) with respect to a reportable food after the responsible party has submitted a report to the Secretary under paragraph (1) with respect to the reportable food, the responsible party—

"(A) shall not be required to submit an additional report or make a notification under paragraph (5); and

"(B) the responsible party shall amend the report submitted by the responsible party under paragraph (1) to include the information described in paragraph (7), and, with respect to both the notification and the report, paragraph (10) of subsection (e).

"(e) INFORMATION.—The information described in this subsection is the following:

"(1) The date on which the poultry or poultry product was determined to be a reportable food.

"(2) A description of the reportable food, including the quantity of the reportable food.

"(3) The extent and nature of the adulteration or misbranding.

"(4) If the adulteration or misbranding of the reportable food may have originated with the responsible party, the results of the investigation required under paragraph (1)(B) or (5)(B) of subsection (d), as applicable, and when known.

"(5) The disposition of the reportable food, if known.

"(6) Product information typically found on packaging including product codes, use-by dates, and the names of manufacturers, packers, or distributors sufficient to identify the reportable food.

"(7) Contact information for the responsible party.

"(8) The contact information for parties directly linked in the supply chain and notified under paragraph (4)(B) or (5)(C) of subsection (d), as applicable.

"(9) The information required by the Secretary to be included in a notification provided by the responsible party involved under paragraph (4)(B) or (5)(C) of subsection (d) or required in a report under subsection (d)(5)(A).

"(10) The unique number described in subsection (d)(3).

"(f) COORDINATION OF FEDERAL, STATE, AND LOCAL EFFORTS.—

"(1) FOOD AND DRUG ADMINISTRATION.—In carrying out this section, the Secretary shall—

"(A) share information and coordinate regulatory efforts with the Commissioner of Food and Drugs; and

"(B) if the Secretary receives a report submitted about a food within the jurisdiction of the Commissioner, promptly provide the report to the Commissioner.

"(2) STATES AND LOCALITIES.—In carrying out this section, the Secretary shall work with the State and local public health officials to share information that is not confidential commercial or financial information protected under section 552(b)(4) of title 5, United States Code, and coordinate regulatory efforts, in order to—

"(A) help to ensure coverage of the safety of the food supply chain, including those establishments regulated by the States and localities that are not regulated under this Act; and

"(B) reduce duplicative regulatory efforts.

"(g) MAINTENANCE AND INSPECTION OF RECORDS.—

"(1) IN GENERAL.—The responsible party shall maintain records related to each report received, notification made, and report submitted to the Secretary under this section for at least 2 years.

"(2) INSPECTION.—A responsible party shall, at the request of the Secretary, permit inspection of records maintained under paragraph (1).

"(h) REQUEST FOR INFORMATION.—Section 552 of title 5, United States Code, shall apply to any request for information regarding a record in the Registry.

"(i) SAFETY REPORT.—A report or notification under subsection (d) may be accompanied by a statement, which shall be part of any report released for public disclosure, that denies that the report or the notification constitutes an admission that the product involved caused or contributed to a death, serious injury, or serious illness.

"(j) ADMISSION.—A report or notification under this section shall not be considered an admission that the reportable food involved is adulterated, misbranded, or caused or contributed to a death, serious injury, or serious illness.

"(k) HOMELAND SECURITY NOTIFICATION.—If, after receiving a report under subsection (d), the Secretary believes the reportable food may have been deliberately adulterated or misbranded, the Secretary shall—

"(1) immediately notify the Secretary of Homeland Security; and

"(2) make relevant information from the Registry available to the Secretary of Homeland Security.

"(l) PENALTIES.—A responsible party that fails to comply with any requirement of this section shall be subject to an appropriate penalty under section 12.".

(3) CONFORMING AMENDMENT.—Section 12(a) of the Poultry Products Inspection Act (21 U.S.C. 461(a)) is amended by inserting "10A," after "10,".

(4) EFFECTIVE DATE.—The amendments made by the subsection take effect on the date that is 1 year after the date of enactment of this Act.

(5) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary shall issue a guidance to industry relating to—

(A) the submission of reports to the registries established under section 411 of the Federal Meat Inspection Act (as amended by paragraph (1)) and section 10A of the Poultry Products Inspection Act (as amended by paragraph (2)); and

(B) the provision of notification to other persons in the supply chain of reportable food under those sections.

(6) EFFECT.—Nothing in this subsection, or an amendment made by this subsection, alters the jurisdiction between the Secretary and the Secretary of Health and Human Services, under applicable law (including regulations).

(b) SUPPLEMENTAL PLANS AND REASSESSMENTS.—The Secretary shall require that each establishment required by the Secretary to have a hazard analysis and critical control point plan in accordance with the final rule of the Secretary (61 Fed. Reg. 38806 (July 25, 1996)) shall submit to the Secretary, in writing—

(1) at a minimum, a recall plan described in Directive 8080.1, Rev. 4 (May 24, 2004) of the Food Safety and Inspection Service (or a successor directive); and

(2) for beef products, an E. coli reassessment described in the supplementary information relating to E. coli O157: H7 Contamination of Beef Products (67 Fed. Reg. 62325 (October 7, 2002); part 417 of title 9, Code of Federal Regulations).

(c) SANITARY TRANSPORTATION OF FOOD.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations described in section 416(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350e(b)).

(2) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of Health and Human Services, and the Secretary of Transportation shall enter into a memorandum of understanding to ensure that the Secretaries work together effectively to ensure the safety and security of the food supply of the United States, particularly in relation to distribution channels involving transportation (as described in the withdrawal of notices of proposed rulemaking (70 Fed. Reg. 76228 (December 23, 2005))).

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**SA 3575.** Mr. COLEMAN (for himself, Mrs. DOLE, Mr. MCCONNELL, Mr. LOTT, Mr. ISAKSON, Mr. DEMINT, Mr. MARTINEZ, Mr. VITTER, Mr. ALEXANDER, Mr. BURR, Mr. BOND, Mr. INHOFE, Mr. GREGG, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. SENSE OF THE SENATE.**

It is the sense of the Senate that—

(1) some States issue State driver's licenses to aliens who are unlawfully present in the United States;

(2) providing official government-issued identification to individuals who are in the United States illegally rewards those who show disrespect and disregard for Federal immigration laws;

(3) the very act of entering the United States illegally shows disrespect for the laws of the United States and should not be rewarded in any way;

(4) issuing driver's licenses to undocumented individuals presents a national security risk and enables election fraud; and

(5) States should not issue driver's licenses or other photo identification to aliens who are unlawfully present in the United States.

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**SA 3576.** Mr. NELSON of Nebraska (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In section 1101, strike subsection (c) and insert the following:

(c) PERMANENT REDUCTION IN BASE ACRES.—

(1) REDUCTION AT OPTION OF OWNER.—

(A) IN GENERAL.—The owner of a farm may reduce, at any time, the base acres for any covered commodity for the farm.

(B) EFFECT OF REDUCTION.—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) REQUIRED ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall suspend all direct, counter-cyclical, and average crop revenue payments on base acres for covered commodities for land that is no longer a farming operation or used in conjunction with a farming operation, as determined by the Secretary.

(B) REDUCTION.—The Secretary shall permanently reduce base acres for covered commodities in a manner prescribed by the Secretary, for land that—

(i) has been developed for commercial or industrial use; or

(ii) has been subdivided and developed for multiple residential units or other nonfarming uses, unless the producer demonstrates that the land remains devoted exclusively to agricultural production.

(3) REVIEW AND REPORT.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall—

(A) track each reconstitution of land that is reported by a producer that is covered by paragraph (2);

(B) include in any end-of-the-year review for purposes of payment limitations or other compliance inspections or other actions taken by the Secretary, a review to ensure compliance with paragraph (2); and

(C) submit to Congress a report that describes the results of the actions taken under subparagraphs (A) and (B).

In section 1302, strike subsection (c) and insert the following:

(c) PERMANENT REDUCTION IN BASE ACRES.—

(1) REDUCTION AT OPTION OF OWNER.—

(A) IN GENERAL.—The owner of a farm may reduce, at any time, the base acres for peanuts for the farm.

(B) EFFECT OF REDUCTION.—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) REQUIRED ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall suspend all direct, counter-cyclical, and average crop revenue payments on base acres for peanuts for land that is no longer a farming operation or used in conjunction with a farming operation, as determined by the Secretary.

(B) REDUCTION.—The Secretary shall permanently reduce base acres for peanuts in a manner prescribed by the Secretary, for land that—

(i) has been developed for commercial or industrial use; or

(ii) has been subdivided and developed for multiple residential units or other nonfarming uses, unless the producer demonstrates that the land remains devoted exclusively to agricultural production.

(3) REVIEW AND REPORT.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall—

(A) track each reconstitution of land that is reported by a producer that is covered by paragraph (2);

(B) include in any end-of-the-year review for purposes of payment limitations or other compliance inspections or other actions taken by the Secretary, a review to ensure compliance with paragraph (2); and

(C) submit to Congress a report that describes the results of the actions taken under subparagraphs (A) and (B).

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**SA 3577.** Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

**SEC. 11____. EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RIVER CONSERVANCY.**

Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104-208; 110 Stat. 3009-534) is amended—

(1) in subsection (a)(1)—

(A) by striking "Deschutes River Basin Working Group" and inserting "Deschutes River Conservancy Working Group"; and

(B) by striking subparagraph (B) and inserting the following:

"(B) 4 representatives of private interests, including—

"(i) 2 representatives from irrigated agriculture who actively farm more than 100 acres of irrigated land and are not irrigation district managers; and

"(ii) 2 representatives from the environmental community;";

(2) in subsection (b)(3), by inserting before the period at the end the following: ", and up to a total amount of $2,000,000 during each of fiscal years 2007 through 2016"; and

(3) in subsection (h), by inserting before the period at the end the following: ", and $2,000,000 for each of fiscal years 2007 through 2016".

**SEC. 11____. WALLOWA LAKE DAM REHABILITATION.**

(a) DEFINITIONS.—In this section:

(1) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term "Associated Ditch Companies, Incorporated" means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(3) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term "Wallowa Lake Dam Rehabilitation Program" means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document titled, "Phase I Dam Assessment and Preliminary Engineering Design", dated December 2002, and on file with the Bureau of Reclamation.

(b) AUTHORIZATION TO PARTICIPATE IN PROGRAM.—

(1) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program.

(2) CONDITIONS.—As a condition of providing funds under paragraph (1), the Secretary shall ensure that—

(A) the Wallowa Lake Dam Rehabilitation Program and activities under this section meet the standards of the dam safety program of the State of Oregon;

(B) Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with Federal funds provided to it under this section; and

(C) the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed with Federal funds provided under this section, during and after the period in which activities are conducted using Federal funds provided under this section.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the costs of activities authorized under this section shall not exceed 50 percent.

(B) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of those costs—

(i) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; or

(ii) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(4) COMPLIANCE WITH STATE LAW.—In carrying out this section, the Secretary shall comply with applicable water laws of the State of Oregon.

(5) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this section.

(6) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation or maintenance of any facility constructed or rehabilitated under this section.

(c) RELATIONSHIP TO OTHER LAW.—An activity funded under this section shall not be considered to be a supplemental or additional benefit under the Federal reclamation laws.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $6,000,000 to pay the Federal share of the costs of activities authorized under this section.

(e) SUNSET.—The authority of the Secretary to carry out this section terminates on the date that is 10 years after the date of enactment of this Act.

### SEC. 11_____. LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON, WATER RESOURCE STUDY.

(a) AUTHORIZATION.—The Secretary of the Interior, acting through the Bureau of Reclamation, may participate in the Water for Irrigation, Streams, and the Economy Project water management feasibility study and environmental impact statement in accordance with the "Memorandum of Agreement Between City of Medford and Bureau of Reclamation for the Water for Irrigation, Streams, and the Economy Project", dated July 2, 2004.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Bureau of Reclamation $500,000 to carry out activities under this section.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of an activity carried out under subsection (a) shall be 50 percent of the total cost to the Bureau of Reclamation of carrying out the activity.

(B) FORM.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind services that the Secretary of the Interior determines would contribute substantially toward the conduct and completion of the study and environmental impact statement required under subsection (a).

(c) SUNSET.—The authority of the Secretary to carry out this section terminates on the date that is 10 years after the date of enactment of this Act.

### SEC. 11_____. NORTH UNIT IRRIGATION DISTRICT.

The Act of August 10, 1954 (68 Stat. 679, chapter 663), is amended—

(1) in the first section—

(A) by inserting "(referred to in this Act as the 'District')" after "irrigation district"; and

(B) by inserting "(referred to in this Act as the 'Contract')" after "1953"; and

(2) by adding at the end the following:

**"SEC. 3. ADDITIONAL TERMS.**

"On approval of the District directors and notwithstanding project authorizing legislation to the contrary, the Contract is modified, without further action by the Secretary of the Interior, to include the following modifications:

"(1) In Article 8(a) of the Contract, by deleting 'a maximum of 50,000' and inserting 'approximately 59,000' after 'irrigation service to'.

"(2) In Article 11(a) of the Contract, by deleting 'The classified irrigable lands within the project comprise 49,817.75 irrigable acres, of which 35,773.75 acres are in Class A and 14,044.40 in Class B. These lands and the standards upon which the classification was made are described in the document entitled "Land Classification, North Unit, Deschutes Project, 1953" which is on file in the office of the Regional Director, Bureau of Reclamation, Boise, Idaho, and in the office of the District' and inserting 'The classified irrigable land within the project comprises 58,902.8 irrigable acres, all of which are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights.'.

"(3) In Article 11(c) of the Contract, by deleting ', with the approval of the Secretary,' after 'District may', by deleting 'the 49,817.75 acre maximum limit on the irrigable area is not exceeded' and inserting 'irrigation service is provided to no more than approximately 59,000 acres and no amendment to the District boundary is required' after 'time so long as'.

"(4) In Article 11(d) of the Contract, by inserting ', and may further be used for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'herein provided'.

"(5) By adding at the end of Article 12(d) the following: '(e) Notwithstanding the above subsections of this Article or Article 13 below, beginning with the irrigation season immediately following the date of enactment of the Food and Energy Security Act of 2007, the annual installment for each year, for the District, under the Contract, on account of the District's construction charge obligation, shall be a fixed and equal annual amount payable on June 30 the year following the year for which it is applicable, such that the District's total construction charge obligation shall be completely paid by June 30, 2044.'.

"(6) In Article 14(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law,' after 'and incidental stock and domestic uses', by inserting 'and for instream purposes as described above,' after 'irrigation, stock and domestic uses', and by inserting ', including natural flow rights out of the Crooked River held by the District' after 'irrigation system'.

"(7) In Article 29(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'provided in article 11'.

"(8) In Article 34 of the Contract, by deleting 'The District, after the election and upon the execution of this contract, shall promptly secure final decree of the proper State court approving and confirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records.' after 'for that purpose.'.

**"SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.**

"The Secretary of the Interior (acting through the Commissioner of Reclamation) may in the future renegotiate with the District such terms of the Contract as the District directors determine to be necessary, only upon the written request of the District directors and the consent of the Commissioner of Reclamation.".

### SEC. 11_____. TUMALO WATER CONSERVATION PROJECT.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term "District" means the Tumalo Irrigation District, Oregon.

(2) PROJECT.—The term "Project" means the Tumalo Irrigation District Water Conservation Project authorized under section 3(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO WATER CONSERVATION PROJECT.—

(1) AUTHORIZATION.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(3) TITLE.—The District shall hold title to any facilities constructed under this section.

(4) OPERATION AND MAINTENANCE COSTS.—The District shall pay the operation and maintenance costs of the Project.

(5) EFFECT.—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project $4,000,000.

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out this section terminates on the date that is 10 years after the date of enactment of this Act.

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**SA 3578.** Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

**SEC. 11____. EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RIVER CONSERVANCY.**

Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208; 110 Stat. 3009–534) is amended—

(1) in subsection (a)(1)—

(A) by striking "Deschutes River Basin Working Group" and inserting "Deschutes River Conservancy Working Group"; and

(B) by striking subparagraph (B) and inserting the following:

"(B) 4 representatives of private interests, including—

"(i) 2 representatives from irrigated agriculture who actively farm more than 100 acres of irrigated land and are not irrigation district managers; and

"(ii) 2 representatives from the environmental community;";

(2) in subsection (b)(3), by inserting before the period at the end the following: ", and up to a total amount of $2,000,000 during each of fiscal years 2007 through 2016"; and

(3) in subsection (h), by inserting before the period at the end the following: ", and $2,000,000 for each of fiscal years 2007 through 2016".

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**SA 3579.** Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

**SEC. 11____. WALLOWA LAKE DAM REHABILITATION.**

(a) DEFINITIONS.—In this section:

(1) ASSOCIATED DITCH ,COMPANIES, INCORPORATED.—The term "Associated Ditch Companies, Incorporated" means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(3) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term "Wallowa Lake Dam Rehabilitation Program" means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document titled, "Phase I Dam Assessment and Preliminary Engineering Design", dated December 2002, and on file with the Bureau of Reclamation.

(b) AUTHORIZATION TO PARTICIPATE IN PROGRAM.—

(1) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program.

(2) CONDITIONS.—As a condition of providing funds under paragraph (1), the Secretary shall ensure that—

(A) the Wallowa Lake Dam Rehabilitation Program and activities under this section meet the standards of the dam safety program of the State of Oregon;

(B) Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with Federal funds provided to it under this section; and

(C) the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed with Federal funds provided under this section, during and after the period in which activities are conducted using Federal funds provided under this section.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the costs of activities authorized under this section shall not exceed 50 percent.

(B) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of those costs—

(i) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; or

(ii) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(4) COMPLIANCE WITH STATE LAW.—In carrying out this section, the Secretary shall comply with applicable water laws of the State of Oregon.

(5) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this section.

(6) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation or maintenance of any facility constructed or rehabilitated under this section.

(c) RELATIONSHIP TO OTHER LAW.—An activity funded under this section shall not be considered to be a supplemental or additional benefit under the Federal reclamation laws.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $6,000,000 to pay the Federal share of the costs of activities authorized under this section.

(e) SUNSET.—The authority of the Secretary to carry out this section terminates on the date that is 10 years after the date of enactment of this Act.

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**SA 3580.** Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

**SEC. 11____. LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON, WATER RESOURCE STUDY.**

(a) AUTHORIZATION.—The Secretary of the Interior, acting through the Bureau of Reclamation, may participate in the Water for Irrigation, Streams, and the Economy Project water management feasibility study and environmental impact statement in accordance with the "Memorandum of Agreement Between City of Medford and Bureau of Reclamation for the Water for Irrigation, Streams, and the Economy Project", dated July 2, 2004.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Bureau of Reclamation $500,000 to carry out activities under this section.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of an activity carried out under subsection (a) shall be 50 percent of the total cost to the Bureau of Reclamation of carrying out the activity.

(B) FORM.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind services that the Secretary of the Interior determines would contribute substantially toward the conduct and completion of the study and environmental impact statement required under subsection (a).

(c) SUNSET.—The authority of the Secretary to carry out this section terminates on the date that is 10 years after the date of enactment of this Act.

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**SA 3581.** Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

**SEC. 11____. NORTH UNIT IRRIGATION DISTRICT.**

The Act of August 10, 1954 (68 Stat. 679, chapter 663), is amended—

(1) in the first section—

(A) by inserting "(referred to in this Act as the 'District')" after "irrigation district"; and

(B) by inserting "(referred to in this Act as the 'Contract')" after "1953"; and

(2) by adding at the end the following:

**"SEC. 3. ADDITIONAL TERMS.**

"On approval of the District directors and notwithstanding project authorizing legislation to the contrary, the Contract is modified, without further action by the Secretary of the Interior, to include the following modifications:

"(1) In Article 8(a) of the Contract, by deleting 'a maximum of 50,000' and inserting 'approximately 59,000' after 'irrigation service to'.

"(2) In Article 11(a) of the Contract, by deleting 'The classified irrigable lands within the project comprise 49,817.75 irrigable acres, of which 35,773.75 acres are in Class A and 14,044.40 in Class B. These lands and the standards upon which the classification was made are described in the document entitled "Land Classification, North Unit, Deschutes Project, 1953" which is on file in the office of the Regional Director, Bureau of Reclamation, Boise, Idaho, and in the office of the District' and inserting 'The classified irrigable land within the project comprises 58,902.8 irrigable acres, all of which are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights.'.

"(3) In Article 11(c) of the Contract, by deleting ', with the approval of the Secretary,' after 'District may', by deleting 'the 49,817.75 acre maximum limit on the irrigable area is not exceeded' and inserting 'irrigation service is provided to no more than approximately 59,000 acres and no amendment to the District boundary is required' after 'time so long as'.

"(4) In Article 11(d) of the Contract, by inserting ', and may further be used for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'herein provided'.

"(5) By adding at the end of Article 12(d) the following: '(e) Notwithstanding the above subsections of this Article or Article 13 below, beginning with the irrigation season immediately following the date of enactment of the Food and Energy Security Act of 2007, the annual installment for each year, for the District, under the Contract, on account of the District's construction charge obligation, shall be a fixed and equal annual amount payable on June 30 the year following the year for which it is applicable, such that the District's total construction charge obligation shall be completely paid by June 30, 2044.'.

"(6) In Article 14(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law,' after 'and incidental stock and domestic uses', by inserting 'and for instream purposes as described above,' after 'irrigation, stock and domestic uses', and by inserting ', including natural flow rights out of the Crooked River held by the District' after 'irrigation system'.

"(7) In Article 29(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'provided in article 11'.

"(8) In Article 34 of the Contract, by deleting 'The District, after the election and upon the execution of this contract, shall promptly secure final decree of the proper State court approving and confirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records.' after 'for that purpose.'.

### "SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.

"The Secretary of the Interior (acting through the Commissioner of Reclamation) may in the future renegotiate with the District such terms of the Contract as the District directors determine to be necessary, only upon the written request of the District directors and the consent of the Commissioner of Reclamation.".

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**SA 3582.** Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

### SEC. 11____. TUMALO WATER CONSERVATION PROJECT.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term "District" means the Tumalo Irrigation District, Oregon.

(2) PROJECT.—The term "Project" means the Tumalo Irrigation District Water Conservation Project authorized under section 3(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO WATER CONSERVATION PROJECT.—

(1) AUTHORIZATION.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(3) TITLE.—The District shall hold title to any facilities constructed under this section.

(4) OPERATION AND MAINTENANCE COSTS.—The District shall pay the operation and maintenance costs of the Project.

(5) EFFECT.—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project $4,000,000.

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out this section terminates on the date that is 10 years after the date of enactment of this Act.

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**SA 3583.** Mr. SUNUNU (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. _. CREDIT FOR BIOMASS FUEL PROPERTY EXPENDITURES.

(a) ALLOWANCE OF CREDIT.—Subsection (a) of section 25D, as amended by this Act, is amended—

(1) by striking "and" at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting ", and", and

(3) by adding at the end the following new paragraph:

"(5) 30 percent of the qualified biomass fuel property expenditures made by the taxpayer during such year.".

(b) MAXIMUM CREDIT.—Paragraph (1) of section 25D(b), as amended by this Act, is amended—

(1) by striking "and" at the end of subparagraph (C),

(2) by striking the period at the end of subparagraph (D) and inserting ", and", and

(3) by adding at the end the following new subparagraph:

"(E) $4,000 with respect to any qualified biomass fuel property expenditures.".

(c) MAXIMUM EXPENDITURES.—Subparagraph (A) of section 25D(e)(4), as amended by this Act, is amended—

(1) by striking "and" at the end of clause (iii),

(2) by striking the period at the end of clause (iv) and inserting ", and", and

(3) by adding at the end the following new clause:

"(v) $6,667 in the case of any qualified biomass fuel property expenditures.".

(d) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES.—Subsection (d) of section 25D, as amended by this Act, is amended by adding at the end the following new paragraph:

"(5) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified biomass fuel property expenditure' means an expenditure for property—

"(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

"(ii) which has a thermal efficiency rating of at least 75 percent.

"(B) BIOMASS FUEL.—For purposes of this section, the term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(e) TERMINATION.—Section 25D(g), relating to termination, is amended to read as follows:

"(g) TERMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed under this section shall not apply to property placed in service after December 31, 2008.

"(2) EXCEPTION.—The credit allowed under this section by reason of subsection (a)(5) shall not apply to property placed in service after December 31, 2012.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2007.

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**SA 3584.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title IV, add the following:

### SEC. 49___. REPORT ON FEDERAL HUNGER PROGRAMS.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains—

(1) a complete list of all Federal programs that seek to alleviate hunger or food insecurity or improve nutritional intake, including programs that support collaboration, coordination, research, or infrastructure related to these issues;

(2) for each program listed under paragraph (1)—

(A) the total amount of Federal funds used to carry out the program in the most recent fiscal year for which comparable data is available;

(B) a comparison of the amount described in subparagraph (A) with the amount used to carry out a similar program 10 and 20 years previously;

(C) to the maximum extent practicable, the amount of Federal funds used under the program to provide direct food aid to individuals (including the amount used for the costs of administering the program); and

(D) a review to determine whether the program has been independently reviewed for effectiveness with respect to achieving the goals of the program, including—

(i) the findings of the independent review; and

(ii) for the 10 highest-cost programs, a determination of whether the review was conducted in accordance with accepted research principles;

(3) for the 10- and 20-year periods before the date of enactment of this Act, and for the most recent year for which data is available, the estimated number of people in the United States who are hungry (or food insecure) or obese; and

(4) as of the date of submission of the report—

(A) the number of employees of the Department of Agriculture, including contractors and other individuals whose salary is paid in full or part by the Department; and

(B) the number of farmers and other agricultural producers in the United States that receive some form of assistance from the Department.

**SA 3585.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. EXPENDITURE OF CERTAIN FUNDS.**

None of the funds made available or authorized to be appropriated by this Act or an amendment made by this Act (including funds for any loan, grant, or payment under a contract) may be expended for any activity relating to the planning, construction, or maintenance of, travel to, or lodging at a golf course, resort, or casino.

**SA 3586.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VII, add the following:

**SEC. 7_____. SENSE OF SENATE REGARDING ORGANIC RESEARCH.**

It is the sense of the Senate that—

(1) the Secretary should recognize that sales of certified organic products have been expanding by 17 to 20 percent per year for more than a decade, but research and outreach activities relating specifically to certified organic production growth and processing of agricultural products (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)) has not kept pace with this expansion;

(2) research conducted specifically on organic methods and production systems benefits organic and conventional producers and contributes to the strategic goals of the Department of Agriculture, resulting in benefits for trade, human health, the environment, and overall agricultural productivity;

(3) in order to meet the needs of the growing organic sector, the Secretary should use a portion of the total annual funds of the Agricultural Research Service for research specific to organic food and agricultural systems that is at least commensurate with the market share of the organic sector of the domestic food retail market; and

(4) the increase in funding described in paragraph (3) should include funding for efforts—

(A) to establish long-term core capacities for organic research;

(B) to assist organic farmers and farmers intending to transition to organic production systems; and

(C) to disseminate research results through the Alternative Farming Systems Information Center of the National Agriculture Library.

**SA 3587.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1007, strike line 16 and insert the following:

(T) The research, extension, and education programs authorized by section 407 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627) relating to the viability and competitiveness of small- and medium-sized dairy, livestock, crop, and other commodity operations.

(U) Other programs, including any pro-

On page 1036, between lines 2 and 3, insert the following:

(d) SENSE OF CONGRESS REGARDING CERTAIN RESEARCH, EXTENSION, AND EDUCATION PROGRAMS.—It is the sense of Congress that the Secretary should continue to allocate sufficient funds under sections 401(c)(2)(F) and 407 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(c)(2)(F), 7627) for research, extension, and education programs relating to the viability and competitiveness of small- and medium-sized dairy, livestock, crop, and other commodity operations in existence on the date of enactment of this Act.

**SA 3588.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title I, at the end of subtitle D, insert the following:

**SEC. 1610. MODIFIED BLOC VOTING.**

(a) IN GENERAL.—Notwithstanding paragraph (12) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, in the case of the referendum conducted as part of the consolidation of Federal milk marketing orders and related reforms under section 143 of the Agricultural Market Transition Act (7 U.S.C. 7253), a cooperative association of milk producers may not elect to hold a vote on behalf of its members as authorized by that paragraph, unless the cooperative association provides to each producer, on behalf of which the cooperative association is expressing approval or disapproval, at the time a producer joins the cooperative association and annually thereafter, written notice that contains—

(1) information regarding the procedures by which a producer may cast an individual ballot;

(2) contact information for the milk marketing order information clearinghouse described in subsection (b) and procedures to be added to a notification list described in subsection (c); and

(3) information about a point of contact within the cooperative association to inquire regarding the manner in which the cooperative association intends to vote on behalf of the membership.

(b) INFORMATION CLEARINGHOUSE.—Each milk marketing order shall establish a information clearinghouse on referendums on Federal milk marketing order reform that includes—

(1) information on procedures by which a producer may cast an individual ballot;

(2) due dates for each specific referendum;

(3) the text of each referendum question under consideration; and

(4) a description in plain language of the question and relevant background information.

(c) NOTIFICATION LIST FOR UPCOMING REFERENDUM.—Each Federal milk marketing order shall—

(1) make available the information described in subsection (b) through a website; and

(2) distribute to each producer an alert on each upcoming referendum through a fax list, email distribution list, or United States mail list, as elected by each producer individually.

(d) TABULATION OF BALLOTS.—At the time at which ballots from a vote under subsection (a) are tabulated by the Secretary, the Secretary shall adjust the vote of a cooperative association to reflect individual votes submitted by producers that are members of, stockholders in, or under contract with, the cooperative association.

**SA 3589.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 175, strike line 14 and all that follows through page 176, line 21, and insert the following:

(1) ensuring that the competitiveness of dairy products with other competing products in the marketplace is preserved and enhanced;

(2) ensuring that dairy producers receive fair and reasonable minimum prices;

(3) enhancing the competitiveness of United States dairy producers in world markets;

(4) preventing anticompetitive behavior and ensuring that dairy markets are not prone to manipulation;

(5) increasing the responsiveness of the Federal milk marketing order system to market forces;

(6) streamlining and expediting the process by which amendments to Federal milk market orders are adopted;

(7) simplifying the Federal milk marketing order system;

(8) evaluating whether the Federal milk marketing order system, established during the Great Depression, continues to serve the interests of the public, dairy processors, and dairy producers;

(9) evaluating whether Federal milk marketing orders are operating in a manner to minimize costs to taxpayers and consumers, while still maintaining a fair price for producers;

(10) evaluating the nutritional composition of milk, including the potential benefits and costs of adjusting the milk content standards;

(11) evaluating the economic benefits to milk producers of establishing a 2-class system of classifying milk consisting of a fluid milk class and a manufacturing grade milk class, with the price of both classes determined using the component prices of butterfat, protein, and other solids; and

(12) evaluating a change in advance pricing that is used to calculate the advance price of Class II skim milk under Federal milk marketing orders using the 4-week component prices that are used to calculate prices for Class III and Class IV milk.

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**SA 3590.** Mr. BOND submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 576, strike lines 13 through 17 and insert the following:

(2) in subsection (b)—

(A) by striking "(b) Coupons" and inserting the following:

"(b) USE.—

"(1) IN GENERAL.—Benefits";

(B) in paragraph (1) (as designated by subparagraph (A)), by striking the second proviso; and

(C) by adding at the end the following:

"(2) STUDY.—As soon as practicable after the date of enactment of this paragraph, the Comptroller General of the United States shall conduct a study of the effects of the Secretary issuing a rule requiring that benefits shall only be used to purchase food that is included in the most recent applicable thrifty food plan market basket.";

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**SA 3591.** Mr. BOND submitted an amendment proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

**SEC. 11___. FARM REGULATORY CONSIDERATION.**

(a) DEFINITIONS.—Section 601 of title 5, United States Code, is amended by adding at the end the following:

"(9) AGRICULTURAL ENTITY.—The term 'agricultural entity' means any entity engaged in any farming, ranching, or forestry activity, including—

"(A) cultivation and tillage of soil;

"(B) the production of milk and milk products;

"(C) the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity;

"(D) the raising of livestock, bees, furbearing animals, or poultry; and

"(E) any practice (including any forestry or lumbering operation) performed by a producer on a farm or on a farm as incident to or in conjunction with an activity described in this paragraph, including—

"(i) preparation for market; and

"(ii) delivery to storage, to market, or to carriers for transportation to market.".

(b) REGULATORY AGENDA.—Section 602 of that title is amended—

(1) in subsections (a)(1) and (c), by inserting "or agricultural entities" after "small entities" each place it appears; and

(2) in subsection (b), by inserting "or the Department of Agriculture, as appropriate," after "Administration".

(c) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of that title is amended—

(1) by inserting "or agricultural entities" after "small entities" each place it appears; and

(2) in subsection (a), in the fourth sentence, by inserting "or the Department of Agriculture, as appropriate" after "Administration".

(d) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604 of that title is amended by inserting "or agricultural entities" after "small entities" each place it appears.

(e) AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALYSES.—Section 605(b) of that title is amended—

(1) in the first sentence, by inserting "or agricultural entities" after "small entities"; and

(2) in the third sentence, by inserting "or the Department of Agriculture, as appropriate" after "Administration".

(f) PROCEDURES FOR GATHERING COMMENTS.—Section 609 of that title is amended—

(1) by inserting "or agricultural entities" after "small entities" each place it appears;

(2) in subsection (b)—

(A) in paragraph (1), by inserting "or the Department of Agriculture, as appropriate," after "Administration";

(B) in paragraph (2), by inserting "appropriate" before "Chief Counsel"; and

(C) in paragraphs (3) and (4), by inserting "appropriate" before "Chief Counsel" each place it appears;

(3) in subsection (d), by inserting ", the Department of the Interior," after "Agency"; and

(4) in subsection (e), in the first sentence, by inserting "appropriate" before "Chief Counsel".

(g) PERIODIC REVIEW OF RULES.—Section 610 of that title is amended by inserting "or agricultural entities" after "small entities" each place it appears.

(h) JUDICIAL REVIEW.—Section 611(a) of that title is amended—

(1) in paragraphs (1) and (3), by inserting "or agricultural entity" after "small entity" each place it appears; and

(2) in paragraph (4)(B), by inserting "or agricultural entities" after "small entities".

(i) REPORTS AND INTERVENTION RIGHTS.—Section 612 of that title is amended—

(1) by striking subsection (a) and inserting the following:

"(a) MONITORING AND REPORTS.—The Chief Counsels for Advocacy of the Small Business Administration and the Department of Agriculture shall—

"(1) monitor agency compliance with this chapter; and

"(2) not less frequently than once each year, submit a report describing the results of the monitoring conducted under paragraph (1) to—

"(A) the President;

"(B) the Committees on Agriculture, the Judiciary, and Small Business of the House of Representatives; and

"(C) the Committees on Agriculture, Nutrition, and Forestry, the Judiciary, and Small Business and Entrepreneurship of the Senate.";

(2) in subsection (b)—

(A) in the first sentence, by inserting "or the Department of Agriculture" after "Administration"; and

(B) in the second sentence, by inserting "or agricultural entities" after "small entities" each place it appears; and

(3) in subsection (c), by inserting "or the Department of Agriculture" after "Administration".

(j) OFFICE OF ADVOCACY OF DEPARTMENT OF AGRICULTURE.—Chapter 6 of part I of title 5, United States Code, is amended by adding at the end the following:

**"§ 613. Office of Advocacy of Department of Agriculture**

"(a) ESTABLISHMENT.—There is established in the Department of Agriculture an Office of Advocacy (referred to in this section as the 'Office').

"(b) CHIEF COUNSEL.—The Office shall be directed by the Chief Counsel for Advocacy of the Department of Agriculture, who—

"(1) shall be appointed by the President, by and with the advice and consent of the Senate; and

"(2) shall not be an employee of any Federal department or agency on the day before the date of appointment.

"(c) DUTIES.—The Chief Counsel of the Office shall—

"(1) examine—

"(A) the role of agriculture in the United States economy; and

"(B) the contribution made by agricultural entities in improving the economy;

"(2)(A) measure the direct costs and other effects of regulation of agricultural entities; and

"(B) make recommendations (including recommendations relating to proposed legislation) for eliminating excessive or unnecessary regulation of agricultural entities;

"(3)(A) determine the impact of applicable tax structure on agricultural entities; and

"(B) make recommendations (including recommendations relating to proposed legislation) for modifying the tax structure to enhance the ability of agricultural entities to contribute to the United States economy;

"(4) study the ability of financial markets and institutions to meet the credit needs of agricultural entities and determine the impact of demands for credit by the Federal Government on agricultural entities;

"(5) evaluate the efforts of Federal departments and agencies, businesses, and industry to assist minority-owned agricultural entities;

"(6) make other appropriate recommendations to assist the development of minority-owned and other agricultural entities;

"(7) recommend specific measures for creating an environment in which all agricultural entities will have the opportunity to compete effectively and fulfill potential and determine the reasons, if any, for successes and failures of agricultural entities; and

"(8) evaluate the programs of each Federal department and agency, and of private industry, to assist agricultural entities owned and controlled by veterans (including service-disabled veterans)—

"(A) to provide statistics regarding use of the programs by those agricultural entities; and

"(B) to provide appropriate recommendations to the Secretary of Agriculture and Congress in order to promote the establishment and growth of those agricultural entities.

"(d) ADDITIONAL RESPONSIBILITIES.—In addition to the duties described in subsection (c), the Chief Counsel shall, on a continuing basis—

"(1) serve as a focal point for the receipt of complaints, criticism, and suggestions concerning the policies and activities of Federal departments and agencies that affect agricultural entities;

"(2) advise agricultural entities on methods of resolving issues relating to the relationship of the agricultural entity with the Federal Government;

"(3) develop proposals for modifications to the policies and activities of any Federal department or agency to advance the purposes of agricultural entities;

"(4) represent the interests of agricultural entities to other Federal departments and agencies the policies and activities of which may affect agricultural entities; and

"(5) solicit assistance from public and private agencies, businesses, and other organizations in disseminating information on—

"(A) the programs and services provided by the Federal Government to benefit agricultural entities; and

"(B) methods by which agricultural entities can participate in or otherwise benefit from those programs and services.".

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**SA 3592.** Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

**SEC. 1107___. CONVEYANCE OF LAND TO CHIHUAHUAN DESERT NATURE PARK.**

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the Chihuahuan Desert Nature Park Board.

(2) NATURE PARK.—The term "Nature Park" means the Chihuahuan Desert Nature Park, Inc., a nonprofit corporation in the State of New Mexico.

(b) CONVEYANCE OF LAND.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, subject to valid existing rights and subsection (c), the Secretary shall convey to the Nature Park, by quitclaim deed, for no consideration, all right, title, and interest of the United States in and to the land described in paragraph (2)

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of land referred to in paragraph (1) consists of the approximately 935.62 acres of land in Dona Ana County, New Mexico, which is more particularly described—

(i) as sections 17, 20, and 21 of T. 21 S., R. 2 E., N.M.P.M.; and

(ii) in an easement deed dated May 14, 1998, from the Department of Agriculture to the Nature Park.

(B) MODIFICATIONS.—The Secretary may modify the description of the land under subparagraph (A) to—

(i) correct errors in the description; or

(ii) facilitate management of the land.

(c) CONDITIONS.—The conveyance of land under subsection (b) shall be subject to—

(1) the reservation by the United States of all mineral and subsurface rights to the land, including any geothermal resources;

(2) the condition that the Board pay any costs relating to the conveyance;

(3) any rights-of-way reserved by the Secretary;

(4) a covenant or restriction in the deed to the land requiring that—

(A) the land may be used only for educational or scientific purposes; and

(B) if the land is no longer used for the purposes described in subparagraph (A), the land may, at the discretion of the Secretary, revert to the United States in accordance with subsection (d); and

(5) any other terms and conditions that the Secretary determines to be appropriate.

(d) REVERSION.—If the land conveyed under subsection (b) is no longer used for the purposes described in subsection (c)(4)(A)—

(1) the land may, at the discretion of the Secretary, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States, the Secretary shall—

(A) determine whether the land is environmentally contaminated, including contamination from hazardous wastes, hazardous substances, pollutants, contaminants, petroleum, or petroleum by-products; and

(B) if the Secretary determines that the land is environmentally contaminated, the Nature Park, the successor to the Nature Park, or any other person responsible for the contamination shall be required to remediate the contamination.

(e) WITHDRAWAL.—All federally owned mineral and subsurface rights to the land described in subsection (b)(2) are withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) the operation of the mineral leasing laws, including the geothermal leasing laws.

(f) WATER RIGHTS.—Nothing in this section authorizes the conveyance of water rights to the Nature Park.

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**SA 3593.** Mr. DORGAN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1401, line 21, insert "materially participating in the production of agricultural or horticultural commodities described in subparagraph (A) or individuals" after "individuals".

On page 1402, line 2, insert "materially participating in the production of agricultural or horticultural commodities described in subparagraph (A) or individuals" after "individuals".

On page 1402, line 6, insert "before, on, or" after "made".

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**SA 3594.** Mr. DORGAN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1401, line 21, insert "materially participating in the production of agricultural or horticultural commodities described in subparagraph (A) or individuals" after "individuals".

On page 1402, line 2, insert "materially participating in the production of agricultural or horticultural commodities described in subparagraph (A) or individuals" after "individuals".

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**SA 3595.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 842, between line 13 and 14, insert the following:

**SEC. 6034. PUBLIC HEARINGS UPON APPLICATIONS FOR CERTAIN TRANSACTIONS BY TELECOMMUNICATIONS PROVIDERS.**

(a) CONCENTRATION OF WIRELESS MARKET.—

(1) IN GENERAL.—If a wireless telephone service acquisition, merger, or license transfer would result in 70 percent or more of the wireless customers living in the rural area of a State having their wireless telephone service provided by 1 wireless telephone service provider, then the Secretary of Agriculture, acting through the Office of Rural Development and the Rural Development Telecommunications Program, shall hold at least 3 public hearings in geographically diverse rural areas of that State to discuss the impact of the proposed acquisition, merger, or transfer on the economic development and competitiveness of that State.

(2) FCC RESPONSIBILITY.—The Federal Communications Commission shall be responsible for notifying the Secretary of Agriculture upon its receipt of an application for an acquisition, merger, or license transfer that satisfies the concentration requirement under paragraph (1).

(b) HEARINGS.—

(1) IN GENERAL.—The public hearings required under subsection (a) shall be held at such times and such locations so as to allow the broadest segment of the population of a State to attend.

(2) NOTICE TO THE PUBLIC.—The Secretary of Agriculture shall provide at least 90 days notice to the public of the time and place of such hearings, including by—

(A) publishing such notice—

(i) on the website of the Department of Agriculture; and

(ii) in popular circulated newspapers and other written publications in the State; and

(B) broadcasting such notice on local radio and television stations serving the State.

(3) COMMENCEMENT OF NOTICE TIMELINES.—Notice of such hearings shall be given after a posting of a Public Notice by the Federal Communications Commission of its receipt of an application for an acquisition, merger, or license transfer that satisfies the concentration requirement under subsection (a)(1).

(c) REPORT.—Not later than 180 days after the final hearing required under subsection (a), the Secretary of Agriculture shall submit a report to the Federal Communications Commission—

(1) describing the issues, concerns, and comments raised and discussed at the public hearings required under subsection (a); and

(2) on the impact of the proposed acquisition, merger, or transfer on the rural areas of the State, including an examination of the impact such acquisition, merger, or transfer will have on the economic development and competitiveness of the State.

(d) FCC CONSIDERATION.—The Federal Communications Commission shall consider the report submitted under subsection (c) as part of its evaluation of any wireless telephone service acquisition, merger, or license transfer and shall take action, if any, on that acquisition, merger, or license transfer only after receipt of such report.

(e) DEFINITIONS.—In this section, the following definitions shall apply:

(1) RURAL AREA.—The term "rural area" has the same meaning given the term in section 343(a)(13)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(C)).

(2) STATE.—The term "State" means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(3) WIRELESS TELEPHONE SERVICES.—The term "wireless telephone services" has the same meaning given the term "commercial mobile radio services" as such term is defined in section 332(c) of the Communications Act of 1934 (47 U.S.C. 332(c)).

(4) WIRELESS TELEPHONE SERVICE PROVIDER.—The term "wireless telephone service provider" means any entity that provides wireless telephone service.

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**SA 3596.** Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1557, between lines 14 and 15, insert the following:

**SEC. 12410. FARM SAVINGS ACCOUNTS.**

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 199 the following new section:

**"SEC. 200. FARM SAVINGS ACCOUNTS.**

"(a) DEDUCTION ALLOWED.—In the case of a qualified farmer, there shall be allowed as a deduction for the taxable year an amount equal to the aggregate amount paid in cash during such taxable year by or on behalf of such taxpayer to a farm savings account of such taxpayer.

"(b) MINIMUM CONTRIBUTION REQUIREMENT.—A deduction shall not be allowed under subsection (a) for the taxable year with respect to a taxpayer if, during such taxable year, the aggregate amount contributed by such taxpayer to farm savings accounts of the taxpayer is not equal to at least 2 percent of the taxpayer's 3-year average of income derived from farming or ranching.

"(c) ACCOUNT BALANCE LIMITATION.—A deduction shall not be allowed under subsection (a) with respect to any portion of a contribution to a farm savings account of a taxpayer if such contribution would result in the sum of the balances in all such accounts of such taxpayer to exceed 150 percent of the taxpayer's 3-year average of income derived from farming or ranching.

"(d) QUALIFIED FARMER.—For purposes of this section, the term 'qualified farmer' means, with respect to any taxable year, any entity or individual who, during such year—

"(1) was engaged in the trade or business of farming or ranching,

"(2) has in effect an agreement with the Secretary of Agriculture under section 523(f) of the Federal Crop Insurance Act to accept contributions under this section in lieu of—

"(A) receiving, after the expiration of any transition period applicable to the taxpayer under subsection (g)(2), any Federal subsidy toward the premium of any crop insurance policy (other than catastrophic risk protection under section 508(b) of the Federal Crop Insurance Act), or

"(B) obtaining noninsured crop disaster assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), and

"(3) has—

"(A) in the case of insurable commodities, at least catastrophic risk protection provided under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)), or similar coverage, and

"(B) in the case of noninsurable commodities, coverage under the noninsured crop assistance program under section 196 of the Federal Agriculture Improvement and Reform Act.

"(e) FARM SAVINGS ACCOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'farm savings account' means a trust created or organized in the United States as a farm savings account exclusively for the purpose of making qualified distributions, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted unless it is in cash.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the requirements of this section.

"(C) The assets of the trust will be invested in securities issued by the United States Treasury or in such other low-risk interest-bearing securities as are approved by the Secretary.

"(D) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(E) The interest of a taxpayer in the balance in his account is nonforfeitable.

"(2) QUALIFIED DISTRIBUTION.—The term 'qualified distribution' means any amount paid from a farm savings account to the account beneficiary to the extent that such amount when added to all other amounts paid from such accounts to such beneficiary during the taxable year (other than rollover contributions) does not exceed the excess (if any) of—

"(A) 80 percent of such beneficiary's 3-year average of income derived from farming or ranching, over

"(B) such beneficiary's gross income derived from farming or ranching for the taxable year.

"(3) 3-YEAR AVERAGE OF INCOME DERIVED FROM FARMING OR RANCHING.—The term '3-year average of income derived from farming or ranching' means, with respect to any taxpayer—

"(A) the sum of the taxpayer's gross income derived from farming or ranching for the taxable year and the 2 preceding taxable years, divided by

"(B) the number of taxable years taken into account under clause (i) during which such taxpayer was engaged in the trade or business of farming or ranching.

"(4) ACCOUNT BENEFICIARY.—The term 'account beneficiary' means the taxpayer on whose behalf the farm savings account was established.

"(5) SPECIAL RULES.—

"(A) FEDERAL CONTRIBUTIONS.—For purposes of this title, any amount paid to a farm savings account by the Secretary of Agriculture under subsection (g) shall be included in the account beneficiary's gross income in the taxable year for which the amount was contributed, whether or not a deduction for such payment is allowable under this section to the beneficiary.

"(B) OTHER RULES.—Rules similar to the following rules shall apply for purposes of this section:

"(i) Section 219(d)(2) (relating to no deduction for rollovers).

"(ii) Section 219(f)(3) (relating to time when contributions deemed made).

"(iii) Section 408(g) (relating to community property laws).

"(iv) Section 408(h) (relating to custodial accounts).

"(f) TAX TREATMENT OF ACCOUNTS.—

"(1) IN GENERAL.—A farm savings account is exempt from taxation under this subtitle unless such account has ceased to be a farm savings account. Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

"(2) TERMINATION OF ACCOUNTS.—If the account beneficiary ceases to engage in the trade or business of farming or ranching, such trade or business becomes covered under any crop insurance policy for which a premium subsidy is paid by the Secretary of Agriculture (other than catastrophic risk protection under section 508(b) of the Federal Crop Insurance Act), or the account beneficiary seeks noninsured crop disaster assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333)—

"(A) all farm savings accounts of such taxpayer shall cease to be such accounts, and

"(B) the balance of all such accounts shall be treated as—

"(i) distributed to such taxpayer, and

"(ii) not paid in a qualified distribution.

"(g) FEDERAL CONTRIBUTION TO ACCOUNTS.—

"(1) CONTRIBUTIONS REQUIRED.—Using amounts in the insurance fund established under section 516(c) of the Federal Crop Insurance Act (7 U.S.C. 1516(c)), the Secretary of Agriculture shall match the contributions made for a taxable year to farm savings accounts of a taxpayer who has entered into the agreement with the Secretary required by subsection (d)(2) in an aggregate amount equal to the lesser of—

"(A) the amount of any premium that would be paid by the Federal Crop Insurance Corporation under section 508(e) of the Federal Crop Insurance Act (but for the agreement with the Secretary of Agriculture under subsection (d)(2)), or

"(B) 2 percent of the taxpayer's 3-year average of income derived from farming or ranching.

"(2) TRANSITION PERIODS.—Notwithstanding paragraph (1), during the first 3 taxable years for which the Secretary of Agriculture makes contributions under such paragraph to farm savings accounts of a taxpayer and during the first 3 taxable years following any taxable year during which there occurs a qualified distribution from a farm savings account of the taxpayer, the amount contributed by the Secretary may not exceed—

"(A) for the first taxable year, 25 percent of the amount the Secretary would otherwise contribute under paragraph (1) for that taxable year, "(B) for the second taxable year, 50 percent of the amount the Secretary would otherwise contribute under paragraph (1) for that taxable year, and

"(C) for the third taxable year, 75 percent of the amount the Secretary would otherwise contribute under paragraph (1) for that taxable year.

"(3) CROP INSURANCE COVERAGE.—

"(A) IN GENERAL.—During any transition period applicable to a taxpayer under paragraph (2), the taxpayer would be covered with any claim at the same level of coverage purchased, but subject to the condition that any claim would first use amounts in the farm savings accounts of a taxpayer before conventional crop insurance would make any payment, if necessary.

"(B) CATASTROPHIC COVERAGE.—If a taxpayer with a farm savings account would be covered under catastrophic risk protection under section 508(b) of the Federal Crop Insurance Act or under the noninsured crop assistance program under section 196 of the Federal Agriculture Improvement and Reform Act, such taxpayer shall be covered with respect to such claim under such protection or program, but subject to the condition that any claim would first use amounts in the farm savings accounts of a taxpayer before any payment was made with respect to such claim.

"(h) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Any amount paid or distributed out of a farm savings account (other than a rollover contribution described in paragraph (4)) shall be included in gross income.

"(2) ADDITIONAL TAX ON NON-QUALIFIED DISTRIBUTIONS.—

"(A) IN GENERAL.—The tax imposed by this chapter on the account beneficiary for any taxable year in which there is a payment or distribution from a farm savings account of such beneficiary which is not a qualified distribution shall be increased by 15 percent of the amount of such payment or distribution which is not a qualified distribution.

"(B) EXCEPTION FOR DISABILITY OR DEATH.—Subparagraph (A) shall not apply if the payment or distribution is made after the account beneficiary becomes disabled within the meaning of section 72(m)(7) or dies.

"(3) EXCESS CONTRIBUTIONS RETURNED BEFORE DUE DATE OF RETURN.—

"(A) IN GENERAL.—If any excess contribution is contributed for a taxable year to a farm savings account of a taxpayer, paragraph (2) shall not apply to distributions from the farm savings accounts of such taxpayer (to the extent such distributions do not exceed the aggregate excess contributions to all such accounts of such taxpayer for such year) if—

"(i) such distribution is received by the taxpayer on or before the last day prescribed by law (including extensions of time) for filing such taxpayer's return for such taxable year, and

"(ii) such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in clause (ii) shall be included in the gross income of the taxpayer for the taxable year in which it is received.

"(B) EXCESS CONTRIBUTION.—For purposes of subparagraph (A), the term 'excess contribution' means any contribution (other than a rollover contribution) which is not deductible under this section.

"(4) ROLLOVER CONTRIBUTION.—An amount is described in this paragraph as a rollover contribution if it meets the requirements of subparagraphs (A) and (B).

"(A) IN GENERAL.—For purposes of this section, any amount paid or distributed from a farm savings account to the account beneficiary shall be treated as a qualified distribution to the extent the amount received is paid into a farm savings account for the benefit of such beneficiary not later than the 60th day after the day on which the beneficiary receives the payment or distribution.

"(B) LIMITATION.—This paragraph shall not apply to any amount described in subparagraph (A) received by a taxpayer from a farm savings account if, at any time during the 1-year period ending on the day of such receipt, such taxpayer received any other amount described in subparagraph (A) from a farm savings account which was not included in the taxpayer's gross income because of the application of this paragraph.

"(5) TRANSFER OF ACCOUNT INCIDENT TO DIVORCE.—The transfer of an individual's interest in a farm savings account to an individual's spouse or former spouse under a divorce or separation instrument described in subparagraph (A) of section 71(b)(2) shall not be considered a taxable transfer made by such individual notwithstanding any other provision of this subtitle, and such interest shall, after such transfer, be treated as a farm savings account with respect to which such spouse is the account beneficiary.

"(6) TREATMENT AFTER DEATH OF ACCOUNT BENEFICIARY.—

"(A) TREATMENT IF DESIGNATED BENEFICIARY IS SPOUSE.—If the account beneficiary's surviving spouse acquires such beneficiary's interest in a farm savings account by reason of being the designated beneficiary of such account at the death of the account beneficiary, such farm savings account shall be treated as if the spouse were the account beneficiary.

"(B) OTHER CASES.—

"(i) IN GENERAL.—If, by reason of the death of the account beneficiary, any person acquires the account beneficiary's interest in a farm savings account in a case to which subparagraph (A) does not apply—

"(I) such account shall cease to be a farm savings account as of the date of death, and

"(II) an amount equal to the fair market value of the assets in such account on such date shall be included if such person is not the estate of such beneficiary, in such person's gross income for the taxable year which includes such date, or if such person is the estate of such beneficiary, in such beneficiary's gross income for the last taxable year of such beneficiary.

"(ii) DEDUCTION FOR ESTATE TAXES.—An appropriate deduction shall be allowed under section 691(c) to any person (other than the decedent or the decedent's spouse) with respect to amounts included in gross income under clause (i) by such person.

"(i) REPORTS.—The Secretary may require the trustee of a farm savings account to make such reports regarding such account to the Secretary and to the account beneficiary with respect to contributions, distributions, and such other matters as the Secretary determines appropriate. The reports required by this subsection shall be filed at such time and in such manner and furnished to such taxpayers at such time and in such manner as may be required by the Secretary.".

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62, as amended by this Act, is amended by inserting after paragraph (22) the following new paragraph:

"(23) FARM SAVINGS ACCOUNTS.—The deduction allowed by section 200.".

(c) TAX ON EXCESS CONTRIBUTIONS.—Section 4973 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended—

(1) by striking "or" at the end of subsection (a)(4), by inserting "or" at the end of subsection (a)(5), and by inserting after subsection (a)(5) the following new paragraph:

"(6) a farm savings account (within the meaning of section 200(e)),", and

(2) by adding at the end the following new subsection:

"(h) EXCESS CONTRIBUTIONS TO FARM SAVINGS ACCOUNTS.—For purposes of this section, in the case of farm savings accounts (within the meaning of section 200(e)), the term 'excess contribution' means the sum of—

"(1) the aggregate amount contributed for the taxable year to the accounts (other than rollover contributions described in section 200(h)(4)) which is not allowable as a deduction under section 200 for such year, and

"(2) the amount determined under this subsection for the preceding taxable year, reduced by the sum of—

"(A) the distributions out of the accounts with respect to which additional tax was imposed under section 200(h)(2), and

"(B) the excess (if any) of—

"(i) the maximum amount allowable as a deduction under section 200(c) for the taxable year, over

"(ii) the amount contributed to the accounts for the taxable year.

For purposes of this subsection, any contribution which is distributed out of the farm savings account in a distribution to which section 200(h)(3) applies shall be treated as an amount not contributed.".

(d) TAX ON PROHIBITED TRANSACTIONS.—

(1) Section 4975(c) (relating to tax on prohibited transactions) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR FARM SAVINGS ACCOUNTS.—An taxpayer for whose benefit a farm savings account (within the meaning of section 200(e)) is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a farm savings account by reason of the application of section 200(f)(2) to such account.".

(2) Section 4975(e)(1) of such Code is amended by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and by inserting after subparagraph (E) the following new subparagraph:

"(F) a farm savings account described in section 200(e),".

(e) FAILURE TO PROVIDE REPORTS ON FARM SAVINGS ACCOUNTS.—Section 6693(a)(2) (relating to reports) is amended by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (C) the following new subparagraph:

"(D) section 200(i) (relating to farm savings accounts),".

(f) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 199 the following new item:

"Sec. 200. Farm savings accounts.".

(g) CONFORMING AMENDMENTS TO FEDERAL CROP INSURANCE ACT.—

(1) ESTABLISHMENT OF PILOT PROGRAM; PAYMENT OF PORTION OF PREMIUM BY FEDERAL CROP INSURANCE CORPORATION.—Section 523(e) of the Federal Crop Insurance Act (7 U.S.C. 1523(e)) is amended by adding at the end the following new subsection:

"(f) FARM SAVINGS ACCOUNT PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a pilot program under which the Secretary enters into agreements with producers to receive contributions to farm savings accounts established under section 200 of the Internal Revenue Code of 1986 in lieu of—

"(A) receiving, after the expiration of any transition period applicable to the producer under paragraph (2), any Federal subsidy toward the premium of any crop insurance policy, or

"(B) obtaining noninsured crop disaster assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

"(2) LIMITATIONS ON ENROLLMENT.—

"(A) IN GENERAL.—The Secretary shall enroll not more than 20,000 producers under the pilot program established under paragraph (1).

"(B) DATE.—The Secretary shall not enroll any producer in the pilot program established under paragraph (1) after September 30, 2012.

"(3) TRANSITION TO FARM SAVINGS ACCOUNTS.—If a producer enters into an agreement under paragraph (1) to forgo any Federal subsidy toward the premium of any crop insurance policy (other than catastrophic risk protection under section 508(b)) in exchange for contributions by the Secretary to a farm savings account of the producer, then, in connection with the purchase of any crop insurance policy (other than catastrophic risk protection under section 508(b)) during the first 3 taxable years for which the Secretary makes contributions under 200(g) of the Internal Revenue Code of 1986 to a farm savings account of the producer, the amount of the premium to be paid by the Corporation under section 508(e) for such insurance policy shall be equal to—

"(A) for the first taxable year, 75 percent of the amount of the premium that would otherwise be paid by the Corporation under section 508(e);

"(B) for the second taxable year, 50 percent of the amount of the premium that would otherwise be paid by the Corporation under section 508(e); and

"(C) for the third taxable year, 25 percent of the amount of the premium that would otherwise be paid by the Corporation under section 508(e).

"(4) CROP INSURANCE COVERAGE.—

"(A) IN GENERAL.—During the transition period applicable to a producer under paragraph (3), the producer would be covered with any claim at the same level of coverage purchased, but subject to the condition that any claim would first use amounts in the farm savings accounts of a producer before conventional crop insurance would make any payment, if necessary.

"(B) CATASTROPHIC COVERAGE.—If a producer with a farm savings account would be covered under catastrophic risk protection under section 508(b) of the Federal Crop Insurance Act or under the noninsured crop assistance program under section 196 of the Federal Agriculture Improvement and Reform Act, such producer shall be covered with respect to such claim under such protection or program, but subject to the condition that any claim would first use amounts in the farm savings accounts of a producer before any payment was made with respect to such claim.".

(2) FUNDING SOURCE.—Section 516(b) of such Act (7 U.S.C. 1516(b)) is amended by adding at the end the following new paragraph:

"(3) CONTRIBUTIONS TO FARM SAVINGS ACCOUNTS.—The Secretary shall use the insurance fund established under subsection (c) to make required contributions to farm savings accounts established under section 200 of the Internal Revenue Code of 1986 in accordance with section 523(f).".

(h) CONFORMING AMENDMENT TO AGRICULTURAL MARKET TRANSITION ACT.—Section 196(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended by adding at the end the following new paragraph:

"(6) COORDINATION WITH FARM SAVINGS ACCOUNT PILOT PROGRAM.—No person who has entered into an agreement with the Secretary under the farm savings account pilot program under section 523(f) of the Federal Crop Insurance Act shall be eligible to receive any noninsured assistance payment under this section.".

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Thursday, November 15, 2007, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 2203, a bill to reauthorize the Uranium Enrichment Decontamination and Decommissioning Fund, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Jonathan Epstein at (202) 228-3031 or Rosemarie Calabro at (202) 224-5039.

### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled "SBA Lender Oversight: Preventing Loan Fraud and Improving Regulation of Lenders," on Tuesday, November 13, 2007, at 10 a.m., in room 428A of the Russell Senate Office Building.

### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, "Speculation In the Crude Oil Market." The Permanent Subcommittee on Investigations hearing will examine the role of speculation in recent record crude oil prices. Witnesses for the upcoming hearing will include oil industry and energy market experts. A final witness list will be available Tuesday, November 13, 2007.

The subcommittee hearing is scheduled for Thursday, November 15, 2007, at 2:30 p.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224-9505.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, November 8, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing. This hearing will focus on issues related to media consolidation, pending proposals to change the Federal Communications Commission's media ownership rules, and government efforts to promote localism and diversity in the media marketplace.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, November 8, 2007 at 9:30 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Legislative Hearing on America's Climate Security Act of 2007, S. 2191."

The PRESIDING OFFICER. Without objection it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 8, 2007, at 2:30 p.m. in order to hold a hearing on Syria.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Protecting the Employment Rights of Those Who Protect the United States" on Thursday, November 8, 2007 at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct an Executive Business Meeting on Thursday, November 8, 2007, at 10 a.m. in room 226 of the Dirksen Senate Office Building.

*Agenda*

I. Bills: S. 352, Sunshine in the Courtroom Act of 2007 (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin); S. 2135, Child Soldiers Accountability Act of 2007 (Durbin, Coburn, Feingold, Brownback); S. 2248, Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2007.

II. Nominations: Michael J. Sullivan to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice; Joseph N. Laplante to be United States District Judge for the District of New Hampshire; Reed Charles O'Connor to be United States District Judge for the Northern District of Texas, Dallas Division; Thomas D. Schroeder to be United States District Judge for the Middle District of North Carolina; Amul R. Thapar to be United States District Judge for the Eastern District of Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to meet during the session of the Senate in order to conduct a hearing entitled, "The Economic Outlook," in room 216 of the Hart Senate Office Building, on Thursday, November 8, 2007, from 10:00 a.m. to 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, November 8, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building, in order to conduct a hearing.

The purpose of the hearing is to receive testimony on the following bills: S. 86, to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers; S. 1365, to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, and for other purposes; S. 1449, to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature & Science in Denver, Colorado; S. 1921, to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes; S. 1941, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; S. 1961, to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama; S. 1991, to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes; S. 2098, to establish the Northern Plains Heritage Area in the State of North Dakota; S. 2220, to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations; and H.R. 1191, to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Mary Baker, Tom Louthan, Sara Shepherd, Sam Anderson, Travis Cossitt, Siri Smillie, Matt Slonaker, Charles Kovatch, John Carey, Timothy Kehrer, and Mollie Lane be granted the privilege of the floor for the duration of the debate on the farm bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Dave White, a detailee from USDA to the Committee on Agriculture, and Alexandra Torres, an intern for the committee, be granted the privilege of the floor for any debate and votes on H.R. 2419.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Gilberto DeJesus, a detailee in the office of Senator CARDIN, be granted floor privileges during the debate and vote on the pending nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

On Wednesday, November 7, 2007, the Senate amended H.R. 3043, as follows:

Strike out all after the enacting clause and insert:

***SECTION 1. TABLE OF CONTENTS.***

*The table of contents for this Act is as follows:*

*Sec. 1. Table of contents.*
*Sec. 2. Statement of Appropriations.*
*LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2008*
*Title I—Department of Labor*
*Title II—Department of Health and Human Services*
*Title III—Department of Education*
*Title IV—Related Agencies*
*Title V—General Provisions*

***SEC. 2. STATEMENT OF APPROPRIATIONS.***

*The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008.*

### *TITLE I*

### *DEPARTMENT OF LABOR*

*EMPLOYMENT AND TRAINING ADMINISTRATION*

*TRAINING AND EMPLOYMENT SERVICES*

*(INCLUDING RESCISSIONS)*

*For necessary expenses of the Workforce Investment Act of 1998 ("WIA"), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,618,940,000, plus reimbursements, is available. Of the amounts provided:*

*(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,994,510,000 as follows:*

*(A) $864,199,000 for adult employment and training activities, of which $152,199,000 shall be available for the period July 1, 2008 to June 30, 2009, and of which $712,000,000 shall be available for the period October 1, 2008 through June 30, 2009;*

*(B) $940,500,000 for youth activities, which shall be available for the period April 1, 2008 through June 30, 2009; and*

*(C) $1,189,811,000 for dislocated worker employment and training activities, of which $341,811,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $848,000,000 shall be available for the period October 1, 2008 through June 30, 2009:*

*Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor;*

*(2) for federally administered programs, $483,371,000 as follows:*

*(A) $282,092,000 for the dislocated workers assistance national reserve, of which $6,300,000 shall be available on October 1, 2007, of which $63,792,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $212,000,000 shall be available for the period October 1, 2008 through June 30, 2009: Provided,*

*That up to $125,000,000 may be made available for Community-Based Job Training grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: Provided further, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That $2,600,000 shall be for a noncompetitive grant to the National Center on Education and the Economy, which shall be awarded not later than 30 days after the date of enactment of this Act: Provided further, That $1,500,000 shall be for a non-competitive grant to the AFL–CIO Working for America Institute, which shall be awarded not later than 30 days after the date of enactment of this Act: Provided further, That $2,200,000 shall be for a non-competitive grant to the AFL–CIO Appalachian Council, Incorporated, for Job Corps career transition services, which shall be awarded not later than 30 days after the date of enactment of this Act;*

*(B) $55,039,000 for Native American programs, which shall be available for the period July 1, 2008 through June 30, 2009;*

*(C) $82,740,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $77,265,000 for formula grants (of which not less that 70 percent shall be for employment and training services), $4,975,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $500,000 for other discretionary purposes, which shall be available for the period July 1, 2008 through June 30, 2009: Provided, That, notwithstanding any other provision of law or related regulation, the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;*

*(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2008 through June 30, 2009; and*

*(E) $62,500,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2008 through June 30, 2009;*

*(3) for national activities, $141,059,000, which shall be available for the period July 1, 2008 through July 30, 2009 as follows:*

*(A) $50,569,000 for Pilots, Demonstrations, and Research, of which $5,000,000 shall be for grants to address the employment and training needs of young parents (notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D) of the WIA): Provided, That funding provided to carry out projects under section 171 of the WIA that are identified in the statement of the managers on the conference report accompanying this Act, shall not be subject to the requirements of section 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;*

*(B) $78,694,000 for ex-offender activities, under the authority of section 171 of the Act, notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D), of which not less than $59,000,000 shall be for youthful offender activities: Provided, That $50,000,000 shall be available from program year 2007 and program year 2008 funds for competitive grants to local educational agencies or community-based organizations to develop and implement mentoring strategies that integrate educational and employment interventions designed to prevent youth violence in schools identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act;*

*(C) $4,921,000 for Evaluation under section 172 of the WIA; and*

*(D) $6,875,000 for the Denali Commission, which shall be available for the period July 1, 2008 through June 30, 2009.*

*Of the amounts made available under this heading in Public Law 107–116 to carry out the activities of the National Skills Standards Board, $44,000 are rescinded.*

*Of the unexpended balances remaining from funds appropriated to the Department of Labor under this heading for fiscal years 2005 and 2006 to carry out the Youth, Adult and Dislocated Worker formula programs under the Workforce Investment Act, $245,000,000 are rescinded: Provided, That the Secretary of Labor may, upon the request of a State, apply any portion of the State's share of this rescission to funds otherwise available to the State for such programs during program year 2007: Provided further, That notwithstanding any provision of such Act, the Secretary may waive such requirements as may be necessary to carry out the instructions relating to this rescission in the statement of the managers on the conference report accompanying this Act.*

### *COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS*

*To carry out title V of the Older Americans Act of 1965, $530,900,000, which shall be available for the period July 1, 2008 through June 30, 2009.*

### *FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES*

*For payments during fiscal year 2008 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, $888,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2008.*

### *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS*

*For authorized administrative expenses, $90,517,000, together with not to exceed $3,337,506,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:*

*(1) $2,510,723,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501–8523 of title 5, United States Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2008, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2010, and funds used for unemployment insurance workloads experienced by the States through September 30, 2008 shall be available for Federal obligation through December 31, 2008;*

*(2) $10,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;*

*(3) $693,000,000 from the Trust Fund, together with $22,883,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009;*

*(4) $32,766,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, the administration of activities, including foreign labor certifications, under the Immigration and Nationality Act, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;*

*(5) $52,985,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009; and*

*(6) $14,649,000 from the General Fund is to provide for work incentive grants to the States and shall be available for the period July 1, 2008 through June 30, 2009:*

*Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2008 is projected by the Department of Labor to exceed 2,786,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87.*

*In addition, $40,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance: Provided, That not later than 180 days following the end of the current fiscal year, the Secretary shall submit an* interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: Provided further, That not later than 18 months following the end of the fiscal year, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.

### ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2009, $437,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2008, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

### PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $88,451,000, together with not to exceed $88,211,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

## EMPLOYEE BENEFITS SECURITY ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $142,925,000.

## PENSION BENEFIT GUARANTY CORPORATION

### PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 4201 et seq.), within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2008 shall be available for obligations for administrative expenses in excess of $411,151,000: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional $9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: Provided further, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

## EMPLOYMENT STANDARDS ADMINISTRATION

### SALARIES AND EXPENSES

### (INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $435,397,000, together with $2,111,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act.

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $102,000,000 are rescinded.

### SPECIAL BENEFITS

### (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by chapter 81 of title 5, United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $203,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2007, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2008: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $52,280,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $21,855,000.

(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $16,109,000.

(3) For periodic roll management and medical review, $14,316,000.

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

### SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, $208,221,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2009, $62,000,000, to remain available until expended.

### ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $104,745,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Program Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2008 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: Provided further, That not later than 30 days after enactment of this Act, in addition to other sums transferred by the Secretary to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICP"), the Secretary shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund, for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities under the EEOICP, including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

### BLACK LUNG DISABILITY TRUST FUND

### (INCLUDING TRANSFER OF FUNDS)

In fiscal year 2008 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2008 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,761,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; not to exceed $24,785,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed $335,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

## OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $500,568,000, including not to exceed $91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to

*$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2008, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—*

*(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;*

*(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;*

*(3) to take any action authorized by the Act with respect to imminent dangers;*

*(4) to take any action authorized by the Act with respect to health hazards;*

*(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and*

*(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:*

*Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That $10,116,000 shall be available for Susan Harwood training grants, of which $3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007 to September 30, 2008, provided that a grantee has demonstrated satisfactory performance: Provided further, That such grants shall be awarded not later than 30 days after the date of enactment of this Act: Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate with timetables for the development and issuance of occupational safety and health standards on beryllium, silica, cranes and derricks, confined space entry in construction, and hazard communication global harmonization; such timetables shall include actual or estimated dates for: the publication of an advance notice of proposed rulemaking, the commencement and completion of a Small Business Regulatory Enforcement Fairness Act review (if required), the completion of any peer review (if required), the submission of the draft proposed rule to the Office of Management and Budget for review under Executive Order No. 12866 (if required), the publication of a proposed rule, the conduct of public hearings, the submission of a draft final rule to the Office and Management and Budget for review under Executive Order No. 12866 (if required), and the issuance of a final rule; and such report shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of the enactment of this Act, with updates provided every 90 days thereafter that shall include an explanation of the reasons for any delays in meeting the projected timetables for action.*

### *MINE SAFETY AND HEALTH ADMINISTRATION*

### *SALARIES AND EXPENSES*

*For necessary expenses for the Mine Safety and Health Administration, $339,893,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, $2,200,000 for an award to the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams, and $1,215,000 for an award to the Wheeling Jesuit University, for the National Technology Transfer Center for a coal slurry impoundment project; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.*

### *BUREAU OF LABOR STATISTICS*

### *SALARIES AND EXPENSES*

*For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $488,804,000, together with not to exceed $78,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: Provided, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.*

### *OFFICE OF DISABILITY EMPLOYMENT POLICY*

### *SALARIES AND EXPENSES*

*For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $27,712,000.*

### *DEPARTMENTAL MANAGEMENT*

### *SALARIES AND EXPENSES*

*For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $304,856,000, of which $82,516,000 is for the Bureau of International Labor Affairs (including $5,000,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs), and of which $20,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $318,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.*

### *OFFICE OF JOB CORPS*

*To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,650,516,000, plus reimbursements, as follows:*

*(1) $1,507,684,000 for Job Corps Operations, of which $916,684,000 is available for obligation for the period July 1, 2008 through June 30, 2009 and of which $591,000,000 is available for obligation for the period October 1, 2008 through June 30, 2009;*

*(2) $113,960,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $13,960,000 is available for the period July 1, 2008 through June 30, 2011 and $100,000,000 is available for the period October 1, 2008 through June 30, 2011; and*

*(3) $28,872,000 for necessary expenses of the Office of Job Corps is available for obligation for the period October 1, 2007 through September 30, 2008:*

*Provided, That the Office of Job Corps shall have contracting authority: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: Provided further, That none of the funds made available in this Act shall be used to reduce Job Corps total student training slots below 44,791 in program year 2008.*

### *VETERANS EMPLOYMENT AND TRAINING*

*Not to exceed $197,143,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of sections 4100–4113, 4211–4215, and 4321–4327 of title 38, United States Code, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2008, of which $1,967,000 is for the National Veterans' Employment and Training*

*Services Institute. To carry out the Homeless Veterans Reintegration Programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, $31,055,000, of which $7,435,000 shall be available for obligation for the period July 1, 2008, through June 30, 2009.*

### *OFFICE OF INSPECTOR GENERAL*

*For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $72,929,000, together with not to exceed $5,729,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.*

### *GENERAL PROVISIONS*

*SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.*

### *(TRANSFER OF FUNDS)*

*SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.*

*SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.*

*SEC. 104. After September 30, 2007, the Secretary of Labor shall issue a monthly transit subsidy of not less than the full amount (of not less than $110) that each of its employees of the National Capital Region is eligible to receive.*

*SEC. 105. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.*

*SEC. 106. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.*

*SEC. 107. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training: Provided, That the preceding limitation shall not apply to grants awarded under section 107 of this title and to multi-year grants awarded in response to competitive solicitations issued prior to April 15, 2007.*

*SEC. 108. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community-Based Job Training grants and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.*

*SEC. 109. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.*

*SEC. 110. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.*

*SEC. 111. (a) On or before November 30, 2007, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act of 1970, promulgate a final occupational safety and health standard concerning employer payment for personal protective equipment. The final standard shall provide no less protection to employees and shall have no further exceptions from the employer payment requirement than the proposed rule published in the Federal Register on March 31, 1999 (64 Fed. Reg. 15402).*

*(b) In the event that such standard is not promulgated by the date required, the proposed standard on employer payment for personal protective equipment published in the Federal Register on March 31, 1999 (64 Fed. Reg. 15402) shall become effective as if such standard had been promulgated as a final standard by the Secretary of Labor.*

*SEC. 112. None of the funds available in this Act may be used to carry out a public-private competition or direct conversion under Office of Management and Budget Circular A–76 or any successor administrative regulation, directive or policy until 60 days after the Government Accountability Office provides a report to the Committees on Appropriations of the House of Representatives and the Senate on the use of competitive sourcing at the Department of Labor.*

*SEC. 113. (a) Not later than June 20, 2008, the Secretary of Labor shall propose regulations pursuant to section 303(y) of the Federal Mine Safety and Health Act of 1977, consistent with the recommendations of the Technical Study Panel established pursuant to section 11 of the Mine Improvement and New Emergency Response (MINER) Act (Public Law 109–236), to require that in any coal mine, regardless of the date on which it was opened, belt haulage entries not be used to ventilate active working places without prior approval from the Assistant Secretary. Further, a mine ventilation plan incorporating the use of air coursed through belt haulage entries to ventilate active working places shall not be approved until the Assistant Secretary has reviewed the elements of the plan related to the use of belt air and determined that the plan at all times affords at least the same measure of protection where belt haulage entries are not used to ventilate working places. The Secretary shall finalize the regulations not later than December 31, 2008.*

*(b) Not later than June 15, 2008, the Secretary of Labor shall propose regulations pursuant to section 315 of the Federal Coal Mine Health and Safety Act of 1969, consistent with the recommendations of the National Institute for Occupational Safety and Health pursuant to section 13 of the MINER Act (Public Law 109–236), requiring rescue chambers, or facilities that afford at least the same measure of protection, in underground coal mines. The Secretary shall finalize the regulations not later than December 31, 2008.*

*SEC. 114. None of the funds appropriated in this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.*

*This title may be cited as the "Department of Labor Appropriations Act, 2008".*

## *TITLE II*

## *DEPARTMENT OF HEALTH AND HUMAN SERVICES*

### *HEALTH RESOURCES AND SERVICES ADMINISTRATION*

### *HEALTH RESOURCES AND SERVICES*

*For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, and section 712 of the American Jobs Creation Act of 2004, $7,235,468,000, of which $317,684,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activities as specified in the statement of the managers on the conference report accompanying this Act, and of which $38,538,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: Provided, That of the funds made available under this heading, $160,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That $40,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further,* *That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses and relevant evaluations: Provided further, That no more than $44,055,000 is available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: Provided further, That of the funds made available under this heading, $310,910,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That of the funds available under this heading, $1,868,809,000 shall remain available to the Secretary of Health and Human Services through September 30, 2010, for parts A and B of title XXVI of the Public Health Service Act: Provided further, That within the amounts provided for part A of title XXVI of the Public Health Service Act, $9,377,000 is available to the Secretary of Health and Human Services through September 30, 2010, and shall be made available to qualifying jurisdictions within 45 days of enactment, for increasing supplemental grants for fiscal year 2008 to metropolitan areas that received grant funding in fiscal year 2007 under subpart I of part A of title XXVI of the Public Health Service Act to ensure that an area's total funding under subpart I of part A for fiscal year 2007, together with the amount of this additional funding, is not less than 91.6 percent of the amount of such area's total funding under part A for fiscal year 2006, and to transitional areas that received grant funding in fiscal year 2007 under subpart II of part A of title XXVI of the Public Health Service Act to ensure that an area's total funding under subpart II of part A for fiscal year 2007, together with the amount of this additional funding, is not less than 86.6 percent of the amount of such area's total funding under part A for fiscal year 2006: Provided further, That, notwithstanding section 2603(c)(1) of the Public Health Service Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2007, shall be available to the area for obligation from the date of the award through the end of the grant year for the award: Provided further, That $822,570,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That, notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $103,666,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,586,000 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: Provided further, That of the funds provided, $39,283,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113: Provided further, That of the funds provided, $25,000,000 shall be provided for the Delta Health Initiative as authorized in section 219 of this Act and associated administrative expenses: Provided further, That notwithstanding section 747(e)(2) of the PHS Act, not less than $5,000,000 shall be for general dentistry programs, not less than $5,000,000 shall be for pediatric dentistry programs and not less than $24,614,000 shall be for family medicine programs: Provided further, That of the funds available under this heading, $12,000,000 shall be provided for the National Cord Blood Inventory pursuant to the Stem Cell Therapeutic and Research Act of 2005.*

### HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

*Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,906,000.*

### VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

*For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $6,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.*

## CENTERS FOR DISEASE CONTROL AND PREVENTION

### DISEASE CONTROL, RESEARCH, AND TRAINING

*To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,288,289,000, of which $147,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which $568,803,000 shall remain available until expended for the Strategic National Stockpile; of which $52,500,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center; and of which $121,541,000 for international HIV/AIDS shall remain available until September 30, 2009. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $116,550,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $44,523,000 for Health Marketing; (5) $31,000,000 to carry out Public Health Research; and (6) $97,404,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That up to $31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such transfer: Provided further, That not to exceed $19,414,000 may be available for making grants under section 1509 of the Public Health Service Act to not less than 15 States, tribes, or tribal organizations: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18: Provided further, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: Provided further, That out of funds made available under this heading for domestic HIV/AIDS testing, up to $30,000,000 shall be for States eligible under section 2625 of the Public Health Service Act as of December 31, 2007 and shall be distributed by March 31, 2008 based on standard criteria relating to a State's epidemiological profile, and of which not more than $1,000,000 may be made available to any one State, and any amounts that have not been obligated by March 31, 2008 shall be used to make grants authorized by other provisions of the Public Health Service Act to States and local public health departments for HIV prevention activities.*

## NATIONAL INSTITUTES OF HEALTH

### NATIONAL CANCER INSTITUTE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,925,740,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.*

### NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,001,691,000.*

### NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

*For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $399,867,000.*

### NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

*For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,753,037,000.*

### NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,578,210,000.*

### NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

### (INCLUDING TRANSFER OF FUNDS)

*For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,682,585,000: Provided, That $300,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: Provided further, That such sums obligated in fiscal years 2003 through 2007 for extramural facilities construction projects are to remain available until expended for disbursement, with prior notification of such projects to the Committees on Appropriations of the House of Representatives and the Senate.*

### NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

*For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,984,879,000.*

### NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

*For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,286,379,000.*

### NATIONAL EYE INSTITUTE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $684,126,000.*

### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

*For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $658,258,000.*

### NATIONAL INSTITUTE ON AGING

*For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,076,389,000.*

### NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

*For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $521,459,000.*

### NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

*For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $403,958,000.*

### NATIONAL INSTITUTE OF NURSING RESEARCH

*For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $140,900,000.*

### NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

*For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $447,245,000.*

### NATIONAL INSTITUTE ON DRUG ABUSE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,025,839,000.*

### NATIONAL INSTITUTE OF MENTAL HEALTH

*For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,440,557,000.*

### NATIONAL HUMAN GENOME RESEARCH INSTITUTE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $498,748,000.*

### NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

*For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $305,884,000.*

### NATIONAL CENTER FOR RESEARCH RESOURCES

*For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,182,015,000.*

### NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $124,647,000.*

### NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

*For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $204,542,000.*

### JOHN E. FOGARTY INTERNATIONAL CENTER

*For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), $68,216,000.*

### NATIONAL LIBRARY OF MEDICINE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $329,039,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2008, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the Public Health Service Act and related health services.*

### OFFICE OF THE DIRECTOR

*For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $1,145,790,000, of which up to $25,000,000 shall be used to carry out section 215 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That no more than $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That $110,900,000 shall be available for continuation of the National Children's Study: Provided further, That $531,300,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act: Provided further, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the National Institutes of Health: Provided further, That the Office of AIDS Research within the Office of the Director of the National Institutes of Health may spend up to $4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act.*

### BUILDINGS AND FACILITIES

*For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $130,000,000, to remain available until expended.*

## SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

### SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

*For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,290,848,000, of which $19,644,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: Provided further, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,413,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $19,750,000 to carry out national surveys on drug abuse; and (4) $4,300,000 to evaluate substance abuse treatment programs: Provided further, That section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008.*

## AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

### HEALTHCARE RESEARCH AND QUALITY

*For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 937(c) of the Public Health Service Act shall not exceed $334,564,000.*

## CENTERS FOR MEDICARE AND MEDICAID SERVICES

### GRANTS TO STATES FOR MEDICAID

*For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $141,628,056,000, to remain available until expended.*

*For making, after May 31, 2008, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2008 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.*

*For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2009, $67,292,669,000, to remain available until expended.*

*Payment under title XIX may be made for any quarter with respect to a State plan or plan* *amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.*

### PAYMENTS TO HEALTH CARE TRUST FUNDS

*For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $188,828,000,000.*

*In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.*

### PROGRAM MANAGEMENT

*For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,276,502,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $49,869,000, to remain available until September 30, 2009, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That $193,000,000, to remain available until September 30, 2009, is for CMS Medicare contracting reform activities: Provided further, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2008 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That $5,140,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.*

### HEALTH CARE FRAUD ABUSE AND CONTROL ACCOUNT

*In addition to amounts otherwise available for program integrity and program management, $383,000,000, to be available until expended, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act, of which $249,620,000 is for the Centers for Medicare and Medicaid Services for carrying out program integrity activities with respect to title XVIII of such Act, including activities authorized under the Medicare Integrity Program under section 1893 of such Act; of which $35,000,000 is for the Centers for Medicare and Medicaid Services for carrying out Medicaid IPIA Compliance with respect to titles XIX and XXI of such Act; and of which, for carrying out fraud and abuse control activities authorized by section 1817(k)(3) of such Act, $36,690,000 is for the Department of Justice; $36,690,000 is for the Department of Health and Human Services Office of the Inspector General; and $25,000,000 is for the Department of Health and Human Services: Provided, That the report required by section 1817(k)(5) of such Act for fiscal year 2008 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs of the funds provided by this appropriation.*

## ADMINISTRATION FOR CHILDREN AND FAMILIES

### PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

*For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. chapter 9), $2,949,713,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2009, $1,000,000,000, to remain available until expended.*

*For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.*

*For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. chapter 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.*

### LOW-INCOME HOME ENERGY ASSISTANCE

*For making payments under section 2604(a)–(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)–(d)), $1,980,000,000.*

*For making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $431,585,000, notwithstanding the designation requirement of section 2602(e) of such Act.*

### REFUGEE AND ENTRANT ASSISTANCE

*For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, and for carrying out the Torture Victims Relief Act of 1998, $652,394,000, of which up to $9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2008 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2010.*

### PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

*For carrying out the Child Care and Development Block Grant Act of 1990, $2,094,581,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $18,777,370 shall be available for child care resource and referral and school-aged child care activities, of which $982,080 shall be for the Child Care Aware toll-free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $267,785,718 shall be reserved by the States for activities authorized under section 658G, of which $98,208,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.*

*In addition, $5,000,000, to remain available until September 30, 2009, shall be for carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.*

### SOCIAL SERVICES BLOCK GRANT

*For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.*

### CHILDREN AND FAMILIES SERVICES PROGRAMS

*For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act, and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. chapter 9), the Low-Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,220,695,000, of which $4,400,000, to remain available until September 30, 2009, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2008: Provided, That $7,042,196,000 shall be for making payments under the Head Start Act, of which $1,388,800,000 shall become available October 1, 2008, and remain available through September 30, 2009: Provided further, That $706,125,000 shall be for making payments under the Community Services Block Grant Act: Provided further, That not less than $8,000,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: Provided further, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services*

Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $53,625,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That $18,820,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $12,920,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,900,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That $136,664,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: Provided further, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: Provided further, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

### PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and section 437, $89,100,000.

### PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,067,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2009, $1,776,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

### ADMINISTRATION ON AGING

### AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 and section 398 of the Public Health Service Act, $1,446,651,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

### OFFICE OF THE SECRETARY

### GENERAL DEPARTMENTAL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the Lifespan Respite Care Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $387,070,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $51,891,000 shall be for minority AIDS prevention and treatment activities; and $5,941,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; and $1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee; and $5,500,000 shall be for a Health Diplomacy Initiative and may be used to carry out health diplomacy activities such as health training, services, education, and program evaluation, provided directly, through grants, or through contracts: Provided further, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt, professional manner and within the time frame specified in the request: Provided further, That scientific information, including such information provided in congressional testimony, requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay: Provided further, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: Provided further, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

### OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $67,500,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

### OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $27,651,000: Provided, That in addition to amounts provided herein, $38,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

### OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $45,187,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $33,748,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

### RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. chapter 55), such amounts as may be required during the current fiscal year.

### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $741,586,000, of which not to exceed $22,363,000, to remain available until September 30, 2009, is to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act, and of which $149,250,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.

For expenses necessary to prepare for and respond to an influenza pandemic, $763,923,000, of which $685,832,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: Provided, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: Provided further, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be *appropriate, to be used for the purposes specified in this sentence.*

### *GENERAL PROVISIONS*

*SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.*

*SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.*

*SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.*

*SEC. 204. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.*

*SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.*

*SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human Services shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.*

### *(TRANSFER OF FUNDS)*

*SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.*

### *(TRANSFER OF FUNDS)*

*SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.*

### *(TRANSFER OF FUNDS)*

*SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.*

*SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.*

*SEC. 211. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.*

*SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.*

*SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2008, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.*

*(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.*

*(c) The State is to maintain State expenditures in fiscal year 2008 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2007, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2007 State expenditures and all fiscal year 2008 obligations for tobacco prevention and compliance activities by program activity by July 31, 2008.*

*(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2008.*

*(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 of the Public Health Service Act from a territory that receives less than $1,000,000.*

*SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2008:*

*(1) The Secretary of Health and Human Services (in this section referred to as the "Secretary of HHS") may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of HHS shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.*

*(2) The Secretary of HHS is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of HHS to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of HHS is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.*

*SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health (in this section referred to as the "Director of NIH") may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act (42 U.S.C. 282(b)(7), 282(b)(12)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).*

*(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the NIH may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241(a)(3), 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).*

*SEC. 216. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention ("CDC") and the Agency for Toxic Substances and Disease Registry ("ATSDR)" may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: Provided, That such funds* *may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.*

*SEC. 217. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.*

*SEC. 218. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.*

*SEC. 219. (a) The Secretary of Health and Human Services is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region that has as its primary purposes addressing longstanding, unmet health needs and catalyzing economic development in the Mississippi Delta.*

*(b) To be eligible to receive a grant under subsection (a), the Delta Health Alliance shall solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, and planning, construction, and equipment of public health-related facilities in the Mississippi Delta region.*

*(c) With respect to the use of grant funds under this section for construction or major alteration of property, the Federal interest in the property involved shall last for a period of 1 year following the completion of the project or until such time that the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.*

*(d) There are authorized to be appropriated such sums as may be necessary to carry out this section in fiscal year 2008 and in each of the five succeeding fiscal years.*

*SEC. 220. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.*

*SEC. 221. (a) PROHIBITION.—With respect to the 2010–2011 influenza season, the Secretary of Health and Human Services (the Secretary) shall not use or make available any funds for the administration of any influenza vaccine containing thimerosal as a preservative (thimerosal-free) to any child under 3 years of age, unless the Secretary:*

*(1) finds that there is inadequate supply of thimerosal-free influenza vaccine for the covered population and for the respective influenza season; or*

*(2) finds that an actual or potential public health situation justifies the use of other influenza vaccine for children under 3 years of age; and*

*(3) gives written notice of such findings (and an explanation of the basis for the findings) to the Congress and of actions the Secretary is taking to ensure adequate supply of pediatric thimerosal-free influenza vaccine for the following influenza season.*

*(b) REPORT TO CONGRESS.—To improve public confidence in the safety of vaccines, the Secretary shall submit to the Congress a plan no later than April 1, 2008—*

*(1) to work proactively with manufacturers of influenza vaccine to facilitate the approval of thimerosal-free influenza vaccine for administration to children under 3 years of age;*

*(2) to increase the Federal Government's purchases of thimerosal-free influenza vaccine; and*

*(3) to take any other actions determined appropriate by the Secretary to increase the supply of thimerosal-free influenza vaccine.*

### *(TRANSFER OF FUNDS)*

*SEC. 222. Of the amounts made available in this Act for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (NRSA) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.*

*SEC. 223. None of the funds made available in this Act may be used—*

*(1) for the Ombudsman Program of the Centers for Disease Control and Prevention; and*

*(2) by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.*

*SEC. 224. There is hereby established in the Treasury of the United States a fund to be known as the "Nonrecurring expenses fund" (the Fund): Provided, That unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Health and Human Services by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund: Provided further, That amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for capital acquisition necessary for the operation of the Department, including facilities infrastructure and information technology infrastructure, subject to approval by the Office of Management and Budget: Provided further, That amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.*

*This title may be cited as the "Department of Health and Human Services Appropriations Act, 2008".*

## *TITLE III*

## *DEPARTMENT OF EDUCATION*

### *EDUCATION FOR THE DISADVANTAGED*

*For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $15,930,691,000, of which $7,611,423,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $8,136,218,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That $6,808,971,000 shall be for basic grants under section 1124: Provided further, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2007, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be for concentration grants under section 1124A: Provided further, That $3,068,680,000 shall be for targeted grants under section 1125: Provided further, That $3,068,680,000 shall be for education finance incentive grants under section 1125A: Provided further, That $9,330,000 shall be to carry out sections 1501 and 1503: Provided further, That $1,634,000 shall be available for a comprehensive school reform clearinghouse.*

### *IMPACT AID*

*For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,262,778,000, of which $1,126,192,000 shall be for basic support payments under section 8003(b), $49,466,000 shall be for payments for children with disabilities under section 8003(d), $17,820,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2009, $64,350,000 shall be for Federal property payments under section 8002, and $4,950,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2007–2008, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.*

### *SCHOOL IMPROVEMENT PROGRAMS*

*For carrying out school improvement activities authorized by title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,411,758,000, of which $3,790,731,000 shall become available on July 1, 2008, and remain available through September 30, 2009, and of which $1,435,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than $1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: Provided further, That $58,129,000 shall be available to carry* *out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $34,376,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That $18,001,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: Provided further, That $3,000,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.*

### *INDIAN EDUCATION*

*For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $124,000,000.*

### *INNOVATION AND IMPROVEMENT*

*For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), $1,010,084,000: Provided, That $9,821,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: Provided further, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: Provided further, That $361,917,000 shall be available to carry out part D of title V of the ESEA: Provided further, That $103,293,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided further, That $99,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: Provided further, That of the funds available for part B of title V, the Secretary shall use up to $24,783,000 to carry out activities under section 5205(b) and under subpart 2, and shall use not less than $190,000,000 to carry out other activities authorized under subpart 1.*

### *SAFE SCHOOLS AND CITIZENSHIP EDUCATION*

*For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $708,835,000, of which $300,000,000 shall become available on July 1, 2008, and remain available through September 30, 2009: Provided, That $300,000,000 shall be available for subpart 1 of part A of title IV and $222,519,000 shall be available for subpart 2 of part A of title IV, of which not less than $1,500,000, to remain available until expended, shall be for the Project School Emergency Response to Violence ("Project SERV") program to provide education-related services to local educational agencies and to institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That Project SERV funds appropriated in previous fiscal years may be used to provide services to local educational agencies and to institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That $152,998,000 shall be available to carry out part D of title V of the ESEA: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to $12,072,000 may be used to carry out section 2345 and $3,025,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.*

### *ENGLISH LANGUAGE ACQUISITION*

*For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, $722,717,000, which shall become available on July 1, 2008, and shall remain available through September 30, 2009, except that 6.5 percent of such amount shall be available on October 1, 2007, and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C).*

### *SPECIAL EDUCATION*

*For carrying out the Individuals with Disabilities Education Act ("IDEA") and the Special Olympics Sport and Empowerment Act of 2004, $12,357,999,000, of which $5,461,394,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $6,654,982,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That $13,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support activities under section 674(c)(1)(D) of the IDEA: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2007, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: Provided further, That nothing in section 674(e) of the IDEA shall be construed to establish a private right of action against the National Instructional Materials Access Center for failure to perform the duties of such center or otherwise authorize a private right of action related to the performance of such center: Provided further, That $8,000,000 shall be available to support the 2009 Special Olympics World Winter Games.*

### *REHABILITATION SERVICES AND DISABILITY RESEARCH*

*For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, $3,285,985,000, of which $1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: Provided, That $3,242,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.*

### *SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES*

#### *AMERICAN PRINTING HOUSE FOR THE BLIND*

*For carrying out the Act of March 3, 1879, $22,000,000.*

#### *NATIONAL TECHNICAL INSTITUTE FOR THE DEAF*

*For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $60,757,000, of which $1,705,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.*

#### *GALLAUDET UNIVERSITY*

*For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $115,400,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.*

### *CAREER, TECHNICAL, AND ADULT EDUCATION*

*For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act, subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA") and title VIII–D of the Higher Education Amendments of 1998, $2,013,329,000, of which $1,218,252,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $791,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009: Provided, That of the amount provided for Adult Education State Grants, $69,759,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $7,000,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for* the National Institute for Literacy under section 242: Provided further, That $81,532,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2007, and shall remain available through September 30, 2009, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2008, and remain available through September 30, 2009, for grants to local educational agencies: Provided further, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools.

### STUDENT FINANCIAL ASSISTANCE

### (INCLUDING RESCISSION)

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, $16,379,883,000, which shall remain available through September 30, 2009.

The maximum Pell Grant for which a student shall be eligible during award year 2008–2009 shall be $4,435.

Of the unobligated funds available under section 401A(e)(1)(C) of the Higher Education Act of 1965, $525,000,000 are rescinded.

For an additional amount to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965, $525,000,000, which shall remain available through September 30, 2009.

### STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $708,216,000, which shall remain available until expended.

### HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, part I of subtitle A of title VI of the America COMPETES Act, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,095,608,000: Provided, That $9,699,000, to remain available through September 30, 2009, shall be available to fund fellowships for academic year 2009–2010 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: Provided further, That $620,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act: Provided further, That $104,399,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

### HOWARD UNIVERSITY

For partial support of Howard University, $237,392,000, of which not less than $3,526,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

### COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, $481,000.

### HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the Higher Education Act of 1965, $188,000.

### INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $561,315,000, of which $293,155,000 shall be available until September 30, 2009.

### DEPARTMENTAL MANAGEMENT

### PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $420,698,000, of which $3,000,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, DC.

### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $93,771,000.

### OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $53,239,000.

### GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

### (TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. None of the funds made available in this Act may be used to promulgate, implement, or enforce any revision to the regulations in effect under section 496 of the Higher Education Act of 1965 on June 1, 2007, until legislation specifically requiring such revision is enacted.

SEC. 306. (a) MAINTENANCE OF INTEGRITY AND ETHICAL VALUES WITHIN DEPARTMENT OF EDUCATION.—Within 30 days after the enactment of this Act, the Secretary of Education shall implement procedures—

(1) to assess whether a covered individual or entity has a potential financial interest in, or bias towards, a product or service purchased with, or guaranteed or insured by, funds administered by the Department of Education or a contracted entity of the Department; and

(2) to disclose the existence of any such potential financial interest or bias.

(b) REVIEW BY INSPECTOR GENERAL.—

(1) Within 30 days after the implementation of the procedures described in subsection (a), the Inspector General of the Department of Education shall report to the Committees on Appropriations of the House of Representatives and the Senate on the adequacy of such procedures.

(2) Within 1 year, the Inspector General shall conduct at least 1 audit to ensure that such procedures are properly implemented and are adequate to uncover and disclose the existence of potential financial interests or bias described in subsection (a).

(3) The Inspector General shall report to such Committees any recommendations for modifications to such procedures that the Inspector General determines are necessary to uncover and disclose the existence of such potential financial interests or bias.

(c) DEFINITION.—For purposes of this section, the term "covered individual or entity" means—

(1) an officer or professional employee of the Department of Education;

(2) a contractor or subcontractor of the Department, or an individual hired by the contracted entity;

(3) a member of a peer review panel of the Department; or

(4) a consultant or advisor to the Department.

SEC. 307. (a) Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965, North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.

(b) Notwithstanding any other provision of law, federally connected children (as determined *under section 8003(a) of the Elementary and Secondary Education Act of 1965) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—*

*(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and*

*(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.*

*SEC. 308. Prior to January 1, 2008, the Secretary of Education may not terminate any voluntary flexible agreement under section 428A of the Higher Education Act of 1965 that existed on October 1, 2007. With respect to an entity with which the Secretary of Education had a voluntary flexible agreement under section 428A of the Higher Education Act of 1965 on October 1, 2007 that is not cost neutral, if the Secretary terminates such agreement on or after January 1, 2008, the Secretary of Education shall, not later than March 31, 2008, negotiate to enter, and enter, into a new voluntary flexible agreement with such entity so that the agreement is cost neutral, unless such entity does not want to enter into such agreement.*

*SEC. 309. Notwithstanding section 102(a)(4)(A) of the Higher Education Act of 1965, the Secretary of Education shall not take into account a bankruptcy petition filed in the United States Bankruptcy Court for the Northern District of New York on February 21, 2001, in determining whether a nonprofit educational institution that is a subsidiary of an entity that filed such petition meets the definition of an "institution of higher education" under section 102 of that Act.*

*This title may be cited as the "Department of Education Appropriations Act, 2008".*

## TITLE IV

## RELATED AGENCIES

### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### SALARIES AND EXPENSES

*For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,994,000.*

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### OPERATING EXPENSES

### (INCLUDING TRANSFER OF FUNDS)

*For necessary expenses for the Corporation for National and Community Service to carry out the Domestic Volunteer Service Act of 1973 ("1973 Act") and the National and Community Service Act of 1990 ("1990 Act"), $798,065,000, of which $313,054,000 is to carry out the 1973 Act and $485,011,000 is to carry out the 1990 Act: Provided, That up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle: Provided further, That none of the funds made available under this heading for activities authorized by section 122 and part E of title II of the 1973 Act shall be used to provide stipends or other monetary incentives to program participants or volunteer leaders whose incomes exceed the income guidelines in subsections 211(e) and 213(b) of the 1973 Act: Provided further, That notwithstanding subtitle H of title I of the 1990 Act, none of the funds provided for quality and innovation activities shall be used to support salaries and related expenses (including travel) attributable to Corporation for National and Community Service employees: Provided further, That of the amounts provided under this heading: (1) not less than $126,121,000, to remain available until expended, to be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the 1990 Act: Provided further, That in addition to these funds, the Corporation may transfer funds from the amount provided for AmeriCorps grants under the National Service Trust Program, to the National Service Trust authorized under subtitle D of title I of the 1990 Act, upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Congress; (2) not more than $55,000,000 of funding provided for grants under the National Service Trust program authorized under subtitle C of title I of the 1990 Act may be used to administer, reimburse, or support any national service program authorized under section 129(d)(2) of such Act; (3) $12,000,000 shall be to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(4) of the 1990 Act; and (4) not less than $5,000,000 shall be for the acquisition, renovation, equipping and startup costs for a campus located in Vinton, Iowa and a campus in Vicksburg, Mississippi to carry out subtitle G of title I of the 1990 Act.*

### SALARIES AND EXPENSES

*For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $68,964,000.*

### OFFICE OF INSPECTOR GENERAL

*For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $6,900,000.*

### ADMINISTRATIVE PROVISIONS

*SEC. 401. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.*

*SEC. 402. Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act of 1990 to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.*

*SEC. 403. The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: Provided, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs.*

*SEC. 404. The Corporation for National and Community Service shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2008, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.*

*SEC. 405. Professional Corps programs described in section 122(a)(8) of the National and Community Service Act of 1990 may apply to the Corporation for a waiver of application of section 140(c)(2).*

*SEC. 406. Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws: Provided, That an individual who provides services under this section shall be subject to the same protections and limitations as volunteers under section 196(a) of the National and Community Service Act of 1990.*

*SEC. 407. Organizations operating projects under the AmeriCorps Education Awards Program shall do so without regard to the requirements of sections 121(d) and (e), 131(e), 132, and 140(a), (d), and (e) of the National and Community Service Act of 1990.*

*SEC. 408. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first three years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.*

### CORPORATION FOR PUBLIC BROADCASTING

*For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2010, $420,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: Provided further, That for fiscal year 2008, in addition to the amounts provided above, $29,700,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public* *broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That for fiscal year 2008, in addition to the amounts provided above, $26,750,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system: Provided further, That none of the funds made available to the Corporation for Public Broadcasting by this Act, the Continuing Appropriations Resolution, 2007 (Public Law 110–5), or the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109–149), shall be used to support the Television Future Fund or any similar purpose.*

### FEDERAL MEDIATION AND CONCILIATION SERVICE

#### SALARIES AND EXPENSES

*For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454, $44,450,000, including $650,000 to remain available through September 30, 2009, for activities authorized by the Labor-Management Cooperation Act of 1978: Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.*

### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

#### SALARIES AND EXPENSES

*For expenses necessary for the Federal Mine Safety and Health Review Commission, $8,096,000.*

### INSTITUTE OF MUSEUM AND LIBRARY SERVICES

#### OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

*For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $277,131,000: Provided, That funds may be made available for support through inter-agency agreement or grant to commemorative Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services.*

### MEDICARE PAYMENT ADVISORY COMMISSION

#### SALARIES AND EXPENSES

*For expenses necessary to carry out section 1805 of the Social Security Act, $10,748,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.*

### NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

#### SALARIES AND EXPENSES

*For close out activities of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), $400,000.*

### NATIONAL COUNCIL ON DISABILITY

#### SALARIES AND EXPENSES

*For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,113,000.*

### NATIONAL LABOR RELATIONS BOARD

#### SALARIES AND EXPENSES

*For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $256,988,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.*

### NATIONAL MEDIATION BOARD

#### SALARIES AND EXPENSES

*For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $12,992,000, of which $750,000 shall be for arbitrator salaries and expenses pursuant to section 153(1).*

### OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

#### SALARIES AND EXPENSES

*For expenses necessary for the Occupational Safety and Health Review Commission, $10,696,000.*

### RAILROAD RETIREMENT BOARD

#### DUAL BENEFITS PAYMENTS ACCOUNT

*For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $79,000,000, which shall include amounts becoming available in fiscal year 2008 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.*

#### FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

*For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2009, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.*

#### LIMITATION ON ADMINISTRATION

*For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $103,694,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.*

#### LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

*For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $7,803,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare Program.*

### SOCIAL SECURITY ADMINISTRATION

#### PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

*For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, $28,140,000.*

#### SUPPLEMENTAL SECURITY INCOME PROGRAM

*For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $27,014,000,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.*

*For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.*

*For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2009, $14,800,000,000, to remain available until expended.*

#### LIMITATION ON ADMINISTRATIVE EXPENSES

*For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,522,953,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $2,000,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2008 not needed for fiscal year 2008 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the*

*Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.*

*From funds provided under the first paragraph, not less than $263,970,000 shall be available for conducting continuing disability reviews under titles II and XVI of the Social Security Act and for conducting redeterminations of eligibility under title XVI of the Social Security Act.*

*In addition to amounts made available above, and subject to the same terms and conditions, $213,000,000, for additional continuing disability reviews and redeterminations of eligibility.*

*In addition, $135,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2008 exceed $135,000,000, the amounts shall be available in fiscal year 2009 only to the extent provided in advance in appropriations Acts.*

*In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108–203), which shall remain available until expended.*

### *OFFICE OF INSPECTOR GENERAL*

### *(INCLUDING TRANSFER OF FUNDS)*

*For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $27,000,000, together with not to exceed $68,047,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.*

*In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.*

## *TITLE V*

## *GENERAL PROVISIONS*

*SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.*

*SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.*

*SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.*

*(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.*

*SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "National Mediation Board, Salaries and expenses".*

*SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.*

*SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—*

*(1) the percentage of the total costs of the program or project which will be financed with Federal money;*

*(2) the dollar amount of Federal funds for the project or program; and*

*(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.*

*SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.*

*(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.*

*(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.*

*SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—*

*(1) if the pregnancy is the result of an act of rape or incest; or*

*(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.*

*(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).*

*(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).*

*(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.*

*(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.*

*SEC. 509. (a) None of the funds made available in this Act may be used for—*

*(1) the creation of a human embryo or embryos for research purposes; or*

*(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).*

*(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.*

*SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act (21 U.S.C. 812) except for normal and recognized executive-congressional communications.*

*(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.*

*SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.*

*SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—*

*(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and*

*(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.*

*SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.*

*SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.*

*SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.*

*SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—*

*(1) creates new programs;*

*(2) eliminates a program, project, or activity;*

*(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;*

*(4) relocates an office or employees;*

*(5) reorganizes or renames offices;*

*(6) reorganizes programs or activities; or*

*(7) contracts out or privatizes any functions or activities presently performed by Federal employees;*

*unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.*

*(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—*

*(1) augments existing programs, projects (including construction projects), or activities;*

*(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or*

*(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;*

*unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.*

*SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.*

*(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.*

*SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2008 that are different than those specified in this Act, the accompanying detailed table in the committee report, or the fiscal year 2008 budget request.*

*SEC. 519. None of the funds made available by this Act may be used to carry out the evaluation of the Upward Bound program described in the absolute priority for Upward Bound Program participant selection and evaluation published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).*

*SEC. 520. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act.*

*SEC. 521. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2008, but not to include grants awarded on a formula basis. Such report shall include the name of the contractor or grantee, the amount of funding, and the governmental purpose. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.*

*SEC. 522. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—*

*(1) a direct link to the Internet websites of their Offices of Inspectors General; and*

*(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.*

*SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.*

*SEC. 524. Section 1848(l)(2)(A) of the Social Security Act, as amended by section 6 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110–90), is amended by striking "$1,350,000,000" and inserting "$1,200,000,000, but in no case shall expenditures from the Fund in fiscal year 2008 exceed $650,000,000" in the first sentence.*

*SEC. 525. Iraqi and Afghan aliens granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act for a period not to exceed 6 months.*

*SEC. 526. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.*

*SEC. 527. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number which is an offense prohibited under section 208 of the Social Security Act.*

*This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008".*

## ENCOURAGING ALL EMPLOYERS TO TARGET VETERANS FOR RECRUITMENT AND HIRING

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 373, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 373) encouraging all employers to target veterans for recruitment and to provide preference in hiring qualified veterans.

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, I am pleased to join my distinguished colleague, Senator SMITH, in honoring our Nation's veterans through passage of S. Res. 365. We are days away from honoring veterans for their sacrifices with a national day of recognition on November 11. Our resolution would urge the President to order a proclamation calling upon employers to make special efforts to recruit and hire veterans this Veterans Day.

As chairman of the Senate Veterans' Affairs Committee, I am well acquainted with the employment issues facing veterans, members of the Guard and Reserves, and their families as they seek to move from the military to the civilian workforce. Making these transitions is never easy, but for younger veterans it can be particularly difficult. For members of the National Guard and Reserves, the return to a job they previously held may be challenging for a variety of reasons. For family members, the uncertainty of multiple and extended deployments poses different obstacles. Finally, the obstacles facing those who are disabled during their service can sometimes seem overwhelming. The needs of these individuals deserve our utmost attention and resources.

Despite these problems and challenges, veterans make good employees. They know how to work, and they bring with them a wealth of expertise and experience. I believe the employment data supports my belief since rates of unemployment for veterans generally are lower than their non-veteran counterparts. However, the rate of unemployment for younger veterans and those recently separated from active duty tends to be higher than their non-veteran peers.

This resolution would highlight the actions that employers can take to honor the sacrifices of our Nation's veterans and allow them to use the skills learned while in service to their country. Veterans have made sacrifices serving our Nation. When they come back from that service, it is our responsibility as legislators to aid them in returning to the civilian world. Having a job can be one of the greatest steps a returning servicemember can make in successfully reintegrating into civilian society.

I am honored to stand with my colleague in honoring the veterans of the Nation, and I urge my colleagues to join us. It would be my hope that employers around the country take up this proclamation as a best practice and continue to look at veterans as their first choice when making hiring decisions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 373) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 373

Whereas the people of the United States have sincere appreciation and respect for the individuals who serve in the Armed Forces;

Whereas in order to recognize their sacrifices, including time out from their civilian careers while serving in the Armed Forces, Congress enacted the Veterans' Preference Act of 1944 to restore veterans to a more favorable competitive position for Federal Government employment;

Whereas, although veterans acquire skills and qualities during their military service that make them ideal candidates for employment, some veterans need assistance in readjusting to civilian life, including some young veterans who experience high unemployment rates;

Whereas it is acknowledged that the dignity, pride, and satisfaction of a civilian job are essential to the smooth and full reintegration into civilian life of those who have answered our Nation's call to arms; and

Whereas all citizens and all employers benefit from the service of members of the Armed Forces and thus bear some responsibility to assist in the reintegration of former servicemembers into civilian life: Now, therefore, be it

*Resolved*, That the Senate—

(1) urges all employers, private sector as well as State, county, and local government, to target veterans for recruitment and to afford qualified veterans hiring preference similar to the benefits provided by chapter 33 of title 5, United States Code, to preference eligibles, as defined in section 2108 of such title; and

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## SUPPORTING DESIGNATION OF A NATIONAL VETERANS HISTORY PROJECT WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 374, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 374) expressing support for designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our Nation in times of war and conflict.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 374) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 374

Whereas the Veterans History Project was established by a unanimous vote of the United States Congress to collect and preserve the wartime stories of American veterans;

Whereas Congress charged the American Folklife Center at the Library of Congress to undertake the Veterans History Project and to engage the public in the creation of a collection of oral histories that would be a lasting tribute to individual veterans and an abundant resource for scholars;

Whereas there are 17,000,000 wartime veterans in America whose stories can educate people of all ages about important moments and events in the history of the United States and the world and provide instructive narratives that illuminate the meanings of "service", "sacrifice", "citizenship", and "democracy";

Whereas the Veterans History Project relies on a corps of volunteer interviewers, partner organizations, and an array of civic minded institutions nationwide who interview veterans according to the guidelines it provides;

Whereas increasing public participation in the Veterans History Project will increase the number of oral histories that can be collected and preserved and increase the number of veterans it so honors; and

Whereas "National Veterans Awareness Week" commendably preceded this resolution in the years 2005 and 2006: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes "National Veterans Awareness Week";

(2) supports the designation of a "National Veterans History Project Week";

(3) calls on the people of the United States to interview at least one veteran in their families or communities according to guidelines provided by the Veterans History Project; and

(4) encourages local, State, and national organizations along with Federal, State, city and county governmental institutions to participate in support of the effort to document, preserve, and honor the service of American wartime veterans.

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## WELCOME HOME VIETNAM VETERANS DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. Res. 289 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 289) expressing the sense of the Senate that a "Welcome Home Vietnam Veterans Day" should be established.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 289) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 289

Whereas the Vietnam War was fought in Vietnam from 1961 to 1975, and involved North Vietnam and the Viet Cong in conflict with the United States and South Vietnam;

Whereas the United States became involved in Vietnam because policy-makers in the United States believed that if South Vietnam fell to a Communist government that Communism would spread throughout the rest of Southeast Asia;

Whereas members of the United States Armed Forces began serving in an advisory role to the South Vietnamese in 1961;

Whereas as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408), on August 7, 1964, which effectively handed over war-making powers to President Johnson until such time as "peace and security" had returned to Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam;

Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969 a peak of approximately 543,000 troops was reached;

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat troops from Vietnam;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing in action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of the United States;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were caught upon their return home in the crossfire of public debate about the involvement of the United States in the Vietnam War;

Whereas the establishment of a "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served in Vietnam during the Vietnam War; and

Whereas March 30 would be an appropriate day to establish as "Welcome Home Vietnam Veterans Day": Now, therefore, be it

*Resolved*, That it is the sense of the Senate that there should be established a "Welcome Home Vietnam Veterans Day" to honor those members of the United States Armed Forces who served in Vietnam.

## DISCHARGE AND REFERRAL—H.R. 767

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of H.R. 767, and that the bill be referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEASURES READ THE FIRST TIME—H.R. 3495 and H.R. 3685

Mr. DURBIN. Mr. President, I understand there are two bills at the desk. I ask for their first readings en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3495) to establish a National Commission on Children and Disasters, and for other purposes.

A bill (H.R. 3685) to prohibit employment discrimination on the basis of sexual orientation.

Mr. DURBIN. I now ask for their second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

## ORDERS FOR FRIDAY, NOVEMBER 9, 2007, AND TUESDAY, NOVEMBER 13, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Friday, November 9; that on Friday, the Senate meet in pro forma session only with no business conducted; that at the close of the pro forma session the Senate then stand adjourned until 10 a.m., Tuesday, November 13; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour deemed expired, the time of the two leaders reserved for their use later in the day; that the Senate then proceed to executive session to consider the nomination of Robert M. Dow, Jr., to be a U.S. district judge; that the nomination be debated until 10:10 a.m., with the time equally divided and controlled between the leaders or their designees; that at 10:10 a.m., the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table and the President immediately notified of the Senate's action and the Senate then return to legislative session and be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled between the leaders or their designees, with the Republicans controlling the first portion and the majority controlling the final portion; provided further that Senator DORGAN control up to 30 minutes of the majority's time; that at 12:30 p.m., the Senate stand in recess until 2:15 p.m. for the respective party conference meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 11:39 p.m., adjourned until Friday, November 9, 2007, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF STATE

PATRICIA M. HASLACH, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS UNITED STATES SENIOR COORDINATOR FOR THE ASIA-PACIFIC ECONOMIC COOPERATION (APEC) FORUM.

### DEPARTMENT OF DEFENSE

MARY BETH LONG, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE PETER W. RODMAN, RESIGNED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. WILLIAM L. SHELTON, 0678

## CONFIRMATION

Executive nomination confirmed by the Senate: Thursday, November 8, 2007:

### DEPARTMENT OF JUSTICE

MICHAEL B. MUKASEY, OF NEW YORK, TO BE ATTORNEY GENERAL.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# HOUSE OF REPRESENTATIVES—*Thursday, November 8, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

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## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*November 8, 2007.*

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

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## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As the creator and guide of the universe, we turn to You, praise You and thank You for the visit yesterday that reminded us of our history and pleaded for renewed friendship between the United States and the Republic of France.

Yesterday, Lord, we were also blessed with the visit of the Religious Council of Jerusalem. Religious leaders of the three great Abrahamic faiths, Jewish, Christian, and Muslim, after their meetings in the Holy City were moved by Your spirit acting within them to come to Capitol Hill. Here they gave witness to common concerns and prayerful hopes for peace in the Holy City where they live.

Lord, hear their prayer, lest the rocks themselves cry out with the anguished cry of Your people who seek justice and reconciliation.

May the mindful process and experience of this interfaith Council of Jerusalem be imitated across our Nation and in the Holy Land so that mutual understanding can build trust. Without compromising religious faith, they are on the road to peace by creating common agreement on principles and formulating a common language in secular terms. Thus will they together give You glory, now and forever. Amen.

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## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

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## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arizona (Mr. FLAKE) come forward and lead the House in the Pledge of Allegiance.

Mr. FLAKE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 680. An Act to ensure proper oversight and accountability in Federal contracting, and for other purposes.

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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 one-minutes on each side of the aisle.

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## WAR DESTRUCTIVE OF NATIONAL AGENDA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, the Defense bill contained a request for millions of dollars to retrofit B-2 Stealth bombers so they can carry 30,000-pound bombs, bunker busters, which would be germane to the administration's intention of attacking Iran. Imagine for a moment 30,000-pound bombs dropped on nuclear research labs in Natanz and in Bushehr, and you have a humanitarian and ecological disaster on your hands.

Now, the case for war against Iran is being built on lies, just as the case for war against Iraq was built on lies. Nearly 4,000 troops dead; nearly a million innocent Iraqis perished in the conflict; borrowing money from China to fight a war against Baghdad.

It is time to impeach this Vice President for leading this country into a war that is so destructive of our national agenda. It is time for us to reclaim our Constitution and to reclaim the troops.

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## SEND H.R. 4104 TO PRESIDENT

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Madam Speaker, House Democrats have failed in their misguided attempt to hold veterans spending hostage. Yesterday the Senate voted to delink the MilCon-VA bill from the Labor-HHS conference report. The Senate's action was commendable and should have been expected.

Veterans groups from around the Nation have made it clear it is wrong and cynical to use their bill for political purposes. Now the Democratic majority is saying they will not even try to have this vital legislation on the President's desk by Veterans Day. But there is a way out of this box.

Yesterday, I introduced the MilCon-VA conference agreement as a standalone bill, H.R. 4104. It is identical to the bill already agreed upon by House and Senate negotiators. It could be passed today by unanimous consent and immediately sent to the Senate.

Members who are tired of the political games should cosponsor this bill and urge Speaker PELOSI to take it up today.

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## PERU TRADE AGREEMENT BY, FOR AND ABOUT WALL STREET

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. It's a beautiful day within the DC beltway. And under the dome, another day, another free trade agreement. But on Main Street America, things are not so bright. The dollar is dropping like a rock with skyrocketing oil and gas prices.

We are borrowing $2 billion a day from overseas to buy things that we don't make here in America anymore. We have lost 5 million manufacturing jobs, 40,000 in Oregon. But this isn't the same old failed trade policy, they tell us. Not yet another platform to exploit cheap labor. It is decorated with negligible evironmental and labor protections.

And the burgeoning middle class in Peru, all 3 of them, are going to go on an orgy of buying U.S. goods after this passes. But the destructive, multinational, corporate-written chapter 11 core that led to the failure of NAFTA, CAFTA and other trade agreements remains at the center of this policy.

This agreement is by, for and about Wall Street, plain and simple. It doesn't address our current economic crisis. It is not in the best interest of American workers, the U.S. economy, or our national security.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## FUNDING OUR VETERANS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Madam Speaker, this is day 39. That is 39 days so far that our veterans have not had the use of the increased funding for their benefits in health care. That is $18.5 million a day not able to be used.

The work on this bill has been done for months. But instead of sending this bill to the President, the Democratic leadership decided to use our veterans as a smoke screen in an effort to pass billions in unrelated domestic spending.

They failed in their scheme when the Senate yesterday split the bills to consider these funding issues separately and on their own merits. But today, with Veterans Day quickly approaching, the Democratic leadership is going to put our veterans aside to consider billions in bloated domestic spending instead of bringing a clean veterans bill to the floor.

I won't stand for it. The American people won't stand for it. I'm standing with our veterans. Send a clean Veterans appropriations bill to the President now.

## ENDING ILLEGAL LOGGING

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Madam Speaker, illegal logging is a scourge of poor countries and rich countries alike. It damages the environment, often very fragile ecosystems, it disrupts the lives of poor, indigenous people. It corrodes their governments through bribery and often violence. Illegal logging also hurts rich countries as our timber and lumber manufacturing industries lose to those who cheat and bribe, over a billion dollars a year in lost sales in the United States.

We can do something about it. Yesterday, the Natural Resources Committee passed out my illegal logging bill to give the tools for the first time, to our government, to do something about it. Later this morning, we can pass the Peru Free Trade Agreement, with not just the strongest environmental protections ever in a trade agreement, but with specific provisions to halt the illegal mahogany harvest in Peru's forests. This can be the most significant Congress ever in the global fight to end illegal logging by passing these bipartisan measures.

## LEAVE POLITICS OF DISRESPECT BEHIND

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, it is a rare opportunity to rise in support of commonsense decisions coming out of the other body, so it gives me great pleasure to rise in full support of the majority's decision on the other side of this Capitol to separate the Labor-HHS approps bill from legislation that funds our military installations and veterans health care. I certainly hope the majority on this side is paying attention.

While the other body has said "no" to politicizing veterans health care, "no" to putting the security of our military installations at risk, and "no" to budget-busting pork, it appears that the majority on this side is, well, a little tone deaf.

So, Madam Speaker, our veterans and men and women in uniform deserve better. They deserve quick action from the leadership in this House to pass a clean veterans bill and provide the funds they need. Let's leave the politics of disrespect behind. Let's pass a clean veterans bill.

## ALTERNATIVE MINIMUM TAX FIX

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Madam Speaker, if nothing is done soon, 27 million families across the country will be obligated to pay the alternative minimum tax, the AMT. Over 100,000 of these middle-class families live in New York's 19th District. They will have to go through the tedious process of computing their tax returns twice, and they will end up having to pay thousands more than they otherwise would.

The AMT is an unfair tax which in 1970, when it first took effect, only affected 155 households in the entire country. The people who pay it lose the opportunity to take many of the deductions and exemptions that make the tax code friendlier to families. Under the AMT, it doesn't matter what money is spent on health care, on property tax or on education; everyone pays the same amount of tax regardless.

Tomorrow, we will consider legislation to allow almost 73,000 of my constituents to escape the AMT. Today, millions of middle-class families are in danger of being ensnared by a tax that was never intended to affect them.

## COMMENDING FOUR FIRST DISTRICT OHIO SCHOOLS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Madam Speaker, everybody knows that the key to America's future is providing an excellent education for our children. As a former schoolteacher myself, it gives me great pleasure to recognize 4 schools from my congressional district, Ohio's First, which have truly lived up to this commitment. Elm Avenue Primary School, Hilltop Primary School, Our Lady of Visitation, and St. James School in White Oak have recently been named 2007 Blue Ribbon Schools of Excellence.

Achieving test results in the top 10 percent of the State is truly an accomplishment. Some, like St. James, have received it in the past. On Monday, I presented them a flag that was flown in their honor over this very building, and the atmosphere was really electric. These kids were filled with enthusiasm and pride for the job they had done, and they are to be commended, as are their teachers, their administrators, the parents, but especially the students.

I want to commend all those schools for the excellent work they have done. This is the future of America. And if this is our future, America's future is bright.

## DEMOCRATS COMMITTED TO OUR VETERANS

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Madam Speaker, regardless of how my colleagues choose to characterize it, the new Democratic Congress has an impressive record of honoring our veterans and our troops. Since taking control of Congress, we have provided real support for our veterans by passing the largest veterans funding increase in history.

But don't take my word for it, listen to what veterans organizations are saying about our historic veterans funding bills. The American Legion called it "an impressive commitment to this Nation's servicemembers, veterans and their families."

The Veterans of Foreign Wars said: "The record funding level acknowledges the deep debt this Nation owes to its defenders and that the care and services provided to them is the ongoing cost of war."

The AMVETS wrote: "Overall, AMVETS believe these funding levels will ensure VA will be able to serve America's veterans and their families with dignity and compassion."

Madam Speaker, for most of the year President Bush opposed the investment in America's veterans. This legislation simply would not have been possible without a Democratic Congress and their commitment to our veterans.

□ 1015

## REMOVE THE EARMARKS FROM THE DEFENSE BILL

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Madam Speaker, the day after the House passed the Labor-HHS spending bill containing more than 2,000 earmarks, we got a look at the Defense bill. What we're finding is troubling to say the least.

Again, there are more than 2,000 earmarks in this bill, a bill that is intended for the military. Now, we all know that earmarks draw funds away from more urgent priorities. Nowhere is this more clear than with the military spending bill. Simply put, every dollar that Congress has earmarked in the Defense bill is a dollar that troops won't have for critical equipment.

What's so important that it diverts money away from soldiers? Well, airdropped into this conference report and this Defense appropriation bill, $3 million for a golf program for kids. This earmark might be par for the course in any other bill, but in the Defense bill, it's clearly indefensible.

I don't believe that earmarks like this represent the sentiments of the country when it comes to military spending, and I urge my colleagues to reject the bill until the earmarks are removed.

## HONORING FILIPINO VETERANS

(Ms. BORDALLO asked and was given permission to address the House for 1 minute.)

Ms. BORDALLO. Madam Speaker, in honor of Veterans Day I rise to recognize a special group of veterans whose story and service this Congress must honor.

During World War II, thousands of Filipino soldiers were inducted into the United States Armed Forces by President Roosevelt following the invasion of their country by Imperial Japanese Forces. These Filipino soldiers fought valiantly with us in the name of freedom. They were to be entitled to full veterans benefits, but such promises were reneged by Congress with the passage of the 1946 Rescission Act.

Ironically, the very democracy that these veterans fought to defend was used to take away the recognition of their service. We have a duty to fulfill what President Truman called a "moral obligation" to take care of these veterans.

There are 18,000 still with us today. Let us make this right. Support the Filipino Veterans Equity Act.

## VOTER REGISTRATION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, several States held elections this week, and now the 2008 Presidential elections are just 1 year away. This is a good time to reflect on the importance of voting and the integrity of our election process.

The right to vote is one of the most important freedoms granted to citizens in the United States. It's a right and a privilege that should not be taken lightly.

Our voter registration process needs to be reformed in order to ensure that only American citizens are eligible to vote. It is alarming that eight of the 9/11 hijackers were registered to vote.

The sanctity of the ballot box must be paramount. If we can't ensure the integrity of our elections, our representative form of government breaks down.

When a person gets a driver's license, they can check a box to register to vote, and there's no guarantee that the person's eligibility to vote will be verified. There are House seats that have been decided by just a few votes per precinct. The American people deserve to know that elections will be won and lost by legal, rightfully registered voters.

## HONORING VETERANS DAY

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Madam Speaker, I rise today to honor, as many of us have today, the Veterans Day this weekend that's coming up.

Congress has spent a lot of time this week talking about veterans. We've talked about how this Congress provided the largest increase in the 77-year history of the Veterans Administration. We've debated which side cares more about veterans and who's to blame for the delay.

I think the American people can see who really is holding up the latest VA appropriations bill, but I'm here to remind each and every Member of Congress that, as you go home this weekend and speak to veterans and their families in their district, to honor them, ask yourself what have you done to honor your pledge to our veterans and their loved ones?

I hope the President also takes a hard look in the mirror before he decides on how he intends to honor veterans on Veterans Day.

We have to remember that in honoring our country's veterans that you cannot honor a veteran without honoring their families. They don't come alone. They have parents. They have loved ones. They have children.

And the bill that takes care of that is the bill that we're voting on today, which is the Labor-HHS appropriations bill. In order to support veterans, you've got to support their family. Be family friendly, vote for the appropriations bill.

## IN RECOGNITION OF BRIAN EISELE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I rise today to bid a fond farewell to a member of my staff, Brian Eisele. Brian will be leaving our office to join the staff of South Carolina Senator JIM DEMINT. Although I will miss his presence, I am confident Brian will be a tremendous addition to Senator DEMINT's staff.

Brian came to the Hill earlier this year as an intern for Congressman BILL SHUSTER of Pennsylvania. His hard work, professionalism, thoughtfulness and personal integrity have been an enormous asset to the people of the 2nd District of South Carolina. He will certainly be difficult to replace.

A graduate of the University of South Carolina, Brian is the son of David, an Iraq war veteran, and Denise Eisele of Aiken, South Carolina. South Carolina is proud of its native son, and I'm excited for Brian's success. I wish him all the best in the years to come.

Brian has a bright future as a capable and competent public servant, and I look forward to working with him in the future.

In conclusion, God bless our troops, and we will never forget September 11th.

## CELEBRATE VETERANS DAY

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Madam Speaker, there is bad news and good news this Veterans Day. The bad news is the study by Harvard Medical School that there are 2 million veterans who don't have health insurance and are not eligible for veterans care, 2 million veterans. What makes it worse is that President Bush is banning 273,000 veterans from receiving VA care because they are not income eligible. So he is balancing the budget on the backs of middle-class and working veterans.

The good news is that this Democratic majority passed the largest increase in VA health care in the 77-year history of the VA. We are going to add 1,800 new claims processors to make the long lines a little shorter and the wait shorter as well.

Now, we have to go even further. I'm urging my colleagues to sign a letter that I've sent to the President demanding that he reverse the policy of denying health care to 273,000 veterans and not means-test them. We didn't means-test when we asked them to fight our battles. We should not means-test them when they have to come home for health care.

## RECOGNIZING TEACHER EXCELLENCE

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Madam Speaker, one of the most significant factors of a student's academic achievement and success in life is a teacher who inspires. It is my privilege to rise today to recognize two outstanding teachers from my district who have been honored for their exceptional service and dedication.

Just last month, Terra Mann was recognized among 4,000 nominations by the U.S. Department of Education as Ohio's recipient of "American Stars of Teaching." With 19 years of teaching at Worley School in Canton and hundreds of inspired students behind her, Terra's talent and commitment has propelled students forward. In 5 years, she has risen to the challenge and helped move a struggling school to one of the highest designations of success we measure as a Nation, particularly in the critical area of reading proficiency.

Julie Herman teaches at Compton Elementary in Canton, Ohio, and is the most recent recipient of the Milken Family Foundation National Educator Award, an award also known as the "Oscars of Teaching." She is an intervention specialist and engages young at-risk and disabled students to achieve remarkable success academically. In 2005–2006, she helped all of her third graders pass the Ohio Achievement Test.

Before our future entrepreneurs, innovators and leaders stands a teacher, and these women are examples of the truly best. I'm pleased to recognize and congratulate them here today.

## FUNDING FOR VETERANS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Madam Speaker, this country must keep its promises made to our servicemen and -women when they choose to serve our country by taking care of them when they return home as veterans. This Democratic Congress has been dedicated to making sure the needs of all America's veterans are fulfilled.

So far this year we've passed legislation providing the largest funding increase for veterans in the 77-year history of the VA. This funding will allow the VA to keep up with the growing number of veterans who need care, maintain its health care facilities, and treat veterans returning from Iraq and Afghanistan who are suffering from PTSD and traumatic brain injuries.

We also voted to increase military pay by 3.5 percent, as well as special pay and bonuses to combat troops, putting an additional $7.3 billion in military paychecks. Unfortunately, the Bush administration is now reneging on these enlistment bonuses to those severely wounded combat veterans.

Madam Speaker, this Democratic Congress has made meeting the needs of the veterans and our military a top priority. This weekend, and every day, let us all remember the service of our Nation's veterans and commit ourselves to keeping this country's promises to them.

## INTRODUCTION OF TITLE X ABORTION PROVIDER PROHIBITION ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, you know, there aren't many good things happening in federally funded family planning clinics nationwide, but should the largest abortion provider in America also be the largest recipient of Federal family planning funding under title X? I think not. This summer, 189 Republicans and Democrats agreed, supporting my amendment to prohibit tax dollars from funding Planned Parenthood.

Well, in that vein, today I'm introducing the Title X Abortion Provider Prohibition Act, a bill that would prohibit the distribution of title X family planning money to abortion providers here at home. There's simply no reason in the world why the taxpayer dollars of millions of pro-life Americans should be used to underwrite abortion providers in this country.

I urge my colleagues to join me as original cosponsors this week in support of the Title X Abortion Provider Prohibition Act.

## IRAQ PRAYERS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, I rise today to give voice to many of my constituents who, as we approach the fifth Veterans Day since the Iraq war began, are as concerned as ever over our seemingly endless presence in that country and the ever-dimming prospects for peace. I've received a surge of prayers from my constituents regarding the war in recent weeks and would like to read two:

From Orange, Connecticut: "Loving God, inspire our leaders in Congress to release Your spirit of wisdom, courage and love and end the war, death and suffering in Iraq."

From Hamden, Connecticut: "I pray that the hearts and minds of those making decisions concerning the war in Iraq be opened to finding viable, peaceful alternatives to continuing the war. I pray that the withdrawal of troops commence immediately, and continue steadily over the shortest period possible, to bring them all home. I pray that the light of God will fall upon the country and Iraq and bring about peace in that place."

It is well past time to listen to these prayers, redeploy our troops and bring them safely home.

## PASS THE U.S.-PERU FREE TRADE AGREEMENT

(Mr. WELLER of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER of Illinois. Madam Speaker, you know, trade and exports are important in States like Illinois, and particularly the district that I represent.

In Illinois, 17,000 businesses depend on exports for their survival. Forty percent of the corn soybeans and pork and beef and other livestock products are exported. One out of 5 manufacturing jobs is dependent on exports.

We have an opportunity today to expand trade. The 14 trade agreements this Congress has adopted in the last 12 years have created 16 million new jobs.

Today, we have before us the U.S.-Peru Free Trade Agreement. What's nice about this agreement is it makes trade a two-way street. Right now, Peruvian products enter the United States duty free. Manufactured goods, agricultural products from Peru enter the United States without tariffs or duties, but it's not reciprocal. Caterpillar, for example, our biggest manufacturer in Illinois, their products face a 12 percent tariff.

What's good about the agreement we're going to vote for today is 80 percent of the tariffs on manufactured goods are gone on day one for U.S. products exported to Peru under this trade agreement.

It is good for Illinois workers, it's good for Illinois manufacturers, and I also note for Illinois farmers. Right now, they're at a disadvantage. It gives them the opportunity to be competitive. Let's have a bipartisan vote for U.S.-Peru.

□ 1030

## UNITED STATES-PERU TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 801, proceedings will now resume on the bill (H.R. 3688) to implement the United States-Peru Trade Promotion Agreement.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed on Wednesday, November 7, 2007, 20 minutes remained in debate.

The gentleman from New York (Mr. RANGEL) has 5 minutes remaining; the gentleman from California (Mr.

HERGER) has 10 minutes remaining; and the gentleman from Maine (Mr. MICHAUD) has 5 minutes remaining.

Without objection, the gentleman from Louisiana (Mr. McCRERY) may resume control of time from the gentleman from California (Mr. HERGER) and, without objection, the gentleman from Michigan (Mr. LEVIN) may resume control of time from the gentleman from New York (Mr. RANGEL).

There was no objection.

Mr. LEVIN. Madam Speaker, I yield 1 minute to the very distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. I want to thank my friend and colleague for yielding.

Madam Speaker, I rise in strong support of this resolution. I would like to thank Chairman RANGEL, Chairman LEVIN and the minority Members for all of their hard work on this effort. This is not a perfect bill, but it is a good bill. I have always believed that our trade policy must be a reflection of our values.

This legislation moves us a step forward in building a bipartisan trade policy. In this bill, we seek to protect the rights of workers to organize. We look out for the environment. When it comes to trade, we all live in the same House, call it the House of Peru, call it the House of America. What we do today with this resolution is in the best interests of all of us who live on this little planet, this little piece of real estate that we call Earth.

I urge all of my colleagues to vote for the passage of this bill.

Mr. LEVIN. Madam Speaker, as I understand it, Mr. McCRERY is going to use their time. Mr. MICHAUD is going to use his 5 minutes. Mr. RANGEL on our side is going to do the closing. I now have 4 minutes remaining?

The SPEAKER pro tempore. The gentleman is correct.

Mr. LEVIN. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I am from Michigan. I have seen firsthand the dislocation from globalization. That's why we have been fighting for a new trade policy, a trade policy that shapes globalization. It shapes trade to expand the benefits and to address the down sides.

Enforceable worker rights and environmental standards have been at the core of this struggle. Worker rights in the trade equation fundamentally alters the power dynamics in developing countries, just as it has in our own. This is important for those workers, for Peru, who needs a middle class, for our workers who should not compete with workers who are suppressed, and our businesses and their workers who need more middle classes to sell to.

Let me close by saying a word about enforcement. The core labor standards and the environmental obligations are on a par with every other provision in this bill, every other. Any person can file a petition if there is a failure to enforce. We have the power of oversight, including subpoena power, if this administration fails to enforce.

We have worked with Peru to bring their legal structure into compliance with ILO standards. There has been reference to a recent mining strike, and we worked with the Peru Government to change their rules regarding what it takes to have a strike. Also, they are working now to determine who is, within ILO rules, the proper authority to declare a strike legal or not.

This Peru FTA is a victory. It's a breakthrough. It's a first step in a new trade policy. Our job is to lead, to build on that history, not to retreat from it.

Madam Speaker, I reserve the balance of my time.

Mr. McCRERY. Madam Speaker, I ask unanimous consent to allow Mr. LEVIN to control 1 minute of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LEVIN. I would yield 2 minutes to our very, very distinguished leader, Mr. CLYBURN.

Mr. CLYBURN. I thank the chairman for yielding to me, and I thank the other side for allowing me this minute.

Madam Speaker, I rise today in support of the Peru Free Trade Agreement. This may come as a surprise to many of my colleagues, because I have seldom supported our previous trade agreements that have come before this body.

My reasons have been quite simple. I have considered most of the trade deals that have been offered to this body to be unfair to my constituents and many communities in my region of the country. But I want to thank the drafters of this legislation for bringing a bill to the floor that I consider to be fair. This bill addresses critical environmental and labor concerns that are very important to me and my constituents. This bill will help farmers in my district and all across this country compete in the global marketplace.

Because of the size and the diversity of this body, it is not an easy task to bring legislation to the floor that pleases everyone. Trade bills are almost certain to engender disagreements among our Members.

As I mentioned earlier, I have found many shortcomings with previous trade initiatives that have come before this floor. This bill, however, charts a new direction in trade legislation and should serve as a template for those of us to use in moving our trade policies in a more worker friendly and environmentally protective direction.

We have come a long ways with our trade policies in recent years, and we may still have a long ways to go before we are able to consistently get trade bills that are as good as I would like.

But it is important that this new Congress continue working to bring trade bills to the floor that are fair. This bill is a fair bill, and I encourage my colleagues to support it.

Mr. LEVIN. Madam Speaker, I ask unanimous consent that Mr. RANGEL control the rest of our time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McCRERY. Madam Speaker, I ask unanimous consent to allow Mr. RANGEL, the distinguished chairman of the Ways and Means Committee, to allocate 2 minutes of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maine.

Mr. MICHAUD. Madam Speaker, I am asking Members who are committed to a fair trade deal to vote against the Peru FTA. While I have been a Member of Congress for only 5 years, I have been a mill worker all my life. The mill I worked at in Maine shut down 3 days after I was sworn in as a Member of Congress. The culprit? Badly flawed trade deals.

This lunch bucket sits proudly in my office. It symbolizes who I am, what I stand for. It also symbolizes what has been lost.

Since the passage of NAFTA, our country has lost over 3 million jobs. When the vote on NAFTA happened, Members of Congress were promised NAFTA would raise the standard of living for all. They were sold a dream, but the dream is now a nightmare of millions of workers all across this country.

The American people get it. Polling indicates that an overwhelming number of Americans, Republicans and Democrats, are concerned about exporting our jobs. They worry whether or not they will have a paycheck in the years to come. We have all seen the ugly face of trade agreements that don't live up to the promises. The debate here today is not whether Peru is a small country and the trade impact is small compared to China. The debate is when will we truly change the course of trade policy.

If this was truly a good trade policy, I would be the first to support it. The bill's supporters claim that enhanced environmental standards in the FTA will preserve our natural resources. Where is the strong support from Sierra Club, Greenpeace or Friends of the Earth?

The new labor provisions supposedly will improve conditions for workers in Peru and create jobs here at home. So why is no single labor union actively supporting this trade agreement? That's right, not one, not one labor union.

If this so-called new model is so great, then why aren't we hearing from all sides of the trade debate asking us to support it? If you stand with the multinational corporations that seek to offshore jobs, then vote for it. If you stand with the Chamber of Commerce who says that these labor standards are unenforceable, then vote for this trade deal. If you stand by President Bush, who has a track record of listening to corporations instead of the men and women of this country, by all means vote for this trade deal.

But if you stand by the working men and women of this country, I would encourage you, you must vote "no." A "no" vote calls for a new model and a new direction on trade. A "no" vote means you stand up with the workers of northern Maine; Lorain, Ohio; Flint, Michigan; Galesburg, Illinois, and men and women all across this country who are asking, no, who are begging this Congress for a new direction on trade. These workers don't want more trade adjustment assistance; they want their job back.

It's time to send a message that we embrace globalization so long as it lifts us all up. I will never forget who I am or why I am here. I hope my colleagues will do the same.

I ask my colleagues today to vote "no" on this bad trade deal.

Madam Speaker, I yield back the balance of my time.

Mr. McCRERY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this free trade agreement.

Madam Speaker, I would like to close by making several points about the value of our free trade agreements and the value of this agreement with Peru in particular.

First, free trade agreements implemented under Trade Promotion Authority have been a tremendous success story in expanding U.S. exports and reducing the U.S. trade deficit. Let me point to a very telling statistic: the U.S. trade balance with the 12 countries for which FTAs have been implemented under TPA improved by an overwhelming 162 percent between 2001 and 2006, going from a trade deficit to a trade surplus of $13.9 billion with these countries. Our free trade agreements work.

Second, our free trade agreements create jobs. Let me give you an example. Whirlpool, a company responsible for thousands of jobs in places like Iowa and Ohio, estimates that once the Peru agreement is implemented, its sales to Peru will increase by 400 percent. Current high Peruvian tariffs hamstring Whirlpool's ability to supply its stores in Peru with U.S.-made goods. Instead, Whirlpool primarily supplies stores in Peru with goods made in its manufacturing facility in Brazil to escape those high duties. This agreement will eliminate Peruvian tariffs for U.S. products and will allow Whirlpool to increase exports of its U.S.-made products at the expense of Brazilian goods. That means more jobs in the United States, not Brazil.

Here's another example: Our FTAs, including the Peru agreement, increase opportunities for express delivery services, both because there are more packages to ship and also because such U.S. services providers will enjoy liberalized access to their markets. UPS reports that for every 40 new packages that it ships per day, it must hire a new U.S. worker. That new worker will almost certainly be a union employee, as UPS is the largest employer of Teamsters.

Third, our free trade agreements support small and medium sized businesses. There are over 19,000 small and medium sized U.S. businesses currently exporting to the three Latin countries with whom we have pending FTAs. Nearly 81 percent of the U.S. companies that exported merchandise to Peru in 2005 were small and medium-sized businesses. These companies, which will see reduced tariffs when they export goods under these agreements, are the engine of our economy and are powerful job creators.

Finally, the Peru agreement will end one-way trade and will finally give U.S. companies equal access. Today, without agreement, Peru has almost complete duty-free access to the U.S. market, as it has since 1991, when Congress gave such access through Andean preferences—and which this Congress extended last June with 365 Members voting in favor.

For all of these reasons, in my view, if you are concerned about trade deficits or american jobs, you must support this agreement.

Madam Speaker, I want to reiterate my comments from last night: I am delighted that Chairman RANGEL and I are able to stand together today as partners in strong support of this agreement. If it weren't for his leadership, we would not be here today. I urge my colleagues to vote "aye."

At this time, Madam Speaker, for closing for our side, I would recognize the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague for yielding and thank him and the chairman of the committee and the subcommittee chairman and the ranking member of the Trade Subcommittee for their work on this Peru trade bill and the other trade bills that I hope that we will see on the floor soon.

When you look at America's economy today, I think we have to recognize that 95 percent of the consumers in the world live outside of the United States.

□ 1045

And as the U.S. economy, and certainly in certain sectors, is softening, the one area where our economy is doing very well are on our exports around the world.

And if you look at what's happened in some recent trade agreements, let's point out the facts. In Jordan, since 2001, our exports have risen some 92 percent. If you look at Chile, a trade agreement that was passed, but since 2004, we've had a 151 percent increase in our exports to Chile. Australia, since 2005, we've had a 25 percent increase in our exports.

If I look at my home State of Ohio, Ohio's export shipments in 2006 were $37.8 billion, up 36 percent, up 36 percent since 2002, thanks in part to many of the trade agreements that have been signed. And what this means, in terms of these increased exports, to consumers around the world are more jobs here in the United States.

In my own part of Ohio, Proctor and Gamble is a major employer. Right near my home are a number of their research and development facilities which have continued to expand employment, doing basic research, doing product research, doing marketing and doing sales efforts that support their sales and their development of new products all around the world, which means new jobs for people who live in my part of Ohio.

I understand that there's displacement in our economy; and we ought to be doing everything we can to retrain and train workers for the new economy. But that's going to happen regardless of whether we pass this.

When you look at this Peru Trade Agreement, in particular, we have, or they have open access to our market today. What this trade agreement does is allow us freer access to their economy, increasing our exports to Peru and to the rest of South America.

I'm a big believer that trade has benefited our country in a very significant way. And when you look at the fact that two out of five jobs in America, two out of five jobs are dependent on our ability to export products and services elsewhere in the world, you can begin to understand why opening markets for our companies around the world is so critically important to America's future.

So I want to congratulate my colleagues for their work on this bill and urge my colleagues to support it.

Mr. RANGEL. Madam Speaker, I would like to yield myself such time that remains.

The SPEAKER pro tempore. The gentleman from New York is recognized for 3 minutes.

Mr. RANGEL. Madam Speaker, this is a very exciting, historic day for me. It was an opportunity to break a deadlock of lack of civility on the Ways and Means Committee, which I really, deeply appreciate being a member, as well as being Chair; to get to know JIM McCRERY, not as a Republican, but as someone that we can have serious philosophical and political differences, at the same time want to do what's best for our constituents and our country; for SANDY LEVIN who is more than a Member of Congress, but in the marrow of his bones he understands what it is for working people to have opportunity to have self-esteem and to want to do for themselves, their community and their children; and to have a Speaker like NANCY PELOSI, who's prepared to think as to what's not best for Democrats or even the Congress, but what's best for the country and to encourage people who have different views to come together, so that nobody from any country could say that we have a trade policy that's Republican or Democrat, but we have in the United States of America a United States trade policy.

This is a very historic vote. It breaks the ice and opens an opportunity. But also it brings about a lot of candid discussion. And I would suggest, for any Member that has campaigned against trade, that said it over and over that trade is bad, or any person who's campaigned against NAFTA or CAFTA, or all of those things which this is not, then you owe it to yourself and you owe it to your constituents to vote against this bill, because if, in your conscience, you believe that things are so bad in your district, people have lost jobs, lost homes, lost hope, and this country has let them down and the multinationals have let them down and trade agreements have let them down, then your conscience demands that you vote "no" because this is what you believe in and this is what you should do.

But for those people who truly believe that they come from communities that God has blessed them with the opportunity to grow more food than this Nation needs, to make more equipment than this Nation needs, and to know that in their towns and villages and congressional districts, they cannot eat and they cannot use, for those people who understand that exporting things means not that we're trying to help other countries, but we need the talents, we need the productivity, we need the competition, we need the workers for the Nation to survive, for those people like the State of New York, there are patches there that people have no hope for the future, and they would want to vote against it.

But they'd better not talk with my mayor, because services are going to be a boon directly for all the people in our city.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

(On request of Mr. MCCRERY, and by unanimous consent, Mr. RANGEL was allowed to proceed for 1 additional minute.)

Mr. RANGEL. For those people on our farms that want to get rid of their surplus and sell it, for those people who really believe that we've got a long way to go to get the hopes of Americans up and to have our U.S. trade Representative, our multinationals to understand that it's not just a good agreement for the shareholders, but it is a good agreement for America, for those that believe in the Speaker and the minorities, that we're doing what's best, not for labor and not just for fund raising, but we're doing what we think is best, don't challenge our integrity. Vote your conscience.

But this is a heck of a time to make certain that we're not known to be against trade. We're for trade. We're for trade that makes sense in terms of honesty, job creation, and what's good for each and every American.

Do we have a long way to go? Yes.

Is this a beginning? You bet your life.

Anytime we're taking down trade barriers and countries are open to buy what we make in the U.S.A., it's almost unpatriotic not to let them do what we do best.

But don't you challenge my integrity, and don't do it for the Speaker, because I won't challenge your "no" because you're doing what you think is the right thing.

Mrs. TAUSCHER. Madam Speaker, I rise today to commend the work of my colleagues, Chairman RANGEL and Chairman LEVIN, on the U.S.-Peru Free Trade Agreement.

I applaud them, as well as Speaker PELOSI and Majority Leader HOYER for achieving a new trade policy for America, workers, and the environment.

This groundbreaking agreement is the first FTA to include fully-enforceable rights for workers—an achievement that my Democratic colleagues and I have long sought.

Bolstering workers' rights in Peru is not just the moral thing to do; it also helps to build a stable, more prosperous middle class—creating a larger market for U.S. goods.

This agreement also requires Peru to abide by multilateral environmental accords—such as protecting Peru's rainforests from illegal logging.

Most importantly, Peru may not waver from these commitments to workers or the environment in any way.

Madam Speaker, I chair the New Democrats, a group of 60 pro-growth Members.

We are dedicated to keeping America competitive—through lowering trade barriers and opening foreign markets to U.S. goods and services.

I also come from California, where more than 1 in 5 jobs is tied to trade.

I am proud to be a pro-trade Democrat in Congress, and I am proud of this landmark trade agreement the new Democratic majority has achieved.

America will not remain the world's economic and innovation leader if we refuse to do business with the rest of the world.

Likewise, we must equip U.S. workers with the tools to compete and win in a global economy, and help them through the transition, as we have with the expansion of Trade Adjustment Assistance.

Finally Madam Speaker, I urge my colleagues to examine the strategic implications of this agreement.

Deepening ties with our pro-growth allies in Latin America is key to security in the Western Hemisphere.

Passage of the Peru FTA is a first step in a twenty-first century trade policy: It is an expansion of trade in a way that is solidly consistent with Democratic values.

Again, I applaud Chairman RANGEL and Chairman LEVIN for their success, and I urge my colleagues to support implementation of the Peru FTA.

Ms. SOLIS. Madam Speaker, I rise today in opposition to the United States-Peru Trade Promotion Agreement Implementation Act (H.R. 3688), which would implement a trade agreement reached last year between Peru and the Bush Administration.

The Peru free trade agreement (FTA) will not protect American workers nor will it protect workers in Peru. The Peruvian National Convention on Agriculture (CONVEAGRO) has estimated that approximately 1.7 million Peruvian farmers will be negatively affected by the agreement. Although efforts were made to incorporate international labor standards in the Peru FTA, it is unclear whether the Bush Administration will enforce this provision. The International Labor Organization (ILO) has stated that the Peruvian government needs to change labor laws to be in compliance with international treaties.

Serious concerns also remain about language in the Peru FTA that does not eliminate the excessive North American Free Trade Agreement (NAFTA) Chapter 11 foreign investor privileges. These investor privileges create incentives for U.S. firms to move offshore. These investor privileges have also been used to undermine efforts to protect the environment and public health. The provisions also allow foreign investors to bring suits before tribunals to challenge the government's implementation of natural resource contracts or leases, which have the potential to continue threatening the resources in Peru. For that reason, environmental organizations have expressed significant concerns about this trade agreement even though improvements were made to help stop the flow of illegally logged timber in Peru.

The United States trade policy has resulted in a loss of at least three million manufacturing jobs since 1999 and a loss of nearly one million textile and apparel industries jobs in the last 13 years. A recent study by the Economic Policy Institute showed that a typical American working household lost more than $2,000 in wages because of foreign trade. Further expansion of this policy could worsen conditions for workers in America that is why this legislation is opposed by groups such as the American Federation of Labor and Congress of Industrial Organizations, the International Brotherhood of Teamsters, Change to Win, Service Employees International Union, UNITE HERE, the International Association of Machinists and Aerospace Workers, Friends of the Earth, and the Sierra Club. I cannot vote for this legislation when our trade policy does not protect American workers and American jobs. In this new age of globalization, Congress must restore the economic security of working- and middle-class Americans.

Mr. MANZULLO. Madam Speaker, I rise today in strong support of the United States-Peru Trade Promotion Agreement.

According to the International Trade Administration, approximately 91 percent of U.S. exports to Peru are manufactured products. Currently, all of these goods are assessed high tariffs—in some instances at double-digit rates. Peruvian manufacturers are not assessed any tariffs when selling to the U.S. market. This market-opening trade agreement levels the playing field for America's manufacturers by eliminating high tariffs on all U.S.

manufactured goods within 10 years. Eighty percent of Peruvian tariffs on consumer and industrial goods would be eliminated immediately upon this agreement coming into force.

To put the cost of these tariffs into perspective, a Caterpillar off-highway truck made in Illinois used for mining exported to Peru costs the end-user an additional $100,000 because of the tariffs. This agreement eliminates this duty immediately. Because Peru does not have a free trade agreement with Japan, H.R. 3688 gives a competitive advantage to Caterpillar over its global competitors such as Komatsu of Japan. The northern Illinois district I am proud to represent has many suppliers to Caterpillar, many of them small manufacturers, selling about $150 million worth of product each year. Having an agreement like this insures the long-term viability of the manufacturing jobs at these firms that may not even know that their product they make eventually finds its way to export markets like Peru.

Madam Speaker, this agreement will greatly benefit other manufacturers of Illinois as well. In 2001, Illinois machinery manufacturers exported $65.8 million worth of goods to Peru. In 2006, that number more than tripled to $198.2 million. Our manufacturers were able to do this in spite of the high tariffs. Imagine what they will be able to do when these tariffs are removed! The independent International Trade Commission estimates that U.S. exports to Peru will increase by $1.1 billion once this agreement is fully implemented. We have seen examples of other market opening agreements that resulted in increasing U.S. exports. Since the adoption of the market-opening agreement with Chile in 2004, U.S. exports to Chile leapt by 33 percent in 2004, 43 percent in 2005, and 38 percent in 2006! Our trade agreement with Australia also helped boost U.S. exports "down under" by 25 percent in just two years.

I urge my colleagues to support America's manufacturers by voting "yes" for this agreement.

Mr. CONYERS. Madam Speaker, today, I rise against H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act. Southeast Michigan has lost tens of thousands of manufacturing jobs due to unfair free trade agreements such as NAFTA and CAFTA. Unfortunately, H.R. 3688 follows in the steps of these lopsided trade deals.

Advocates of today's legislation will insist that there are strong labor and environmental standards. However, members of the Peruvian Congress were working to pass a robust General Labor Law and now it will be tabled for a substantially weaker labor law issued by President Garćia. Furthermore, given President Bush's track record on lack of enforcement of current U.S. law, I cannot be persuaded that many of the labor provisions will be enforced. Unbalanced trade has led to a race to the bottom which has lowered job quality and wages for U.S. workers and H.R. 3688 will further encourage this push for cheap labor.

This bill is also bad for Peruvians. More than three million Peruvians may lose their jobs from U.S. exports and may drive many rural farmers into the illegal cocoa trade. H.R. 3688 will limit Peruvian access to health care. Specifically, by approving this free trade agreement, drug companies will obtain five years of data exclusivity, or monopoly rights for pharmaceutical manufacturers in both countries, which will increase the price of medicine, delay the entry of new drugs, and restrict competition in this market. As a result, millions of Peruvians will be at risk of losing life saving drugs. Furthermore, if Peru chooses to replace its current private Social Security system with its previous public system, then this bill may open the door to allow private foreign investors to file suit at international tribunals.

Madam Speaker, a recent poll indicated that the majority of Americans oppose the concept of free trade. It is no surprise that dozens of labor, environment, human rights, and religious organizations have opposed this bill because it is bad for both the United States and Peru. I urge my colleagues to vote against this bill.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise in opposition to the U.S.-Peru Free Trade Agreement.

I oppose this bill because I come from a part of our country that has seen all the drawbacks of free trade without any of the supposed benefits. I oppose this bill on behalf of the countless Americans who spent years of their lives working in a steel mill or manufacturing plant whose lives were uprooted in the wake of NAFTA and CAFTA.

I represent the 8th District of Pennsylvania. My State has been one of the hardest hit by free trade agreements and the unfair trade practices of nations, such as China, that don't play by the rules. Bucks County was hit hard. Manufacturing jobs used to number in the tens of thousands, but by 2005, they had fallen nearly 35 percent. This devastation included major employers like US Steel, Jones Apparel, and Rohm and Haas—companies that now employ a fraction of what they once did. Each one of those lost jobs represents a worker and his or her family whose lives were turned upside down by so called "free trade." Madam Speaker, free trade is not free if it costs American workers their jobs.

I believe that when everyone plays by the rules, American workers will beat out foreign competition every time. Unfortunately, not every nation plays by the rules and even worse, the Bush administration has done nothing to protect American workers from unfair competition. In fact, the President has gone out of his way to sign free trade agreements, like CAFTA, that harm American working men and women.

Madam Speaker, it is for that reason that I must oppose this bill. While this agreement paid heed to labor, health and environmental concerns for the first time in years, we need to back up words with action. Supporters of this bill are saying all of the right things and I am glad that these concerns were taken into account. However, when the livelihoods of American families are at stake, words simply aren't good enough. We need concrete action and this bill offers us no guarantees.

We are debating this bill under "fast-track" rules. That means that the Congress gets no say in the details of the agreement and that we simply must trust that the President is going to do right by American workers. This President has broken his word over and over again throughout his time in office and we cannot trust him again. We have seen the Bush administration repeatedly putting the interests of the few ahead of the needs of the many.

For example, if we had the ability to amend this trade agreement, I would fight to include the provisions of a bill I have introduced that would require national security reviews of trade deals before we agree to them. My bill, The Trade-Related American National Security Enhancement and Accountability, TRANSEA, Act also would allow for the suspension of existing trade agreements if the safety, health, and welfare of Americans are in doubt. I think these provisions would have made a vast improvement to the Peru Free Trade Agreement, but unfortunately because of fast track rules, we are prohibited from even trying to offer changes to make the bill better for American workers.

Madam Speaker, I am not an anti-trade crusader. Certainly, if trade is done the right way, with attention paid to labor, environmental and health standards, then it can benefit everybody from workers to business owners, both in the United States and other parts of the world. Unfortunately, with President Bush's disastrous record, we cannot trust him, to enforce the agreement in a way that will be fair to American working men and women. It is for these reasons, Madam Speaker, that I oppose this trade agreement.

Mr. MCDERMOTT. Madam Speaker, it is time that America work for America's workers, farmers and families. The Peru Free Trade Agreement is a step in the right direction. It marks the first time in history that a FTA has incorporated labor and environmental provisions.

This is a major step forward because it signals that the pursuit of trade is not an end, but a means to help raise living standards and provide opportunity. I represent a trade dependent city and yet my constituents are leery of FTAs because they fear that American workers have been left behind.

Today, we are at a crossroads. We can continue down the path we have been on and keep pursing freer trade knowing that many Americans are falling through a domestic safety net built 70 years ago, or we can pursue policies that respond to a new century.

Last week the House made a good start by adopting legislation to reform the Unemployment Insurance program and update the Trade Adjustment Assistance program. We must do more. Health care that is tied to employment is insecure.

Education benefits that aren't available to working adults do not meet the needs of the modern workforce. Our trade agreements need to be smarter, too. We know that supporting core worker rights—human rights—is central to enabling workers to benefit fully from their labor.

We know that the tools of public policy need flexibility to ensure access in areas like affordable prescription drugs. We know that the Earth's environment isn't yours or mine, it's ours.

Chief Si'ahl, the inspired leader of the Duwamish and Suquamish Tribes, for whom my City of Seattle is named, said it best.

A century ago, this great tribal chief said: "We did not weave the web of life. We are merely a strand in it. Whatever we do to the web, we do to ourselves."

My support for the Peru Free Trade Agreement is for this particular FTA, in part because of the progress we've achieved in incorporating labor and environmental standards, and health concerns.

I will continue to consider each FTA on its merits, and in its own context.

I will be paying close attention to the Administration and its commitment to Americans through TAA and healthcare for the children of working families.

In the end trade is about people and the jargon—FTA and TAA—had better produce SBA—Standing by Americans.

The research is clear; this FTA will increase American exports in key goods that come from my State, including: IT products, wheat, apples, pears, peaches and cherries. And this agreement will be good for Peru, too. If I didn't believe that, I wouldn't vote for it.

Mr. GENE GREEN of Texas. Madam Speaker, I rise in opposition to the Peru Free Trade Agreement.

While I applaud the efforts to improve worker rights in the Peru FTA, the protections in the agreement fall short of addressing the concerns of workers that have been adversely affected by the passage of the North American Free Trade Agreement, the Central American Free Trade Agreement, and other recent FTAs.

The absence of clear, enforceable labor standards as detailed by the International Labor Organization, ILO, in the Peru FTA make this an agreement I cannot support. These include prohibitions of child labor and guaranteeing the right of workers in Peru to form independent labor unions.

The Peru FTA and the passage of Trade Adjustment Assistance, TAA, last week does not represent the kind of comprehensive policy that workers need to ensure that our globalization policies not only benefit multinational corporations, but workers as well.

I am not opposed to free trade agreements as long as they are fair trade agreements that benefit and protect workers in both countries, however, I have long opposed free trade agreements with countries with significantly lower standards of living, and fewer labor protections than we have here in the U.S.

I am proud to represent one of the most blue-collar districts in the country. The workers in our district benefit from the labor laws on the books in the U.S, and while our labor laws could certainly be strengthened, they ensure that our blue-collar workers receive a living wage and make up a thriving middle class in this country.

I have no doubts whatsoever about the skills and productivity of American workers, but the significant differences in the standard of living puts the American worker—and American products—at a competitive disadvantage, one that this country should not allow to be exploited through a free trade agreement.

U.S. trade policy over the last decade has resulted in the loss of millions of jobs and has led to 5 consecutive years with record setting trade deficits.

I am concerned this trade agreement does not go far enough to address the issues that caused these problems, and I urge my colleagues to join me in opposing H.R. 3688.

Mr. REICHERT. Madam Speaker, I rise in strong support of the Peru Trade Promotion Agreement. We must continue to open markets to encourage American companies to innovate and compete with their global counterparts. This grows our economy and creates jobs.

I am proud to represent a district in Washington State that integrates our Nation's leading technology innovators with a vibrant and highly productive small business community. Opening new global markets gives them incentives to improve their products, produce more goods, and employ more American workers. I have seen these job-creating effects firsthand, with trade accounting for 1 out of every 3 jobs in my State.

The Peru Trade Promotion Agreement will level the playing field and increase market access for American and Peruvian companies. It will grow our Nation's economy by more than $2 billion.

I hope that the passage of this agreement finally advances our broader trade agenda in Congress. I am disappointed that it has taken more than 5 months since the bipartisan deal reached in May—and over 1 year since the Peru Free Trade Agreement was signed—for this measure to finally come to the floor.

We cannot allow important pending agreements with Colombia, Panama, and Korea to languish as the Peru measure did. I urge my colleagues in the majority to stop the delays and pass these free trade agreements. Let's advance the trade measures needed to grow our economy, create jobs, and improve our relations with global partners.

Ms. McCOLLUM of Minnesota. Madam Speaker, as Americans we do not live in isolation. We live in a world that has been transformed over the past half century through America's political, security and economic leadership. Globalization is a reality that has created both opportunities and challenges, but overall more people on this planet are living better, healthier and more secure lives today than at anytime in human history.

Global economic engagement is a reality that every American encounters every day in our offices or when we shop in any department or grocery store. Trade is essential for a strong, vibrant American economy and to sustain and create the jobs that keep America working. Yet, not all trade agreements are the same or beneficial in my opinion. In fact, most trade agreements that have come before this House in my 7 years in Congress, such as CAFTA, have been harmful because they have ignored key provisions for workers' rights, the environment and necessary safeguards for American workers.

Peru is a nation of 28 million people—one-tenth the size of the United States. It is a South American nation that faces the challenges of extreme poverty, narco-trafficking and an inequitable distribution of income. Peru is searching for economic opportunities that will lift its people and keep its citizens working. It is my hope that the United States will partner with Peru in this effort.

The cost of entering into a trade agreement with the United States is no longer about limitless access to our market without regard for workers' rights or the environment in the exporting nation. That premise has vanished with the new Democratic majority. With new Democratic leadership in Congress priorities have changed and the U.S.-Peru Free Trade Agreement is a positive example of how Democrats are shaping the trade debate to address real concerns. I support this agreement because we need strong, positive political and economic relations with partners like Peru. We also need trade agreements that reflect the priorities of the American people, such as a respect for workers' rights and the environment.

This agreement, because of the determination of Democratic leadership, especially Chairman RANGEL and Chairman LEVIN, delivers a fully enforceable commitment that Peru will adopt, maintain and enforce core labor laws and practice the five basic international labor standards, as set forth by the International Labor Organization's (ILO) Declaration on Fundamental Principles and Rights at Work. These principals include: the freedom of association; the effective recognition of the right to collective bargaining; eliminating all forms of forced or compulsory labor; the effective abolition of child labor; and, the elimination of discrimination in employment. Furthermore, there is a binding, fully enforceable commitment prohibiting the lowering of labor standards. As a result, the Government of Peru has taken clear action to implement ILO standards which must be recognized as a significant step forward and a direct consequence of a Democratic agenda that values workers' rights. The labor situation in Peru is far from perfect, but these positive steps would not be taking place without Democrats demanding change in order for this FTA to move forward.

On the environment, for the first time in a U.S. free trade agreement, we will have recourse to enforce the environmental commitments our trading partner has made. Beyond merely preventing Peru from scaling back their environmental protections, this agreement contains enforceable provisions that will require significant improvements in their environmental policies. For instance, it requires that they crack down on the illegal logging of endangered species that we know is going on today. Without this trade agreement's provisions, this illegal logging will only continue unabated.

Since 1991, we have granted 98 percent of Peruvian exports free access to United States markets. In 2006, Peru's exports to the United States totaled $5.8 billion, mostly gold, copper, copper ore and petroleum products. The U.S. exports to Peru totaled $2.9 billion. To put the United States-Peru trade relationship into perspective: our neighbor to the north, Canada, has a population of 32 million people, four million more than Peru, and they exported $302 billion worth of goods to the United States in 2006.

Since Peru already has almost unlimited access to the U.S. market, this agreement largely grants U.S. interests, manufacturers and agricultural products expanded access to the Peruvian market. Under the agreement, 80 percent of United States exports of consumer and industrial goods will immediately enter Peru duty-free. The duties on an additional 7 percent of products would be phased out within 5 years and the remainder eliminated in 10 years. Furthermore, two-thirds of our agricultural exports would immediately receive duty free access, including products like high quality beef, wheat, soybeans and processed food products.

What we have before us today is an opportunity to set a new standard for America's trade policy. An opportunity to change the template we will use for future trade agreements away from the flawed policies of the past and towards fair trade, labor protections for all workers, and responsible environmental practices around the globe.

I want to commend the leadership of the House for their determination to demand high standards and a solid trade agreement unlike any we have seen during the previous 6 years of the Bush administration.

Mr. DAVIS of Virginia. Madam Speaker, I rise in support of the United States-Peru Trade Promotion Agreement Implementation Act.

I support this agreement because it's a good deal for American businesses. Most Peruvian goods and services already enter the United States duty-free, yet American businesses face significant barriers to Peruvian markets. This agreement creates a two-way street.

This agreement is important economically, but it is equally important from a foreign policy perspective. This agreement means a great deal to the Peruvian people and government, and will be an important tool to blunt the anti-American rhetoric of Venezuelan President Hugo Chavez. Mr. Chavez envisions himself the heir to Fidel Castro, and has tried to turn all of Central and South America against the United States. Fortunately, his recent efforts to influence Peruvian elections were rejected.

Moreover, this agreement sends a clear signal we appreciate the friendship of the Peruvian people and look forward to a long, prosperous relationship with them.

Although I am pleased we are considering this free trade agreement, it is regrettable it will not soon be followed by FTAs for South Korea, Colombia, and Panama. Our annual trade with Peru currently stands at $5 billion. We do $11 billion per year in trade with Colombia and $55 billion per year with South Korea. Failure to enact FTAs with them would represent lost opportunities.

Colombia is our staunchest ally in South America. In Colombian President Uribe, we have a friend willing to stand up not only to Chavez but to the narco-terrorists, corrupt army officers, right-wing paramilitaries, and left-wing guerillas. In short, he's done what we've asked him to do, yet we continue to contrive reasons to keep a free trade agreement for Colombia off the floor. Certain members of this body are all too ready to point out the lack of friends the United States has in the world today. In Colombia, we have one, but the Democratic leadership insists on poking them in the eye.

Global trade is blamed for a great many ills. As my colleague Mr. FLAKE noted earlier in the debate, it is far easier to focus on the shuttered storefront than on the benefits of a given trade agreement. Indeed, it takes courage to overcome the inclination to insulate ourselves, and it may seem counterintuitive to many Americans who pride themselves on self-reliance. But it is the right thing to do.

We live in a global economy. We in Washington should embrace this reality. Businesses of all sizes, not just giant corporations, already do so. In a column last year, author Thomas Friedman told of a small business owner in Nebraska who makes insulated concrete forms for buildings. With the help of machinery imported from South Korea, he now can make the forms at construction sites, which removes the need to ship them to end users. His main customer is in Kuwait.

Madam Speaker, these are the multinationals of the future. Without aggressive trade promotion by our government, these stories will continue to unfold, but American businesses won't be part of the tale.

Remember, the United States accounts for only 4 percent of the world's customers. Information technology, the cornerstone of my district's economy, accounts for more than $250 billion in exports per year, or 25 percent of U.S. exports. Workers in this industry have suffered as certain jobs have moved overseas, yet it would be a mistake to base our trade policies on that half of the equation. To reject free trade agreements and embrace protectionist policies is to invite other countries to do the same.

Madam Speaker, to remain strong is to open our doors to trade and competition. We can build walls, but they won't make the problem go away. They'll only hide it, allow it to fester and ultimately weaken all of us.

I urge my colleagues to engage the global economy. Pass free trade agreements—for Peru, Panama, Colombia, South Korea, and rise to the challenge ahead of us.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in opposition to H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act, introduced by my distinguished colleague from Maryland, Representative HOYER. This piece of legislation amends the antiquated Trade Agreements Act of 1979, and while it represents an attempt to incorporate workers' rights and environmental concerns into trade legislation, I believe that it does not contain strong enough guarantees against labor violations and other human rights abuses. Madam Speaker, we cannot ignore the gross violations of labor rights allowed to persist by the Peruvian government or the loss of American jobs this legislation might entail.

The nation of Peru has made many strides forward in recent history. It has begun to move down the path of democracy, fighting off state-sponsored socialism, seen some government accountability to the judiciary, and entered into the global economy.

However, Peru has a long way still to come. Peru has yet to adopt and apply the 1998 International Labor Organization's Declaration of Fundamental Principles and Rights at Work, an obligation that serves as a condition for the current legislation. While this is a step in the right direction, it is more advisory than binding, requiring FTA nations to "refer only" to ILO Declarations, and will be incredibly difficult to enforce.

The Free Trade Agreement we are considering today calls on the Peruvian government to apply greater labor rights and environmental standards in order for the agreement to persist. Peru must adopt, maintain, and enforce laws relating to labor rights that meet ILO standards as stated in the ILO 1998 Declaration. This is a step forward, but to make it truly significant, the United States must adopt some sort of accountability mechanism in order to ensure compliance on the part of the Peruvian government. Until such accountability exists, I do not believe we should be approving this agreement.

The Peru FTA agreement further obligates the government of Peru to implement and enforce various environmental multilateral agreements to which Peru is already a part. This too has the potential to lead to a precarious situation. Peru is already a party to the mentioned multilateral environmental agreements and has failed to apply or enforce their obligations outlined therein, why would they change now? We must create incentives for our trade partners to comply with international labor and environmental standards, and I fear there is much more to do in the case of Peru.

The United States-Peru trade agreement as it stands today allows Peruvian products tariff free entry into the United States while products from the United States are taxed upon their entry to Peru. This trade practice has been deeply detrimental to American workers who are consistently undercut by cheaper, tax-free, foreign labor, services, and products. Under the proposed the Peru FTA, products and services from the United States will no longer be muddled by the protections policies of the past, with 80 percent of goods being allowed tax-free entry into the Peruvian market immediately, with the remaining 20 percent gaining free entry over time. While this may prove beneficial to corporations within the United States, we must be careful that this trade policy does not benefit the wealthy few at the cost of both American and Peruvian workers.

A great deal of Americans worry about the effect this legislation will have on their job security. It is important to note that the Peru FTA does not pose a significant threat to American jobs, with trade from Peru not consisting of a heavy intensity and consequently not having any significant impact on the American economy. I acknowledge that we are engaged in a global economy and am eager to move forward in free trade agreements with nations throughout the world, however, I cannot overlook the threats this legislation poses. Since the era that began with the NAFTA agreement, over 3 million manufacturing jobs have been lost and while the Peruvian economy may not be large enough to have a "significant" impact upon the United States, I fear that the impact it will have will be enough to further harm the American worker who has already suffered a decrease in job security and wages. The American people elected this Congress to change the trajectory that the United States was on, and this legislation is more of the same foreign investment and procurement policy that the majority of American rejected after the inception of NAFTA and CAFTA.

This bill provides security in the sense that it gives United States the authority to administrate dispute settlement proceedings, arbitrate certain claims made against the United States, and enact specific tariff modifications. This bill does not hold the Peruvian government accountable, the United States' authority to arbitrate disputes and claims made against the

United States will not be sufficient to ensure the protection of the Peruvian and American workers that this legislation will harm. The ability to protect American companies does not equate to meaningful security to the parties involved.

I applaud the efforts made by this legislation in ensuring worker rights within Peru, however, I believe it falls short of being comprehensive in a number of areas. Issues of worker rights abroad have been endemic within the United States since the signing of the North American Free Trade Agreement (NAFTA) as reports emerge of the horrific conditions of workers within the countries with whom we engage in trade. Urging Peru to "refer" to ILO standards will not ensure that American trade policy is not meant merely to benefit the few multinational corporations and rather protects all our partners in today's globalized economy, including foreign laborers. The Peruvian people have been working hard to restore social justice and labor rights after the ruthless dictatorship of Former President Fujimori. We must be cautious not to undermine any organic social justice movements within Peru that has spent the last 6 years trying to get their Congress to pass the General Labor Law.

Beyond my concerns with this piece of legislation itself is a further concern about the intentions of this Administration. I do not believe we can trust the Bush Administration to enforce the labor and environmental provisions of this or any other FTA. We are not in a position to enter into any new FTA's at this time, I believe we must ensure the security of American economic lives before we rush into any new agreements. Furthermore, only yesterday, Peru's Labor Ministry declared a national mining sector strike as illegal.

This strike, headed by Peru's National Federation of Mining, Metallurgy, and Steel Workers, began Monday and was aimed at 7 pressuring the government to pass legislation ensuring increase rights and benefits of miners. Peru's Labor Ministry responded by "ordering them back to work" and declaring their strike illegal. No concessions have been made by the government and miners face being fired should they not return to work by the end of the week. This is not a government we can trust to uphold labor rights.

The world is now immersed in a globalized economy. We cannot go back in time, nor do we want to. We must work with what we are given now. The U.S.-Peru Trade Promotion Agreement is an important first attempt, however, we must continue to work to ensure that labor rights are universally acknowledged and environmental standards systemically upheld on a larger scale than this legislation entails. I urge my colleagues to join me in opposing this legislation, and to call for still more to be done.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 801, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MICHAUD. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 285, nays 132, not voting 16, as follows:

[Roll No. 1060]

YEAS—285

Ackerman
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carter
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Harman
Hastert
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McKeon
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Nunes
Ortiz
Pascrell
Pearce
Pelosi
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Saxton
Schiff
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Upton
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—132

Abercrombie
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Berkley
Bishop (UT)
Boucher
Boyda (KS)
Brady (PA)
Burgess
Capuano
Carnahan
Carney
Chandler
Cohen
Conyers
Costello
Courtney
Cummings
Davis (IL)
DeFazio
Delahunt
DeLauro
Donnelly
Doyle
Duncan
Ellison
Filner
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Higgins
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kucinich
Langevin
LaTourette
Lee
Lipinski
LoBiondo
Loebsack
Markey
Marshall
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Michaud
Miller (NC)
Miller, George
Mollohan
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Obey
Olver
Pallone
Pastor
Paul
Payne
Peterson (MN)
Rahall
Richardson
Rodriguez
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Slaughter
Smith (NJ)
Solis
Space
Spratt
Stark
Stupak
Sutton
Taylor
Thompson (MS)
Tierney
Tsongas
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—16

Boren
Braley (IA)
Buyer
Carson
Cubin
Giffords
Hunter
Jindal
LaHood
Lantos
Lungren, Daniel E.
Miller (FL)
Moore (WI)
Oberstar
Poe
Rothman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1119

Mr. PALLONE and Mr. CONYERS changed their vote from "yea" to "nay."

Mr. MARCHANT and Mr. YOUNG of Alaska changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. POE. Mr. Speaker, on rollcall No. 1060 I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Ms. MOORE of Wisconsin. Mr. Speaker, earlier today I narrowly missed the vote on rollcall No. 1060. Had my vote been recorded, I would have voted "nay."

## PERSONAL EXPLANATION

Mr. LYNCH. Mr. Speaker, during rollcall vote No. 1060 on H.R. 3688, I mistakenly voted my vote as a "yea" when I should have voted "nay." This was on the Peru Trade Agreement. I took the floor last night around 10 o'clock in the evening and spoke strongly against the bill, and then today I thought it was the rule and I voted for it.

## CONFERENCE REPORT ON H.R. 3222, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 806 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 806

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

### POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 806 under section 2 of H. Res. 491 because the resolution contains a waiver of all points of order against the conference report and its consideration.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from Arizona makes a point of order that the resolution violates section 2 of House Resolution 491.

Such a point of order made under that resolution shall be disposed of by the question of consideration under the same terms as specified in clause 9(b) of rule XXI.

The gentleman from Arizona and a Member opposed, the gentlewoman from New York, each will control 10 minutes of debate on the question of consideration.

After that debate the Chair will put the question of consideration, to wit: "Will the House now consider the resolution?"

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 491 says it shall not be in order to consider a conference report unless the joint explanatory statement includes a list of congressional earmarks that were air-dropped into it or that were not committed to the conference committee by either Chamber.

It's unfortunate, just like the Labor-HHS bill, the majority has reported a rule that waives all points of order. Yet, I have to ask here: if we've done everything right, if we've done the transparency that we committed to earlier in the year, why are we waiving all points of order against the bill? Why are we doing this again, second time this week?

We have these transparency rules that we hyped at the beginning of the year that we aren't going to have air-dropped earmarks into a conference report that can't be challenged; yet here again, here we go, waiving all points of order against the bill. That is why I am raising the point of order against the rule; it's the only option I have to highlight what is going on here.

In a press conference in March, the Speaker of the House said: "Before Members vote on a bill, there should be appropriate time for people to be able to read it, that it be a matter of public record. And if there is an earmark that can stand the scrutiny, then that transparency will give the opportunity for it to be there."

The majority leader, in March, said: "Let no one be mistaken, after the earmark explosion under Republican leadership, Democrats have led the way in bringing transparency and accountability to earmarks." It appears that we're not doing that now.

The majority leader also said: "This is a new day and a new Congress. The days of hear no evil, see no evil, speak no evil are over. This Congress embraces its constitutional responsibility to conduct real, meaningful oversight, as well as our values of openness and transparency."

Mr. Speaker, I would suggest that when you have a conference report and we finally get a look at it last night, less than 12 hours ago or so, and there are more than two dozen earmarks air-dropped into it, this is the first we've seen of them, we haven't seen any of them before this time, that is not the model of transparency. That is not openness. We have no ability to challenge those earmarks. None. We can't highlight them and say you vote up or down on this earmark.

The joint explanatory statement says that there are 24 Defense earmarks that were not passed by either Chamber, costing $59 million. Let me give you just one example of what's in there. There is one of these earmarks, $3 million earmark in the Defense bill, remember, this is the Defense bill we're talking about, a $3 million earmark for a program, according to The Hill newspaper, intended to attract disadvantaged and minority children to the game of golf. This is the game of golf in a Defense bill. Is it any wonder, should anybody be surprised that this was an earmark that was air-dropped into the conference report when we don't have the ability in this Chamber to challenge it? This is the only opportunity we have, a procedural vote, as to whether to move forward on the rule. Now, that is not openness, that is not transparency.

It's often brought up that the Republicans, when we were in charge, we did the same thing. We did, and we played the political price for it. We shouldn't have done it. It shouldn't excuse what's going on today. This is supposed to be a new day in Congress. This is business as usual. This is par for the course, to use a bad pun, to put a golf earmark in a Defense bill, and to hide it until the last day, until nobody can challenge it anymore.

Now, we may think that that's cute here, but I can tell you people across the country have got to be incensed with it. And we felt the brunt of it, as Republicans, last year. I would suggest that, unless the majority party sees its way clear to change this practice, they're going to feel the brunt of it as well.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this point of order is not about whether or not to consider the rule on, ultimately, the funding of our troops, and indeed, the entire government, under a continuing resolution. In fact, I would say that it is simply an effort to try to kill the conference report, and on a faulty premise at that.

Every single earmark in this conference report has been properly disclosed in conformance with House rules. The blanket waiver against consideration of conference did not include a waiver of either clause 9 of rule XXI or House Resolution 491.

This parliamentary ruse won't work. We must consider this conference report, which fully supports our men and women, provides for our wounded warriors by providing for them and for their families, addresses the severe equipment shortfalls facing the National Guard and Reserves, and fully funds a pay increase for all servicemembers. In addition, this measure provides the funds necessary to respond to the wildfires of 2007 and provide continued disaster response and relief efforts.

Voting "no" on this question of consideration will prevent consideration of a critical package that has strong House and Senate bipartisan support.

☐ 1130

So despite whatever roadblock the other side tries to use to stop the bill, we will stand up for our troops. We must consider this rule. We must pass this conference report today.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. I would be glad to yield time to the gentlewoman if she would inform us as to why all points of order were waived against the bill itself. This is not a parliamentary ruse here. This is a response to a parliamentary ruse. The parliamentary ruse is air-dropping earmarks into a bill and then waiving all points of order against or waiving all points of order against that bill so all we can do here is raise a point of order against the rule itself. So the parliamentary ruse here was actually used by the majority party to hide these earmarks, in particular a $3 million earmark for golf in the Defense bill.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentleman from Arizona. I will be very happy to hear what the answer from the lady from New York is because I think the question before us is if the majority party wants to clean up this earmark process, or do they just want to say they are cleaning up the earmark process when it actually doesn't occur? If we are going to have these rules that enable you to raise points of order on earmarks that have been air-dropped in, we have earmarks air-dropped in which shouldn't happen in the first place. Some of these are clearly inappropriate. But yet all opportunity to raise them against the bill has been waived. So why are you even doing this? It appears that they are not serious about really stopping or reforming earmarks; they simply want to act like they are. If we are serious, none of these earmarks that were air-dropped in should be allowed.

Mr. FLAKE. May I inquire as to the time remaining on my side?

The SPEAKER pro tempore. The gentleman from Arizona has 4½ minutes remaining.

Mr. FLAKE. I would like to yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding, and I certainly appreciate the gentleman from Arizona's leadership here. I did not realize until I came to the floor that somehow a 9 iron was a vital part of our national defense apparatus. I mean, this is clearly an outrage. The new majority who claim that they were going to clean up the earmark process and bring us unparalleled transparency and accountability have done neither, and their actions speak so much louder than their words. And so here we have air-dropped earmarks that were neither voted on by the House, by the Senate, appearing in the this bill in the dead of night with no accountability, no ability of a Member to come to the floor and challenge. It appears to be another callous effort to wrap pork in the American flag, to take our defense money meant for our war fighters and to hide pork in it. It is an outrage, and the majority ought to admit they have made no serious effort, no serious commitment whatsoever to bring accountability and transparency to the earmark process.

Ms. SLAUGHTER. Mr. Speaker, let me remind my colleagues and dear friends on the other side of the aisle that it was the democratic process and the Democrat Party that brought us section 491, and we are in complete compliance with it.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding.

Mr. Speaker, I am stunned at this debate. All of our colleagues are watching. Yeah, we brought you a rule that says transparency was a good idea. We still believe transparency is a good idea, but that rule is being waived here. We are not being allowed to debate air-dropped earmarks dropped into this legislation. We are not being allowed to follow the rule.

Now, let's see if I understand this. It is okay for America if you adopt rules that require transparency, but it is also okay if you just waive the rules that require transparency, because after all, you said you were for transparency and adopted a rule for transparency and you just waived it. So there is no transparency. I believe it is vitally important that the American people know how their money is spent. I think they would want to know that we are spending millions of dollars in air-dropped earmarks for things that make no sense in the Defense bill, including golf training. I have yet to meet a soldier who didn't perhaps want to improve his golf game, but I have yet to meet a taxpayer who thought we ought to be funding that. You are either for transparency or not. I think it is simple and straightforward.

Mr. FLAKE. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Arizona has 2½ minutes remaining.

Mr. FLAKE. Thank you, Mr. Speaker.

Let's get down to the bottom line about what this is about. At the beginning of the year, we were promised transparency. We were promised that if earmarks were dropped in to a conference report, if they weren't considered by either the House or the Senate, that we would have the opportunity to challenge those earmarks, that we would have the opportunity to shine a light on them, to actually see what they are about. We are not getting that opportunity because we have waived the rule. What good are rules if they are waived routinely?

Let me say, this is not our rule on this side. We were glad to see it. But it is the majority's rule, and it is being waived. It is no surprise here when you look at the earmarks that are in, 24 earmarks, some of them are to private companies. These are sole-sourced contracts, single-source contracts, no-bid contracts to private companies and to universities. We have no opportunity to see what they are about. None. We just got the list 24 hours ago. We don't have the opportunity to challenge those.

The Wall Street Journal, New York Times, Washington Post, many media outlets over the past couple of weeks have raised issues about these defense contracts, the ones that went through the House and the Senate, whether or not they are appropriate, whether they are linked to campaign contributions coming back, a whole host of questions are raised; yet we have no ability here, because the rules are waived, and we can't even challenge these.

And then when you see an earmark for golf in the Defense bill, you have to say, you know, did they intend on hiding this? Would that withstand the scrutiny when it comes to the floor? We have the Woodstock earmark over in the Senate, the hippie museum that didn't withstand the scrutiny. We had one over here on this side this year that didn't withstand the scrutiny. I raised a couple of earmarks, one of which the sponsor came to the floor before I could get here to withdraw his own earmark. In another case, the majority party Appropriations Committee went to the Rules Committee and said remove these earmarks because there is questions about them. That is just on a few earmarks we were able to challenge.

So there may well be those questions here, as well. Or, you have to wonder if this Caddyshack earmark would have made it through the scrutiny that would have come had we been able to challenge it in the House. Or would enough Members say, you know, maybe we shouldn't be funding golf in the Defense bill.

Is it any wonder that an earmark for golf is hidden in the Defense bill? That is what we have to ask.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. Mr. Speaker, let me say that this conference report is the standard conference report, the standard rule, and passed the Rules Committee 13-0. There were no dissenting votes from the Republicans at all about this rule. The report has been available since Tuesday. It meets all requirements for layover.

I am going to urge my colleagues to vote "yes" to consider the rule.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 191, not voting 21, as follows:

[Roll No. 1061]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—21

Boren
Boyda (KS)
Braley (IA)
Buyer
Cantor
Capuano
Carson
Cubin
Giffords
Hunter
Jindal
LaHood
Lantos
Levin
Lungren, Daniel E.
Miller (FL)
Moran (VA)
Oberstar
Rothman
Tauscher
Waxman

☐ 1203

Messrs. KIRK, HOEKSTRA, BRADY of Texas, BILIRAKIS, FRELINGHUYSEN, BACHUS, WHITFIELD and GILCHREST changed their vote from "yea" to "nay."

Mr. BRADY of Pennsylvania and Mr. BROWN of South Carolina changed their vote from "nay" to "yea."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only, and I yield myself such time as I may consume.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 806.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, H. Res. 806 provides for consideration of the conference report for H.R. 3222, the Department of Defense Appropriations Act, 2008.

Mr. Speaker, this is one of the important parts that I hope will answer some questions here. The rule is the standard conference report rule which waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

However, I want to point out that although the rule waives all points of order, the conference report does not violate either House Resolution 491 or clause 9 or 10 of rule XXI which require earmarks to be disclosed in the conference report and requiring conference reports to be in compliance with the PAYGO rule.

Mr. Speaker, this morning I visited the family of a critically injured soldier at Bethesda Naval Medical Center, and I was reminded once again of a sign that stood outside a VA hospital in my former district, a sign that read, "The price of liberty is visible here."

This Monday, we will pay tribute to our brave men and women in uniform and remember that they truly are our country's greatest heroes. We must, therefore, do all we can to make certain that they receive the care and benefits that they have earned and the respect and recognition they deserve, not just today, but every single day.

I am proud to bring to the floor the 2008 Department of Defense Appropriations legislation and a continuing resolution, the product of many months of hard work.

In that spirit, Mr. Speaker, this legislation is a smart and compassionate way to strengthen America's security and provide what is necessary for our troops.

We do so by investing in the safety and protection of our service men and women both at home and abroad, while providing them with the tools that are necessary to defend our country. This bill also invests in quality health care for military personnel and works to expand our Armed Forces to meet ever-changing threats to our national security.

The bill also determines how we as a Nation will spend our considerable resources, both at home and abroad, in order to best protect our fellow Americans, our shared values, and our common interests.

This agreement between the House and Senate prioritizes the preparation and safety of our Nation's men and women in uniform and, thus, honors our commitment to our military. It is a definitive statement that we will properly equip our troops before they deploy, provide them with support as they serve in harm's way, and ensure their dignified treatment upon their return.

To accomplish that goal, this bill provides $459 billion for the Department of Defense, a $39.7 billion or a 9.5 percent increase from 2007. The money allows us to invest in equipment, in training, and cutting-edge weaponry. Most importantly, however, it restores balance to our ground forces that are badly overstretched by 5 years of war and multiple extended deployments.

Make no mistake, our commitment to our fighting men and women does not end on the battlefield. It is our responsibility to ensure that each one is properly covered upon their return home. And I am proud to say that this bill does exactly that, by adding $70 million to fund programs authorized under the Dignified Treatment of Wounded Warriors Act and providing $23.5 billion for defense health programs, which I must stress, is nearly $1 billion more than the President's request. And it is long overdue. Far too many veterans are left without the treatment that they need or have to wait far too long.

The dual wars in Iraq and Afghanistan have placed an unimaginable strain on our military that will take many years to repair. To help remedy this problem,. the conference report helps grow the military, including 7,000 new members of the Army, 5,000 new marines, and 1,300 new Army Guard to begin to help repair this strain.

It also fully funds a 3.5 percent pay increase for all servicemembers, and while that is not nearly enough when low-level Blackwater contractors make as much money as four-star generals, it is a step forward.

Mr. Speaker, earlier this week, six U.S. soldiers were killed in three separate attacks across Iraq. Those tragic losses brought the number of U.S. soldiers killed to more than 850 this year, making 2007 the deadliest year of the war in Iraq. Let me repeat that. This year, the fifth year of combat in Iraq, is deadlier than any of the years that preceded it.

I would be remiss if I did not mention a New York Times article on a secret Pentagon study that found, and I hope everybody absorbs this, a secret study found that 80 percent of the marines who died of upper-body wounds in Iraq could have survived if they had been deployed with better body armor.

I was so deeply troubled by reports like these that I asked the Department of Defense's inspector general to investigate the Pentagon's procurement of both vehicle and body armor. The first report issued in July was heartbreaking in its tales of a manufacturer that was unable to produce the number of MRAP vehicles that it had committed to in its contract with DOD; ultimately, without doubt, costing some soldiers their very lives.

As we await the second report from the Pentagon on body armor procurement practices, the former CEO of one of those body armor manufacturers, David Brooks, was indicted on multiple counts of fraud by the United States Attorneys in eastern New York. He is accused of having enriched himself to the tune of over $180 million at the expense of the safety of our Armed Forces. I await the report from the inspector general on how that contract was given. It is unconscionable.

I am relieved to say in light of these findings, the conference report fittingly directs $11.6 billion to the procurement of MRAP vehicles and increases funding for the body armor and other protective equipment which I hope will be closely monitored by this Congress which is trying so hard to keep up with some oversight that has been missing for over 6 years.

The conference report today also provides all of those deploying, deployed, and returning with the resources that they, their families, and our veterans need to sustain them through a time of war. But all of the body armor in the world, all of the MRAPs, cannot stop the violence in Iraq and prevent the casualties and deaths of our young men and women facing combat in Iraq.

It is my fervent hope and desire that we can bring our troops home before next year becomes the deadliest year in this tragic war.

As we face troubles abroad, Mr. Speaker, we here at home are constantly reminded of the toll that the war in Iraq is taking on our national security. The dire shortage of National Guard equipment was underscored these past few weeks as America watched with horror the wildfires devastating Southern California.

The San Francisco Chronicle reported in May that only half of California's National Guard equipment was available because much of it, almost a billion dollars' worth, had been left in Iraq.

In my home State of New York, the National Guard is operating with 40 percent of its equipment and only 35 percent of its trucks and authorized vehicles. Simply put, we cannot afford to continue shortchanging our domestic priorities.

To help put our priorities and Nation back in order, Mr. Speaker, today we will provide $500 million to respond to the California wildfires, along with allocating $2.9 billion to FEMA for continued disaster relief efforts and $3 billion for the "Road Home" program to assist people who are still searching for homes damaged by Hurricanes Katrina and Rita.

Additionally, we add $980 million for the National Guard and Reserve to replenish their equipment which has become so strained due to our conflicts abroad.

Mr. Speaker, let us honor the service of our troops, their families, and America's veterans by passing this conference report and fulfilling our commitment to those who sacrifice so much.

I hope my colleagues will use the upcoming Veterans Day to reflect on what kind of an America they wish to create for future generations. And it is my hope that we in Congress take the question very seriously in the coming months and years ahead.

I have faith in this body, just as I have faith in this Nation, that we will possess the wisdom to do what is right and the courage to right what is wrong. The future of our national security depends on it.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time, and I yield myself such time as I may consume.

I believe the distinguished chairman of the Rules Committee stated that this rule was passed by a 13–0 vote. I was not able to be present at that rules meeting, and neither was Mr. DREIER. I believe Ms. SUTTON was not either.

□ 1215

So it would not have been a 13–0 vote. That could not have been possible.

Mr. Speaker, since the terrorist attacks of September 11, 2001, our Armed Forces have been deployed in two major theaters of operation. Too many of our noble servicemembers have given what Abraham Lincoln called the last full measure of devotion to the Nation. Many more of these brave men and women bear the physical and mental scars of battle which will last their lifetimes.

As a Congress, we must continue to work to ensure that our military has all the equipment and training necessary to successfully and safely complete their missions.

I commend the members of the conference committee for working in a bipartisan manner to meet the needs of our military and veterans in the conference report on the Defense appropriations bill for fiscal year 2008. The $459 billion in the bill will provide the necessary resources to our Armed Forces and continue the investments that we have made to make certain that the American military is the finest in the world.

The conference report provides $23.5 billion, over $2.2 billion above the fiscal 2007 level, for Defense health programs. The bill improves the Pentagon's electronic medical records and enables better coordination between DOD and the VA. It also enhances preventative medicine programs and increases investments in medical research. I'd like to highlight that $138 million has been allocated for breast cancer research and $80 million for prostate cancer research.

To support our soldiers' families, the bill provides $2.6 billion for family advocacy and other programs to support families affected by the rigors of war.

The conference report also gives all of our military personnel a much deserved pay raise, as was mentioned by the distinguished chairman, 3.5 percent, and fully funds the efforts to increase our Armed Forces, including equipping and training costs for 7,000 new members of the Army and 5,000 new marines.

The bill also protects our soldiers in combat by providing $11.6 billion for Mine Resistant Ambush Protected vehicles and increases funding for body armor and other protective equipment.

Mr. Speaker, unfortunately, the majority has yet to send the President any appropriations bill this year to sign into law. This is the longest Congress has taken to finish even one appropriation bill in over 20 years. Because the majority has failed to complete its work on these important appropriations bills, funding for the Federal Government is set to expire on November 16. This conference report will extend the current continuing resolution through December 14 so that the government can continue to remain open.

The CR, the continuing resolution, also provides $6.4 billion in emergency spending, including $2.9 billion for FEMA's disaster relief fund, $500 million for fighting wildfires, and $3 billion for the gulf coast Road Home hurricane rebuilding program. It also increases funding to prepare for the 2010 census, as well as another $2.9 billion to bring VA funding up to the President's fiscal year 2008 request.

Obviously, I support this important piece of legislation that the rule brings to the floor today, but I think that it falls short on one major issue, providing a bridge fund for our troops in theater.

Without a bridge fund, the Department of Defense will be forced to make some very difficult decisions: Will they cut funding for the troops in theater to carry out the worthwhile projects and funding increases in this bill, or will they send funding to troops and put major projects in this bill on hold? The Department of Defense should not have to make such decisions, Mr. Speaker. This conference report should fund both the important projects in the bill and provide our troops in the theater with funding.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from South Carolina, the majority whip, Mr. CLYBURN.

Mr. CLYBURN. Let me thank Congresswoman SLAUGHTER for yielding me this time.

Mr. Speaker, I wanted to come to the floor today to speak about an issue that seems to have occupied the time of some of my colleagues this morning and that led to a particular story in one of the publications here on the Hill this morning.

It has a headline that is about one of the earmarks in this bill, and let me point to it. It very clearly states, I think it's on page 78, that a $3 million request is being made for the First Tee program. It's found on page 78.

Now, in accordance with the rules of the House, this request was made by me and my name is attached to it because I'm very, very proud of it.

What I'm not proud of, however, is the headline that has been published this morning saying that a "South Carolina Golf Center Nabs a $3 Million Earmark." That is utterly untrue.

This $3 million request is so that we can put on military bases the program called First Tee. This program will be there for the children of the men and women, many of whom find themselves in harm's way, so their children that they leave back here on military bases all over this country, some on military bases in foreign countries, their children will have the opportunity to participate in a nationwide character-building program which happens to use as one of its core components the game of golf, a game that has been made very, very popular by a young man of color, who has made this a sport that young, low-income children and children of color have finally become enamored of.

I just want to make sure that these children who live on these military bases will have the same access to this program that they have to softball, to swimming pools, to basketball that we fund in the appropriations bills every year. We put these programs on these military installations, and we say, softball, swimming, basketball, reserved for you all.

So I just want to say that I cannot prevent headline writers. I used to be in this business. I was in the newspaper business, and I know why we write headlines.

Not one dime of this request will go to any civilian facility in South Carolina or anywhere else in the United States of America. Every single dime of this is to be spent on defense facilities to the benefit of those children whose mothers and fathers are off defending our way of life, so that their children can have the same kind of opportunities that our children have.

And I find it a little bit insulting that we say we are going to reserve this kind of activity for the elite and not make it available to the children of the men and women who are preserving our way of life.

There's something about this. We know who is fighting this war. Rural, low-income families are carrying the burden of this war, and I think we've got a responsibility here to say to their children, we're going to treat you the same way we treat the kids downtown. And the kids in downtown, in Sumter, in my hometown, if they can have a First Tee program, I want those kids at Shaw Air Force Base 10 miles away to have that same kind of program. I want those kids at Charleston Air Force Base, while their families are off, that's where they're all leaving from, that base, to go off to fight in Afghanistan and Iraq. They're leaving their children there. I want their children to have the same opportunities on that base as kids have downtown Charleston.

And for us to single this out and write a headline like this, not one dime goes to this center, and they know it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 4 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding, and I rise in support of the rule and this conference report.

I want to commend Chairman MURTHA and Ranking Member YOUNG for the great work they do together each and every year on behalf of our young soldiers and their families, and the great staff that works in a nonpartisan manner for all of those soldiers and families.

The challenge laid before our subcommittee every year, and this year is no exception, is to strike the appropriate balance between present and future needs.

Clearly, we must provide the necessary funding to support our courageous young warfighters, troops in and out of the current fight, and their families and do it as soon as possible.

In this regard, I'm pleased, as others have mentioned, that we fully fund a pay raise for our troops. We also provide an additional $2.5 billion for family support activities, more counselors, teachers, day care providers, better housing.

This bill also contains significant increases in many Defense health accounts and provides funding to improve military mental health and post-traumatic stress syndrome programs.

It includes new efforts on preventative medicine in the Department of Defense and extra medical research. It contains $1.9 billion to erase the shortfall in the military's TRICARE medical program. It fully funds flying hours and home training.

But, Mr. Speaker, our committee has also applied its best judgment as to how we look to the future and how our Nation will confront adversaries in future conflicts.

This bill provides, as others have said, nearly a billion new dollars to upgrade the equipment of our National Guard and Reserves for both military and home State civil operations.

This bill fully funds the end strength increases for the Army and the Marines.

It moves the F-22 Raptor program forward and retains important language that bars its foreign sale.

The bill advances the Joint Strike Fighter program and directs production of a second engine.

Mr. Chairman, if I'd written this bill, I might have written some sections differently. For example, I wonder if we've gotten it right with respect to the future combat systems, the Army's signature modernization program. That's the Army's future, and we need greater investments in that area.

And lastly, Mr. Speaker, I join with many others in being very concerned that this conference report does not include a bridge fund to support our deployed warfighters. I understand that the House may bring a freestanding bridge fund to the floor next week.

However, I believe it's a mistake to attempt to pass a downsized, standalone bridge fund wrapped in so much red tape and conditionality so as to force the President to veto. While this may serve some ends, it slows the process of getting needed support for those who are literally on the front lines in Iraq and Afghanistan.

But all in all, this is an excellent package, worthy of our support. Again, I congratulate Chairman MURTHA and Mr. YOUNG for all they do each and every year, and I support the rule and I support the conference report.

☐ 1230

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Madam Chairman, I want to thank you for allowing me to have 3 minutes.

Mr. Speaker, I am in support of the rule, and I encourage all of the Members to do so. As a sitting 5-year member on the Armed Services Committee, having an opportunity to look not only over this bill but being a part of the voting for Defense bills or Defense appropriations bills in the past, I am proud of it.

We have the responsibility here in Congress not only to make sure they have up-armor, bullets, what have you, meals, the things they need in the field, but we also have to make sure that their families are okay too. I asked for a couple of minutes because I couldn't help but witness the passion that the whip had when he came to the floor about making sure that military families have the same opportunities as those who are not in the military.

I think it's important for us to realize, Members, that there are some individuals that are privileged, there are some people that have the opportunity to be with their sons and daughters, but we also have people who are in harm's way. In a time of war, we have to make sure that life doesn't stop for those families that are left behind.

I just want to add, so that we start looking at this issue, not to make it a debate, because it was debated earlier today, but this bill is doing some of the great things as it relates to the MRAP vehicles we have in Iraq. I was just in Fallujah a couple of months ago. It was my third trip to Iraq. I am proud to see some of the work that is starting to take place there as it relates to the equipment getting to the men and women. But I can say that this issue of making sure that families have what they need when we have men and women in harm's way is not a new issue.

I can tell you a former Member of the House, Mr. DeLay, had a $1 million FY03 Labor-HHS appropriations to the First Tee program, and these are for civilians. The program also received $2 million in FY04 Labor-HHS appropriations bill, and $1 million in the State-Justice appropriations bill. I think it's important that Members realize that when we look at these military families, they have to have the same kind of attention and appreciation that we give our men and women in harm's way.

I have my son here on the floor with me today; he is out of school. As Members know, we play golf together. But, guess what? I am here to play golf with him. The First Tee program has instructors to be able to work with young people when their mothers or their fathers are not there to play that role. So let's make sure that we do the right thing.

Madam Chairman, I want to thank you for bringing the rule to the floor. I want to thank those who are in support of the rule, but I think it's very, very important that I expect to vote in an affirmative for the rule, to make sure that we do for military families what we do for men and women in harm's way.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 6 minutes to my friend, the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. I thank my friend from Florida for yielding.

Mr. Speaker, this is a good bill. I support the bill. As Mr. FRELINGHUYSEN stated, if I had been writing it line for line, it wouldn't be quite the way it is, but it is a good bill and worthy of our support.

I support the rule also. I hope that it can be amended to make it even better, and here is why. This is the Defense appropriations bill. It will be acted on today, it will be acted on perhaps tomorrow by the Senate and on the President's desk. There is another bill that very much needs to be on the President's desk by Veterans Day, which is November 11. I suppose we will be celebrating it on Monday, November 12, this year because we don't have the Federal holidays on Sunday. That's the bill making appropriations for Military Construction and Veterans Affairs. That bill is ready to go and also ready to be sent to the President of the United States.

The House passed its version of the MilCon-VA bill on June 15 of this year by a vote of 409-2. The Senate passed its version of MilCon-VA on September 6, over 2 months ago, by a vote of 92-1 in favor of the bill. For over 2 months, we have stood ready to conference this bill to send it on to the President and send vital funds for infrastructure, for our troops and for their families, and also for our heroes who have served in the past.

As we all know, this is the latest the Congress has gone without sending a single appropriation bill to the President in the past 20 years.

Now, what this amendment that the gentleman from Florida will do, if he is allowed to offer the amendment, is simply to instruct the Speaker to appoint conferees immediately for the MilCon-VA bill. It will do nothing to the Defense bill whatsoever, but it is a way for us to proceed immediately on legislation, which all of our veterans service organizations say is important, which is a good bill, and which should be sent to the President by Veterans Day.

I will be joining Mr. DIAZ-BALART and others in voting against the previous question, not because there is anything wrong with the Defense bill, but in order for this amendment to be added and simply allow MilCon-VA to proceed also.

Now, as we say sometimes in the rural south, there is more than one way to skin a cat. If Members feel that defeating the previous question is not what they want to do and requiring the Speaker to appoint conferees immediately, there is another way to move the MilCon-VA immediately and have it sent to the Senate this very day, and that is some legislation which I introduced last night. It's H.R. 4104, and here is what it does. It contains the exact language that was signed by the conferees with regard to MilCon-VA. It is a stand-alone bill with the conference language on MilCon-VA, and it could be adopted this afternoon by unanimous consent. It could be adopted under a suspension of the rules, sent to the Senate immediately, and sent on to the President for his signature before Veterans Day.

What a way to honor our veterans. What a way to honor and pay tribute to the families that will benefit from the MilCon projects and to the troops that need that vital infrastructure.

Defeating the previous question and amending the resolution, I support. But if Members feel they cannot go along with that, I urge them to look at this bill, H.R. 4104. We already have over 100 cosponsors. As I say, it is identical to the bipartisan MilCon-VA conference agreement that Mr. EDWARDS and Mr. OBEY and I and Mr. LEWIS worked out as a conference agreement with Members of the Senate. It is the exact language that was passed as an attachment to the Labor-HHS bill.

You know, this should not be a partisan issue. I strongly disagreed on the floor of this House with my friend Mr. OBEY and the leadership of this House with the strategy of linking MilCon-VA with the Labor-HHS appropriation bill. I stated that I thought it would slow things down, and, indeed, it did slow things down. The strategy didn't work. The Senate delinked those two bills yesterday afternoon, and now we are really not sure where we are.

H.R. 4101 is the best way and the quickest way for this House and for the Senate to simply send that legislation on to the President. He could be signing it tomorrow afternoon.

So I call on my colleagues to vote "no" on the previous question. I like Mr. DIAZ-BALART's strategy. Frankly, I like my strategy a little better because it's cleaner. Let's pass a stand-alone MilCon-VA conference report, the exact language that every one of us has already agreed to, send it on to the President and honor our troops by Veterans Day.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I would submit for the RECORD an article from Congressional Quarterly Today, dated October 23, 2007, and a copy of page 289 from this bill.

[From CQ Today, Oct. 23, 2007]

### ITEM IN WAR REQUEST STOKES FEARS OF IRAN STRIKE

(By John M. Donnelly)

Some Democrats are worried that President Bush's funding request to enable B-2 "stealth" bombers to carry a new 30,000-pound "bunker buster" bomb is a sign of plans for an attack on Iran.

Buried in the $196.4 billion supplemental war spending proposal that Bush submitted to Congress on Oct. 22 is a request for $88 million to modify B-2 bombers so they can drop a Massive Ordnance Penetrator, or MOP, a conventional bomb still in development that is the most powerful weapon designed to destroy targets deep underground.

A White House summary, accompanying the supplemental spending proposal said the request for money to modify B-2s to carry the bombs came in response to "an urgent operational need from theater commanders." The summary provided no further details. The White House and the Air Force, in response to queries, did not provide additional clarification.

Previous statements by the Defense Department and the program's contractors, along with interviews with military experts, suggest the weapon is meant for the kind of hardened targets found chiefly in Iran, which Bush suspects developing nuclear weapons capability, and North Korea, which already has tested a nuclear device.

Bush has said repeatedly that he prefers to use diplomacy to resolve tensions with Iran over its nuclear program. But his request for funding to deliver the new bunker buster comes amid a sharp escalation of tough White House rhetoric about Iran's nuclear program in recent days.

On Oct. 18, Bush said a nuclear armed Iran could lead to "World War III." Three days later, Vice President Dick Cheney warned of "serious consequences" if Tehran continued to enrich uranium.

Against that backdrop, the proposed funding for bunker busters has some in Congress worried.

James P. Moran, D-Va., a senior member of the House Appropriations Defense Subcommittee, said he did not believe the MOP could be used in Iraq or Afghanistan and cited Iran as the potential target for the bomb. He said he would oppose the funding.

"That's a clear red flag," Moran said.

Jim McDermott, D-Wash., an outspoken critic of Bush's war policies, said the funding request was the latest of many signs that indicated Bush was contemplating an attack on Iran. McDermott said such a scenario was his "biggest fear between now and the election."

"We are not authorizing Bush to use a 30,000-pound bunker buster," he said. "They've been banging the drums the same way as they did in 2002 with Iraq."

#### STEALTH DELIVERY

The Boeing Co., in conjunction with Elgin Air Force Base in Florida, has been developing the Massive Ordnance Penetrator for several years and first tested the bomb in March. The 15-ton bomb would be dropped by B-52 or B-2 bombers.

In June, the Northrop Grumman Corp., maker of the B-2, won a $2.5 million contract from the Air Force to retrofit the bat-winged, stealth bombers so they could drop the new weapon. The new funding, if approved, would significantly expand that initiative.

The B-2 made its battlefield debut during the Kosovo War in 1999. It is optimal for use against sophisticated enemy air defenses because its radar-evading surface is difficult to detect.

In interviews Tuesday, military experts said the new weapon was not designed for the kind of counterinsurgency campaign being conducted by U.S. forces in Iraq and Afghanistan. They said the MOP could prove useful against other targets, notably underground Iranian facilities that are said to be producing nuclear weapons materials.

"A weapon like this is designed to deal with extremely hard and buried targets such as you would find in Iran or North Korea," said Loren Thompson, a defense analyst with the conservative military think tank, the Lexington Institute, who is also a consultant for some defense contractors.

"Clearly, in the case of North Korea, the likelihood of military action is receding as the Pyongyang government becomes more tractable," said Thompson, referring to recent progress in diplomatic efforts to persuade North Korea to dismantle its nuclear programs.

John Pike, an expert on defense and intelligence policy with Globalsecurity.org, said the MOP could be used against Iran's main uranium enrichment facility at Natanz.

"It'll go through it like a hot knife through butter," Pike said. He noted that the B-2 would be the best aircraft to deliver the bomb "if you want it to be a surprise party."

It is not clear how quickly the new weapon could be ready for delivery by a B-2 if the $88 million were enacted. A spokesman for Northrop Grumman declined to provide a time frame.

Not all Democratic lawmakers oppose the weapon. Non-nuclear bunker busters have emerged in recent years as favorites of Democrats concerned about Bush administration's earlier plans to conduct research on nuclear models.

"We need to have this as a conventional weapon," said Norm Dicks, D-Wash., a member of the House Defense Appropriations Subcommittee. "It adds to our deterrent."

| | R–1 | Budget Request | House | Senate | Conference |
|---|---|---|---|---|---|
| 68 | SPECIALIZED UNDERGRADUATE FLIGHT TRAINING | 12,622 | 12,622 | 15,622 | 15,022 |
| | AT–68 for the Air National Guard | | | 3,000 | 2,400 |
| 70 | B–2 ADVANCED TECHNOLOGY BOMBER | 244,019 | 289,219 | 292,019 | 297,819 |
| | AF Requested transfer for Radar Modernization Program | | 38,000 | 38,000 | 38,000 |
| | Small Diameter Bomb | | 7,200 | | 5,800 |
| | Massive Ordnance Penetrator for B–2 | | | 10,000 | 10,000 |
| 71 | PERSONNEL RECOVERY SYSTEMS | 290,059 | 190,059 | 98,059 | 105,000 |
| | Contract award delay | | −100,000 | −192,000 | −86,059 |
| | Transfer to Line 57, Aircraft Procurement, Air Force, only for H–60 upgrades | | | | −99,000 |
| 72 | ELECTRONIC WARFARE DEVELOPMENT | 101,649 | 103,149 | 103,649 | 103,249 |
| | Rapid Replacement of Mission Critical Logistics Electronic Components | | 1,500 | 2,000 | 1,600 |
| 76 | COUNTERSPACE SYSTEMS | 53,412 | 53,412 | 65,412 | 64,412 |
| | Space Control Test Capabilities | | | 5,000 | 4,000 |

| | R-1 | Budget Request | House | Senate | Conference |
|---|---|---|---|---|---|
| | RAIDRS Block 20 (Air Force unfunded requirement) | | | 7,000 | 7,000 |
| 77 | SPACE SITUATION AWARENESS SYSTEMS | 187,804 | 197,604 | 187,804 | 197,604 |
| | Space Fence | | 9,800 | | 9,800 |
| 79 | SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD | 587,004 | 614,604 | 587,004 | 587,004 |
| | MCSB Upgrade | | 27,600 | | 0 |
| 80 | ALTERNATIVE INFRARED SPACE SYSTEM (AIRSS) | 230,887 | 75,887 | 75,000 | 75,887 |
| | Program Growth | | −155,000 | −155,887 | −155,000 |
| 82 | ARMAMENT/ORDNANCE DEVELOPMENT | 1,985 | 3,485 | 1,985 | 3,185 |
| | 1–1000 Warhead Technology Demonstration | | 1,500 | | 1,200 |
| 84 | AGILE COMBAT SUPPORT | 10,623 | 12,623 | 10,623 | 12,223 |
| | Improvised Ordnance Detonator-Advanced Development | | 2,000 | | 1,600 |
| 86 | LIFE SUPPORT SYSTEMS | 12,649 | 13,649 | 12,649 | 13,649 |
| | ACES II Ejection Seat Improvement | | 1,000 | | 1,000 |
| 88 | INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A) | 189 | 13,189 | 8,189 | 17,589 |
| | Program Engineering Interoperability Framework | | 2,000 | | 1,600 |
| | Enterprise Services for Reach Back Capabilities (ESRBC) | | 3,000 | | 3,000 |
| | MEDSTARS Integration with Global Combat Support System | | 2,000 | | 1,600 |
| | Airborne Web Services (AWS) Spiral 5 | | 1,000 | | 800 |
| | Distributed Mission Interoperability Toolkit (DMIT) | | 5,000 | | 4,000 |
| | ASSET eWing and Data Fusion Technology Integration Base | | | 5,000 | 4,000 |
| | Global Awareness Presentation Services (GAPS) | | | 3,000 | 2,400 |
| 89 | INTELLIGENCE EQUIPMENT | 1,469 | 1,469 | 5,969 | 5,069 |
| | Electronic Warfare Modeling, Simulation and Wireless Testing Center | | | 4,500 | 3,600 |

I have made known in the course of hundreds of speeches the last few years my opposition to the war in Iraq, so I don't need to elaborate on that. I have a bill in H.R. 1234 that would bring our troops home and set in motion an international peacekeeping and security plan that would enable that to move in as our troops leave. I believe the best way to support the troops is to bring them home.

But I rise today to inject a note of caution into these proceedings about an item in this appropriation which could have enormous consequences for United States policy with respect to Iran.

It has been well reported that there is a provision in this bill that will enable the modification of B-2 Stealth bombers so that they can drop what is called a bunker buster or massive ordnance penetrators, as they are called, that would go to destroy deep underground targets. Every defense analyst who has been interviewed about this item has suggested that there is one reason and one reason only why this request was expedited by the administration, and that is to retrofit these B-2 bombers so they will be able to drop 30,000-pound bombs on Iran.

Now, I know there are Members of this House who would, perhaps, support a strike against Iran. I don't. I think diplomacy is the preferred path here.

But I think that if we are looking at this item that is number 70 on page 289, we cannot approve of this without thinking of the consequences of the administration's approach. Because if you drop 30,000-pound bombs, bunker busters, on nuclear research labs, this is, in effect, creating a humanitarian and ecological disaster. There is just no way to avoid it, because you are talking about the release of radiation that's inevitable from dropping such a bomb.

Now, some could say, well, that's the idea. It cannot be the idea. We are talking about a war crime in motion here. This would have the effect of, perhaps, Chernobyl, which released radiation and ruined, poisoned land in Russia. It would have human health effects that would be catastrophic.

We have got to think about the implications of this particular item. I think it's really important that Congress reflect on it. That's why I oppose the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking for a "no" vote on the previous question, so that we can amend this rule and move toward passing a conference report on the bipartisan Military Construction-Veterans Affairs Appropriations Act.

As Mr. WICKER explained just a few minutes ago, the House passed the veterans and military funding bill on June 15 by a vote of 409–2, with the Senate following suit and naming conferees on September 6. Unfortunately, the majority leadership in the House has refused to move the Military Construction-Veterans Affairs appropriations bill. They have even refused to name conferees.

Why has the majority decided to hold off on moving this bill that has such a bipartisan support? Well, according to several publications, including Roll Call, the majority intends to hold off sending appropriations bills to the President so that they can use an upcoming anticipated veto of the Labor-HHS appropriations bill to serve as, and I quote, an extension of their successful public relations campaign on the SCHIP program.

Unfortunately, that evidently political move failed yesterday when the Senate removed the Military Construction and Veterans Affairs Appropriations Act from the Labor-HHS bill.

☐ 1245

Recently, Republican Leader BOEHNER took a step toward naming House Republican conferees. Now the Speaker of the House must follow suit and take the steps necessary to ensure that work can begin on writing the final veterans funding bill that can be enacted into law.

Every day that the majority chooses not to act on this bill, our Nation's veterans lose $18.5 million. Our veterans, Mr. Speaker, deserve better than partisan gamesmanship holding their funding back.

I urge my colleagues to move this important legislation, to allow it to move, and oppose the previous question.

Mr. Speaker, at this time I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I urge a "yes" vote on the previous question and on the rule, and I yield back the balance of my time and move the previous question on the resolution.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 806 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 2. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 196, not voting 19, as follows:

[Roll No. 1062]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Boren
Braley (IA)
Buyer
Carson
Cubin
Cuellar
Giffords
Hunter
Jindal
LaHood
Lantos
Levin
Lungren, Daniel E.
Miller (FL)
Moran (VA)
Oberstar
Rothman
Wexler
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1310

Mr. CARNEY changed his vote from "yea" to "nay."

Mr. MARKEY changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 184, not voting 22, as follows:

[Roll No. 1063]

AYES—226

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Gillibrand
Gonzalez
Gordon
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Whitfield
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—184

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Weller
Westmoreland
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—22

Ackerman
Boren
Braley (IA)
Buyer
Carson
Chandler
Cubin
Giffords
Green, Al
Hunter
Jindal
LaHood
Lantos
Levin
Lungren, Daniel E.
Miller (FL)
Murphy (CT)
Oberstar
Rothman
Simpson
Wexler
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1317

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. AL GREEN of Texas. Mr. Speaker, today I was unavoidably delayed and missed the vote on H. Res. 806, the Rule providing for consideration of the conference report to accompany H.R. 3222, making appropriations for the Department of Defense for fiscal year ending September 30, 2008, and for other purposes (rollcall 1063). Had I been present I would have voted "aye" on rollcall 1063.

PERSONAL EXPLANATION

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall Nos. 1062 and 1063, I was unavoidably detained. Had I been present, I would have voted "no" on both votes.

Mr. MURTHA. Mr. Speaker, pursuant to House Resolution 806, I call up the conference report on the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 806, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 6, 2007, at page 29850.)

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 3222.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURTHA. Mr. Speaker, this bill provides for a 3.5 percent pay raise for military personnel. It rejects the President's proposed increase in TRICARE copays and funds TRICARE by $1.9 billion, appropriates $2.6 billion to provide our military families with the immediate need for more counselors, teachers and child care providers. It also looks to the future.

The bill provides $938 billion above the President's request for advance construction funding for additional ships, provides an additional $980 million to purchase essential National Guard and Reserve equipment. We're looking beyond Iraq, trying to take care of any threat that may threaten this country in the future.

CONFERENCE AGREEMENT TOTALS AND OVERVIEW

The President requested $463.1 billion in total FY 2008 new budget authority for the Department of Defense and intelligence community programs that fall under the purview of the Defense Subcommittee. This is an increase of $43.3 billion over last year's enacted level—a 10.3 percent increase in nominal terms. The lion's share of the increase over FY 2007 (some 80 percent) was allocated to operation and maintenance and procurement programs.

The conference agreement meets the budget authority allocation of $459.6 billion for FY 2008. This figure is a little more than $3.5 billion below the President's budget request. Nonetheless, the conference agreement provides an increase for Defense of $39.7 billion over the FY 2007 enacted level, or about 9.5 percent in nominal growth.

The House bill shifted funding for certain programs between the FY 2008 base budget bill and the FY 2008 war supplemental in order to meet the budget authority allocation. However, because consideration of the FY 2008 supplemental has been delayed, some items deferred in the House bill have been restored to the base bill in the conference agreement to prevent production gaps and other consequences that might arise if funding were delayed until next May. This largely affected appropriations for the Department's operation and maintenance activities and ammunition procurement accounts. The House bill recommended an overall reduction to the operation and maintenance accounts of some $5.7 billion below the request. The conference agreement includes a total reduction of $2.8 billion. Nonetheless, the conference agreement fully funds home-station training, equipment maintenance, and other key military readiness programs covered in these accounts.

Meeting the allocation also required deferring consideration of several high profile programs until the FY 2008 war supplemental is taken up. These include:

The Air Force Reserve Basic Allowance for Housing shortfall

War-Related Special Pays—Hostile Fire Pay, Hardship Duty Pay, Foreign Language Proficiency Pay.

The ground forces' strategic reserve readiness and equipment rehabilitation.

Funding for additional Stryker vehicles ($1.1 billion).

The purchase of at least 10 C–17 cargo aircraft ($2.9 billion).

The purchase of additional Black Hawk MEDEVAC helicopters.

The Department's Global Train and Equip program.

### HIGHLIGHTS

The conference agreement achieves a balance between preparing units for near-term deployments, supporting our military members and their families, and modernizing our forces to meet future threats. Highlights of the agreement are:

Supporting Our Troops and Their Families: First and foremost, the conference agreement recommends robust funding for programs important to the health, well-being, and readiness of our forces. In addition, the agreement proposes several initiatives that address issues raised by troops, their families, and Department of Defense officials in testimony before the Committee and visits to military bases in the United States and overseas.

The conference agreement includes funding of about $2.2 billion to cover the full cost of a 3.5 percent military pay raise, supported by both the House and Senate version of the Fiscal Year 2008 National Defense Authorization bill.

Under their "grow-the-force" initiatives, the Army and Marine Corps propose to add 7,000 and 5,000 new troops, respectively. The personnel costs of these increases are fully covered in the conference agreement, as are the associated equipping and outfitting costs. For the Army the equipping costs for these new troops amount to more than $4 billion; for the Marines the costs exceed $2 billion.

Home-stationing training, optempo, and flying-hour costs are funded at robust levels. All told, the conference agreement provides for a 19 percent increase in funding for these activities over last year's level. Home station training dollars increase by 32 percent and 45 percent for Army and Marine Corps respectively.

The military services' force structure and basing infrastructure are in a state of transition. The Army, in particular, has been forced to manage significant changes in force structure (known as Army Modularity), base closures, and a global repositioning of forces, all while meeting the demands of war. Based on detailed information provided by the Army, the conference agreement includes a House initiative to assist the service in meeting this challenge. The conference agreement adds $615.7 million to the Army's facilities sustainment and restoration budget request to offset the growing infrastructure costs associated with the global repositioning of its forces. This funding, however, will only partially cover the Army's needs. It will be necessary to address additional infrastructure requirements of approximately $686 million in operation and maintenance costs and over a billion in military construction costs during consideration of the FY 2008 emergency supplemental request.

The conference agreement also includes a House initiative to directly respond to the needs of our military families. Total funding of $2.6 billion is recommended for the military's family advocacy programs, childcare centers, and dependent's education programs. This amount is an increase of $237 million over the Administration's request, with most of the increase allocated to DoD's family advocacy programs. This program provides counseling, education, and support to military families affected by the demands of war and episodes of child or spouse abuse.

The agreement includes several initiatives and additional funding to address health care issues raised over the past year, including improving the Department's electronic medical records and fostering better coordination between DoD and the Department of Veterans Affairs, enhancing preventative medicine programs, and advancing military medical research. Also, the conference agreement fully covers the $1.9 billion shortfall in health funding created by the disapproval of DoD's proposed fee and premium increases.

Preparing for the Future: The conference agreement provides robust funding for weapons systems purchases and research programs designed to meet future threats.

The conference agreement supports full funding, as requested, for the F–22 tactical fighter aircraft procurement programs.

The conference agreement includes increases above the President's request allocated for development programs that address so-called "asymmetric" threats from weapons of mass destruction and cruise missiles. Additional funding of $10 million is provided to pursue cruise missile defense, $20 million for chemical and biological defense research programs, $21 million to improve fissile material detection systems, and $50 million for the Former Soviet Union Threat Reduction account to counter weapons proliferation and chemical/biological agents. Finally, the conferees agreed to add $100 million to improve U.S. space situational awareness in light of the Chinese anti-satellite missile test in January of this year.

To support the Army's evolution to a larger, more lethal, and more rapidly deployable force, the conference agreement recommends $3.4 billion for continued development of Future Combat Systems, a cut of slightly more than $200 million, $925 million for additional Stryker vehicles, and full funding for procurement of four Joint Cargo Aircraft.

Testimony before the committee revealed that our National Guard and Reserve forces continue to suffer from equipment shortfalls. To address this need the conference agreement recommends providing an additional $980 million to purchase Guard and Reserve equipment. These additional funds will enhance these forces' ability to meet overseas deployment demands, and respond to natural disasters here at home.

Economic Stability: Fostering economic stability in DoD's weapons modernization programs has been a consistent theme of the Committee. As such, the conference agreement includes a series of recommendations that will help stabilize certain programs by adding funds and/or adjusting procurement or development schedules.

The Navy's shipbuilding program has been beset by planning and resource instability for many years, resulting in ever-increasing costs to the American taxpayer. Clearly, at current production rates and price levels, the Navy will be unable to meet its force structure requirements in the future. The conferees respond by providing advance procurement funding for an additional five ships. To purchase these ships or to initiate planning and construction, the conference agreement provides an additional $938 million above the Navy's request for shipbuilding and sealift.

The success of the Department's Joint Strike Fighter, F–35, program is critical to our nation's ability to field a modern, capable fighter aircraft fleet for decades to come. To maintain stability in this program—and limit the potential for cost increases over time—the conference agreement recommends an increase of $200 million for F–35 production enhancements. These funds are to be used to outfit facilities with the latest in production line equipment and work-flow technology. In addition, the conference agreement recommends adding $480 million to continue development of an alternative engine for this aircraft, thereby ensuring a competitive base for engine production. The conference agreement reduces the JSF budget request by $266 million to account for payments the program will receive in fiscal year 2008 for double billing by the contractor. This reduction does not adversely affect the aircraft production schedule.

Accountability: The Committee's fiduciary responsibility to the American taxpayer requires holding accountable organizations, officials, and programs that have performed poorly. The conference agreement focuses attention on the following issues:

Fiscal discipline: The conference agreement affirms several important House initiatives to improve DoD's fiscal discipline and Congressional oversight. (These are described in an appendix to this memorandum.)

Contracting Out: The conference report also includes recommendations to adequately manage and oversee the growth in and cost-effectiveness of contracting out. (These are described in an appendix to this memo.)

Basic research: The conference agreement includes a 35 percent cap on the amount of overhead charges that can be charged on a basic research grant or contract.

### SUMMARY OF RECOMMENDATIONS BY TITLE

*Military personnel*

The conference agreement provides $105.3 billion for military personnel pay and benefits accounts, a slight decrease of $111 million to the President's FY 2008 request, but an increase of $5.4 billion over the FY 2007 level.

The military personnel pay raise of 3.5 percent is funded at $2.2 billion. This rate is 0.5 percent greater than the President requested. Also, the conference agreement includes $2.4 billion for retention bonuses and recruiting incentives.

The conference agreement increases the Basic Allowance for Housing, BAH, 4.2 percent to $15 billion, which is $1.6 billion over the projected FY 2007 enacted level. This continues to ensure no out-of-pocket expenses for service personnel and supports the privatization of housing units for military families.

Army end-strength is increased by 7,000 in the conference agreement, to a total of 489,400, or $5.7 billion over the FY 2007 enacted budget amount. The conferees increase and fully fund Marine Corps end-strength by 5,000 to a total of 180,000.

The Navy and Air Force, on the other hand, will continue to reduce their manpower levels. Navy plans to cut 12,300 in 2007; Air Force intends to reduce their force by about 5,600. The conference agreement includes a mandated review of Air Force end-strength requirements.

The conference agreement assumes the Special Operations Command will grow to a level of about 54,250 personnel, up about 6,400 over FY 2007 levels. By FY 2013, the Command projects its end-strength to grow to about 59,000.

*Operation and maintenance*

The conference agreement provides a total of $140.1 billion for operation and maintenance accounts, a decrease of $2.8 billion from the request, but an increase of $12.8 billion or 10 percent over the FY 2007 baseline O&M enacted level.

The conference agreement makes significant reductions to the military services' O&M accounts, particularly the Army and Air Force, for the following reasons:

Unjustified growth over FY 2007 funding levels, beyond amounts necessary to fully fund all training, optempo, and maintenance activities.

Excessive buildups of spare parts inventories.

Excess cash in working capital funds, beyond levels necessary to ensure cash flow.

The conference agreement fully funds a 3 percent civilian pay raise, which is scheduled to take effect January 1, 2008.

*Procurement and R&D*

Procurement is funded at $98.2 billion, $1.4 billion below the request and the House bill. This is still an increase of 21 percent, the largest percentage increase of all the major accounts in the DoD budget. R&D is funded at a total of $77.3 billion, about $2.1 billion more than requested. Of note, the conference agreement provides funding for shipbuilding that totals $15 billion. This funding allows for the procurement of 5 ships and advance construction funding for an additional 5 ships above the President's request.

Funding of $3.9 billion is provided to fund the purchase of 20 F–22 aircraft, as requested. Additionally, the conference agreement recommends $2.7 billion for the procurement of 12 F–35 Joint Strike Fighter aircraft and $2.0 billion for the procurement of 24 F/A–18E/F aircraft.

The conference agreement includes $99 million for modifications to the Air Force's combat search and rescue platform, the HH–60.

Funding for the Missile Defense Agency decreases to $8.6 billion from last year's level of $9.4 billion.

*Defense Health Program*

The Defense Health Program is funded at $23.5 billion, an increase of $0.9 billion above the President's request.

Major increases for this activity include: $70 million for the Wounded Warrior Assistance program; $138 million for peer reviewed breast cancer research; $80 million for prostate cancer research; and $10 million for ovarian cancer research.

HIV/AIDS research and prevention programs receive a total increase of $16 million in the conference agreement.

The conference agreement includes $50 million for the Congressionally Directed Medical Research Program.

The conference agreement also includes $379 million to cover the "efficiency wedge" shortfall.

*Special Operations Command*

The conference agreement for the Special Operations Command is $5.5 billion, a slight increase to the President's request. This amount includes $3.3 billion for operation and maintenance, a reduction of $23 million from the President's request based on past obligations data and other reductions provided by the Command.

For procurement, the conferees recommend $1.8 billion, a decrease of $50 million from the request. This reduction includes a decrease of $23 million for equipment and modifications associated with one CV–22; the agreement provides that funding for one of the five mods requested can slip based on the ability of the contractor to outfit the aircraft. The conference agreement also includes a $19 million reduction for C–130 modifications associated with the 30 mm weapons program and problems assimilating this weapon onto the C–130. Within the funding provided, an increase of $17 million is included for SPEAR body armor and eye protection.

Finally, for R&D the conference agreement includes $450 million, an increase of $5 million above the request. Within this amount, an increase of $5 million is provided for an ongoing Special OpsINavy joint program to improve UAV systems. This initiative is a high priority of the House Armed Services Committee.

### NOTABLE GENERAL PROVISIONS

A provision is included allowing the Department of Defense general transfer authority of $3.7 billion. The Department requested transfer authority of $5 billion.

The conference agreement includes a general provision limiting the amount of reimbursable indirect costs on a basic research contract to not more than 35 percent of the total cost of the contract.

A new provision is included permitting a competitive expansion of domestic VIM/VAR steel production capacity.

A provision is retained from previous Defense Appropriations acts which prohibits the sale of F–22 fighters to foreign countries.

A provision is included appropriating $10 million for Fisher Houses.

Funds are provided to the joint U.S.-Israeli Arrow missile defense system in a general provision. Also, funds are added for a study of future Israeli missile defense requirements.

A new provision is included which prohibits the Department from initiating new programs through reprogramming requests, as proposed by the House.

Another new provision proposed by the House is included which establishes a separate "major force program" budget and program designation for DoD's space programs. This will improve the Committee's oversight of these activities.

The conference agreement includes two provisions restricting the establishment of permanent bases in Iraq and prohibiting torture as carried in the House bill. These provisions are consistent with existing law.

The conference agreement includes a provision restricting the payment of any award fees to contractors who fail to meet contractual requirements.

SELECTED WEAPONS SYSTEMS COMMITTEE RECOMMENDATIONS FOR FY 2008

[$ Millions]

| Program | 2008 Request |  | 2008 Conference |  |
|---|---|---|---|---|
|  | (Qty) | $$ | (Qty) | $$ |
| Army Black Hawk helicopter | (42) | 705 | (42) | 705 |
| Army Apache helicopter | (36) | 712 | (36) | 712 |
| Armed Reconnaissance helicopter | (37) | 468 | (12) | 176 |
| Navy MH–60R (Black Hawk var.) | (27) | 998 | (27) | 998 |
| Navy MH–60S (Black Hawk var.) | (18) | 503 | (18) | 503 |
| Navy F/A–18 E/F fighter a/c | (24) | 2,104 | (24) | 2,089 |
| Navy EA–18G a/c | (18) | 1,319 | (18) | 1,317 |
| Air Force C–17 airlift a/c | .......... | 261 | .......... | 261 |
| Air Force F–22 fighter a/c | (20) | 3,153 | (20) | 3,153 |
| Air Force C–130J cargo a/c | (9) | 686 | (9) | 686 |
| Navy KC–130J tanker a/c | (4) | 258 | (4) | 254 |
| Joint Strike Fighter (R&D) | .......... | 3,488 | .......... | 3,910 |
| Joint Strike Fighter (Procurement) | (12) | 2,411 | (12) | 2,411 |
| V-22 airlift a/c | (26) | 2,693 | (26) | 2,670 |
| Air Force Unmanned Aerial Vehicles |  |  |  |  |
| Global Hawk | (5) | 514 | (5) | 514 |
| Predator | (24) | 278 | (24) | 278 |
| Reaper | (4) | 58 | (4) | 58 |
| CVN–21 Aircraft Carrier | (1) | 2,848 | (1) | 2,828 |
| DDG–1000 Destroyer | .......... | 2,954 | .......... | 2,927 |
| Littoral Combat Ship | (3) | 910 | (1) | 339 |
| LPD–17 amphibious ship | (1) | 1,399 | (2) | 1,392 |
| LPD–17 amphibious ship (AP) | .......... | 0 | .......... | 50 |
| Virginia Class submarine | (1) | 2,499 | (1) | 3,087 |
| T-AKE auxiliary ship | (1) | 456 | (1) | 456 |
| T-AKE auxiliary ship (AP) | .......... | 0 | (3) | 300 |
| LHA(R) amphibious ship | (1) | 1,377 | .......... | 1,375 |
| Army Future Combat System (R&D) | .......... | 3,563 | .......... | 3,357 |
| Army Stryker armored vehicle | (127) | 1,039 | (104) | 925 |
| Army Joint Cargo Aircraft | (4) | 157 | (4) | 157 |

SELECTED WEAPONS SYSTEMS COMMITTEE RECOMMENDATIONS FOR FY 2008—Continued

[$ Millions]

| Program | 2008 Request | | 2008 Conference | |
|---|---|---|---|---|
| | (Qty) | $$ | (Qty) | $$ |
| Evolved Expendable Launch Vehicle | (5) | 1,167 | (4) | 1,102 |
| Missile warning satellites: | | | | |
| Space-based Infrared satellite | | 1,066 | | 985 |
| Alternative Infrared Space System | | 231 | | 75 |
| Communications satellites: | | | | |
| Transformational satellite | | 964 | | 814 |
| Advanced EHF | | 604 | | 729 |
| Wideband Gapfiller | (1) | 345 | (1) | 345 |
| Global Positioning System: | | | | |
| GPS III | | 587 | | 487 |
| GPS Extension | | 81 | | 35 |
| GPS User Equipment | | 93 | | 156 |
| Missile Defense: | | | | |
| Missile Defense Agency | | 8,796 | | 8,611 |
| Patriot missiles and MEADS | (108) | 845 | (108) | 845 |
| Total | | 9,641 | | 9,456 |

### APPENDIX

Sections in the committee report regarding fiscal management and contracting out agreed to in the Conference Report.

*Fiscal Management*

For some time now, the Committee has expressed considerable concern over an erosion of DoD's fiscal discipline. That erosion is reflected primarily in the Department's use of emergency supplemental funding to cover what were once considered to be base budget costs, particularly weapons modernization and force structure costs. The conference agreement begins restoring traditional funding criteria to these respective appropriations matters. Recommendations in the conference agreement focus on non-incremental war costs and preparing for future threats by funding enduring personnel benefits, force structure initiatives (such as Army modularity and "Grow-the-Force" programs), infrastructure improvements, home-station training, and weapons modernization programs. Deliberations on the fiscal year 2008 war supplemental, however, will be tailored to funding those programs and incremental costs that are arguably related to the war efforts. Satisfying these criteria requires the shifting of funds between the base bill and supplemental requests.

To ensure that sound budgetary and fiscal procedures are reinvigorated, the conference agreement recommends a general provision (GP 8106) that requires the Department to include all funding for both non-war and war-related activities in the President's fiscal year 2009 annual Defense budget request.

PPBS. For over 40 years, the Department of Defense followed the Planning, Programming and Budgeting System (PPBS) as the process for assessing and prioritizing requirements and allocating resources. The PPBS process established long-range national security planning objectives, analyzed the costs and benefits of alternative programs that would meet those objectives, and translated programs into budget proposals. The improvements that PPBS offered over previous budgeting processes were that: (1) It emphasized objectives, focusing less on changes from the prior-year budget and more on long-term objectives, and (2) it linked planning and budgeting. PPBS instilled a process that clearly defined a procedure for distributing available resources equitably among competing programs.

Beginning in 2003, the PPBS process has been significantly altered, splintering planning into two phases and requiring that the program and budget reviews occur simultaneously. The process changes were ill-conceived and have had significant and lasting adverse implications. Today, sequential steps to plan adequately or refine a plan into budget-level detail do not exist. Further, simultaneous program and budget review eliminated the inherent discipline in the process which forced resource allocation decisions to occur deliberatively, resulting in unnecessary confusion and wasted effort.

Accordingly, the Committee recommends that the Secretary of Defense institute a process for assessing and prioritizing requirements and allocating resources which is supportive of thorough, deliberative program and budget review and more fully utilize the efforts of the dedicated and talented DoD civil servants. The conference agreement includes several directions to address the budget execution process within the Department, as discussed below.

Re-baselining. The conference agreement directs the Department to cease the reallocation of funds through a re-baselining procedure, and further directs the Department to comply fully with the reprogramming procedures contained in the Statement of Managers.

Base for Reprogramming Actions.—In the House report it was noted that the Department was not able to provide in a timely manner the Base for Reprogramming Actions report, or DD form 1414, for the current fiscal year. The conference agreement includes a provision (GP 8006) that requires the Department to submit the DD 1414 within 60 days after the enactment of the Act. In addition, the provision prohibits the Department from executing any reprogramming or transfer of funds for any purpose other than originally appropriated until the aforementioned report is submitted to the Committees of Appropriations of the Senate and the House of Representatives.

New starts.—The conference agreement includes a general provision, proposed by the House, that prohibits the initiation of a new start program through a reprogramming of funds unless such program must be undertaken immediately in the interest of national security and only after written notification by the Office of the Secretary of Defense.

General transfer authority (GTA).—The conference agreement includes a general provision, consistent with previous appropriations Acts, providing for the transfer of funds for higher priority items, based on unforeseen military requirements than those for which originally appropriated. This authority has been included annually to respond to unanticipated requirements that were not known at the time the budget was developed and after which time appropriations were enacted. This authority has grown significantly over the past several years, from $2,000,000,000 in fiscal years 1997 through 2001, rising precipitously in fiscal year 2005 to $6,185,000,000. In fiscal year 2007, the GTA was $4,500,000,000 and the Department has requested $5,000,000,000 in GTA for fiscal year 2008. While the waging of war certainly has increased the need for flexibility in executing the Department's resources, the Committee fears that the Department has come to rely on reprogramming and transfer authority in lieu of a thoughtful and deliberative budget formulation and fiscal management process. In an effort to restore fiscal management to the Department, while allowing for the flexibility in executing appropriations for a nation at war, the conference agreement recommends for fiscal year 2008 general transfer authority of $3,700,000,000.

Reprogrammings for operation and maintenance accounts.—Beginning in fiscal year 2008, the conference agreement imposes new accountability and reprogramming guidelines for programs, projects and activities within the Operation and Maintenance appropriations.

*Contacted Services and Acquisition Management*

A year ago, the Committee expressed concern about the increasing costs of operating our military forces. To gain better insight about the factors generating an increase in operation and maintenance costs, the Committee directed, in House Report 109–504, that the GAO prepare a comprehensive analysis of contracting out services, as well as other factors that may be driving up costs. GAO found that between the years 2000 to 2005, the cost of O&M service contracts increased more than 73 percent. Over the same period, DoD civilian pay costs increased 28 percent, and total DoD pay costs went up by 34 percent. However, despite the growing and seemingly unconstrained reliance on contractors to accomplish DoD's mission, no system of accountability for contract service cost or performance has been established.

Increased contractor oversight.—The conference agreement includes the House directive that the Department provide more robust staffing of contractor management and oversight personnel. Additional funds for DoD civilian personnel to provide enhanced contract-service management and oversight are approved, as shown below:

*Contract-service Management and Oversight*

[$ in millions]

| | *Conference recommendation* |
|---|---|
| Defense Contract Audit Agency | +10.0 |
| Defense Contract Management Command | +14.0 |
| Defense Inspector General | +24.0 |
| Reimbursable GSA Assistance | – |

Minimum Standards for Contracted Security Service Personnel.—DoD relies heavily on contracted security, both in the theaters of operation as well as at home. The Committee is particularly concerned that the oversight and administration of contracted security services is woefully inadequate. This lack of oversight seemingly has resulted in few, if any, operational standards and rules of engagement to which contracted security organizations and individuals must adhere. As such, the conferees direct the Secretary of Defense to develop, no later than 90 days after the passage of this Act, uniform minimum personnel standards for all contract personnel operating under contracts, subcontracts or task orders performing work that includes private security functions. The standards, at a minimum, must include determinations about contractors using personnel with criminal histories, must determine the eligibility of all private contract personnel to possess and carry firearms, and determine what assessments of medical and mental fitness of contracted security personnel must be undertaken. The Secretary of Defense should develop a mechanism for contract accountability that specifies consequences for noncompliance with the personnel standards, including fines, denial of contractual obligations or contract rescission. Finally, the Secretary is directed to establish a clear set of rules of engagement for all contracted security personnel operating in the Iraq and Afghanistan theaters of operation. The Secretary shall submit the prescribed standards to the congressional defense committees once the 90-day period referenced above is completed.

Improving the Acquisition Workforce.—The conference agreement directs the Undersecretary of Defense for Acquisition, Technology, and Logistics to submit, within 90 days of enactment of this Act, a report to the congressional defense committees analyzing the current acquisition workforce personnel needs and the tools to recruit and retain a workforce best positioned to provide appropriate contract management and oversight of contractor performance.

Improvements in contract management need not take years to implement; rather, with intent leadership and executive attention, considerable efficiencies can be achieved in the near-term. Accordingly, the conference agreement reduces the Department's funding requests for contracted services by two percent, recognizing contract service efficiencies and savings with enhanced oversight.

And lastly, I would like to thank my staff for their contributions: David Morrison, John Blazey, Ann Reese, Kevin Jones, Leslie Albright, Sarah Young, Kris Mallard, Paul Terry, Greg Lankler, Tim Prince, Paul Juola, Adam Harris, Linda Pagelsen, Sherry Young, Brooke Boyer, Linda Muir, John Shank, and Jennifer Miller.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2008 (H.R. 3222)
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| TITLE I | | | | | | |
| MILITARY PERSONNEL 1/ | | | | | | |
| Military Personnel, Army | 29,813,905 | 31,623,865 | 31,346,005 | 31,734,076 | 31,535,016 | +1,721,111 |
| Military Personnel, Navy | 22,776,232 | 23,305,233 | 23,300,801 | 23,338,772 | 23,318,476 | +542,244 |
| Military Personnel, Marine Corps | 9,174,714 | 10,278,031 | 10,269,914 | 10,291,831 | 10,280,180 | +1,105,466 |
| Military Personnel, Air Force | 23,564,706 | 24,097,354 | 24,379,214 | 24,155,054 | 24,194,914 | +630,208 |
| Reserve Personnel, Army | 3,364,812 | 3,734,620 | 3,629,620 | 3,672,440 | 3,684,610 | +319,798 |
| Reserve Personnel, Navy | 1,755,953 | 1,797,685 | 1,776,885 | 1,801,985 | 1,790,136 | +34,183 |
| Reserve Personnel, Marine Corps | 541,768 | 594,872 | 613,472 | 595,372 | 583,108 | +41,340 |
| Reserve Personnel, Air Force | 1,335,838 | 1,370,479 | 1,365,679 | 1,368,897 | 1,363,779 | +27,941 |
| National Guard Personnel, Army | 5,209,197 | 5,959,149 | 5,815,017 | 5,947,354 | 5,924,699 | +715,502 |
| National Guard Personnel, Air Force | 2,325,752 | 2,642,410 | 2,621,169 | 2,616,560 | 2,617,319 | +291,567 |
| Total, title I, Military Personnel | 99,862,877 | 105,403,698 | 105,017,776 | 105,522,341 | 105,292,237 | +5,429,360 |
| TITLE II | | | | | | |
| OPERATION AND MAINTENANCE 1/ | | | | | | |
| Operation and Maintenance, Army | 24,208,355 | 28,924,973 | 26,404,495 | 28,598,563 | 27,361,574 | +3,153,219 |
| Operation and Maintenance, Navy | 30,954,034 | 33,334,690 | 32,851,468 | 33,150,380 | 33,087,650 | +2,133,616 |
| Operation and Maintenance, Marine Corps | 3,811,437 | 4,961,393 | 4,471,858 | 5,061,649 | 4,792,211 | +980,774 |
| Operation and Maintenance, Air Force | 30,458,947 | 33,655,633 | 31,613,981 | 32,599,333 | 32,176,162 | +1,717,215 |
| Operation and Maintenance, Defense-Wide | 20,035,185 | 22,574,278 | 22,343,180 | 23,239,227 | 22,693,617 | +2,658,432 |
| Operation and Maintenance, Army Reserve | 2,160,214 | 2,508,062 | 2,510,890 | 2,510,286 | 2,510,022 | +349,808 |
| Operation and Maintenance, Navy Reserve | 1,275,764 | 1,186,883 | 1,144,454 | 1,187,151 | 1,148,083 | -127,681 |
| Operation and Maintenance, Marine Corps Reserve | 209,036 | 208,637 | 207,087 | 208,688 | 208,637 | -399 |
| Operation and Maintenance, Air Force Reserve | 2,617,601 | 2,692,077 | 2,684,577 | 2,816,103 | 2,815,417 | +197,816 |
| Operation and Maintenance, Army National Guard | 4,711,362 | 5,840,209 | 5,893,843 | 5,800,933 | 5,764,858 | +1,053,496 |
| Operation and Maintenance, Air National Guard | 5,009,178 | 5,041,965 | 5,021,077 | 5,471,745 | 5,468,710 | +459,532 |
| Overseas Contingency Operations Transfer Account | --- | 5,000 | --- | --- | --- | --- |
| United States Court of Appeals for the Armed Forces | 11,721 | 11,971 | 11,971 | 11,971 | 11,971 | +250 |
| Environmental Restoration, Army | 403,786 | 434,879 | 434,879 | 444,879 | 439,879 | +36,093 |
| Environmental Restoration, Navy | 302,222 | 300,591 | 300,591 | 300,591 | 300,591 | -1,631 |
| Environmental Restoration, Air Force | 402,396 | 458,428 | 458,428 | 458,428 | 458,428 | +56,032 |
| Environmental Restoration, Defense-Wide | 27,885 | 12,751 | 12,751 | 12,751 | 12,751 | -15,134 |
| Environmental Restoration, Formerly Used Defense Sites | 254,352 | 250,249 | 268,249 | 295,249 | 280,249 | +25,897 |
| Overseas Humanitarian, Disaster, and Civic Aid | 63,204 | 103,300 | 103,300 | 63,300 | 103,300 | +40,096 |
| Former Soviet Union Threat Reduction Account | 372,128 | 348,048 | 398,048 | 448,048 | 428,048 | +55,920 |
| Total, title II, Operation and maintenance | 127,288,807 | 142,854,017 | 137,135,127 | 142,679,275 | 140,062,158 | +12,773,351 |
| TITLE III | | | | | | |
| PROCUREMENT | | | | | | |
| Aircraft Procurement, Army | 3,502,483 | 4,179,848 | 3,891,539 | 4,273,998 | 4,185,778 | +683,295 |
| Missile Procurement, Army | 1,278,967 | 1,645,485 | 2,103,102 | 1,756,979 | 1,911,979 | +633,012 |
| Procurement of Weapons and Tracked Combat Vehicles, Army | 1,906,368 | 3,089,998 | 4,077,180 | 3,122,889 | 3,021,889 | +1,115,521 |
| Procurement of Ammunition, Army | 1,719,879 | 2,190,576 | 2,215,976 | 2,208,976 | 2,223,176 | +503,297 |
| Other Procurement, Army | 7,004,914 | 12,647,090 | 11,217,945 | 11,697,265 | 11,428,027 | +4,423,113 |
| Aircraft Procurement, Navy | 10,393,316 | 12,747,787 | 12,470,280 | 12,599,744 | 12,464,284 | +2,070,968 |
| Weapons Procurement, Navy | 2,573,820 | 3,084,387 | 2,928,126 | 3,094,687 | 3,113,987 | +540,167 |
| Procurement of Ammunition, Navy and Marine Corps | 767,314 | 760,484 | 1,067,484 | 1,058,832 | 1,064,432 | +297,118 |
| Shipbuilding and Conversion, Navy | 10,579,125 | 13,656,120 | 15,303,820 | 13,205,438 | 13,597,960 | +3,018,835 |
| Other Procurement, Navy | 4,927,676 | 5,470,412 | 5,298,238 | 5,376,630 | 5,317,570 | +389,894 |
| Procurement, Marine Corps | 894,571 | 2,999,057 | 2,500,882 | 2,091,807 | 2,326,619 | +1,432,048 |
| Aircraft Procurement, Air Force | 11,643,356 | 12,393,270 | 11,690,220 | 12,133,900 | 12,021,900 | +378,544 |
| Missile Procurement, Air Force | 3,914,703 | 5,131,002 | 4,920,959 | 4,920,219 | 4,985,459 | +1,070,756 |
| Procurement of Ammunition, Air Force | 1,054,302 | 868,917 | 342,494 | 854,167 | 754,117 | -300,185 |
| Other Procurement, Air Force | 15,493,486 | 15,421,162 | 15,255,188 | 15,517,127 | 15,440,594 | -52,892 |
| Procurement, Defense-Wide | 2,903,292 | 3,318,834 | 3,335,637 | 3,246,843 | 3,269,035 | +365,743 |
| National Guard and Reserve Equipment | 290,000 | --- | 925,000 | 1,000,000 | 980,000 | +690,000 |
| Defense Production Act Purchases | 63,184 | 18,592 | 64,092 | 65,092 | 94,792 | +31,608 |
| Total, title III, Procurement | 80,910,756 | 99,623,010 | 99,608,169 | 98,224,583 | 98,201,598 | +17,290,842 |
| TITLE IV | | | | | | |
| RESEARCH, DEVELOPMENT, TEST AND EVALUATION | | | | | | |
| Research, Development, Test and Evaluation, Army | 11,054,958 | 10,589,604 | 11,509,540 | 11,355,005 | 12,126,591 | +1,071,633 |
| Research, Development, Test and Evaluation, Navy | 18,673,894 | 17,075,536 | 17,718,624 | 17,472,210 | 17,918,522 | -755,372 |
| Research, Development, Test and Evaluation, Air Force | 24,516,276 | 26,711,940 | 26,163,917 | 26,070,841 | 26,255,471 | +1,739,195 |
| Research, Development, Test and Evaluation, Defense-Wide | 21,291,056 | 20,559,850 | 20,659,095 | 20,303,720 | 20,790,634 | -500,422 |
| Operational Test and Evaluation, Defense | 185,420 | 180,264 | 180,264 | 180,264 | 180,264 | -5,156 |
| Total, title IV, Research, Development, Test and Evaluation | 75,721,604 | 76,117,194 | 76,231,440 | 75,382,046 | 77,271,482 | +1,549,878 |

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2008 (H.R. 3222)
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| TITLE V | | | | | | |
| REVOLVING AND MANAGEMENT FUNDS | | | | | | |
| Defense Working Capital Funds | 1,345,998 | 1,352,746 | 1,352,746 | 1,352,746 | 1,352,746 | +6,748 |
| National Defense Sealift Fund: Ready Reserve Force | 1,071,932 | 1,079,094 | 2,489,094 | 1,044,194 | 1,349,094 | +277,162 |
| Pentagon Reservation Maintenance Revolving Fund | 18,500 | --- | --- | --- | --- | -18,500 |
| Defense Coalition Support Fund | --- | 22,000 | --- | --- | --- | --- |
| Total, title V, Revolving and Management Funds | 2,436,430 | 2,453,840 | 3,841,840 | 2,396,940 | 2,701,840 | +265,410 |
| TITLE VI | | | | | | |
| OTHER DEPARTMENT OF DEFENSE PROGRAMS | | | | | | |
| Defense Health Program 1/: | | | | | | |
| Operation and maintenance | 20,494,000 | 22,044,381 | 22,140,381 | 22,650,758 | 22,559,501 | +2,065,501 |
| Procurement | 375,000 | 362,261 | 363,011 | 362,261 | 362,861 | -12,139 |
| Research and development | 348,000 | 134,482 | 453,792 | 477,032 | 536,330 | +188,330 |
| Total, Defense Health Program | 21,217,000 | 22,541,124 | 22,957,184 | 23,490,051 | 23,458,692 | +2,241,692 |
| Chemical Agents & Munitions Destruction, Defense: | | | | | | |
| Operation and maintenance | 1,046,290 | 1,198,086 | 1,198,086 | 1,186,500 | 1,181,500 | +135,210 |
| Procurement | --- | 36,426 | 36,426 | 18,424 | 18,424 | +18,424 |
| Research, development, test and evaluation | 231,014 | 221,212 | 221,212 | 312,800 | 312,800 | +81,786 |
| Total, Chemical Agents 2/ | 1,277,304 | 1,455,724 | 1,455,724 | 1,517,724 | 1,512,724 | +235,420 |
| Drug Interdiction and Counter-Drug Activities, Defense | 977,632 | 936,822 | 945,772 | 962,603 | 984,779 | +7,147 |
| Joint Improvised Explosive Device Defeat Fund 2/ | --- | 500,000 | 500,000 | 120,000 | 120,000 | +120,000 |
| Rapid Acquisition Fund 2/ | --- | 100,000 | --- | --- | --- | --- |
| Office of the Inspector General 2/ | 216,297 | 215,995 | 239,995 | 225,995 | 239,995 | +23,698 |
| Total, title VI, Other Department of Defense Programs | 23,688,233 | 25,749,666 | 26,098,676 | 26,316,373 | 26,316,190 | +2,627,957 |
| TITLE VII | | | | | | |
| RELATED AGENCIES | | | | | | |
| Central Intelligence Agency Retirement and Disability System Fund | 256,400 | 262,500 | 262,500 | 262,500 | 262,500 | +6,100 |
| Intelligence Community Management Account | 621,611 | 705,376 | 683,276 | 709,376 | 725,526 | +103,915 |
| Transfer to Department of Justice | (39,000) | (16,000) | (39,000) | (16,000) | (39,000) | --- |
| Total, title VII, Related agencies | 878,011 | 967,876 | 945,776 | 971,876 | 988,026 | +110,015 |
| TITLE VIII | | | | | | |
| GENERAL PROVISIONS | | | | | | |
| Additional transfer authority (Sec. 8005) | (4,500,000) | (5,000,000) | (3,200,000) | (3,700,000) | (3,700,000) | (-800,000) |
| Indian Financing Act incentives (Sec. 8020) | 8,000 | --- | 8,000 | 15,000 | 15,000 | +7,000 |
| FFRDCs (Sec. 8025) | -53,200 | --- | -57,725 | -53,428 | -57,725 | -4,525 |
| Overseas Military Facility Invest Recovery (Sec. 8031) | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | --- |
| Rescissions (Sec. 8043) | -870,143 | --- | -367,786 | -653,313 | -539,599 | +330,544 |
| Travel Cards (Sec. 8067) | 51,000 | 52,000 | 52,000 | 52,000 | 52,000 | +1,000 |
| Special needs students (Sec. 8087) | 5,500 | --- | --- | 5,500 | 5,500 | --- |
| Fisher House (Sec. 8077) | 2,500 | --- | 15,000 | --- | 10,000 | +7,500 |
| Other Contract Growth | -158,100 | --- | --- | --- | --- | +158,100 |
| Contracted Advisory and Assistance Services | -71,000 | --- | --- | --- | --- | +71,000 |
| Military Recruitment Assessment & Vet Empl (Sec. 8086) | 5,400 | --- | 990 | --- | 990 | -4,410 |
| Various grants (Sec. 8089) | 11,100 | --- | 70,000 | --- | 62,700 | +51,600 |
| Ship transfer authority (outlays) | --- | --- | --- | --- | --- | --- |
| Travel costs/Contractor efficiencies (Sec. 8097) | -85,000 | --- | --- | -39,693 | -506,900 | -421,900 |
| Revised Economic Assumptions (Sec.8104) | -1,034,425 | --- | -126,787 | -1,353,000 | -1,353,000 | -318,575 |
| Tanker replacement transfer fund (Sec. 8112) | --- | --- | 200,000 | --- | 150,000 | +150,000 |
| Border security (emergency) | --- | --- | --- | 3,000,000 | --- | --- |
| Army and Air Guard pilot programs | --- | --- | --- | --- | --- | --- |
| Mine Resistant Ambush Protected Vehicle (emergency) | --- | --- | --- | --- | 11,630,000 | +11,630,000 |
| Total, Title VIII, General Provisions | -2,187,368 | 53,000 | -205,308 | 974,066 | 9,469,966 | +11,657,334 |
| TITLE IX - ADDITIONAL APPROPRIATIONS (emergency) 3/ | 70,000,000 | 186,878,633 | --- | --- | --- | -70,000,000 |
| TITLE X-FY 2006 WILDLAND FIRE EMERGENCY APPROPRIATIONS (emergency) 5/ | 200,000 | --- | --- | --- | --- | -200,000 |
| Total for the bill (net) | 478,799,350 | 639,100,933 | 448,673,485 | 452,487,500 | 460,303,497 | -18,495,853 |

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT - FY 2008 (H.R. 3222)
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| OTHER APPROPRIATIONS | | | | | | |
| U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007 | | | | | | |
| Public Law 110-28: | | | | | | |
| Title I, Chapter 3 (emergency) | 87,019,295 | --- | --- | --- | --- | -87,019,295 |
| New transfer authority (emergency) | (3,500,000) | --- | --- | --- | --- | (-3,500,000) |
| Title III, Chapter 3 (emergency) | 7,674,375 | --- | --- | --- | --- | -7,674,375 |
| Total, Public Law 110-28 (emergency) | 94,693,670 | --- | --- | --- | --- | -94,693,670 |
| Total, Other Appropriations | 94,693,670 | --- | --- | --- | --- | -94,693,670 |
| Net grand total (including other appropriations) | 573,493,020 | 639,100,933 | 448,673,495 | 462,467,500 | 460,303,497 | -113,189,523 |
| CONGRESSIONAL BUDGET RECAP | | | | | | |
| Scorekeeping adjustments: | | | | | | |
| Lease of defense real property (permanent) | 12,000 | 12,000 | 12,000 | 12,000 | 12,000 | --- |
| Disposal of defense real property (permanent) | 15,000 | 18,000 | 18,000 | 18,000 | 18,000 | +3,000 |
| Army Venture Capital Fund (reappropriation) | 15,000 | 15,000 | 15,000 | 15,000 | 15,000 | --- |
| O&M, Army transfer to National Park Service: | | | | | | |
| Defense function | -2,000 | --- | --- | --- | --- | +2,000 |
| Non-defense function | 2,000 | --- | --- | --- | --- | -2,000 |
| O&M, Army transfer to Army Corps of Engineers: | | | | | | |
| Defense function | -2,499 | --- | -12,500 | --- | -12,500 | -10,001 |
| Non-defense function | 2,499 | --- | 12,500 | --- | 12,500 | +10,001 |
| Navy transfer to Department of the Interior: | | | | | | |
| Defense function | --- | --- | --- | -20,000 | -20,000 | -20,000 |
| Non-defense function | --- | --- | --- | 20,000 | 20,000 | +20,000 |
| Title IX O&M, Navy transfer to Coast Guard, Op.Exp (By transfer) (emergency) | (90,000) | (225,400) | --- | --- | --- | (-90,000) |
| Title IX O&M, Defense-wide transfer to Department of State (By transfer) (emergency) | (20,000) | --- | --- | --- | --- | (-20,000) |
| Personnel security investigations (outlays) | --- | --- | --- | --- | --- | --- |
| Tricare accrual (permanent, indefinite auth.) 4/ | 11,230,629 | 10,876,000 | 10,876,000 | 10,876,000 | 10,876,000 | -354,629 |
| Less Title X FY 2006 emergency appropriations 5/ | -200,000 | --- | --- | --- | --- | +200,000 |
| Less emergency appropriations 3/ | -164,693,670 | -186,878,633 | --- | -3,000,000 | -11,630,000 | +153,063,670 |
| Total, scorekeeping adjustments | -153,621,041 | -175,957,633 | 10,921,000 | 7,921,000 | -709,000 | +152,912,041 |
| Adjusted total (includ. scorekeeping adjustments) | 419,871,979 | 463,143,300 | 459,594,495 | 460,388,500 | 459,594,497 | +39,722,518 |
| Appropriations | (420,742,122) | (463,143,300) | (459,962,281) | (461,041,813) | (460,134,096) | (+39,391,974) |
| Rescissions | (-870,143) | --- | (-367,786) | (-653,313) | (-539,599) | (+330,544) |
| Total (including scorekeeping adjustments) | 419,871,979 | 463,143,300 | 459,594,495 | 460,388,500 | 459,594,497 | +39,722,518 |
| Amount in this bill | (573,493,020) | (639,100,933) | (448,673,495) | (452,467,500) | (460,303,497) | (-113,189,523) |
| Scorekeeping adjustments | (-153,621,041) | (-175,957,633) | (10,921,000) | (7,921,000) | (-709,000) | (+152,912,041) |
| Prior year outlays | --- | --- | --- | --- | --- | --- |
| Total mandatory and discretionary | 419,871,979 | 463,143,300 | 459,594,495 | 460,388,500 | 459,594,497 | +39,722,518 |
| Mandatory | 256,400 | 262,500 | 262,500 | 262,500 | 262,500 | +6,100 |
| Discretionary | 419,615,579 | 462,880,800 | 459,331,995 | 460,126,000 | 459,331,997 | +39,716,418 |
| RECAPITULATION | | | | | | |
| Title I - Military Personnel | 99,862,877 | 105,403,698 | 105,017,776 | 105,522,341 | 105,292,237 | +5,429,360 |
| Title II - Operation and Maintenance | 127,288,807 | 142,854,017 | 137,135,127 | 142,679,275 | 140,062,158 | +12,773,351 |
| Title III - Procurement | 80,910,756 | 99,623,010 | 99,608,169 | 98,224,583 | 98,201,598 | +17,290,842 |
| Title IV - Research, Development, Test and Evaluation | 75,721,604 | 75,117,194 | 76,231,440 | 75,382,046 | 77,271,482 | +1,549,878 |
| Title V - Revolving and Management Funds | 2,436,430 | 2,453,840 | 3,841,840 | 2,396,940 | 2,701,840 | +265,410 |
| Title VI - Other Department of Defense Programs | 23,688,233 | 25,749,665 | 26,098,675 | 26,316,373 | 26,316,190 | +2,627,957 |
| Title VII - Related Agencies | 878,011 | 967,876 | 945,776 | 971,876 | 988,026 | +110,015 |
| Title VIII - General Provisions (net) | -2,187,368 | 53,000 | -205,308 | 974,066 | 9,469,966 | +11,657,334 |
| Title IX - Additional Appropriations (net) | 70,000,000 | 186,878,633 | --- | --- | --- | -70,000,000 |
| Title X - Wildland Fire Management (net) | 200,000 | --- | --- | --- | --- | -200,000 |
| Total, Department of Defense | 478,799,350 | 639,100,933 | 448,673,495 | 452,467,500 | 460,303,497 | -18,495,853 |
| Other defense appropriations | 94,693,670 | --- | --- | --- | --- | -94,693,670 |
| Total funding available (net) | 573,493,020 | 639,100,933 | 448,673,495 | 452,467,500 | 460,303,497 | -113,189,523 |
| Scorekeeping adjustments | -153,621,041 | -175,957,633 | 10,921,000 | 7,921,000 | -709,000 | +152,912,041 |
| Total mandatory and discretionary | 419,871,979 | 463,143,300 | 459,594,495 | 460,388,500 | 459,594,497 | +39,722,518 |

1/ For FY 2007, includes H.J.Res.20 appropriations.
2/ Included in Budget under Procurement title.
3/ Title IX budget request will be considered in a separate bill. Appropriations also include Title IX contingency operations funds
4/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375).
5/ Pursuant to Sec. 501 of H.Con.Res.376 (H.Res.818) and Sec. 402 of S.Con.Res.83 (Sec. 7035/P.L.109-234).

With that, Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. I think this is a very good bill.

As has been mentioned during the debate on the rule, maybe someone else might have written it a little bit differently. I don't think any legislation is ever totally perfect, but this is a good package. It's a good bipartisan package. The subcommittee worked hard; had many, many hearings; required the military to justify the requests; and we have come up with a pretty good bill.

Chairman MURTHA has chaired this subcommittee before we became the majority, then I chaired the subcommittee for 6 years, now he is chairman again. We have always worked this bill together in the best interests of the United States of America and the troops who provide our defense and that support us.

Mr. MURTHA mentioned the pay raise. Yes, we did give a pay raise. We wish we could have given more. But the 3.5 percent was more than was requested in the budget request.

We are also providing funding for increasing the size of our military. And I don't think anyone would deny the fact that our military is tired. They are being used and deployed a lot. And so I think it is appropriate that we increase the size of military, especially the Army and the Marine Corps.

Some other things were mentioned by the Members speaking on the rule, so I'm not going to repeat them, but I will submit for the RECORD a written statement.

But there are two points that I want to make: one is, as Mr. MURTHA suggested briefly, the growth in shipbuilding. Do you remember President Ronald Reagan thought that the United States should have a 600-ship Navy to guarantee that we had free access to the international waters of this planet of ours? If we don't take the direction that this subcommittee recommends, we would be below 300 ships in our Navy, and that is not big enough.

And so we provide the LPD–17 that was requested by the administration. We provide advance funding, which is in addition to the request, advance funding for a second LPD–17, which the Navy strongly supports. But one of the Navy's premier programs is the Littoral Combat Ship, the LCS. We provided for four ships; the other body did not have the same number. We prevailed, and the funding for up to four ships that the Navy really feels they need for naval superiority are in this bill.

Now the last point that I want to make, Mr. Speaker. So many times in our hearings soldiers who would fight on the ground, marines who would invade on the beaches have told us over and over again that they will go anywhere that their country sends them, they will fight any fight that their country asks them to fight, but when they do, if there is an aircraft overhead, they want that aircraft to be an American airplane manned by an American crew.

Our air superiority weapon today is the F–15, a very, very good aircraft, but very old. The F–15 is older than some of the Members in this Chamber. The F–15 is now suffering some metal fatigue. And as you know, the F–15 fleet has been grounded because one of our planes basically came apart in midair in Missouri. And so we provide funding for the F–22, which is the follow-on to the F–15, an aircraft that will guarantee America's air superiority. So it's important that we fund this package of fighter aircraft. It is important that if we send a soldier or marine or any member of our military services to war, that the air over head will be controlled by the United States of America and not by an enemy. And so this bill goes a long way towards accomplishing air superiority.

Mr. Speaker, I rise in support of the conference report on Defense appropriations for fiscal year 2008.

This agreement totals over $459 billion, and is $3.5 billion below the President's request. However, it is almost $40 billion above the fiscal year 2007 level. It contains $11.6 billion in emergency funding for additional MRAP vehicles for use by the Army and Marines in Iraq and Afghanistan.

This conference report provides for a number of Presidential and Congressional priorities, including: $6 billion in equipment to increase the size of the Army and Marine Corps; restoration of the $1.9 billion cut in the Defense Health program associated with proposed increases in insurance co-payments that have not been authorized by Congress; an additional $980 million in equipment for the National Guard and Reserve, which is important for disaster response throughout the country, including the Gulf Coast; full funding for the Congressionally proposed 3.5 percent pay increase for the military; $4.1 billion for continued development of the Joint Strike Fighter and $3.1 billion to procure twenty F–22 aircraft; the F–22 program becomes even more important with the revelation that some F–15s are experiencing metal fatigue; procurement and advance procurement for 10 ships for the Navy, including initial funding for the next-generation aircraft carrier.

There is one item not in this conference agreement that I wish we were addressing today. For the past 3 years we have provided a Bridge Fund to allow the Defense Department to finance war on terror operations until enactment of a supplemental appropriations bill in the spring. Last year's bridge totaled $70 billion for 6 months of war operations and was broadly supported by both sides of the aisle. This conference report contains no such funding.

When this Defense conference report is enacted into law, Defense spending will drop out of the continuing resolution. So will funding under the fiscal year 2007 Bridge Fund. Without this authority, the Department of Defense will be forced to use base funds to support the operations of the global war on terror. By mid to late January, the Army will run out of money.

We need to move quickly in the next few weeks to address this shortfall. Our troops in the field need our support, no matter what position we take on the war.

I know there are many on the other side of the aisle that do not want to support war on terror funding. Ironically, by voting for this conference report without a Bridge Fund, everyone voting for this bill will be effectively voting to support war operations. The question is whether we do so by forcing the Department to use base funds in this bill, or by enacting a Bridge Fund, or by allowing current rates to continue until enactment of a supplemental appropriations bill.

Aside from that, however, I want to reiterate my support for this conference report. I appreciate the cooperation and courtesy shown by my Chairman, Mr. MURTHA, throughout this process.

I also want to thank the members of the Defense subcommittee for their contributions to this conference report, especially those on the Republican side of the aisle. Mr. HOBSON, Mr. FRELINGHUYSEN, Mr. TIAHRT, Mr. WICKER, Mr. KINGSTON, and the ranking member of the full committee, Mr. LEWIS, all made important contributions to this legislation.

Mr. Speaker, again I want to say that I strongly support this legislation, and urge its adoption by the House.

Mr. BLUMENAUER. Mr. Speaker, while I support the efforts of Democratic leadership to fund vital programs like the Veterans Administration and health care for our serving military, I cannot support the FY08 Defense Appropriations bill. This final draft provides too much money for the wrong priorities and enables the administration to continue its tragically misguided Iraq policy.

I made a pledge to vote against any further funding for the Iraq war unless it is used for immediate troop redeployment. I will honor this pledge, and I will continue to fight against funding for major weapons systems that have little to do with current security threats.

Programs like the Future Combat System's fighting vehicles and the National Missile Defense system would be justifiable if the major threat to our security was a modern version of the Soviet Union. It is not. I applaud the Democratic cuts to the funding levels requested by the President, though we must do better.

Continuing to pour billions of dollars into these programs is a waste of money and a threat to our readiness. We must invest in personnel and systems that confront the real and looming threats of terrorists and rogue states.

This bill contains glimmers of hope that we are moving in the right direction on defense spending. But I will not vote for a bill that funds a Cold War-era military and approves any additional funding for the war in Iraq.

Mr. ORTIZ. Mr. Speaker, given the many challenges faced by our Nation—and our military—I'm pleased that the House moved the Defense Appropriations Conference Report so quickly.

Chairman MURTHA is doing some very heavy lifting for the Nation, and I thank him for his work as well.

This bill contains a significant investment for south Texas, which contributes notably to the Nation's military readiness.

As the House point man on readiness matters in our military, I have been deeply concerned that the Iraq conflict has eroded the readiness of the U.S. Armed Forces, perhaps for a generation.

At a time when we need to be more ready than before, this is a tremendous cause for alarm, as we are prosecuting two separate wars.

Today's bill addresses many of our current needs associated with:

A pay raise for the men and women who wear the uniform of the United States,

Beefing up today's ground forces—our boots on the ground overseas,

Addressing the many failings of this administration and the last Congress in ensuring our military is ready for any challenge we need to meet, such as finally providing oversight of contractors in Iraq and Afghanistan,

Equipping our National Guard to help offset some of the equipment lost to active duty needs in Iraq, and

Providing assistance for the men and women who are hospitalized at Walter Reed Army Medical Center, which was the center of tremendous shortcomings earlier this year.

I thank the gentleman from Pennsylvania for his hard work on the bill—as well as the rest of the leadership in the House—for their deep and abiding respect of the U.S. Armed Forces and the unique challenges they face at this moment in time.

I urge my colleagues to support the bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of this FY 2008 Defense Appropriations Conference Report because it ensures that our troops get the protection they need and the benefits they have earned. Additionally, as an opponent of the decision to go to war in Iraq, and an advocate of the responsible redeployment of our combat forces, I appreciate that the contentious question of how Congress will proceed with the President's pending funding request for the Iraq War will be addressed in another legislative vehicle, on another day.

H.R. 3222 fully funds the increased personnel, equipment, and training costs associated with growing the Army and Marines by 7000 and 5000 troops, respectively. Moreover, and importantly, it allocates $11.6 billion in emergency funding for Mine Resistant Ambush Protected (MRAP) vehicles that are playing such an important role protecting our troops from deadly IEDs. And it responds to the historic strain on our National Guard and Reserves by providing an additional $980 million to meet the equipment demands of their deployment overseas and first responder role at home.

In recognition of our military's service and sacrifice to country, this spending bill provides our military families with a 3.5 percent pay raise—.5 percent above the President's request. It rejects the President's proposed $1.9 billion increase in premiums and fees in the TRICARE program and adds $900 million to strengthen military health care for our servicemembers returning from Iraq and Afghanistan. And it provides critical support to our military families through an infusion of $237 million for counseling and child care, as well as $615.7 million for facility and infrastructure upgrades throughout our bases in the United States, Europe, and Korea.

Finally, H.R. 3222 affirms American values by banning the use of torture while including important accountability measures for military and security contractors. It asks the DoD to include the entirety of its war funding in the President's 2009 Budget Request. And it meets important emergency needs in Louisiana and elsewhere as our fellow citizens continue the hard work of rebuilding their lives in the aftermath of Hurricane Katrina.

Mr. Speaker, this conference report is worthy of the broad, bipartisan support I expect it to receive.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this legislation.

The Defense Appropriations conference report for fiscal year 2008 provides $459 billion in funding for our military operations, an increase of $39 billion over this year's enacted levels. This report begins to address this country's military readiness crisis, modernizes our forces to meet future threats throughout the world, and ensures that our troops get the benefits they have earned.

This bipartisan bill invests in equipment, training, and weaponry—including body armor and armored vehicles to save the lives of our soldiers. It restores depleted equipment for our National Guard and Reserve, provides a 3.5 percent pay raise for all military personnel, and fully funds the $1.9 billion TRICARE shortfall without cost to our troops. The bill provides an increase in funding for wounded warrior assistance and funds programs to improve coordination between the Defense Department, DOD, and the Department of Veterans Affairs, improve DOD's health recordkeeping, and enhance preventative medicine programs.

The bill strengthens the Nunn-Lugar Cooperative Threat Reduction Program, which helps to secure loose nuclear materials in the former Soviet Union. It also provides accountability by increasing funding for additional Inspector General civilian personnel to oversee DOD's contract services, and establishes a clear set of rules-of-engagement for contracted security personnel serving in Iraq and Afghanistan. It also includes language that I advocated for prohibiting funding for permanent U.S. bases in Iraq.

The bill includes much that benefits Colorado. Section 8119 mandates that work to destroy chemical weapons stockpiles at Pueblo Chemical Depot be completed, preferably by the Chemical Weapons Convention treaty deadline of 2012, and in any event by no later than 2017. The bill also includes funding to help meet this deadline—$142.4 million for chemical demilitarization activities. This funding will accelerate weapons destruction activities already underway and will supplement $35.1 million for the construction of on-site chemical destruction facilities already provided in the fiscal year 2008 Military Construction spending bill.

I strongly support these provisions because I think we need to continue to do all we can to safely and expeditiously remove the mustard agent remaining at the Pueblo depot. The sooner we clean up these weapons, the sooner the surrounding communities will be safe—and a clean-up by the Chemical Weapons Convention treaty deadline of 2012 will come at a lower cost to taxpayers.

I am also pleased that the conference report includes provisions I fought for to help Colorado's educational institutions—$3.2 million for the University of Colorado at Colorado Springs to help UCCS, working together with NORTHCOM, to offer the Nation's first federally funded Ph.D. program in homeland defense; $1.6 million for UCCS, working with the national Space Education Consortium, to advance science, technology, engineering, and math education; and $2 million for Colorado State University's DOD Center for Geosciences/Atmospheric Research to continue providing research on priority environmental problems to the U.S. Army, Navy, and Air Force.

As a co-chair of the Bi-Cameral Caucus on Parkinson's Disease, I am also pleased that the conference report includes $20 million for Parkinson's research in the Army's Neurotoxin Exposure Treatment Research Program, NETRP. This critical program was established over 10 years ago to investigate the causes, diagnosis, and treatments of Parkinson's disease to improve military readiness. American troops are routinely exposed to external stressors and toxins such as head injury, pesticides and herbicides, and scientists believe these exposures increase the risk of developing neurodegenerative conditions, particularly Parkinson's disease, that negatively impact the readiness of American military forces. Understanding how exposures occur and the incidence of disease afterwards will allow the Department of Defense to minimize the risk of future exposures, better protect military personnel, and improve military readiness.

The military is not the only recipient of NETRP's benefits. Any research breakthroughs in prevention, detection, and treatment of neurodegenerative conditions are immediately applicable to civilians—particularly the more than 1 million Americans with Parkinson's disease, including nearly 79,000 veterans and 60,000 newly diagnosed Americans each year.

The Defense Appropriations conference report also includes a continuing resolution to fund the Federal Government for another month at fiscal year 2007 spending levels, and adds additional funding for the Department of Veterans Affairs, grants a temporary extension of the children's health, S–CHIP, program, and provides $500 million to bolster funding for federal firefighting programs following the California wildfires.

I remain concerned about rising costs of weapons systems that have yet to be fully funded, and by budget projections that tell us that we'll need to increase defense budgets annually simply to sustain the current force structure and weapons programs. Because operations and maintenance and personnel costs—as well as training and recruiting costs—are also rising, we will need to do a better job balancing spending on current and future military priorities, and consider whether to fully fund all these weapons systems.

Mr. Speaker, this is not a perfect bill. It does not solve or attempt to solve some of these looming budget problems. But overall, the bill deserves to pass and I urge its approval.

Mr. HOLT. Mr. Speaker, I rise in support of this measure, which will give our men and women in uniform the resources they need to help protect our Nation and its people.

Taking care of our military families is a vital responsibility, and this bill meets that obligation. It provides a 3.5 percent pay raise for all military personnel, rejects the President's proposed increases in TRICARE co-pays by fully funding the $1.9 billion TRICARE shortfall without cost to our troops, and allocates $2.6 billion to provide more counselors, teachers, and child care providers to reinforce the support network serving military families. The bill also provides $615.7 million for Army facilities to upgrade barracks, improve child care facilities and enhance community services at bases throughout the U.S., Europe and Korea. All of these things will improve the quality of life of our military families, and I appreciate what Chairman MURTHA has done on their behalf.

Providing our deployed troops with the equipment they need is our other vital responsibility. This bill provides $11.6 billion for Mine Resistant Ambush Protected (MRAP) vehicles and for body armor and other protective equipment. Earlier this year, I joined a number of my colleagues in a letter to Defense Secretary Gates urging him to make the acquisition of MRAP vehicles a priority, and I'm pleased he has worked with the Congress to expedite the acquisition of these life-saving vehicles.

Our Guard and Reserve units will also benefit from a $980 million appropriation in this bill for new equipment. I think just about all of us in this House have Guard and Reserve units in our districts that have been short of key equipment, a situation that not only has compromised the deployability of those units overseas but has also made it harder for Guard units to provide disaster support to communities in the wake of floods, hurricanes, and other natural disasters. I'm glad these equipment shortages are being addressed in this bill, and I hope we'll continue working this problem until all Guard and Reserve units have their full allocation of needed equipment.

Finally, to help those who return from war wounded, this bill provides $70 million for the Dignified Treatment of Wounded Warriors Act (H.R. 1538), which passed the Congress in July 2007. That legislation mandated improvements in the care of wounded servicemembers and in the services provided to them, including improving the system of case managers for wounded service members, creating a system of patient advocates, and the creation of a formal transition process from the Armed Forces to the VA for service members who are being retired or separated for health reasons. I'm pleased we're finally funding this important bill, which was passed in the wake of the Walter Reed Medical Center scandal in January. However, I view this as just the first step in properly funding these programs, and I hope we can do even more in next year's budget.

Mr. Speaker, this bill will help us give our men and women in uniform and their families the support and resources they need, and I urge my colleagues to join me in voting for it.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. MURTHA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 15, not voting 17, as follows:

[Roll No. 1064]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—15

Baldwin
Blumenauer
Ehlers
Ellison
Filner
Frank (MA)
Kucinich
Lee
Lewis (GA)
McDermott
Paul
Payne
Stark
Welch (VT)
Woolsey

NOT VOTING—17

Boren
Braley (IA)
Buyer
Carson
Cubin
Feeney
Giffords
Goode
Hunter
Kuhl (NY)
LaHood
Lantos
Levin
Lungren, Daniel E.
Miller (FL)
Oberstar
Rothman

☐ 1350

Ms. VELÁZQUEZ changed her vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. FEENEY. Mr. Speaker, on rollcall No. 1064, had I been present, I would have voted "yea."

Mr. KUHL of New York. Mr. Speaker, on rollcall No. 1064, adoption of the conference report to accompany H.R. 3222, Defense Appropriations, I was unavoidably detained and missed the vote. Had I been present, I would have voted "yea."

## A FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 1495)

"An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes", returned by the President of the United States with his objections, to the House in which it originated, and passed by the House on reconsideration of the same, it was

*Resolved*, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

## APPOINTMENT OF CONFEREES ON H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. OLVER. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion.

The motion was agreed to.

A motion to reconsider was laid on the table.

### MOTION TO INSTRUCT OFFERED BY MR. KNOLLENBERG

Mr. KNOLLENBERG. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. KNOLLENBERG moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3074, be instructed to insist on section 416 and section 417 of the House-passed bill.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my motion is very straightforward. It simply instructs the managers on the part of the House to insist that two important provisions included in the House bill be included in the conference report. The first provision, House section 416, prohibits funds in the bill from being used to provide housing assistance to illegal or otherwise unauthorized immigrants. This provision was offered as an amendment on the House floor and adopted unanimously. The second provision, House section 417, prohibits any funds in the bill from being used to hire illegal aliens. This, too, was an amendment adopted unanimously when the House considered the bill.

The House has clearly spoken on this matter, and I think it is important the conferees uphold the will of the House. I urge the adoption of the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. OLVER. I thank the gentleman from Michigan for his motion.

Mr. Speaker, as the gentleman from Michigan has already said, the provisions that are in the legislation on the House side, section 416 and 417, are two provisions that relate to illegal immigration. The first of those provisions is one which states that no funds in this act can be used to provide homeownership assistance for illegal immigrants. The second, section 417, says that no funds may be used to employ workers who are illegal immigrants.

The first of these sections applies to the Department of Housing and Urban Development, the second one applies to the Department of Transportation and relates to people who might otherwise be employed in construction under the Department of Transportation.

As the gentleman from Michigan has pointed out, those were adopted unanimously by voice vote here in the House during the passage of this legislation. So they are before the conference and, because they were adopted earlier, I am willing to adopt them now and adopt the motion as is.

Mr. Speaker, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I want to say I appreciate the bipartisan support for the concept that people should not be rewarded for breaking our immigration laws. I appreciate the ranking member and the chairman agreeing on this.

I would just ask both of you to take a look at the leadership that the gentleman from North Carolina (Mr. SHULER) has made with a piece of legislation that I feel should be the enforcement part of this direction, and that is that the e-verification be used before people benefit from public funds. That is a very simple system to allow anyone to check that Social Security numbers and names match. It's not an onerous check system to use, and it is one that many of us are looking forward to not only Federal Government but all employers using in the future.

I just ask that you consider the fact that to fulfill the intent of this motion, that the e-verification specifically try to be considered here as the vehicle that before anyone gets these benefits that we check that they are legally here as verified by the e-verification.

If anybody has any questions about that, I am sure Congressman SHULER can brief you extensively on it. But it is sort of the consensus of most of us working on these issues that this is a simple, clear way to allow everyone, including those who are providing public benefit, the assurance that those benefits are not going to somebody who's not qualified to be able to provide it.

So I would raise that as a discussion, that the e-verification be used to verify this motion.

Mr. OLVER. Mr. Speaker, I am grateful for the comments by the gentleman from California, but just point out that that is a very complicated issue, not a part of the conference that we are involved in, and will take a bit more time, probably more than we can resolve today.

I am ready to yield back if the gentleman from Michigan has no other speakers.

Mr. KNOLLENBERG. Mr. Speaker, I yield back the balance of my time.

Mr. OLVER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KNOLLENBERG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

☐ 1400

## PROVIDING FOR CONSIDERATION OF H.R. 3355, HOMEOWNERS' DEFENSE ACT OF 2007

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 802 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 802

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3355) to ensure the availability and affordability of homeowners' insurance coverage for catastrophic events. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or a designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3355 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. ROSS). The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 802.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, H. Res. 802 provides for consideration of H.R. 3355, the Homeowners' Defense Act of 2007, under an open rule with a preprinting requirement. This rule allows for floor consideration of any amendment that is in compliance with the House rules and the Congressional Budget Act and has been preprinted in the CONGRESSIONAL RECORD.

Mr. Speaker, in the face of natural catastrophes that too often strike our communities, the Congress today will initiate a new planning effort through H.R. 3355 and this rule. This new effort will assist our communities and hopefully tackle the rising cost of homeowners property insurance.

My colleagues from Florida, Representative RON KLEIN and Representative TIM MAHONEY, have led this bipartisan effort. I thank them for their tireless work and leadership, their leadership that should help our neighbors back home and folks across this country find affordable and available homeowners insurance.

Following some of the most expensive natural disasters in our Nation's history, like Hurricanes Katrina and Rita and Wilma and the fires and the floods and the earthquakes, homeowners across this country have been subjected to wild fluctuations and horrendous cost increases for their property insurance. Insurance premiums are out of sight. They have skyrocketed. Well, we understand. We feel it in our own bills.

I hear it from the retired older woman in West Tampa back home who has owned her house for 30 years and is on a fixed income. But this exponential increase in insurance that she has suffered may force her to sell her longtime home.

I also hear it from the hardworking folks in south St. Petersburg who have been cancelled by their insurance companies after decades of paying their premiums without making any claim upon that insurer.

Due to all of the policy cancellations, we now have a crisis. Insurers have fled the State. In some areas, insurance premiums have gone beyond what any reasonable person would consider anything that they can handle in their everyday lives. A rate increase of over 600 percent is not unheard of. Some of our neighbors are having to rethink their retirements because they can no longer afford to live in their homes. But if they tried to sell, nobody can afford to buy those homes.

And, unbelievably, the State of Florida is now the largest provider of homeowners property insurance in our State. This problem is not limited to the State of Florida, however. Across the country over the past 5 years, homeowners insurance premiums have increased by over 45 percent on average. In Florida, that average increase is over 77 percent. And there seems to be no end in sight unless we work to create innovative options, like this bill, that will bring stability back to the marketplace and sanity back to insurance premiums.

Over 3 million loyal policyholders, many of whom have never submitted a single claim, have received letters from their insurance companies, nondescript envelopes that carry the message, "Your policy is not eligible to be renewed."

Last month a story caught my eye entitled, "Home Insurers Canceling in the East." It said that insurance companies have essentially begun to redraw the outline of the eastern United States somewhere west of the Appalachian Trail.

Faced with the risk of their citizens being priced out or thrown out of private insurance markets, States have begun to take action. The State insurance program in Massachusetts has doubled as a result of the insurance crisis. My home State of Florida is now insuring 1.3 million policyholders. But the States did not ask to be put in this position. They tried to reason with the private insurance companies. They created incentives, they pushed, they urged them not to leave folks high and dry and to keep insurance available and affordable. Even though the insurance industry made record profits the year of Hurricane Katrina, private insurers have still left the gulf coast.

Times of crisis like these often lead to innovative solutions, however. My colleagues, Representative RON KLEIN and Representative TIM MAHONEY, national insurance risk consortium that will allow States better access to private capital as a backstop for these huge, catastrophic losses. The consortium will help States work together to bundle that risk into bonds that can succeed on the private capital markets. Because this program is voluntary and relies on private investment, the new consortiums should not expose Federal taxpayers to any risk whatsoever. Catastrophe bonds through the consortium will help stabilize insurance markets, bring down premiums, and move forward in providing available, affordable insurance to our constituents.

The bill, with foresight and commonsense, also addresses the worst-case scenario, because, God forbid, there will be another catastrophic event and States will be on the hook to pay claims. And most of the time this will not be a problem, but there are some disasters for which no preparation is enough. In those cases, historically this body, the Congress, has written emergency assistance bills, and it is right that we should do so. But this bill allows States to take control of their own fates by lessening the need for those Federal disaster appropriations by making Federal loans available to help States pay claims when that colossal disaster happens.

This is a compassionate, fiscally responsible way to ensure that Americans are not left without aid in their time of greatest need. This bill is a simple, effective way to tackle the crisis of skyrocketing property insurance. I ask my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise today in opposition to this rule and to the underlying legislation which asks taxpayers from across the country to subsidize the risky housing choices of residents of one State at the expense of the private marketplace.

This legislation does nothing to promote responsible and effective disaster mitigation standards or any other risk-reduction measures to lower the costs in the terrible event of a natural disaster. Instead, it promotes widespread moral hazard and inefficient decision-making by distorting the costs associated with living in high-risk areas through national subsidies.

These bail-out mechanisms will promote overdevelopment in areas most vulnerable to hurricanes, flooding, and other natural disaster damage, which is why groups like the National Wildlife Federation have come out in opposition to this bill, recognizing that the legislation subsidies will "result in continued encouragement of risky development in our Nation's coastal areas and floodplains," and that more development in these areas will lead to "more loss of life, more loss of property, and more loss of wildlife habitat."

Mr. Speaker, I include for the Congressional Record a letter signed by the National Wildlife Federation and the chairman of The Florida Coalition for Preservation, both of whom are opposing this bill.

National Wildlife Federation,
*Washington, DC, September 24, 2007.*

Hon. Barney Frank,
*Chair, House Financial Services Committee, Washington, DC.*
Hon. Spencer Bachus,
*Ranking Member, House Financial Services Committee, Washington, DC.*

Dear Chairman Frank and Ranking Member Bachus: On behalf of the National Wildlife Federation and the Florida Coalition for Preservation, we write to express our opposition to H.R. 3355, the Homeowners' Defense Act of 2007, as it is currently drafted. For over 20 years, the environmental community has worked to promote change in the public insurance arena, especially through reform of the National Flood Insurance Program (NFIP). We support reforms that promote ecologically-sound floodplain management to reduce loss of life, property, and important wildlife habitat.

We applaud Representatives Klein and Mahoney and the Financial Services Committee for raising the Nation's awareness of the increasing risks associated with coastal storms, which are predicted to become more powerful and of longer duration, due to rising sea levels and warming of the climate. The UN-sponsored Intergovernmental Panel on Climate Change (IPCC) and many of the Nation's prominent climate scientists have warned that the increasing intensity of such destructive storms is a likely result from global warming due to buildup of greenhouse gases, especially carbon dioxide.

We understand that the devastating human toll that Hurricanes Katrina, Rita, and Wilma created in 2005, plus the four powerful hurricanes that struck Florida in 2004, have increased the public's awareness of the need for adequate insurance coverage after natural disasters. H.R. 3355 establishes a federally-chartered national catastrophe risk consortium, where States can pool risk and sell catastrophe bonds and reinsurance contracts. It also establishes a national homeowners insurance stabilization program, which mandates that the Secretary of the Treasury give liquidity and catastrophe loans to State reinsurance and insurance plans. We are concerned, however, that H.R. 3355's subsidies could inadvertently result in continued encouragement of risky development in our Nation's coastal areas and floodplains. With more development in these environmentally-sensitive areas, the bill could lead to more loss of life, of property, and of wildlife habitat. The safety of our citizens should be the number one priority of any government program dealing with natural disasters. Unfortunately, H.R. 3355 falls short of this goal.

Specifically, we have the following concerns with H.R. 3355:

No Requirement for Meaningful Hazard Mitigation. As currently drafted, H.R. 3355 does not require any demonstration that a State has implemented meaningful hazard mitigation reforms to be eligible to participate in the consortium. Hazard mitigation must be a primary goal of any Federal backstop for State insurance and reinsurance programs. Effective hazard mitigation will save lives, reduce damage, limit Federal taxpayers burdens, and will help reduce the cost of insurance.

Low Interest Loans Provide Added Incentive for Increased Risky Development in Hazard-Prone, Ecologically-Sensitive Coastal Areas and Floodplains. We are concerned that the liquidity and catastrophe loans in Title II of H.R. 3355 do not have any real ceiling amounts, so that the taxpayers' liability may be limitless. The loans are well below market rates, mandatory, and of at least 5 to 10 years duration. The Secretary of the Treasury may extend the loans upon a simple request. These loans may also result in the creation of more State catastrophe funds, which may unreasonably concentrate risk at the State level, and effectively subsidize development in high risk areas. According to the Insurance Information Institute, for example, the State of Florida's Citizens Property Insurance Corporation, which was supposed to be only the insurer of last resort, has become Florida's largest homeowners' insurer. It is predicted that Citizens will grow to nearly 2 million policyholders by the end of the year, giving it more than one third of the total market and exposure to loss of more than $400 billion. Citizens was expected to shrink gradually, but it has expanded exponentially. Some critics of H.R. 3355 have called this bill a "pre-emptive bailout" of Florida's state insurance program and others have called it "The Developers' Dream Act."

As Evidenced by the National Flood Insurance Program, Continued Subsidized Risky Development in Ecologically-Sensitive Areas Will Jeopardize Citizen Safety and Unnecessarily Burden Taxpayers. The experience of the National Flood Insurance Program (NFIP) should provide some degree of caution to the framers of H.R. 3355. We have been concerned for many years that the NFIP is having severe difficulties managing the growth of flood-related risk (as well as the costs). Nearly a decade ago, the National Wildlife Federation released a report called "Higher Ground" on the problems of repetitive losses in the NFIP, where, in thousands of communities, buildings were experiencing repeated flood losses only to be reconstructed again and again with little or no mitigation of risk, in part for lack of incentive to "move out of harm's way." Part of the lack of incentive for mitigation was driven by rates that are below (some of them far below) true actuarial rates, flood hazard maps that are inaccurate or out of date and failing to consider changing conditions, and failure of communities and FEMA to enforce even minimum standards of the program, let alone set higher standards to reduce or avoid risk.

Today, we still find that after Congress passed amendments in 2004 to reform the NFIP and began to provide funds to address repetitive losses, the new program is still largely not implemented and has failed to spend much of the funds made available to start changing the pattern. Since 1998, the number of repetitive loss properties has grown from 74,500 at the time of the NWF study to now over 135,000 properties, and the cost to the NFIP of these buildings has more than tripled to over $8.5 billion in payments. The NFIP continues to face enormous challenges, and public confidence is lacking in the program's ability to reduce risks, manage costs and protect the environment. Another taxpayer-funded "backstop" has the potential to increase the myriad of problems with our current public insurance programs.

We therefore oppose H.R. 3355 in its current form. We hope that the Committee will address our concerns during mark-up, and we urge the Committee to work with the Nation's private insurance industry to assure that insurance adjustments are completed quickly, fairly, and accurately after natural disasters. We also urge the Committee to consider creating incentives for homeowners in high risk areas to use a full range of mitigation techniques, including retrofitting properties to mitigate storm damage or to relocate out of harm's way.

We believe that the intricacies of H.R. 3355 require thoughtful assessment, and we urge the Committee not to rush to judgment on a bill of this complexity. Safety is of paramount importance to our organizations, and we cannot support legislation that does not consider meaningful hazard mitigation. Nor can we support public subsidies in this legislation that, in turn, could further result in additional loss of human life, property, and wildlife habitat in the Nation's most ecologically-sensitive coastal areas and floodplains. We stand ready to work with you to address these concerns.

We very much appreciate your consideration of our views on H.R. 3355.

### OPPOSE H.R. 3355, THE HOMEOWNERS' DEFENSE ACT OF 2007

This bill does nothing to promote responsible and effective mitigation standards or other risk-reduction measures. Instead it creates a bailout mechanism which will promote over-development in areas known to be vulnerable to substantial damage resulting from hurricanes, flooding, and other natural disasters.

This bill has no retained loss requirement for participating State reinsurance funds. Once the trigger is met, a fund may qualify for a loan, without any "skin in the game." This bill could be improved by requiring States to first sustain a loss before receiving a loan from Treasury. The loans could help States manage their losses above the retained loss requirement.

Although the trigger has been raised for catastrophic loans, according to the manager's amendment, a State reinsurance fund is eligible for a liquidity loan if it has a "capital liquidity shortage," no matter the size of the event. This change makes the liquidity loan provision very open-ended and could discourage States from sufficiently capitalizing their reinsurance funds.

The Consortium created by this bill is unnecessary. States can currently diversify their natural catastrophe risk right now through the global reinsurance market. While there is no indication that the Consortium would even work, it could potentially dump billions of dollars in catastrophe bonds into the market, irrespective of demand.

This bill will encourage States other than Florida to create reinsurance funds in order to provide cheap reinsurance, possibly crowding out the private reinsurance market. Reinsurance is more expensive in States like Florida, where the risk is higher. Masking the true cost of insurance does nothing but encourage risky development, and in the case of these Federal loans, could expose taxpayers to billions of dollars in losses.

The loans created by this bill represent a transfer from States that do not suffer frequent natural catastrophes to those that do. If States suffer repeated losses and qualify for multiple loans, there will be incredible pressure on Congress to forgive the loan.

This bill mandates that Treasury provide open-ended, subsidized loans to States, but ties its hands. It does not grant Treasury the appropriate discretion to adjust the program as conditions warrant.

Sincerely,

DAVID R. CONRAD,
*Senior Water Resources Analyst, National Wildlife Federation.*

HONORABLE THOMAS B. EVANS, Jr.,
*Chairman, The Florida Coalition for Preservation.*

**It is without doubt, Mr. Speaker, that as the Nation's most hurricane-prone State, Florida has had a long-vested interest in providing its residents with accessible and affordable property insurance. Despite this desire, there has been a noticeable lack of political will in Florida for enacting good public policies to encourage this desired result.**

**State regulations that prevent insurers from charging risk-based prices, limits on capital movement and well-founded uncertainty over the legal and regulatory enforcement of contracts in Florida have caused many private insurers to reduce their exposures to this political risk by reducing new underwriting in the State.**

**But rather than addressing the root causes of this market failure, Florida has decided to deal with the problem by creating a State-backed insurer to compete with private companies in the delivery of this coverage, which was billions of dollars in debt within 3 years of its creation. Things have not gotten much better for the government entity with its overwhelming exposure of almost $450 billion, which has already been bailed out by Florida taxpayers at a cost of $715 million.**

**So now once again, instead of addressing the root causes of their problem, Florida supporters of this fund have come to Congress to try and spread their State's exposure nationwide, meaning to other States and other States' taxpayers, by exposing them to massive liabilities which would further encourage development along hurricane-prone coastlines.**

□ 1415

**Mr. Speaker, supporters of this legislation will undoubtedly come to the floor to explain that participation in this Federal consortium is voluntary. What they will undoubtedly omit, however, is that there is nothing stopping States from engaging in this kind of partnership already today and that only one additional value being placed on this bill is an implicit Federal guarantee that provides a subsidy to this government program and that the private sector does not enjoy and places the Federal Government at risk for covering any potential losses experienced by this program.**

**In other words, said another way, this new Democrat majority is looking for other States to pay for taxpayers, caused by mistakes in one State.**

**Mr. Speaker, I oppose this legislation that the Congressional Budget Office estimates will cost taxpayers $120 million over the next 5 years just to implement, and that is only counting what they will have to pay before they are asked to bail out this program.**

**I insert the Congressional Budget Office's score of this legislation into the CONGRESSIONAL RECORD at this point, as well as the administration's Statement of Policy which makes it clear that the President's senior advisers would advise this legislation's veto if it makes it to the President's desk.**

OCTOBER 30, 2007.

Hon. BARNEY FRANK,
*Chairman, Committee on Financial Services, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3355, the Homeowners' Defense Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Daniel Hoople.

Sincerely,

PETER R. ORSZAG.

Enclosure.

*H.R. 3355—Homeowners' Defense Act of 2007*

Summary: H.R. 3355 would authorize the appropriation of $120 million over the 2008–2013 period to establish a National Catastrophe Risk Consortium to help coordinate the availability of reinsurance contracts between state reinsurance entities and the private market. The consortium also would act as an information repository for states on the risk of natural disasters and research on the standardization of risk-linked securities (for example, catastrophe bonds). Assuming the appropriation of the specified amounts, CBO estimates that implementing this provision would cost $75 million over the 2008–2012 period.

The bill also would establish two new federal direct loan programs within the Department of the Treasury for state reinsurance programs facing certain levels of insured losses following a natural disaster. Loans could be made only if a reinsurer could not access capital in the private market and repayment was secured by the full faith and credit of the state. Treasury would develop procedures for state reinsurance programs to prequalify for loans, including the assessment of fees to cover the cost of administering the program. CBO expects that such loans would be made very rarely and would involve a minimal subsidy cost under the terms specified in the legislation. As such, CBO estimates that loans made under the bill would have an insignificant cost over the next five years. Enacting H.R. 3355 would not affect direct spending or revenues.

This bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of this legislation is shown in the following table. The costs of this legislation fall within budget function 450 (community and regional development).

| | By fiscal year, in millions of dollars— | | | | |
|---|---|---|---|---|---|
| | 2008 | 2009 | 2010 | 2011 | 2012 |
| Authorization Level | 20 | 20 | 20 | 20 | 20 |
| Estimated Outlays | 3 | 12 | 20 | 20 | 20 |

Note: H.R. 3355 also would authorize the appropriation of $20 million in fiscal year 2013.

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted in early fiscal year 2008 and that the necessary amounts will be appropriated for each fiscal year.

*National Catastrophe Risk Consortium*

H.R. 3355 would authorize the appropriation of $20 million for each of fiscal years 2008 through 2013 to establish the National Catastrophe Risk Consortium. The consortium would be a federal entity managed by a board of directors made up of designees from the Departments of Treasury, Commerce, and Homeland Security, and members from each participating state. Responsibilities of the Consortium would include: encouraging and facilitating different avenues for state insurers to enter into reinsurance agreements with the private market, conducting research and analysis into the standardization of risk-linked securities, and gathering insurance information. Assuming the appropriation of the specified amounts, CBO estimates that implementing this provision would cost $3 million in 2008 and $75 million over the 2008-2012 period for staff and research expenses.

*Liquidity and catastrophe loans for state reinsurance programs*

H.R. 3355 would establish two new direct loan programs within the Department of Treasury for state reinsurance programs facing a certain level of insured losses following a natural disaster. Reinsurance programs insure primary insurers or other reinsurers against losses in excess of amounts specified by contract or law. Reinsurance programs eligible for the new loan programs created under the bill would only be those in which the authorizing state maintained a financial interest. Examples of such reinsurance programs include the Florida Hurricane Catastrophe Fund (FHCF) and the California Earthquake Authority. In cases where a state does not have a reinsurance program that meets the requirements for a loan under the bill, a state residual insurer (for example, wind pool programs) would be eligible to apply during the five-year period following enactment.

Procedures to Establish Loan Eligibility. H.R. 3355 would direct the Secretary of the

Treasury to develop procedures for reinsurance programs to establish loan eligibility prior to a natural disaster. At a minimum, insurance entities covered by the reinsurer would be required to establish rate structures sufficient to cover expected annualized costs and ensure that any new construction or substantial renovation of insured properties comply with applicable state and local building codes. As a part of the precertification process, the Secretary would assess a fee on state reinsurance programs to cover the costs of administering the loan program. Those fees would be credited in the budget as an offsetting collection and would be available upon subsequent appropriation of a loan subsidy.

Based on information about the characteristics of existing state reinsurance programs and on information from the Treasury, CBO expects that most state reinsurance programs would meet the eligibility requirements set forth under the bill and thus would be eligible to receive loans. In addition, other qualified reinsurance programs may be established in the future that also would be eligible to receive loans.

Liquidity Loans. Under H.R. 3355, a qualified reinsurance program would be eligible to receive a liquidity loan if the program demonstrates it is facing a liquidity shortage and is not able to access capital at a reasonable rate in the private market. The principal of such loans could not exceed the ceiling coverage level—the maximum amount of liability the program could incur under law. In addition, the full faith and credit of the state in which the reinsurance program is authorized would be required. Loans would be made at a rate of not less than 3 percentage points above the applicable Treasury rate and for a term of between five and ten years.

Based on information from the state of Florida, CBO expects that those loans would most likely be used to address short-term liquidity shortages and would be repaid once adequate capital became available through established reinsurance agreements or through the private market. In cases where a liquidity loan is held to term (which CBO expects would be unlikely to occur because of the high interest rate of the loan), CBO estimates that those loans would have no significant cost to the federal government. As of June 2007, rating agencies like Standard and Poor's have not issued a credit rating below "A" for new general obligation bonds issued by a state. Based on historical default rates and the minimum terms specified in the bill, CBO estimates that the default risk associated with a state's general obligation bond rating would have to increase significantly before such a loan would be estimated to have more than a negligible subsidy cost. While the default risk of loans backed by the full faith and credit of a state would likely increase following a disaster, CBO expects that this increase would not be significant. (Following Hurricane Katrina, for example, Standard and Poor's announced it would adjust a state's credit rating for the first time as a result of a natural disaster by lowering Louisiana's rating from an A+ to an A.) As such, CBO estimates that any liquidity loan made under the bill would have an insignificant cost over the next five years.

Catastrophe Loans. Under the bill, a qualified reinsurance program would be eligible to receive a catastrophe loan following a disaster if insured losses exceeded 150 percent of the aggregate amount of premiums assessed (whether collected or not) for private property and casualty insurance issued in the state over the previous 12-month period. The principal of such a loan could not exceed the difference between the total insured loss and the program's ceiling coverage level, and repayment would be afforded the full faith and credit of the state. Loans would be made at a rate of not less than 20 basis points above the applicable Treasury rate and for a term of not less than 10 years.

Based on information from the states, CBO expects that few, if any, reinsurance programs would apply for a catastrophe loan following a disaster. State insurance commissions and rating agencies often require that primary insurers are able to cover at least a 100-year event to maintain their credit rating. As such, not only would losses exceeding the ceiling coverage level be outside the responsibility of the reinsurer, they likely would be covered through existing reinsurance agreements between the primary insurer and the private market.

For example, as a result of Hurricane Katrina, the Gulf Coast faced insured losses of over $40 billion. Such losses well exceeded the minimum eligibility threshold for a catastrophe loan under the bill. (Based on the aggregate amount of direct written premium for private property and casualty insurance, CBO estimates that the threshold probably would have been around $12 billion for Louisiana in 2005.) However, CBO expects that there would have been little demand for a catastrophe loan following Katrina because a state reinsurance program (if one had existed) would not have been responsible for losses above its ceiling coverage level. Furthermore, such losses would have been covered by existing reinsurance agreements between primary insurers and the private market. For those reasons, CBO estimates that implementing this provision would have no cost over the next five years.

Intergovernmental and private-sector impact: H.R. 3355 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Daniel Hoople; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: MarDestinee C. Perez.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

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## STATEMENT OF ADMINISTRATION POLICY

### H.R. 3355—HOMEOWNER'S DEFENSE ACT

The Administration seeks to ensure that there is a stable and well-developed private market for natural hazard insurance and reinsurance. The Administration believes that private markets are the most efficient, lowest cost, and most innovative insurance providers. Therefore, the Administration strongly opposes H.R. 3355, which creates a permanent role for the Federal government in natural hazard insurance markets. Accordingly, if H.R. 3355 were presented to the President, his senior advisors would recommend that he veto the bill.

The Administration strongly opposes provisions creating a Federally-backed consortium of States in order to pool catastrophe risk. Although pooling can be an effective mechanism for managing risk, there is no need for a Federal role because States are currently free to associate to address catastrophe risk. Further, the consortium's Federal charter would create an implicit guarantee that the Federal government backstops the consortium's financial obligations. This implicit guarantee would result in an inequitable Federal subsidy for certain State insurance programs and policyholders.

The Administration also strongly opposes provisions establishing a Federal loan program to fund losses incurred by State-sponsored reinsurance programs. This subsidized Federal backstop would displace reinsurance currently available from the private market and would clearly result in a subsidy for insurers, State insurance programs, and their policyholders. Federal subsidies for State insurance programs would also encourage the creation of new State programs and discourage States from charging risk-based rates, resulting in the State programs crowding out the private sector. Subsidized insurance rates also undermine economic incentives to mitigate risks. Individuals facing subsidized rates would be encouraged to take on risks that are inappropriate, specifically putting themselves in harm's way because they do not bear the full expected costs of potential damages. Finally, shifting liabilities for catastrophe exposure from the private sector and State insurance programs to the Federal government would be fiscally irresponsible as the Federal government could expect to face steep losses in certain years. Financing these losses would require Federal taxpayers to subsidize insurance rates for the benefit of those people living in high-risk areas.

Mr. Speaker, once again, the new Democrat majority is bringing to the floor something which will not only increase spending for all taxpayers, in addition to the high taxation that this new majority is already bringing to the floor, in addition to the rules and regulations which the new Democrat majority is bringing to the floor, and today we see an opportunity for the United States to bail out one State because they've got problems with their private sector initiatives.

I will ask all of my colleagues to stand up for the American taxpayer today, not to subsidize the homeowners of one specific State. I urge them to vote "no" on this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I would inquire of the gentleman from Texas if he has any additional speakers.

Mr. SESSIONS. I appreciate the gentlewoman asking. At this time, I do not have any additional speakers.

Ms. CASTOR. Then I will reserve the balance of my time. Because I have the right to close, I will wait for the gentleman from Texas to make his closing remarks, and then I will make my closing statement.

Mr. SESSIONS. Mr. Speaker, I will be asking Members to oppose the previous question so that I can amend the rule to have Speaker PELOSI, in consultation with Republican Leader BOEHNER, immediately appoint conferees to move forward a clean Military Construction and Veterans Affairs appropriations bill for 2008.

Despite the fact that Veterans Day will likely come and go this year without the House living up to its commitments to our Nation's veterans, Democrats continue to play politics with this important funding for their own political gain.

While the House Democrat leadership plays politics, however, our Nation's veterans are the ones paying the price. The Senate has already done its work and appointed conferees for the veterans appropriations bill, and for every day that House Democrats allow the veterans funding bill to languish without conferees for their own political agenda, our Nation's veterans lose $18.5 million, money that could be used for veterans housing, veterans health care, and other very important veterans support activities.

The American Legion and the VFW already have, along with multiple requests from this Member, as well as Republican Members of the House, urged both Speaker PELOSI and Democrat Senate Majority Leader REID to end their PR campaign and begin conference work on this important veterans funding issue.

Unfortunately, it appears as though all these commonsense requests have fallen on deaf ears, and our Nation's veterans are being forced to pay the price for continued Democrat partisanship and lack of leadership on this issue.

I ask all of my colleagues to support this motion to defeat the previous question so that we can put partisanship aside and move this important legislation forward without any further gimmicks or games.

I know that this is a bold idea that hasn't yet been focused on by groups around the Democrat Party or by pollsters or those who work with moveon.org, but I think that our veterans deserve nothing less.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, we're here on the Homeowners' Defense Act of 2007 and this rule. This is an innovative solution crafted by my very thoughtful colleagues from Florida, Representative RON KLEIN and Representative TIM MAHONEY, to tackle the rising cost of property insurance.

While the problem is especially acute in the State of Florida, it is not limited to the State of Florida. Look all the way up the coastline from Florida to Georgia, up through New York. Everyone is suffering these double-digit percentage increases in their property insurance bills. Look across the country to California and, yes, to Texas. Florida is not alone and the gulf coast is not alone.

What this requires is some innovative, thoughtful thinking that sometimes is all too often missing here in Washington, but thankfully this new Congress has elected some self-starters who have experience in business and know how business and government can work together to bring real solutions for the American people.

These times of crisis demand innovative solutions, and my colleagues from Florida and the Financial Services Committee that passed this bill in a bipartisan vote, that has brought this to the floor today that we can act on will provide a voluntary, not all States participate, it's a voluntary national insurance risk consortium that will allow States to tap private capital. Despite the protests from the other side of the aisle, the way this bill is crafted is the taxpayers will not be on the hook for additional disaster claims. To the contrary, this is an attempt to alleviate having to come back to the Congress time and time again in a time of natural disasters.

Now, will we be able to solve natural catastrophes in this bill? No. But is it a smart tool to plan ahead, to try to put some money aside early and create a backstop? Yes.

So I thank all of my colleagues from Florida, especially Representative KLEIN and Representative MAHONEY, because we have got to do something, and this is a simple and effective way to tackle the rising costs for property insurance. I ask my colleagues to support the rule and to support this innovative solution.

I urge a "yes" vote on the previous question and on the rule.

The material referred to previously by Mr. SESSIONS is as follows:

### AMENDMENT TO H. RES. 802 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and adoption of the motion to instruct on H.R. 3074, if ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 191, not voting 19, as follows:

[Roll No. 1065]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Bean
Boren
Braley (IA)
Buyer
Carson
Cubin
Dicks
Giffords
Hunter
Jindal
LaHood
Lantos
Levin
Lungren, Daniel E.
Marchant
McMorris Rodgers
Miller (FL)
Oberstar
Rothman

☐ 1449

Ms. GRANGER and Mr. ROGERS of Alabama changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. CASTOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 190, not voting 17, as follows:

[Roll No. 1066]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert

Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—17

Bean
Boren
Braley (IA)
Buyer
Carson
Cubin
Giffords
Hunter
Jindal
LaHood
Lantos
Levin
Lungren, Daniel E.
McMorris Rodgers
Miller (FL)
Oberstar
Rothman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1458

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## APPOINTMENT OF CONFEREES ON H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

### MOTION TO INSTRUCT OFFERED BY MR. KNOLLENBERG

The SPEAKER pro tempore. The unfinished business is the de novo vote on the motion to instruct on H.R. 3074 offered by the gentleman from Michigan (Mr. KNOLLENBERG).

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 397, noes 16, not voting 19, as follows:

[Roll No. 1067]

AYES—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—16

Baldwin
Clarke
Crowley
Ellison
Grijalva
Honda
Jackson-Lee (TX)
Kucinich
Lee
Sánchez, Linda T.
Schakowsky
Serrano
Sires
Towns
Woolsey
Wynn

NOT VOTING—19

Bean
Boren
Braley (IA)
Buyer
Carson
Carter
Cubin
Giffords
Hunter
Jindal
Keller
LaHood
Lantos
Levin
Lungren, Daniel E.
McMorris Rodgers
Miller (FL)
Oberstar
Rothman

☐ 1507

Ms. WATERS changed her vote from "no" to "aye."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Mr. Speaker, on rollcall vote No. 1060, had I been present, I would have voted "nay."

On rollcall vote No. 1061, had I been present, I would have voted "aye."

On rollcall vote No. 1062, had I been present, I would have voted "aye."

On rollcall vote No. 1063, had I been present, I would have voted "aye."

On rollcall vote No. 1064, had I been present, I would have voted "aye."

On rollcall vote No. 1065, had I been present, I would have voted "aye."

On rollcall vote No. 1066, had I been present, I would have voted "aye."

On rollcall vote No. 1067, had I been present, I would have voted "aye."

The SPEAKER pro tempore (Mr. CARDOZA). Without objection, the Chair appoints the following conferees:

Messrs. OLVER, PASTOR, RODRIGUEZ, Ms. KAPTUR, Mr. PRICE of North Carolina, Mr. CRAMER, Ms. ROYBAL-ALLARD, Messrs. BERRY, OBEY, KNOLLENBERG, WOLF, ADERHOLT, WALSH of New York, GOODE, and LEWIS of California.

There was no objection.

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### GENERAL LEAVE

Mr. KLEIN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3355 and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

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### HOMEOWNERS' DEFENSE ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 802 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3355.

☐ 1510

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3355) to ensure the availability and affordability of homeowners' insurance coverage for catastrophic events, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Florida (Mr. KLEIN) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. KLEIN of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to discuss H.R. 3355, the Homeowners' Defense Act. This bill responds to the growing crisis in the availability and affordability of homeowners insurance and further works to protect the financial solvency of States. This bipartisan legislation represents many months of deliberation and thoughtful input from members of both parties and across each region of the United States. We recognize that disasters will continue to occur across the country and are moving proactively to ensure that a plan is in place before the next one strikes.

Every region of the United States is susceptible to some form of natural disaster, be it earthquakes, hurricanes, blizzards, tornadoes, or wildfires, and we are here to provide relief.

It is important to understand that insurance availability and affordability problems have become a national issue. Hundreds of thousands of homeowners across the country have already had their insurance coverage dropped or are currently slated for nonrenewal by their insurance company. Those who remain insured are confronted with crippling premiums, which in some cases is forcing homeowners to make tough decisions about whether to go with or without property insurance, if they have that choice.

Insurance problems are not isolated to Florida, Mississippi, or Louisiana. Last year property insurers indicated that they plan to stop offering new coverage in Maryland and Virginia's coastal markets, and property insurers have also stopped writing new policies for residents in Delaware, New Jersey, and Connecticut, no matter where in the State the property is located.

Furthermore, tens of thousands of homeowners in Massachusetts, New York, North Carolina, South Carolina, Alabama, and Texas have also been dropped as well. And adding to that, even with California's known record of seismic activity, over 84 percent of California homeowners currently do not have earthquake policies. It is simply unacceptable for property owners not to be able to get reliable coverage in these markets, and it is precisely this reason that legislation is necessary.

The Homeowners' Defense Act aims to take a twofold approach by establishing a program to help States responsibly manage their risk before disaster strikes while also providing financial assistance to ensure that they can quickly and efficiently respond to homeowners insurance claims following a natural disaster.

Specifically, this bill provides a venue for State-sponsored insurance funds to voluntarily bundle their catastrophic risk with one another and then transfer that risk to the private markets through the use of catastrophic bonds and reinsurance contracts. The legislation also allows for the Federal Government to extend loans to cash-strapped States after a large-scale natural disaster so that they can meet their obligations to homeowners.

By utilizing new strategies and an innovative capital market approach, the bill allows investors to assume some of the risk currently held by the States in return for an interest payment. The voluntary nature of the program, coupled with the use of the capital markets, ensures that homeowners in less disaster-prone States will not be on the hook if a disaster strikes a neighboring State.

I want to emphasize that the opt-in nature of this plan creates no burden or obligation whatsoever on States that do not choose to participate. This is essential.

The total economic impact accompanying natural disasters resonates throughout our entire Nation. The total economic damages from the 2005 hurricanes will likely exceed $200 billion, with the Federal Government taking responsibility for paying out in excess of $109 billion for disaster relief.

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Although we all agree that it is necessary, this Federal spending is drawn equally from taxpayers across the country, not simply from those in affected regions.

Through this legislation, we are looking to take a proactive approach where States responsibly plan in advance of a disaster, rather than a reactive approach, where the Federal Government and every taxpayer opens up the Treasury after a catastrophe. It is important to emphasize, however, that the status quo is no longer an option. We must work together to establish a system to make sure that property insurance is both available and affordable for hardworking families and those most in need.

I urge Members to vote in favor of this much-needed legislation.

Mr. Chairman, I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I yield myself such time as I may consume.

First of all, I would like to thank the two gentlemen from Financial Services from Florida for bringing this bill forward.

Mr. Chairman, we are all concerned about insurance rates that are increasing in Florida and other States. Representatives BROWN-WAITE, PUTNAM, BUCHANAN and FEENEY have all been very effective and passionate advocates for their constituencies, and I would like to commend them for their hard work.

We can all agree that many States are facing considerable problems with the affordability of homeowners insurance. However, at this point, there is no consensus that H.R. 3355 is the best solution to the problem. In fact, there is quite a bit of disagreement amongst a broad spectrum as to what is the best manner to address this problem. Instead of granting long-term relief to middle-income coastal homeowners confronted with rising insurance costs, this bill could potentially place taxpayers at risk for bailing out insolvent State insurance companies.

In the past few years, some of the largest hurricanes on record tore through the gulf coast and coastal Florida. Some of the affected States have tried to protect their local markets, to limit rate increases, force coverage, or restrict market freedom. Unfortunately, these efforts have had severe unintended consequences and have done little to lower the cost of insurance for consumers. Competition has been reduced and homeowners have been left with fewer choices. Ironically, State initiatives designed to secure more coverage for their constituents have resulted in less affordability.

Florida created Citizens Property Insurance Corporation in 2002 because private insurers have reservations about insuring risky coastal development. While Citizens was supposed to be an insurer of last resort, it is now Florida's largest insurer, with over 1.3 million policyholders, and a total exposure of $434 billion, yet only enough funding to pay approximately $9.4 billion in claims. This undercapitalization means that if a major hurricane hits Florida, Citizens could be bankrupt by hundreds of billions of dollars.

To bring down the cost of insurance even more, Florida created a State reinsurance fund to sell inexpensive reinsurance to private companies to encourage them to write more business in the State. This fund has never had enough cash on hand to pay claims and has driven out the global reinsurance market, recouping losses through taxpayer assessments. According to a Georgetown University report released last summer, the Florida catastrophe fund offers $32 billion in coverage and has $1 billion on hand.

Of the two main titles of the bill, H.R. 3355, the first doesn't add anything new that States cannot already do on their own. The second one makes inexpensive federally subsidized loans available to State insurance companies that are curtailing the private market, resulting in less competition and higher costs to the customer. And I will add here that anytime you're federally subsidizing somebody, that's a cost to every single taxpayer in the country.

The Congressional Budget Office estimates that over the next 5 years implementing this bill would cost $75 million, but even this number seriously underestimates the true cost to the American taxpayers. CBO concluded that few States would actually be interested in these loans and that they would only be made on rare occasions. Nevertheless, taxpayers could potentially be exposed to billions of dollars, leaving them with an enormous cost of capital for the loan's duration and subjecting leaders here in Congress to the inevitable pressure to later forgive loans at the taxpayers' expense.

Mr. Chairman, the federally headed consortium provided for in this bill, while a novel approach, likely offers nothing but an implicit Federal backing for any insured securities, much like the GSEs; not to mention States already have the ability to engage in these pooling arrangements at this day. Further emphasized in the President's Statement of Administration Policy on this bill: "There is no need for a Federal role because States are currently free to associate to address catastrophic risk."

It is also debatable whether securitization represents any significant advantages over the sophisticated private reinsurance markets. According to the Georgetown Environmental Law and Policy Institute: "The mere creation of this consortium would likely skew insurance premiums and encourage unwise development."

Of concern as well is that the Treasury would make loans to State catastrophe programs. Florida is currently the only State with a reinsurance fund that would qualify for these loans, but there is no doubt that this bill would encourage other States to create these programs, most likely in the Florida mode, further undermining the private market.

The legislation at hand even allows an interim period where other state-run insurers, such as the financially troubled Citizens in Florida, could receive these loans. We should think twice about bankrolling State insurance companies. A Federal loan to an insolvent State catastrophe fund sounds eerily similar to me to the Federal Government's ongoing loan to the National Flood Insurance Program, which is currently carrying $18 billion in debt.

Republicans will offer a number of critical amendments today to try to steer this debate towards fiscal responsibility, mitigation, and free market competition. We will consider an amendment by Congressman SHAYS to replace the text of the bill with a bipartisan, blue-ribbon commission to report to Congress specific proposals to improve the affordability and availability of national catastrophe insurance. It would be very prudent of this body to take a step back, allow for further study, and gain a consensus that we do not have on this proposal before us today.

Mr. Chairman, we need to be careful when confronting this very complex issue affecting millions of homeowners that could expose all American taxpayers to huge liabilities, and we shouldn't rush to judgment for an appropriate response.

All of us Members of Congress here know that natural disasters can strike anywhere and everywhere in this country; and by no means are we saying, in opposition to this bill, that we shouldn't have the American response of a helping hand. We just don't feel that this is the right way to do it. We need to work together on bipartisan reforms to address market dysfunction. I think H.R. 3355 falls short on that standard.

There will be many productive ideas put forward this afternoon that will improve the legislation that we're considering; however, if these are not adopted, I would urge my colleagues to vote against this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. KLEIN of Florida. Mr. Chairman, I yield 6½ minutes to the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Mr. Chairman, today is a turning point for how the Federal Government responds to natural catastrophes. Today, the House of Representatives has the ability to ensure that homeowners across the country will have access to affordable property insurance. More importantly, we have the opportunity to protect and preserve the American Dream of home ownership with the passage of H.R. 3355, the Homeowners' Defense Act of 2007.

Before I begin summarizing the national catastrophe insurance crisis affecting the 16th Congressional District of Florida, I want to reiterate that this is a national problem. Let me be clear: Congress has been forced to act because private markets for homeowners insurance have failed. The issue is not the industry's ability to pay claims or write policies. It is the American's ability to purchase affordable homeowners insurance.

This legislation we are considering today, the Homeowners' Defense Act of 2007, is essential, as an individual's home is the single biggest investment an average American has, and it is vital that we protect it.

North America has the greatest occurrence of natural disasters of any continent. And thanks to global warming, science is forecasting that we are going to see the incidence and severity of disasters increase.

I am proud that the legislation we are considering today preserves the private homeowners insurance industry. H.R. 3355 recognizes that no one got into the insurance business to underwrite a catastrophic event, whether it be an act of war or an act of Mother Nature. The bill gives the insurance industry the ability to operate without fear of insolvency due to a mega-catastrophe we all know will happen. However, because no one can predict when the next earthquake, hurricane or tornado will strike, the industry is forced to plan and incur the expense necessary to cover a 1-in-200 year event every year.

The program established by this legislation is voluntary. Each State will have the opportunity to assess its risk of natural catastrophes. After analyzing its exposure to natural catastrophes, a State can choose to participate or not.

H.R. 3355 is fiscally responsible. The legislation sets a historic precedent. No longer will the American taxpayer have to foot the cost of a natural disaster with an expensive government bailout. As I said earlier, we know that these catastrophic events will happen. The Homeowners' Defense Act ensures that we plan for them in a fiscally responsible manner and does not cost the American taxpayer a dime, while ensuring that homeowners take personal responsibility for their choice to live in areas prone to more frequent natural catastrophes.

In 2004 and 2005, natural disasters resulted in approximately $89 billion in privately insured catastrophic losses. Science tells us that these disasters, their severity and frequency, are going to increase and have caused the insurance industry to adjust their models for insuring these events. As a result, insurers are pulling out or reducing their exposure in disaster-prone areas of the country. In some cases, new companies encouraged to enter the market do not have the financial strength to pay claims following a natural disaster because they are undercapitalized. Likewise, larger insurance companies have created smaller State subsidiaries for the purpose of limiting their liability. This problem has concentrated risk in States, further complicating the problem.

In some situations, like in my home State of Florida, the market has deteriorated so drastically homeowners can't get insurance, regardless of price. In an effort to address this growing problem, Florida has had to step up to avert an economic disaster by creating a State-owned insurance company. Today, unfortunately, the citizens of my State are the owners of the biggest homeowners insurance company in Florida with over 30 percent of the market.

Lost insurance capacity is not the only issue confronting homeowners today. Families have seen their insurance premiums skyrocket. The toxic cocktail of rising gas prices, health care costs, and homeowners insurance have created a vicious cycle of terror for our seniors living on fixed incomes and our middle-class families struggling to provide for their children.

Just yesterday, I spoke with a single mother in Stuart, Florida, who is making a good income of approximately $60,000 per year. She told me that, without warning, her monthly payment went up almost $500 per month. She is struggling to save money to put her daughter through college, and she's fearful she won't be able to pay her bills.

The Financial Services Committee has held numerous hearings this year on this issue. During these hearings, several facts became clear. The risk posed by natural catastrophes is not going away. The damage caused by disasters will keep growing, and insurance premiums are likely to remain high.

As Congressman KLEIN noted, the Homeowners' Defense Act is a two-pronged approach designed to address the property insurance crisis, which I have outlined, and ensures a stable insurance market that will give States impacted by severe natural catastrophes the ability to help their citizens rebuild their homes and their lives.

Title II of the bill, "The National Homeowners Insurance Stabilization Program," extends Federal loans to States impacted by severe natural disasters. These loans, which will be paid back by the States, will allow a State's catastrophe program the ability to cover its liability in the event it is not fully funded at the time of the disaster.

Because the legislation utilizes private capital markets and a loan program that requires repayment in affected States, it eliminates cross-subsidization. Taxpayers will not be asked to subsidize homeowners that choose to live in high-risk communities.

In a letter dated November 6, the National Association of Insurance Commissioners stated that H.R. 3355 provides a viable solution for the State and Federal governments to work together to address this dilemma and address the natural catastrophe threat.

In closing, I would like to thank Chairman FRANK, Congressman KANJORSKI and Congresswoman MAXINE WATERS, as well as their staff, for their continued commitment to America's homeowners. Their support and leadership has been essential to making this legislation a reality. I would also like to thank my colleagues from Florida, Representatives GINNY BROWN-WAITE and ADAM PUTNAM. Their input on this legislation has been invaluable and serves as an example of what Congress can achieve when we work together in a bipartisan manner.

I would ask my colleagues to stand up for the American homeowner and taxpayer by voting "yes" on H.R. 3355.

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Mrs. CAPITO. Mr. Chairman, I would like to yield 3 minutes to the gentleman from Illinois (Mr. ROSKAM), a member of the Financial Services Committee.

Mr. ROSKAM. I thank the gentlewoman for yielding.

I want to commend our colleagues on the other side of the aisle from Florida as good advocates for their districts in recognizing that Florida has a serious problem. I think that if everybody had that same confidence that Federal taxpayers weren't going to be involved and that this ultimately was an insurance program that was going to be completely clearly funded, the money was going to come in, it was actuarially sound, and it was going to go out, a lot of us would say "no harm, no foul, great."

But a lot of us have a real sense of concern because what we have done is we have looked at Florida, and my conclusion is that part of the problem of Florida and the difficulty that they are facing is because of governmental intervention in the insurance marketplace. It seems to me that the State of Florida came in and began to manipulate the marketplace insofar as other companies then ultimately made decisions, "look, this is too high maintenance, this is too complicated, we are not able to price this appropriately, we are out of here."

We heard testimony during the Financial Services Committee from folks who said the depth and breadth of building in Florida, in many cases, is simply inappropriate, building in very risky areas. Now, the bill speaks to some to mitigation, but I think we can do much better. And over the course of this afternoon, in a series of amendments that we intend to offer, some of them on the manager's amendment and some of them specific roll calls that we will be seeking, we are going to try and drive the conversation toward market solutions to this problem.

We are told time and again, I have heard both speakers this afternoon on the other side talk about an opt-in, talk as if this is a voluntary program. Well, I will tell you what; it is not a voluntary program for the Federal taxpayers that I represent. Federal taxpayers that I represent, I believe, are ultimately going to be on the hook for the liabilities and the commitments that are made either explicitly or implicitly through the language of this bill.

I urge a great sense of caution not to get caught up in the emotion of this, but to be clear-eyed and clear-thinking in how we debate this, and ultimately to oppose this bill in its current form.

Mr. KLEIN of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I rise today in support of the Homeowners' Defense Act of 2007.

Over the past few years, most Americans have witnessed devastating images of natural catastrophes strike our fellow citizens, from wildfires in California, tornadoes in the Midwest, to the hurricanes hitting the Gulf States in Florida, and wondered if they might be next. Even as the recovery begins after these disasters, for many, a new nightmare of rising insurance rates and dropped policy coverage begins. However, thanks to the sponsor of the Homeowners' Defense Act of 2007, Congressmen RON KLEIN and TIM MAHONEY, many homeowners across America will be spared a similar nightmare. This bipartisan bill, and it is good to see my colleagues on the other side of the aisle from Florida here as well, this bipartisan bill provides a critical tool that will help provide a fair and equitable solution to this crisis.

I cannot think of an issue that is more important to the economic survival of the homeowners of my State of Florida than dealing with the homeowners insurance crisis. Thank you, Congressmen KLEIN and MAHONEY, and thank you to Chairman BARNEY FRANK for bringing this bill to the floor today. It has been a long time in coming.

I urge Members to support it.

Mrs. CAPITO. Mr. Chairman, I would like to yield 3 minutes to the gentleman from Florida (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, there is no larger issue in my home State of Florida than the high cost of homeowners insurance. Like many Floridians, my constituents are finding property insurance more expensive and, many times, impossible to get. Skyrocketing insurance is hurting the middle class and it is damaging our real estate market and our economy. Insurance in the State of Florida has gone up 385 percent in last 5 years, 77 percent a year.

This bill is necessary to encourage insurance companies to write policies that will work for families and small businesses that they can afford. One of our businesses, and I don't want to leave them out either, in our community, their insurance went from $25,000 to $125,000. They called me and asked me what could they do. I said, "Well, get some other prices." He called back and said there was nobody else that will even write it. One insurance company. They had to have it because they had a mortgage.

I am pleased the House will pass a manager's amendment that includes language authorized by my colleague GINNY BROWN-WAITE. I want to thank her for her leadership on this effort for the last 3 years. She is going to establish a Federal catastrophic fund. This amendment mirrors legislation I introduced with her at the beginning of the year. I also want to thank my Florida colleagues Congressman TIM MAHONEY and Congressman RON KLEIN for introducing this legislation.

Mr. Chairman, I am proud that we have been able to work on a bipartisan basis in Florida.

Mr. KLEIN of Florida. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in support and thank Congressmembers KLEIN and MAHONEY for their leadership.

I have long held the belief that we need solutions to the growing crisis of availability and affordability of homeowner insurance. That is why I was the sponsor of the National Catastrophe Insurance Act in previous congresses, which would have established a Federal reinsurance plan following a disaster with more than $50 billion in insured losses.

Right now we are seeing the consequences of not having these products available. In the wake of a series of devastating hurricanes, large swaths of our country are seeing insurance companies either leaving the market or premiums that are simply too high for homeowners to afford. The legislation before us focuses on stabilizing the catastrophic insurance market by expanding private insurance capacity to cover natural disasters and by helping States better manage risk. This legislation allows States to participate in the plan by allowing their State-sponsored insurance funds to voluntarily pool their catastrophic risk with one another.

The private market, and not taxpayers, will take on the risk through the purchasing of catastrophic bonds and reinsurance contracts. Just as I support other efforts such as TRIA to provide certainty after catastrophic events, I believe it is prudent to put in place a system that insures risk. This allows affected communities and our economy as a whole to respond to each and every disaster in a clear and rational manner while protecting the residents, and I urge my colleagues to support the bill.

Mrs. CAPITO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) who has been very active on this issue.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentlewoman for yielding time.

The bill that we have before us today is one that is not just about Florida. The bill that is before us today is about the availability of any State being able to participate if they form a catastrophic fund in their State. Whether it is hurricanes in Florida or earthquakes or perhaps wildfires in California, whatever the State wants to cover in their catastrophic fund is what would be covered.

Let me point out also that this is purely voluntary. This isn't mandatory. We are not mandating States to participate. We are encouraging States to be responsible. Sometimes we tend to, especially at the Federal level, we tend to wait until something happens and then we react. Well, we all remember how many hurricanes hit, Hurricane Katrina, but other hurricanes also in 2005.

As a matter of fact, in 2005, the Federal taxpayer alone paid $89.6 billion in post-disaster assistance. That is post disaster. That is after the fact. Wouldn't it be better to encourage States with some Federal backstop to work to have a plan there to plan and have the availability of a catastrophic fund?

I have served on the Financial Services Committee now, this is my third term. I have spent 5 years on the Financial Services Committee. I want to thank the gentleman who just walked in, Chairman BARNEY FRANK, who has worked in a very bipartisan manner to help get this bill in the form that it is today. Later we will be seeing the manager's amendment. I certainly want to thank Representatives KLEIN and MAHONEY and their great staffs and also Annie Woeber from my staff, who I think lives, eats, drinks and breathes this issue.

Mr. KLEIN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Chairman, opponents of the Homeowners' Defense Act suggest we should not get caught up in the emotion of the moment. But, Mr. Chairman, our Nation is suffering from a property insurance crisis that desperately demands Federal action.

Millions of American homeowners are enduring the skyrocketing costs of homeowner insurance premiums at the same time that their coverage is reduced. And millions more in Florida and throughout the Nation have had their policies cancelled. Those fortunate enough to still have coverage have experienced 200 and 300 percent increases in premiums, even though they have not filed a single claim. This is a terrible situation. I applaud Congressmen KLEIN and MAHONEY for leading this critical effort.

The insurance crisis is not a Florida-specific crisis, nor is it a coastal only crisis. Homeowners across the Nation are starting to see the same premium increases and cancellations that Floridians have endured for the past several years.

Let me be clear. This is a crisis that affects each and every State in our Nation. As we have tragically seen in recent weeks and months, all Americans are vulnerable to hurricanes, floods, fires and other natural disasters. The economic impact of these catastrophes do not recognize State borders. We must act together as Americans to end this insurance crisis.

This bill brings substantial savings to homeowners without degrading the private insurance market. It would be inexcusable for Congress to waste this golden opportunity to provide relief to millions of Americans suffering from the devastating combination of rising gas prices, health care costs, and homeowners insurance. Again, thank you to Mr. KLEIN, thank you to Mr. MAHONEY, thank you for the time.

Mrs. CAPITO. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, in the early morning hours of August 29, 2005, a catastrophe obliterated New Orleans. The ocean had breached the city's levees and our Nation looked on while tens of thousands clung to rooftops. Hundreds of thousands of Americans were suddenly homeless and scattered across the country. Many coastal States have been in crisis ever since, including my home State of Florida.

Upon arriving in Congress this year, I introduced two bills to help with this crisis. One bill would strongly encourage homeowners to hurricane-proof their homes by providing a tax credit for the cost of specific home modifications. The second bill I introduced would authorize Gulf Coast States to enter into an interstate compact to pool their resources and spread the risk of disaster.

Today, I am pleased to have an opportunity to vote on H.R. 3355, the Homeowners' Defense Act. This important legislation authorizes loans to States that will have to be repaid to the Treasury. This is a fiscally sound approach to disaster planning. Further, Chairman FRANK, with my colleague, Ms. BROWN-WAITE, who has been working on this issue for 4 years, and the sponsors of this bill, and as a result of genuine bipartisanship, the manager's amendment will implement a critically needed Federal catastrophe fund.

I thank the sponsors of this legislation, and I thank the chairman and Ms. BROWN-WAITE for their efforts in bringing this bill to the floor. I strongly encourage my colleagues to vote for this bill and the manager's amendment and protect Americans from the devastating effects of natural disasters.

Mr. KLEIN of Florida. Mr. Chairman, may I inquire as to the time we have remaining.

The CHAIRMAN. The gentleman from Florida has 14 minutes remaining. The gentlewoman from West Virginia has 15½ minutes remaining.

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Mr. KLEIN of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Chairman, I want to thank my colleagues from Florida for devising this great program which will be national, voluntary, and fiscally sound for the people that are experiencing problems with insurance throughout the country.

I am proud to speak today on H.R. 3355, the Homeowners' Defense Act. Recovering from the two hurricanes that devastated our State and the gulf coast in 2005 continues to be a challenge to the people of Louisiana. One of the biggest roadblocks to our recovery remains the lack of affordable and available property insurance.

However, as we have seen in the past few weeks with the wildfires that have ravaged California, affordable insurance isn't just a problem for the residents of the gulf coast. This is a nationwide problem that needs our immediate attention and a practical and effective long-term solution. I believe that this bill offers that long-term solution.

Mr. Chairman, in the wake of Hurricanes Katrina and Rita in 2005, after the victims of these storms suffered two of the worst natural disasters in this country's history, our people were forced through the indignity of another battle, a battle with their insurance companies. All along the coast, insurance companies have packed up and moved out. They have canceled their policies, refused to write new ones, or raised their rates exponentially, with less coverage and higher deductibles.

In Louisiana, more and more people are being forced to turn to Louisiana's State-sponsored insurer of last resort and, again, paying premiums way above the market rates. For those lucky enough to have their policies renewed, they are now being hit with skyrocketing premium increases, often as much as two, three, four, five times what they paid before, and some even higher.

The district in Louisiana that I represent is entirely in the "new" hard-to-insure part of the State. Every day I get calls, e-mails, and letters from constituents begging Congress to do something about the insurance crisis. Here is just a sample:

Roy Barrios of Lafourche Parish wrote to me, saying that Allstate recently canceled his homeowners insurance and he is now having to pay 3 times as much coverage, which he is thankful to get, but still in all, from Louisiana's insurer of last resort. He is only two months shy of being covered by Louisiana's consumer protection laws that would have kept his policy from being canceled, although he noted that Allstate is happy to renew his more profitable car insurance policy.

Jeanette Tanguis of Houma, Louisiana, said a premium increase of $200 a month stretches her budget tremendously. In a letter to me she wrote: "Having spent most of my life living in Terrebonne Parish, it never occurred to me that I would ever be forced to move from the place I love and have called home for most of my life. Unfortunately, my family and I are being forced to make this sad decision," because of the insurance situation.

Similarly, Nolan Falgout of Thibodaux wrote to me and said: "In the event we do not get a handle on this issue, this will become the next reason why your constituents who enjoyed growing up in this section of 'Cajun' Louisiana will no longer be able to afford to live here."

These are only a few of the many stories I hear from people forced to leave their homes and their communities. If claimants from the 2 hurricanes had been awarded the settlements that they were entitled to from their insurance companies, this may not have been an issue that requires the attention of Congress.

Sadly, this is not the case. It is time we recognize that market failures exist. The victims of these hurricanes, the victims of the wildfires and unforeseen natural disasters all deserve to know that the insurance system will not abandon them when they need it the most.

Mr. Chairman, I believe that H.R. 3355 will provide for this stability and the long-term solution we need to solve this insurance crisis so that America's families will not have to abandon their communities and can return to their homes. I again thank my friends, my colleagues, the chairman of the committee and others that have put so much time and effort into this good legislation.

Mrs. CAPITO. Mr. Chairman, I reserve the balance of my time.

Mr. KLEIN of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I am from Cleveland, Ohio; and it would seem from this discussion that while this is all about Florida, it is not. All over this country there are communities that are in coastal areas and flood plains, in hurricane alleys; and they are all looking at this legislation, realizing that the insurance companies are just withdrawing from areas where there's a high number of claims. They don't want to take the risk anymore, even though people, many of whom have been paying premiums, have never filed a claim.

So it is appropriate for this legislation to be passed. I have to say that the occasion of this legislation raises even deeper questions about the insurance industry across this country as to their practices, as to a new form of environmental redlining. And what we are looking at is we also have to see the interplay between environmental and energy policies and weather and climate patterns.

We are at a moment of transition here. Certainly this legislation ought to be supported.

Mrs. CAPITO. Mr. Chairman, I would like to point out a couple of things. I represent the State of West Virginia. In our home State for many, many, many years we had a state-run workers comp program, which caused businesses to leave, which caused workers comp rates to rise because of the nature of a state-run insurance company. Maybe this is what is going on in Florida to a certain degree with the catastrophic insurance situation and the state-run insurance company.

The solution we went to in West Virginia is to move workers comp to the private sector to incent private markets to come into our State. Starting January 1, we are going to have competitive bidding on our workers comp and workers comp rate. They are beginning to slide now, and our great hope is that it will become more reasonable as time goes on.

One concern I think that I ought to also raise and that has been raised to me, the Wildlife Federation opposes this bill because of the concerns the gentleman from Ohio alluded to in his statements in terms of the environmental aspects of this bill. Are we encouraging redevelopment in areas, particularly in our very fragile coastal areas, that are in dangerous kinds of environmental situations but also maybe were developed under less stringent rules and regulations?

What kind of protections do we have for our fragile coastal regions in this bill? I think it's a logical question to ask and one that has been brought forth to all of us in the Committee on Financial Services.

Mr. Chairman, I reserve the balance of my time.

Mr. KLEIN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, before I comment on this bill, I want to comment on two leaders who helped to get it here, Mr. KLEIN and Mr. MAHONEY. Usually, when freshmen Congressmen have bills in the House, it is something like naming a post office or something. These two fellows have worked a very well-crafted bill that I hope has broad consensus, and they have my admiration for their great work.

I think it is a very important bill for all of us because it responds to the need for a stable insurance market in these areas. Some have suggested somehow this displaces the private insurance industry. In fact, it just allows that market to work. It is preferable to have catastrophe bonds and some reinsurance contracts in advance, rather than trying to deal with catastrophe afterwards through Federal Government bailouts. This is a market-driven way to do it. It makes the market stronger. It spreads the risk in a way that is consistent with our economic system, and we need to pass this bill.

Mrs. CAPITO. Mr. Chairman, as I have said in my opening statement and some of my comments, I think that this bill presents an implicit Federal backstop for catastrophe insurance to spread the risk. It has potential to cost the taxpayers of this country enormous amounts of money.

Let's just do a scenario where, say in Florida, hopefully this never happens, there is a catastrophe of a hurricane of very large proportions, and Florida goes through all the insurance that is available to them and comes to the Federal Government and asks for a loan. Let's say this catastrophe is of such proportions that Florida looks to their lawmakers and looks to their taxpayers and realizes they can't pay this loan back. What are we going to do here in the United States Congress? We know what we are going to do: we are going to forgive the loan.

I think therein lies one of the big problems in this bill, that it does go to every taxpayer in this country, it does have a formal liability to every taxpayer. Whether it says it explicitly in the bill, it is going to result in that.

My suggestion and some of the suggestions coming from my side of the aisle are going to be, let's step back. Let's do a study. Let's look at this. Let's make sure we have mitigation and let's make sure we are doing this responsibly.

I don't happen to live in Florida, and there are many times during the year when I really wish I did. Although I love living in West Virginia, many West Virginians do live in Florida, by the way, during certain parts of the year, and I know how difficult some of the catastrophes that Floridians suffer are, as well as across the coastline and across the Nation.

This is not about shutting them out or making them not have the ability to be able to insure their properties and live a good, wonderful life in the State of Florida. This is about finding the best solution, not only for Floridians but for the rest of the Nation.

Mr. Chairman, I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Chairman, with the indulgence of the gentlewoman from West Virginia, I yield such time as he may consume to my cosponsor, the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Mr. Chairman, I want to thank everybody for having this open debate today and discussing something that is very important to people across this country. This is all about the dream of homeownership. This is about markets working. This is about stabilizing the insurance market so that people who go to work every day can fulfill their dream of homeownership.

What we have today is a situation that is understandable. We have a situation where as a result of an increase in the severity and the frequency of natural disasters, insurance companies are prudently increasing premiums. What they are seeing is, as a result of this, an unfunded liability in the billions that they have no other recourse but to either leave markets or raise rates so high that working families can't afford their homeowners insurance.

Today, we have the ability to help those people; and we have a very special opportunity, because we can do something here in Washington, DC that we can all be proud of when we go back home, and that is we can fix a problem and do it responsibly. We can end the bailout. We can end the cycle of writing checks and expecting nobody to pay them back, which is exactly what has happened over the years with Katrina and Wilma and other major storms across the Nation.

I hope that everybody takes a very close look at this. Many people have described this as a payoff or a bailout for Florida. This is not. This is responsible legislation. It not only expands the market for private insurance; it makes sure that States have the ability to get money to people after a disaster so they can get in their homes and so they can keep their communities alive. Finally, it is responsible because it encourages mitigation and it encourages building codes. It supports the idea of responsible development.

In conclusion, I want to thank my dear friend Congressman KLEIN and the journey over the last year to the week when we both got elected to Congress and came here with the hope of trying to solve this problem and being here today.

I want to thank my staff. I want to thank Patrick Givens for all the work that he has done. I want to thank Garrett Donovan, who has done an amazing job, and the complete staff of the Financial Services Committee.

In closing, I want to thank BARNEY FRANK and the leadership for understanding that this is about people. This is not about companies.

NATIONAL ASSOCIATION
OF INSURANCE COMMISSIONERS,
*Kansas City, MO, November 6, 2007.*

Re H.R. 3355, the Homeowner's Defense Act.

Hon. RON KLEIN,
*Cannon House Building,*
*Washington, DC.*
Hon. TIMOTHY MAHONEY,
*Longworth House Building,*
*Washington, DC.*

DEAR CONGRESSMEN KLEIN AND MAHONEY: The NAIC congratulates you for putting forth legislation intended to help States better manage the threat of natural catastrophes. We appreciate your willingness to consider our perspective during the bill's development. States have developed a variety of tools to fill insurance gaps in areas where the private market is either unwilling to provide property coverage, or where consumers are unable to afford it. Your legislation provides another tool for States to consider, without handing down a federal mandate to participate.

H.R. 3355 provides a strong correlation to guiding principles the NAIC adopted when evaluating federal catastrophe proposals. For example, the bill is voluntary; it does not impede State functions; it encourages availability; it recognizes the States' important role in insurance regulation; it forms a State-federal partnership approach to address availability; it follows actuarial principles; and it allows States to pool risk and utilizes the capital markets.

The insurance and reinsurance markets have a significant amount of capacity, and access to that capacity for events that are small yet frequent is generally affordable. But for those that live in areas where events can be infrequent yet catastrophic, access to insurance capacity after a significant event is either unavailable or unaffordable. This is the dilemma that regulators and legislators must face together.

H.R. 3355 provides a viable solution for the State and federal government to work together to address this dilemma and address the natural catastrophe threat. We encourage our members to strongly consider this program for their needs.

We thank you for your leadership on this critical, national issue, and we look forward to continuing to work with you to enhance the bill through passage.

Sincerely,

WALTER BELL,
*Alabama Insurance Commissioner, NAIC President.*
CATHERINE J. WEATHERFORD,
*NAIC Executive Vice President and CEO.*

Mr. KLEIN of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would also like to acknowledge Chairman BARNEY FRANK, who, without his guidance and leadership and thoughtfulness and process of good ideas, we wouldn't be here today, as well as Tom Glassic, Kathleen Mellody, Lawranne Stewart, Peter Roberson, Patrick Givens from Congressman MAHONEY's office, and Garrett Donovan from my office, and all the staff and experts from around the country who have participated in this very carefully thought out piece of innovative legislation.

We are very honored to be here today, because the bill that we have before us is a comprehensive step in the right direction. As a Member of Congress from south Florida, I have lived under the threat of natural disasters for some time. It was only when I came to Washington, however, that I began to discuss this issue with Members from other parts of country who also shared stories about disasters that their constituents faced, earthquakes, hurricanes, wildfires, tornadoes. It was then that I began to realize that this is not a regional problem; it is a national one.

I further reflected on the fact that the Federal response following a major disaster is very predictable. We open up the Treasury and start spending. This spending is entirely necessary, but often is delivered with only few restraints and comes equally from taxpayers in every corner of our country. So even if you are not in a high-risk region, you are still impacted by the event.

Under this bill, participating States would be better protected, again, States that only opt in on their own if they choose; and they would be increasingly able to provide services for those who are not able to find insurance on their own. The State-Federal partnership would present States with the tools necessary to responsibly, fiscally responsibly, manage their risk before disaster strikes, while also ensuring that States can quickly and efficiently respond to homeowners' insurance claims following a natural catastrophe.

☐ 1600

This legislation employs several new ideas to help States address the property insurance crisis, such as the transfer of States' insurance risk through the use of catastrophe bonds. By utilizing an innovative capital market approach, the bill allows investors to assume some of the risk, while at the same time putting the burden on local homeowners to do all the necessary mitigation responsibility they have to reduce risk to their own home, to the State, and to the Federal Government.

This is a fundamental rethinking of disaster planning and response, and it is long overdue. Our bill works because it's voluntary, actuarially sound, and stabilizes the market by ensuring that homeowners will always get their claim paid while capping the State liability.

In addition, our bill is fiscally responsible. The Homeowners' Defense Act will end the policy of Federal bailouts following natural disasters.

The steps taken in this bill provide us with a blueprint of how States can responsibly plan for catastrophes ahead while also providing them with a path to recovery.

As I have said time and time again, the status quo is no longer an option. I urge Members of this body to vote "yes" on this bill.

Ms. CORRINE BROWN of Florida. Mr. Chairman, as a Member from Florida, I rise in strong support of the Homeowners' Defense Act, H.R. 3355.

The terribly high cost for homeowners paying property insurance in my State of Florida, as well as for those on the Gulf Coast, and as we saw just recently, in California, has become a growing concern for homeowners. We saw what happened after hurricane Katrina and Rita and the four hurricanes that hit my district in Florida back in 2004.

These hurricanes, and other recent natural disasters, have led the insurance companies to limit their exposure to such disasters by outright pulling out, or reducing their risk. And this back peddling on their obligations on the part of the insurance industry has resulted in homeowner insurance rates rising by 100 percent to over 600 percent in higher-risk areas. This is entirely unacceptable. How can homeowners possibly afford this? This is just outrageous. We need to take action and step in. Just last week we saw the insurance companies out in California saying they will not provide insurance to hundreds of thousands of people that lost their homes in the terrible wildfires that hit the coast, all the way from LA to the Mexican border.

This is why people buy insurance: to protect themselves. How is it then that after disaster after disaster can we just sit back and allow these companies to pull out of the market.

Rising insurance rates are affecting homeowners across the country, not just in Florida. Clearly, the insurance market is not working, and it is time to put through a plan to stabilize the market and lower insurance rates for consumers.

Mr. BACHUS. Mr. Chairman, many of us are sympathetic to the insurance rate increases coastal catastrophe-prone areas have experienced recently, but there is no consensus that H.R. 3355 would offer any long-term help. Instead of granting long-term relief for middle-income coastal homeowners confronted with rising insurance costs, this bill would stick taxpayers wiith the tab of bailing out insolvent State insurance companies. In the past few years since some of the largest hurricanes on record tore through the gulf coast and coastal Florida, affected States have tried to protect their local markets, to limit rates increases, force coverage, or restrict market freedom. Competition is reduced and homeowners are left with fewer choices—State efforts to secure more coverage for their constituents have ironically resulted in less affordability.

The Florida members on the minority side of the Financial Services Committee—GINNY BROWN-WAITE, TOM FEENEY, and ADAM PUTNAM—have been very attentive to the needs of their constituents and have constantly kept us updated on the problems there. We commend them for their service.

Of the two primary titles, the first does nothing that States can't already do under current law. The second is nothing more creative then giving cheap federally-subsidized loans to State insurance companies that are driving out the private market. The Congressional Budget Office estimates that over the next 5 years, implementing this bill would cost $75 million. But even this number grossly underestimates the true cost for American taxpayers. CBO apparently finds little value in Title II of this bill, finding that the federally subsidized loans would be made "very rarely," as CBO does not expect any states would even bother applying for a loan following a disaster. In essence, they agreed this provision is of little value. However, taxpayers could potentially be on the hook for tens of billions of dollars, stuck with an enormous cost of capital for the loan's duration, and subject to the inevitable pressure to forgive the loans on the taxpayers' dime. This is the old two step "ask for" by people borrowing from government—ask for the money now and then ask for debt forgiveness later.

Because private insurers don't want to provide underpriced, risky coastal insurance, Florida created Citizens Property Insurance Corporation in 2002. While Citizens was supposed to be an insurer of last resort, it is now Florida's largest insurer with over 1.3 million policyholders and total exposure of more than $434 billion, yet only enough funding to pay approximately $9.4 billion in claims. This undercapitalization means that if a major hurricane hits Florida, Citizens could be bankrupt by hundreds of billions of dollars. To bring down the cost of insurance even more, Florida created a state reinsurance fund to sell cheap reinsurance to private companies to encourage them to write business in the state. This fund is chronically undercapitalized and has driven out the global reinsurance market, recouping losses through taxpayer assessments. According to a Georgetown University report released last summer, the Florida cat fund offers $32 billion in coverage despite having only $1 billion in hand [or, according to the Florida Cat Fund staff, around $28 billion in liabilities and $2.2 billion in non-debt cash assets].

Mr. Chairman, the federally-headed consortium, while novel, likely offers nothing but an implicit federal backing for any issued securities, much like a GSE. According to the President's Statement of Administration Policy for this bill, "there is no need for a federal role because states are currently free to associate to address catastrophe risk." It is also questionable whether such securitization represents any significant advantages over the sophisticated private reinsurance markets. According to the Georgetown Environmental Law & Policy Institute, "the mere creation of the consortium would likely skew insurance premiums and encourage unwise development." Masking the true cost of insurance puts homeowners in harm's way while subsidizing state cat funds and developers.

Perhaps most troubling are the provisions of the bill that would mandate cheap Treasury loans to state catastrophe programs. Today, Florida is the only state with a reinsurance fund that would qualify for these loans, but there is no doubt this bill would spur the creation of other state programs based on the Florida "model." One property and casualty insurance trade association stated that that these loans would "impede private markets and would send the wrong signals to states." H.R. 3355 even allows an interim period where other state-run insurers—such as the bankrupt Citizens in Florida—could receive these loans. We should question the wisdom of bankrolling state insurance companies like Citizens. Congress should also consider whether a Federal loan to an insolvent state catastrophe fund would be like the Federal Government's ongoing "loan" to the National Flood Insurance Program, which is currently carrying $18 billion in debt to the U.S. Treasury that is unlikely to ever be repaid.

Republicans will offer a number of important amendments today to steer this debate towards fiscal responsibility, taxpayer protection, and free market competition. We will also consider an amendment by Congressman SHAYS to replace the text of this bill with a bipartisan, blue-ribbon commission to report to Congress specific proposals to improve the affordability and availability of natural catastrophe insurance. We need to look more closely at the various solutions proposed by members on both sides of the aisle that could help homeowners access more coverage through the private market.

Mr. Chairman, we have an obligation to be thoughtful and deliberate when confronting this complex issue affecting millions of homeowners. The problem has many root causes, namely overregulation, overbuilding, and overreaching by state insurance entities. This bill, nor any one proposal, is the silver bullet. Congress should craft meaningful bipartisan reforms that address market dysfunction and the growing threat excessive coastal development poses. The Nation's homeowners and taxpayers deserve better than a scramble to rush a partisan bill through Congress. If the amendments are not accepted, we should vote it down but keep working.

Mr. HASTING of Florida. Mr. Chairman, I rise today in strong support of the Homeowners' Defense Act of 2007. I can think of no other bill which has the ability to help the people in my district rebuild following a natural disaster.

I applaud the leadership of my good friends and congressional neighbors, Representatives RON KLEIN and TIM MAHONEY. In championing this vital legislation, they are providing the leadership that we all knew they both would show when elected last November. Indeed, they are leaders not only in Florida, but as evidenced today, in this great institution and the entire country.

In the aftermath of the wildfires in California, tornadoes and floods in the Midwest and Northeast, and the hurricanes in the Gulf Coast and Florida, insurance companies are abandoning homeowners in need. In many vulnerable states, including my own, insurance companies have stopped offering coverage or increased rates exponentially where their services are most needed. These companies have protected their own pocketbooks at the expense of the American people for far too long.

The bill before us today establishes the necessary safety net which is needed in the absence of a stable insurance market. The legislation gives states a choice on whether or not they wish to participate in this safety net. In investing a little today, states will effectively stabilize their own insurance markets and ensure access to necessary homeowners' insurance at affordable rates. Importantly, these funds will then be used to rebuild our communities quickly and cost efficiently.

I have said for years that our approach toward natural disasters is too responseoriented. We wait and we wait for something bad to happen. Then we react. Time and time again, Congress passes emergency appropriations to rebuild but never makes the necessary investments to plan for the future. This legislation changes the way we go about doing business around here.

This legislation establishes a mechanism for states to acquire necessary funds for recovery after a natural disaster in an orderly and equitable manner. Frankly, it is high time that we proactively address disaster mitigation by stabilizing the insurance market and establishing a reliable funding mechanism for recovery.

In Florida, my constituents are being put out of their homes because they cannot afford their insurance rates. With the instability of the housing market leaving so many homeowners on the verge of foreclosure, we cannot afford to allow skyrocketing insurance rates to push them over the edge. In the event of a natural disaster, homeowners should never be forced to risk everything because they can not afford the necessary coverage.

My two colleagues from Florida have drafted balanced legislation which incorporates the bipartisan contributions and expertise of many stakeholders. By passing this legislation, the House can once again demonstrate its solidarity and compassion for those Americans who find themselves victims of natural disasters.

I have seen with my very own eyes what happens to people when a hurricane barrels through their neighborhood. I have seen the damage, and I have seen the emotional pain.

Americans should no longer be forced to place their livelihoods at risk in the event that a natural disaster strikes their home, and states should not be forced to participate in a program of which they do not wish to be a part. To both of these ends, this legislation is a success.

Rest assured, when this bill becomes law, Florida will participate. Unfortunately, many states will not. Though I hope that every state ultimately participates, under this bill, the choice is rightfully theirs.

Not one of the 50 states nor any of the territories is immune to natural disasters. Whether today, tomorrow, next year, or sometime in the future, we will all be affected by a natural disaster first-hand. States which participate in this disaster insurance program will have a much easier time recovering and they will do so by placing a smaller burden on the American taxpayer. This is a common sense solution to an unfortunately all too common problem.

Ms. WATERS. Mr. Chairman, I would also like to thank Mr. KLEIN and Mr. MAHONEY for their leadership in authoring this bill.

Too well, we all remember the aftermath of Hurricane Katrina and the resulting confusion families encountered about their insurance coverage or lack thereof. Well, imagine if a hurricane were to go through a state and only 1 in 8 homeowners were covered by an insurance policy. Unfortunately, this is exactly the situation that exists in California today—only 1 in 8 (or 12 percent) of Californians possess earthquake insurance. At the time of the Northridge earthquake in 1994 almost 3 times as many people were covered. After the Northridge earthquake, the cost of the coverage doubled and the amount of coverage provided was cut in half.

The California Earthquake Authority (CEA)—created after the Northridge earthquake when insurers restricted homeowners' insurance policies in order to avoid earthquake exposure—currently provides about two-thirds of the residential insurance coverage in California. Since its inception 11 years ago, CEA has been unable to accumulate the amount of capital it projects it will need in the event of a catastrophic earthquake. This year approximately 40 percent of the premium that CEA collects from policyholders will be paid to reinsurers rather than towards capital accumulation or more coverage under the policy.

Including the CEA in the benefits provided under H.R. 3355 will allow it to reduce its claims-paying financing costs while still being able to pay the cost of its losses and repay any reinsurance or loans from the Federal government. By reducing its claims paying costs CEA will be able to accumulate capital faster and encourage more people to buy earthquake insurance.

Inclusion of the CEA in H.R. 3355 makes good economic sense, good actuarial sense, and good common sense. I urge my colleagues to support the Manager's Amendment and the underlying bill before us today.

Mr. KLEIN of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 3355

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

*(a) SHORT TITLE.—This Act may be cited as the "Homeowners' Defense Act of 2007".*

*(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—NATIONAL CATASTROPHE RISK CONSORTIUM

Sec. 101. Establishment; status; principal office; membership.
Sec. 102. Functions.
Sec. 103. Powers.
Sec. 104. Nonprofit entity; conflicts of interest; audits.
Sec. 105. Management.
Sec. 106. Staff; experts and consultants.
Sec. 107. Federal liability.
Sec. 108. Authorization of appropriations.

TITLE II—NATIONAL HOMEOWNERS' INSURANCE STABILIZATION PROGRAM

Sec. 201. Establishment.
Sec. 202. Liquidity loans and catastrophic loans for state and regional reinsurance programs.
Sec. 203. Reports and audits.
Sec. 204. Funding.

TITLE III—GENERAL PROVISIONS

Sec. 301. Qualified reinsurance programs.
Sec. 302. Definitions.
Sec. 303. Regulations.

### SEC. 2. FINDINGS AND PURPOSES.

*(a) FINDINGS.—The Congress finds that—*

*(1) the United States has a history of catastrophic natural disasters, including hurricanes, tornadoes, flood, fire, earthquakes, and volcanic eruptions;*

*(2) although catastrophic natural disasters occur infrequently, they will continue to occur and are predictable;*

*(3) such disasters generate large economic losses and a major component of those losses comes from damage and destruction to homes;*

*(4) for the majority of Americans, their investment in their home represents their single biggest asset and the protection of that investment is paramount to economic and social stability;*

*(5) historically, when a natural disaster eclipses the ability of the private industry and a State to manage the loss, the Federal Government has stepped in to provide the funding and services needed for recovery;*

*(6) the cost of such Federal "bail-outs" are borne by all taxpayers equally, as there is no provision to repay the money and resources provided, which thereby unfairly burdens citizens who live in lower risk communities;*

*(7) as the risk of catastrophic losses grows, so do the risks that any premiums collected by private insurers for extending coverage will be insufficient to cover future catastrophes (known as timing risk), and private insurers, in an effort to protect their shareholders and policyholders (in the case of mutually-owned companies), have thus significantly raised premiums and curtailed insurance coverage in States exposed to major catastrophes;*

*(8) such effects on the insurance industry have been harmful to economic activity in States exposed to major catastrophes and have placed significant burdens on existing residents of such States;*

*(9) Hurricanes Katrina, Rita, and Wilma struck the United States in 2005, causing over $200,000,000,000 in total economic losses, and insured losses to homeowners in excess of $50,000,000,000;*

*(10) since 2004, the Congress has appropriated more than $58,000,000,000 in disaster relief to the States affected by natural catastrophes;*

*(11) the Federal Government has provided and will continue to provide resources to pay for losses from future catastrophes;*

*(12) when Federal assistance is provided to the States, accountability for Federal funds disbursed is paramount;*

*(13) the Government Accountability Office or other appropriate agencies must have the means in place to confirm that Federal funds for catastrophe relief have reached the appropriate victims and have contributed to the recovery effort as efficiently as possible so that taxpayer funds are not wasted and citizens are enabled to rebuild and resume productive activities as quickly as possible;*

*(14) States that are recipients of Federal funds must be responsible to account for and provide an efficient means for distribution of funds to homeowners to enable the rapid rebuilding of local economies after a catastrophic event without unduly burdening taxpayers who live in areas seldom affected by natural disasters;*

*(15) State insurance and reinsurance programs can provide a mechanism for States to exercise that responsibility if they appropriately underwrite and price risk, and if they pay claims quickly and within established contractual terms; and*

*(16) State insurers and reinsurers, if appropriately backstopped themselves, can absorb catastrophic risk borne by private insurers without bearing timing risk, and thus enable all insurers (whether State-operated or privately owned) to underwrite and price insurance without timing risk and in such a way to encourage property owners to pay for the appropriate insurance to protect themselves and to take steps to mitigate against the risks of disaster by locally appropriate methods.*

*(b) PURPOSES.—The purposes of this Act are to establish a program to provide a Federal backstop for State-sponsored insurance programs to help homeowners prepare for and recover from the damages caused by natural catastrophes, to encourage mitigation and prevention for such catastrophes, to promote the use of private market capital as a means to insure against such catastrophes, to expedite the payment of claims and better assist in the financial recovery from such catastrophes.*

## TITLE I—NATIONAL CATASTROPHE RISK CONSORTIUM

### SEC. 101. ESTABLISHMENT; STATUS; PRINCIPAL OFFICE; MEMBERSHIP.

*(a) ESTABLISHMENT.—There is established an entity to be known as the "National Catastrophe Risk Consortium" (in this title referred to as the "Consortium").*

*(b) STATUS.—The Consortium is not a department, agency, or instrumentality of the United States Government.*

*(c) PRINCIPAL OFFICE.—The principal office and place of business of the Consortium shall be such location within the United States determined by the Board of Directors to be the most advantageous for carrying out the purpose and functions of the Consortium.*

*(d) MEMBERSHIP.—Any State that has established a reinsurance fund or has authorized the operation of a State residual insurance market entity shall be eligible to participate in the Consortium.*

### SEC. 102. FUNCTIONS.

*The Consortium shall—*

*(1) work with all States, particularly those participating in the Consortium, to gather and maintain an inventory of catastrophe risk obligations held by State reinsurance funds and State residual insurance market entities;*

*(2) at the discretion of the affected members and on a conduit basis, issue securities and other financial instruments linked to the catastrophe risks insured or reinsured through members of the Consortium in the capital markets;*

*(3) coordinate reinsurance contracts between participating, qualified reinsurance funds and private parties;*

*(4) act as a centralized repository of State risk information that can be accessed by private-market participants seeking to participate in the transactions described in paragraphs (2) and (3) of this section;*

*(5) use a catastrophe risk database to perform research and analysis that encourages standardization of the risk-linked securities market;*

*(6) perform any other functions, other than assuming risk or incurring debt, that are deemed necessary to aid in the transfer of catastrophe risk from participating States to private parties; and*

*(7) submit annual reports to Congress describing the activities of the Consortium for the preceding year.*

### SEC. 103. POWERS.

*The Consortium—*

*(1) may make and perform such contracts and other agreements with any individual or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Consortium; and*

*(2) shall have such other powers, other than the power to assume risk or incur debt, as may be necessary and incident to carrying out this Act.*

### SEC. 104. NONPROFIT ENTITY; CONFLICTS OF INTEREST; AUDITS.

*(a) NONPROFIT ENTITY.—The Consortium shall be a nonprofit entity and no part of the net earnings of the Consortium shall inure to the benefit of any member, founder, contributor, or individual.*

*(b) CONFLICTS OF INTEREST.—No director, officer, or employee of the Consortium shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any Consortium, partnership, or organization in which he or she is directly or indirectly interested.*

*(c) AUDITS.—*

*(1) ANNUAL AUDIT.—The financial statements of the Consortium shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants.*

*(2) REPORTS.—The report of each annual audit pursuant to paragraph (1) shall be included in the annual report submitted in accordance with section 102(7).*

### SEC. 105. MANAGEMENT.

*(a) BOARD OF DIRECTORS; MEMBERSHIP; DESIGNATION OF CHAIRPERSON.—*

*(1) BOARD OF DIRECTORS.—The management of the Consortium shall be vested in a board of directors (referred to in this title as the "Board") composed of not less than 3 members.*

*(2) CHAIRPERSON.—The Secretary of Treasury, or the designee of the Secretary, shall serve as the chairperson of the Board.*

*(3) MEMBERSHIP.—The members of the Board shall include—*

*(A) the Secretary of Homeland Security and the Secretary of Commerce, or the designees of such Secretaries, respectively, but only during such times as there are fewer than two States participating in the Consortium; and*

*(B) a member from each State participating in the Consortium, who shall be appointed by such State.*

*(b) BYLAWS.—The Board may prescribe, amend, and repeal such bylaws as may be necessary for carrying out the functions of the Consortium.*

*(c) COMPENSATION, ACTUAL, NECESSARY, AND TRANSPORTATION EXPENSES.—*

*(1) NON-FEDERAL EMPLOYEES.—A member of the Board who is not otherwise employed by the Federal Government shall be entitled to receive*

*the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, as in effect from time to time, for each day (including travel time) during which such member is engaged in the actual performance of duties of the Consortium.*

*(2) FEDERAL EMPLOYEES.—A member of the Board who is an officer or employee of the Federal Government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Consortium.*

*(3) TRAVEL EXPENSES.—Members of the Consortium shall be entitled to receive travel expenses, including per diem in lieu of subsistence, equivalent to those set forth in subchapter I of chapter 57 of title 5, United States Code.*

*(d) QUORUM.—A majority of the Board shall constitute a quorum.*

*(e) EXECUTIVE DIRECTOR.—The Board shall appoint an executive director of the Consortium on such terms as the Board may determine.*

### SEC. 106. STAFF; EXPERTS AND CONSULTANTS.

*(a) STAFF.—*

*(1) APPOINTMENT.—The Board of the Consortium may appoint and terminate such other staff as are necessary to enable the Consortium to perform its duties.*

*(2) COMPENSATION.—The Board of the Consortium may fix the compensation of the executive director and other staff.*

*(b) EXPERTS AND CONSULTANTS.—The Board shall procure the services of experts and consultants as the Board considers appropriate.*

### SEC. 107. FEDERAL LIABILITY.

*The Federal Government and the Consortium shall not bear any liabilities arising from the actions of the Consortium. Participating States shall retain all catastrophe risk until the completion of a transaction described in paragraphs (2) and (3) of section 102.*

### SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

*There are authorized to be appropriated to carry out this title $20,000,000 for each of fiscal years 2008 through 2013.*

## TITLE II—NATIONAL HOMEOWNERS' INSURANCE STABILIZATION PROGRAM

### SEC. 201. ESTABLISHMENT.

*The Secretary of the Treasury shall carry out a program under this title to make liquidity loans and catastrophic loans under section 202 to qualified reinsurance programs to ensure the solvency of such programs, to improve the availability and affordability of homeowners' insurance, to incent risk transfer to the private capital and reinsurance markets, and to spread the risk of catastrophic financial loss resulting from natural disasters and catastrophic events.*

### SEC. 202. LIQUIDITY LOANS AND CATASTROPHIC LOANS FOR STATE AND REGIONAL REINSURANCE PROGRAMS.

*(a) CONTRACTS.—The Secretary may enter into a contract with a qualified reinsurance program to carry out the purposes of this Act as the Secretary may deem appropriate. The contract shall include, at a mininum, the conditions for loan eligibility set forth in this section.*

*(b) CONDITIONS FOR LOAN ELIGIBILITY.—A loan under this section may be made only to a qualified reinsurance program and only if—*

*(1) before the loan is made—*

*(A) the State or regional reinsurance program submits to the Secretary a report setting forth, in such form and including such information as the Secretary shall require, how the program plans to repay the loan; and*

*(B) based upon the report of the program, the Secretary determines that the program can meet its repayment obligation under the loan and certifies that the program can meet such obligation;*

*(2) the program cannot access capital in the private market, including through catastrophe bonds and other securities sold through the facility created in title I of this Act, as determined by the Secretary, and a loan may be made to such a qualified reinsurance program only to the extent that such program cannot access capital in the private market;*

*(3) the Secretary determines that an event has resulted in insured losses in a State with a qualified reinsurance program;*

*(4) the loan complies with the requirements under subsection (d) and or (e), as applicable; and*

*(5) the loan is afforded the full faith and credit of the State and the State demonstrates to the Secretary that it has the ability to repay the loans.*

*(c) MANDATORY ASSISTANCE FOR QUALIFIED REINSURANCE PROGRAMS.—The Secretary shall upon the request of a qualified reinsurance program and subject to subsection (b), make a loan under subsection (d) or (e) for such program in the amount requested by such program (subject to the limitations under subsections (d)(2) and (e)(2), respectively).*

*(d) LIQUIDITY LOANS.—A loan under this subsection for a qualified reinsurance program shall be subject to the following requirements:*

*(1) PRECONDITIONS.—The Secretary shall have determined that the qualified reinsurance program—*

*(A) has a capital liquidity shortage, in accordance with regulations that the Secretary shall establish; and*

*(B) cannot access capital markets at effective rates of interest lower than those provided in paragraph (3).*

*(2) AMOUNT.—The principal amount of the loan may not exceed the ceiling coverage level for the qualified reinsurance program.*

*(3) RATE OF INTEREST.—The loan shall bear interest at an annual rate 3 percentage points higher than marketable obligations of the Treasury having the same term to maturity as the loan and issued during the most recently completed month, as determined by the Secretary, or such higher rate as may be necessary to ensure that the amounts of interest paid under such loans exceed the sum of the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans, the administrative costs involved in carrying out a program under this title for such loans, and any incidental effects on governmental receipts and outlays.*

*(4) TERM.—The loan shall have a term to maturity of not less than 5 years and not more than 10 years.*

*(e) CATASTROPHIC LOANS.—A loan under this subsection for a qualified reinsurance program shall be subject to the following requirements:*

*(1) PRECONDITIONS.—The Secretary shall have determined that an event has resulted in insured losses in a State with a qualified reinsurance program and that such insured losses in such State are in excess of 150 percent of the aggregate amount of direct written premium for privately issued property and casualty insurance, for risks located in that State, over the calendar year preceding such event, in accordance with regulations that the Secretary shall establish.*

*(2) AMOUNT.—The principal amount of the loan made pursuant to an event referred to in paragraph (1) may not exceed the amount by which the insured losses sustained as a result of such event exceed the ceiling coverage level for the qualified reinsurance program.*

*(3) RATE OF INTEREST.—The loan shall bear interest at an annual rate 0.20 percentage points higher than marketable obligations of the Treasury having a term to maturity of not less than 10 years and issued during the most recently completed month, as determined by the Secretary, or such higher rate as may be necessary to ensure that the amounts of interest paid under such loans exceed the sum of the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans, the administrative costs involved in carrying out a program under this title for such loans, and any incidental effects on governmental receipts and outlays.*

*(4) TERM.—The loan shall have a term to maturity of not less than 10 years.*

*(f) USE OF FUNDS.—Amounts from a loan under this section shall only be used to provide reinsurance or retrocessional coverage to underlying primary insurers or reinsurers for losses arising from all personal real property or homeowners' lines of insurance, as defined in the Uniform Property & Casualty Product Coding Matrix published and maintained by the National Association of Insurance Commissioners. Such amounts shall not be used for any other purpose.*

### SEC. 203. REPORTS AND AUDITS.

*The Secretary shall submit a report to the President and the Congress annually that identifies and describes any loans made under this title during such year and any repayments during such year of loans made under this title, and describes actions taken to ensure accountability of loan funds. The Secretary shall provide for regular audits to be conducted for each loan made under this title and shall make the results of such audits publicly available.*

### SEC. 204. FUNDING.

*(a) PROGRAM FEE.—*

*(1) IN GENERAL.—The Secretary may establish and collect, from qualified reinsurance programs that are precertified pursuant to section 301(c), a reasonable fee, as may be necessary to offset the expenses of the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—*

*(A) costs of developing, implementing, and carrying out the program under this title; and*

*(B) costs of providing for precertification pursuant to section 301(c) of State and regional reinsurance programs as qualified reinsurance programs.*

*(2) ADJUSTMENT.—The Secretary may, from time to time, adjust the fee under paragraph (1) as appropriate based on expenses of the Secretary referred to in such paragraph.*

*(3) USE.—Any fees collected pursuant to this subsection shall be credited as offsetting collections of the Department of the Treasury and shall be available to the Secretary only for expenses referred to in paragraph (1).*

*(b) COSTS OF LOANS; ADMINISTRATIVE COSTS.—To the extent that amounts of negative credit subsidy are received by the Secretary in any fiscal year pursuant to loans made under this title, such amounts shall be available for costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans and for costs of carrying out the program under this title for such loans.*

*(c) FULL TAXPAYER REPAYMENT.—The Secretary shall require the full repayment of all loans made under this title. If the Secretary determines at any time that such full repayment will not made, or is likely not to be made, the Secretary shall promptly submit a report to the Congress explaining why such full repayment will not be made or is likely not to be made.*

## TITLE III—GENERAL PROVISIONS

### SEC. 301. QUALIFIED REINSURANCE PROGRAMS.

*(a) IN GENERAL.—For purposes of this Act only, a program shall be considered to be a qualified reinsurance program if the program—*

*(1) is authorized by State law for the purposes described in this section;*

*(2) is an entity in which the authorizing State maintains a material, financial interest;*

*(3) provides reinsurance or retrocessional coverage to underlying primary insurers or reinsurers for losses arising from all personal residential lines of insurance, as defined in the Uniform Property & Casualty Product Coding Matrix published and maintained by the National Association of Insurance Commissioners;*

*(4) has a governing body, a majority of whose members are public officials;*

*(5) provides reinsurance or retrocessional coverage to underlying primary insurers or reinsurers for losses in excess of such amount that the Secretary has determined represents a catastrophic event in that particular State;*

*(6) is authorized by a State that has in effect such laws, regulations, or other requirements, as the Secretary shall by regulation provide, that—*

*(A) ensure, to the extent that reinsurance coverage made available under the qualified reinsurance program results in any cost savings in providing insurance coverage for risks in such State, such cost savings are reflected in premium rates charged to consumers for such coverage;*

*(B) require that any new construction, substantial rehabilitation, and renovation insured or reinsured by the program complies with applicable State or local government building, fire, and safety codes;*

*(C) require State authorized insurance entities within that State to establish an insurance rate structure that takes into account measures to mitigate insurance losses;*

*(D) require State authorized insurance and reinsurance entities within that State to establish rates at a level that annually produces expected premiums that shall be sufficient to pay the expected annualized cost of all claims, loss adjustment expenses, and all administrative costs of reinsurance coverage offered; and*

*(E) encourage State authorized insurance and reinsurance entities within that State to establish rates that do not involve cross-subsidization between any separate property and casualty lines covered under the State authorized insurance or reinsurance entity; and*

*(7) complies with such additional organizational, underwriting, and financial requirements as the Secretary shall, by regulation, provide to carry out the purposes of this Act.*

*(b) TRANSITIONAL MECHANISMS.—For the five-year period beginning on the date of the enactment of this Act, in the case of a State that does not have a qualified reinsurance program for the State, a State residual insurance market entity for such State shall be considered to be a qualified reinsurance program, but only if such State residual insurance market entity was in existence before such date of enactment.*

*(c) PRECERTIFICATION.—The Secretary shall establish procedures and standards for State and regional reinsurance programs and the State residual insurance market entities described in section (b) to apply to the Secretary at any time for certification (and recertification) as qualified reinsurance programs.*

*(d) REINSURANCE TO COVER EXPOSURE.—This section may not be construed to limit or prevent any insurer from obtaining reinsurance coverage for insured losses retained by insurers pursuant to this section, nor shall the obtaining of such coverage affect the calculation of the amount of any loan under this title.*

### *SEC. 302. DEFINITIONS.*

*For purposes of this Act, the following definitions shall apply:*

*(1) CEILING COVERAGE LEVEL.—The term "ceiling coverage level" means, with respect to a qualified reinsurance program, the maximum liability, under law, that could be incurred at any time by the qualified reinsurance program.*

*(2) INSURED LOSS.—The term "insured loss" means any loss insured by a qualified reinsurance program.*

*(3) QUALIFIED REINSURANCE PROGRAM.—The term "qualified reinsurance program" means a State or regional program that meets the requirements under section 301.*

*(4) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.*

*(5) STATE.—The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and American Samoa.*

### *SEC. 303. REGULATIONS.*

*The Secretary shall issue such regulations as may be necessary to carry out this Act.*

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or a designee and shall be considered read.

### AMENDMENT NO. 17 OFFERED BY MR. KLEIN OF FLORIDA

Mr. KLEIN of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. KLEIN of Florida:

Page 2, after line 7, in the item in the table of contents relating to section 202, strike "STATE AND REGIONAL" and insert "QUALIFIED".

Page 4, line 6, strike "(known as timing risk)".

Page 4, line 15, strike "existing".

Page 6, strike lines 3 through 12, and insert the following new paragraph:

(16) State catastrophe reinsurance programs, if appropriately structured and regulated, assume catastrophic risk borne by private insurers without incurring many of the additional costs imposed on private insurers, and thus enable all insurers within the State to underwrite and price coverage at rates designed to encourage property owners to acquire levels of insurance appropriate to their individual risks.

Page 6, line 14, strike "a Federal backstop" and insert "Federal support".

Page 7, line 18, after "entity" insert ", or State-sponsored provider of natural catastrophe insurance,".

Page 8, line 1, strike "and" and insert a comma.

Page 8, line 2, before the semicolon insert ", and State-sponsored providers of natural catastrophe insurance".

Page 13, line 19, strike "state and regional" and insert "qualified".

Page 14, line 5, strike "State or regional" and insert "qualified".

Page 14, line 16, before the comma insert "at a commercially reasonable rate".

Page 14, line 21, before the semicolon insert "at a commercially reasonable rate".

Page 15, line 2, strike "and" the first place such term appears.

Page 15, lines 3 and 4, strike "the loan is afforded the full faith and credit of the State and".

Page 15, strike lines 21 through 23 and insert the following new subparagraph:

(B) cannot access capital in the private markets at a commercially reasonable rate.

Page 17, line 4, strike "privately issued".

Page 18, lines 9 and 10, strike "real property or homeowners'" and insert "residential".

Page 19, strike "section 301(c)" each place such term appears in lines 3 and 11 and insert "section 401(d)".

Page 20, line 9, after "not" insert "be".

Page 20, after line 12, insert the following new title:

## TITLE III—REINSURANCE COVERAGE FOR QUALIFIED REINSURANCE PROGRAMS

### SEC. 301. PROGRAM AUTHORITY.

Subject to section 304(c), the Secretary of the Treasury, shall make available for purchase, only by qualified reinsurance programs (as such term is defined in section 401), contracts for reinsurance coverage under this title.

### SEC. 302. CONTRACT PRINCIPLES.

Contracts for reinsurance coverage made available under this title—

(1) shall not displace or compete with the private insurance or reinsurance markets or the capital market;

(2) shall minimize the administrative costs of the Federal Government; and

(3) shall provide coverage based solely on insured losses covered by the qualified reinsurance program purchasing the contract.

### SEC. 303. TERMS OF REINSURANCE CONTRACTS.

(a) MINIMUM ATTACHMENT POINT.—Notwithstanding any other provision of this title, a contract for reinsurance coverage under this title for a qualified reinsurance program may not be made available or sold unless the contract requires that the qualified reinsurance program sustain an amount of retained losses from events in an amount, as determined by the Secretary, that is equal to the amount of losses projected to be incurred from a single event of such magnitude that it has a 0.5 percent chance of being equaled or exceeded in any year.

(b) 90 PERCENT COVERAGE OF INSURED LOSSES IN EXCESS OF RETAINED LOSSES.—Each contract for reinsurance coverage under this title shall provide that the amount paid out under the contract shall, subject to section 304, be equal to 90 percent of the amount of insured losses of the qualified reinsurance program in excess of the amount of retained losses that the contract requires, pursuant to subsection (a), to be incurred by such program.

(c) MATURITY.—The term of each contract for reinsurance coverage under this title shall not exceed 1 year or such other term as the Secretary may determine.

(d) PAYMENT CONDITION.—Each contract for reinsurance coverage under this title shall authorize claims payments to the qualified reinsurance program purchasing the coverage only for insured losses provided under the contract.

(e) MULTIPLE EVENTS.—The contract shall cover any insured losses from one or more events that may occur during the term of the contract and shall provide that if multiple events occur, the retained losses requirement under subsection (a) shall apply on a calendar year basis, in the aggregate and not separately to each individual event.

(f) TIMING OF CLAIMS.—Claims under a contract for reinsurance coverage under this title shall include only insurance claims that are reported to the qualified reinsurance program within the 3-year period beginning upon the event or events for which payment under the contract is provided.

(g) ACTUARIAL PRICING.—The price of coverage under a reinsurance contract under this title shall be an amount, established by the Secretary at a level that annually produces expected premiums that shall be sufficient to pay the reasonably anticipated cost of all claims, loss adjustment expenses, all administrative costs of reinsurance coverage offered under this title, and any such outwards reinsurance, as described in section 305(c)(3), as the Secretary considers prudent taking into consideration the demand for reinsurance coverage under this title and the limits specified in section 304.

(h) INFORMATION.—Each contract for reinsurance coverage under this title shall contain a condition providing that the Secretary may require the qualified reinsurance program that is covered under the contract to submit to the Secretary all information on the qualified reinsurance program relevant to the duties of the Secretary under this title.

(i) OTHERS.—Contracts for reinsurance coverage under this title shall contain such other terms as the Secretary considers necessary to carry out this title and to ensure the long-term financial integrity of the program under this title.

**SEC. 304. MAXIMUM FEDERAL LIABILITY.**

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, the aggregate potential liability for payment of claims under all contracts for reinsurance coverage under this title sold in any single year by the Secretary shall not exceed $200,000,000,000 or such lesser amount as is determined by the Secretary based on review of the market for reinsurance coverage under this title

(b) LIMITATION.—The authority of the Secretary to enter into contracts for reinsurance coverage under this title shall be effective for any fiscal year only to such extent or in such amounts as are or have been provided in appropriation Acts for such fiscal year for the aggregate potential liability for payment of claims under all contracts for reinsurance coverage under this title.

**SEC. 305. FEDERAL NATURAL CATASTROPHE REINSURANCE FUND.**

(a) ESTABLISHMENT.—There is established within the Treasury of the United States a fund to be known as the Federal Natural Catastrophe Reinsurance Fund (in this section referred to as the "Fund").

(b) CREDITS.—The Fund shall be credited with—

(1) amounts received annually from the sale of contracts for reinsurance coverage under this title;

(2) any amounts appropriated under section 304; and

(3) any amounts earned on investments of the Fund pursuant to subsection (d).

(c) USES.—Amounts in the Fund shall be available to the Secretary only for the following purposes:

(1) CONTRACT PAYMENTS.—For payments to purchasers covered under contracts for reinsurance coverage for eligible losses under such contracts.

(2) ADMINISTRATIVE EXPENSES.—To pay for the administrative expenses incurred by the Secretary in carrying out the reinsurance program under this title.

(3) OUTWARDS REINSURANCE.—To obtain retrocessional or other reinsurance coverage of any kind to cover risk reinsured under contracts for reinsurance coverage made available under this title.

(d) INVESTMENT.—If the Secretary determines that the amounts in the Fund are in excess of current needs, the Secretary may invest such amounts as the Secretary considers advisable in obligations issued or guaranteed by the United States.

**SEC. 306. REGULATIONS.**

The Secretary shall issue any regulations necessary to carry out the program for reinsurance coverage under this title.

Page 20, line 13, strike "**TITLE III**" and insert "**TITLE IV**".

Page 20, line 15, strike "**SEC. 301.**" and insert "**SEC. 401.**".

Page 22, line 4, after the semicolon insert "and".

Page 22, line 17, strike "and".

Page 22, strike lines 9 through 11 and insert the following: "the reasonably anticipated cost of all claims, loss adjustment expenses, and all administrative costs of the insurance or reinsurance coverage offered by such entities, and any such outwards reinsurance as the program administrator deems prudent;".

Page 22, strike lines 12 through 17 and insert the following new paragraphs:

(7) to the extent possible, seeks to avoid cross-subsidization between any separate property and casualty lines covered under the State authorized insurance or reinsurance entity;

(8) complies with the risk-based capital requirements under subsection (b); and

Page 22, line 18, strike "(7)" and insert "(9)".

Page 22, after line 21, insert the following new subsection:

(b) RISK-BASED CAPITAL REQUIREMENTS.—

(1) IN GENERAL.—Except for programs deemed to be qualified reinsurance programs pursuant to section 401(c), each qualified reinsurance program shall maintain risk-based capital in accordance with requirements established by the Secretary, in consultation with the National Association of Insurance Commissioners and consistent with the Risk-Based Capital Model Act of the National Association of Insurance Commissioners, and take into consideration asset risk, credit risk, underwriting risk, and such other relevant risk as determined by the Secretary.

(2) TREATMENT OF ACCESS TO LIQUIDITY LOANS.—

(A) IN GENERAL.—To the extent that a qualified reinsurance program is deficient in complying with any aspect of the risk-based capital requirements established pursuant to this subsection, the Secretary shall recognize and give credit for the ability of such qualified reinsurance program to access capital through the liquidity loan program established under section 202(d).

(B) ANNUAL DIMINUTION.—The extent of credit recognized and given for a qualified reinsurance program pursuant to subparagraph (A) shall diminish annually in a proportion equal to the earned premium for the program for the prior calendar year.

(C) RESET UPON OCCURRENCE OF CATASTROPHE.—To the extent that a qualified reinsurance program is obligated to pay losses as a result of the occurrence of a catastrophe, the Secretary shall increase the credit recognized and given for the program pursuant to subparagraph (A) by an amount equal to the losses paid by the program as a result of the catastrophe.

(D) RESUMPTION AFTER CATASTROPHE.—After a reset occurs pursuant to subparagraph (C) for a qualified reinsurance program, the diminution described in subparagraph (B) shall resume and continue until the program has accumulated capital sufficient to satisfy the risk-based capital requirement determined by the Secretary to be appropriate given the ceiling coverage level of that particular qualified reinsurance program.

(3) REPORT.—For each calendar year, each qualified reinsurance program shall prepare and submit to the Secretary a report identifying its risk based capital, at such time after the conclusion of such year, and containing such information and in such form, as the Secretary shall require.

Page 22, line 22, strike "(b)" and insert "(c)".

Page 23, line 1, after "entity" insert ", or State-sponsored provider of natural catastrophe insurance,".

Page 23, line 3, after "entity" insert ", or State-sponsored provider of natural catastrophe insurance,".

Page 23, line 5, strike "(c)" and insert "(d)".

Page 23, line 11, strike "(d)" and insert "(e)".

Page 23, after line 16, insert the following new section:

**SEC. 402. STUDY AND CONDITIONAL COVERAGE OF COMMERCIAL RESIDENTIAL LINES OF INSURANCE.**

(a) STUDY.—The Secretary shall study, on an expedited basis, the need for and impact of expanding the programs established by this Act to apply to insured losses of qualified reinsurance programs for losses arising from all commercial insurance policies which provide coverage for properties that are composed predominantly of residential rental units. The Secretary shall consider the catastrophic insurance and reinsurance market for commercial residential properties, and specifically the availability of adequate private insurance coverage when an insured event occurs, the impact any such capacity restrictions has on housing affordability for renters, and the likelihood that such an expansion of the program would increase insurance capacity for this market segment.

(b) CONDITIONAL COVERAGE.—To the extent that the Secretary determines that there is such a need to expand such programs and such expansion will be effective in increasing insurance capacity for the commercial residential insurance market, the Secretary shall, in consultation with the National Association of Insurance Commissioners—

(1) apply the provisions of this Act, as appropriate, to insured losses of a qualified reinsurance program for losses arising from commercial insurance policies which provide coverage for properties that are composed predominantly of residential rental units, as described in paragraph (a); and

(2) provide such restrictions, limitations, or conditions with respect to the programs under this Act that the Secretary deems appropriate, based on the study under subsection (a).

Page 23, line 17, strike "**sec. 302**." and insert "**sec. 403**.".

Page 23, lines 22 and 23, strike ", under law,".

Page 24, line 7, strike "section 301" and insert "section 401".

Page 24, line 15, strike "**SEC. 303.**" and insert "**SEC. 404.**".

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KLEIN of Florida. Mr. Chairman, the amendment before us is testament to the fact that this legislation is truly a work of bipartisanship. Democrats and Republicans came together as this legislation began to work its way through the process. A number of interested Members reached out to us with well-thought suggestions on how to improve the underlying bill. I am pleased to say we were able to incorporate many suggestions into this amendment, including the adoption of a provision that the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) has been developing over the last couple of years.

This amendment would establish a high-level natural catastrophe reinsurance fund which would be authorized to write reinsurance contracts to cover catastrophic natural disasters. The addition of such a fund would add a third layer of protection to the legislation, which could further help to increase availability and stabilize rates for homeowners. The fund would provide reinsurance contracts for coverage that is available after the qualified reinsurance program has sustained losses resulting from a 1-in-200-year event.

Coverage would be provided on an actuarially sound basis and would not displace or compete with the private market. This provision will go a long way with providing high-level protection for States coping with natural disasters.

The amendment also provides for a study and conditional authorization for the inclusion of commercial residential lines of coverage. It is important for us to make sure that renters are not left behind following a disaster, and this provision takes us in the right step of determining how capacity restrictions impact housing affordability for renters. I know this was a concern brought up, and I am glad to include it in this amendment.

I am also pleased that we were able to include a provision suggested by the gentleman from Florida (Mr. PUTNAM) which ensures that qualified reinsurance programs will engage in responsible reserving. This provision would use an NAIC-developed formula to ensure that participating States will be operating in a sound fashion.

We also wanted to make sure that States would not become overly reliant on programs established under the legislation, and this addition will add a safeguard against that concern.

Again, I would like to thank those Members who have come forward with suggestions on how to improve the bill. I urge a "yes" vote on the amendment.

I yield back the balance of my time.

Mr. ROSKAM. Mr. Chairman, I rise in opposition to the amendment and to engage in a colloquy.

The Acting CHAIRMAN (Mr. CARDOZA). The gentleman from Illinois is recognized for 5 minutes.

Mr. ROSKAM. Mr. Chairman, I had previously presented or put at the desk 11 amendments to the manager's amendment that I am not going to be offering this afternoon. Instead, and in the interest of time, since I wasn't seeking roll calls on them, anyway, I just raise a series of questions that I am putting forward in good faith. They have been brought to my attention by our staff. Some you may have answers for; some you may have contemplated. Others you may say, let's think through that a little further, because my sense is, while the House is about to act, this is still very much a work in progress on Capitol Hill when it goes to the other Chamber.

The first question I had is the term "capital liquidity shortage." It is a term that is used exclusively in the text of the bill itself, but it is not defined anywhere else. It is not a legal term of art that I am aware of. We have done some Google searches on the Internet, and it is a phrase that is unique to this bill. It is not defined.

My concern is that it could create, really, the maximum liability that could be incurred at any time. I am wondering if the gentleman from Florida is open to further defining "capital liquidity shortage"?

And I will be happy to yield.

Mr. KLEIN of Florida. I thank the gentleman from Illinois, and I do appreciate the fact in our committee, the Committee on Financial Services, you had a number of interesting inquiries, some of which were incorporated and some are still a work in progress.

I will be more than happy to sit down, as this bill goes through the process. Obviously the Senate is going to begin to consider this bill. There will be opportunity through the conference, and I think there should be an opportunity to take a closer look at this issue.

Mr. ROSKAM. I yield to the chairman.

Mr. FRANK of Massachusetts. I appreciate it and I appreciate the gentleman's cooperation.

I would just say, to move this along, as the gentleman from Florida responds, he will be speaking for the committee leadership. These are matters on which we have some general agreement that work needs to be done. I won't have to say this every time, but when the gentleman from Florida gives you that assurance, it comes from the committee leadership as well.

Mr. ROSKAM. I thank the gentleman.

Another term is the term "commercially reasonable rate." It is also not defined anywhere, and I would just submit that is another area that we ought to be looking at.

The other notion is that State programs should be required to charge actuarially sound rates and build up reserves based on a 1-in-200 year standard used elsewhere in the manager's amendment. My concern is we run into a situation like we have with the flood insurance program. We should learn from that mistake.

The weakness of the flood insurance program was that it contemplated simply anticipating the actual output, as it were, the actual claims, rather than thinking from an actuarial point of view where you contemplate the unanticipated. The way we have to do this, the way this process has to be set up, is it has to literally anticipate the unanticipated. And the way the manager's amendment is currently crafted, it doesn't do that. In other words, it doesn't allow the building up of reserves over a period of time so that the fund itself is actuarially sound and that it can sustain an unexpected loss, the massive storm, the unbelievable event that is literally not contemplated.

There are two things that are inconsistent within the bill, it seems to me. There is this lower view of contemplation of what you can build up. But it also says you have to pass on the savings to the consumer. So, literally, the fund is not able to build up the reserves that are necessary in anticipation of what can't be anticipated.

With that, I yield to the gentleman.

Mr. KLEIN of Florida. I thank the gentleman from Illinois. And just to respond to a couple of points there, the building up of reserves and the passing of savings to consumers are not necessarily inconsistent points. One of the goals of this bill is not to make more money for insurance companies, many of them are doing just fine, it is to try to create stability in the market at an actuarially sound rate. I take your points, and they are well taken in terms of making sure we learn from mistakes. I commit to the fact that we will continue to work through this and make sure that it is based on sound actuarial principles by which definition usually sound actuarial estimations do take into account future anticipated events. I commit to that point.

Mr. ROSKAM. Reclaiming my time, I thank you. I just submit that the language, as I understand it in the manager's amendment, doesn't achieve the goal that you and I are seeking.

The Acting CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Mr. ROSKAM was allowed to proceed for 5 additional minutes.)

Mr. ROSKAM. Finally, I would also like to draw attention to the notion of, sort of what I am characterizing in my fear as that repayment is a myth fear.

Under the manager's amendment, if a State program is somehow going to incur losses that exceeds its maximum liabilities, shouldn't it have to show how it is going to prevent that in the future? And there is no point in the manager's amendment where there is that reporting requirement. Again, I don't think that is onerous. I don't think it is difficult, but I think it would be a good idea to require a State before they make a claim or before they default to come forward and say, look, this is how we are going to avoid this in the future. I think it is a de minimis reporting requirement.

I yield to the gentleman from Florida.

Mr. KLEIN of Florida. I thank the gentleman from Illinois. The notion of the terms of repayment are to be negotiated with the Treasury. Each State may have a slightly different scenario in terms of terms and conditions.

What I would expect to be negotiated would be, just like any other private sector contract with a set of covenants and defaults in terms of understanding what the expectations are. So I would expect the Treasury, and if we need to get that clarified in the future, I would be happy to, but I expect the terms to be very clear regarding notification and things like that.

Mr. ROSKAM. I thank the gentleman.

Another observation is that States should pay the cost of the consortium. Now, as drafted, the cost of the consortium is by Federal taxpayers. There is no payment mechanism in the manager's amendment for the consortium to be funded by the States. I think that is an oversight and it should be revisited.

The manager's amendment sets up $120 million over 6 years, I think, but I think there should be a way for the States to pony up. At least theoretically you can contemplate where the Federal Government would create this consortium, and maybe nobody's in. At that point it would be a foolish enterprise. I think there has to be a way.

I yield to the gentleman.

Mr. KLEIN of Florida. I thank the gentleman from Illinois.

I think the thinking is this is an authorization. It is not an appropriation. The general notion is in the early stage of this thing, it is a relatively small amount of dollars. It creates authorization if necessary.

If you have a number of States that do participate, which we anticipate, I think the language of the bill talks about the fact that they will pay for that. The notion is there is an authorization. And to get more States involved to pay for it, there is this limited amount of Federal responsibility. I think the thinking is that the States will take responsibility.

Mr. ROSKAM. Finally, on the basis of time, and I will be happy to continue the conversation with you and the chairman, in my view, I think the grace period for States is too long for their mitigation efforts. For those States currently with a program in place, the manager's amendment says all of these mitigation components are excellent, but we are going to give you 5 years to get your act together.

My suggestion would be let's shorten that up. Let's make it 2 years, and I think that is still very gracious, to follow on the word of grace. But 5 years is almost the length of the entire program that is being proposed. That is a suggestion regarding a way that I think the bill can be improve.

I yield to the gentleman.

Mr. KLEIN of Florida. I am a true believer, if you give somebody 5 years to do it, it will take 5 years. At the same time I realize from the experience we have had in Florida and many other States that have tried to move forward with building codes and other things, it does take some time. But I am all for encouraging as strong as possible to move as quickly as possible.

Mr. ROSKAM. I yield to the chairman.

Mr. FRANK of Massachusetts. I want to express my appreciation to the gentleman, both for the cogency of the points he raised, because we want this to work well, and he has helped us both previously and today in refining this. I also appreciate his courtesy in helping us move this. I thank the gentleman from Illinois.

Mr. ROSKAM. Mr. Chairman, I yield back the balance of my time.

□ 1615

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. KLEIN).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mrs. CAPITO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

### AMENDMENT NO. 6 OFFERED BY MR. ROSKAM

Mr. ROSKAM. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ROSKAM:

Page 21, strike lines 21 through 25.

Page 22, line 1, strike "(C)" and insert "(B)".

Page 22, line 5, strike "(D)" and insert "(C)".

Page 22, line 12, strike "(E)" and insert "(D)".

Page 22, line 17, strike "and".

Page 22, after line 17, insert the following new paragraph:

(7) develops, maintains, and enforces best practices in building codes that the Secretary deems adequate to address the natural disaster exposures of the State, taking into consideration the geography, catastrophe risk, and building patterns in the State; and

Page 22, line 18, strike "(7)" and insert "(8)".

The Acting CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. ROSKAM. Thank you, Mr. Chairman.

Today I offer an amendment essential to stopping this Congress from running down a road that I've expressed caution about earlier today, and that is causing further government involvement in self-sufficient, available, and reliable private markets.

Congress recently passed the National Flood Insurance Reform; and while I didn't agree with the wind provision inclusion, it made crucial strides in reducing damage from flooding and storms, especially in areas suffering repeat events. However, H.R. 3355 does not specifically prescribe mitigation guidelines. In title II, it merely alludes to Treasury providing a general directive; and, in my view, that's not good enough.

Currently, H.R. 3355 only requires the reinsurance fund receiving the loan to provide coverage for properties that adhere to applicable State building codes, leaving open the possibility that States with substandard codes, or even lacking codes, can still access the loans.

Instead, Treasury should be required to certify that the State has implemented best practices building codes for the applicable exposures, taking into account the State's geography, catastrophe risk and building patterns, which is what my amendment does here today.

This would not be a national building code, but rather, a regionally specific criteria for program participation.

The language in my amendment also gives broad flexibility to the Treasury to certify whether State building codes are appropriate for the types of risks they face. It doesn't apply specific, bureaucratic and unreachable one-size-fits-all standards for the Treasury to abide by.

The language is necessary because the current language in the bill would create an implicit guarantee that would result in an inequitable Federal subsidy for certain State insurance programs and policyholders, thus creating no need for local municipalities and developers to stop development in risk-prone areas. This was made very clear during the testimony that we heard in the hearings several weeks ago.

The further subsidization of rates would undermine economic incentives to mitigate risks. Individuals facing subsidized rates would be encouraged to take on risks that are inappropriate, specifically putting themselves in harm's way because they don't bear the full weight of the potential damages.

Now, I represent citizens from Illinois, and we would never choose to participate in this program. And let me tell you, the view from Lombard, Illinois, is very different from Key West, and God bless the folks that live in Key West, but I don't think that the residents I represent should be in a position to subsidize someone else's view.

Why should Illinois bail out States that can't address their own problems? While I'm sensitive and I admire my colleagues from Florida, I do believe that some of this is simply an exacerbation of government programs that have completely failed. Many other States have taken into account and addressed market issues based on increasing private market participation.

South Carolina introduced policyholder or catastrophe savings accounts to assist consumers and address cost issues. Louisiana and South Carolina addressed rating and regulatory matters by encouraging greater competition among insurers rather than rate controls that discourage private market competition. Louisiana has committed financial incentives for insurers to underwrite or take policies from the residual market and write-in coastal areas. Several States have also improved building codes and their enforcement as part of the long-term solution to catastrophic risk.

Floods are the majority of disasters that my congressional district faces, and we haven't sat by and waited for the government to help. The State of Illinois has one of the strongest floodplain management programs in the country. Illinois leads all Midwest States for the number of NFIP-participating communities, flood insurance policies, and flood insurance claims. Illinois outpaces the other States in local floodplain assistance, mitigation activities, and flood control projects.

Specifically, two cities in my district, Des Plaines and Mt. Prospect, were badly hurt by floods in August of this year. But they didn't suffer as much as they could have, because they are moving forward on major flood mitigation efforts by building levees on the Des Plaines River. This project will move hundreds of homes and businesses out of the floodplain, thus reducing the amount of damage during flood season and lowering insurance rates for homeowners.

There's been an unprecedented population growth and significant development in coastal and disaster-prone areas in recent decades, and total property exposures have increased dramatically.

We certainly cannot anticipate what storms will be like in the future, but we can and should take steps to reduce and lessen these risks.

I urge my colleagues to support this important amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KLEIN of Florida. Mr. Chairman, with all due respect to my friend, and all of us are freshmen here, Mr. MAHONEY and Mr. ROSKAM, we're all new to this process, but with all due respect to his approach here, the problem with the amendment is that this takes the Federal Government and puts its stamp of approval on local building codes.

And from my perspective, I don't think we want the U.S. Treasury or FEMA or anybody else to be responsible for making decisions on local building codes. These are very localized functions, certainly will encourage mitigation, and we've got some standards in place and our colleague from Connecticut (Mr. MURPHY) in a few minutes I understand is going to be offering a very good amendment which deals with some Federal standards that are outside the Federal Government's role, but some trade industry standards on building code which relate to mitigation and reducing the hazard and reducing the potential exposure.

So while I do appreciate the fact that Illinois may have different issues than Iowa, that has different issues than California, there's different issues in Florida, we certainly, in my view, don't want to federalize, if you will, the building code process. And it's something that I believe that we should allow local governments, within the confines of standards that are adopted by the industry, to reduce exposure to natural disasters. I think that's a better way to do it.

So I would suggest that this amendment be opposed and that the Members of the House vote against it.

Mr. Chairman, I yield back my time.

Mr. BAKER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Louisiana is recognized for 5 minutes.

Mr. BAKER. Mr. Chairman, I want to make clear my motivations here for the purposes of debate.

I certainly am in support of the Roskam amendment, but with or without its adoption, even the underlying bill, without the manager's amendment, is problematic. However, the manager's amendment presents an additional level of concern above those raised at the committee consideration.

Insurance is in the business of pricing risk, and I can honestly say as a Louisianan we are really adjusting in a significant way to the new risk now identified for our exposure along our coastal area.

Our legislature has responded with the adoption of a building code that really is leading the class in the United States, and to suggest that free markets should not price the risk and provide insurance where they know they will lose money is not a policy that makes a great deal of sense.

Hence, the underlying bill will provide a mechanism for the United States Treasury to provide a security backstop to the consortium that now is issuing insurance to Florida residents at a below-market rate.

I can recall in great detail the criticisms by many in this House by those of us in Louisiana who are the beneficiaries of a flood insurance program that provides coverage at a governmentally subsidized rate. For the record, I'm for raising those premiums on Louisiana citizens to get that program in actuarial soundness because I know without that the program is eventually doomed.

The underlying manager's amendment, although requiring risk-based capital, goes to great steps to avert the requirement, first by exempting companies who now exist from the consortium for the next 5 years. Secondly, there is no full faith and credit of the beneficiary State on the loan that's made by the United States taxpayer and virtually no guarantee of repayment.

Let's call this what it is. It is a way to provide stability in the Florida insurance market by accessing taxpayer money without guarantees of repayment. What can we do to improve this?

Well, the Roskam amendment now pending is at least the most meager step one should take who is concerned about proprietary action in the insurance world. It does not say the Treasury Secretary will establish the building codes. It merely says the Treasury will examine whether there are even codes in place that are reasonable for the risks that are presented to the occupants of low-lying coastal areas before you extend taxpayer assistance.

It's sort of like making sure that you've taken appropriate action to protect your family and that there's not a likelihood of probable loss, and then you're going to sell insurance on the assumption that the risk is low. In this case, rebuilding is taking place in low-lying areas at a rapid pace, and there is an absolute certainty there will be a repeat of significant storms and unquestioned amounts of loss.

At least we should say that those who are building in exposures of great risk should exercise the highest level of construction standards before having access to taxpayer money to pay off the loss.

Think about your constituents. How many times are we going to ask them to pay for the decisions of others to build in low-lying coastal areas when the coastal area residents themselves are not paying actuarial rates for coverage they are provided.

I wish I could say it more clearly, but this is not a balanced approach; and certainly without the Roskam amendment we are opening this Congress and the American taxpayer to enormous financial risk without taking the first meager steps for rational self-protection.

I urge the adoption of the Roskam amendment.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ROSKAM. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

### AMENDMENT NO. 14 OFFERED BY MR. MURPHY OF CONNECTICUT

Mr. MURPHY of Connecticut. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. MURPHY of Connecticut:

Page 21, strike lines 21 through 25 and insert the following new subparagraph:

(B) require that an appropriate public body within the State shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Secretary finds are consistent with the criteria for construction described in the International Code Council building codes.

Page 22, line 12, insert:

(7) to the extent possible, seeks to encourage appropriate state and local government units to develop comprehensive land use and zoning plans that include natural hazard mitigation.

Page 22, after line 21, insert the following new paragraph:

(8) has been certified by the Secretary, for such year, in accordance with an annual certification process established by the Secretary for such purpose, as being in compliance with the requirements under paragraphs (1) through (7).

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Chairman, I'd like to applaud my colleagues, Representative KLEIN, Representative MAHONEY and Representative GINNY BROWN-WAITE, for bringing this measure before us today.

The rising premiums in the insurance world, the instability that this recent rash of natural catastrophes have brought to the insurance industry mandate a response from this Congress; and it's time, as Mr. KLEIN and Mr. MAHONEY have said, to stop closing our eyes and pretend that the solution is to just continue to have a policy of crisis reaction, where we put Federal dollars after Federal dollars on top of these disasters.

This measure before us, very carefully considered and brought to the floor on a bipartisan basis, is a planful and market-based approach to the issue of crisis mediation, especially on the eastern seaboard.

But to the extent that we are setting up a new Federal role, to the extent that we're contemplating potentially committing Federal dollars through loans, frankly as Mr. KLEIN has said in a much more responsible way than we have done in previous situations, we need to make sure that these dollars are being used wisely.

Now, the manager's amendment before us right now goes a very long way towards that goal in making sure that the programs themselves at the State level are fiscally sound or actuarially sound.

The amendment before us, brought to the floor today by myself, Representative MATSUI, Representative BEAN and Representative LARSON, seeks to build on that duty of fiscal responsibility that we have as we potentially commit, in a planful way, Federal dollars through loans to coastal areas.

Therefore, this amendment that we're offering today would require that before a State insurance program qualifies to borrow from the Federal Government, the Treasury Department will ensure that the State has taken adequate steps to mitigate future losses. It's a pretty common sense measure.

To do this, the amendment simply requires that the Secretary of the Treasury certify that participating States, entities, these State insurance funds, have implemented internationally recognized building codes to ensure that the new homes that are being built in these States can withstand severe natural catastrophes like earthquakes and floods and hurricanes.

□ 1630

These State programs have also developed land use plans to further mitigate the risk and losses stemming from natural disasters. This amendment doesn't provide for new Federal building codes. It doesn't provide for new Federal land use requirements or Federal risk mitigation regulations. It just merely seeks to assure that before we are putting Federal tax dollars in State programs that these States have done everything that they can to reduce future risks from natural catastrophe.

I would like to thank my colleagues, Mr. MAHONEY and Mr. KLEIN, for working with me and the staffs for working with my staff on this issue. I think it addresses many of the issues that Mr. ROSKAM and others on the other side of the aisle have and will raise today. I think it assures that this very positive step forward that has been introduced by Mr. MAHONEY and Mr. KLEIN will be made even safer and sounder if it comes to the point of using Federal taxpayer dollars in these programs.

Mr. Chairman, I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KLEIN of Florida. I would like to thank the gentleman from Connecticut for coming up to a response to what I think the gentleman from Illinois was raising; that is, we want to encourage mitigation. We want to encourage reduction of the scope of the hazard.

I think all of us understand that the more you can do to protect your home in terms of the roof, if it's an earthquake zone, the foundation, lots of different kinds of risks out there, but the more we can do to solidify that, the less deductible you are going to pay as a homeowner, which is good for you as a homeowner, the less risk you are creating for the insurance underwriter, the less payout, the less the State is going to have to take responsibility if there is a State risk catastrophe fund. With a Federal system to back it up, beyond that, in terms of the State catastrophe bonds, it reduces that as well.

The whole purpose of this is to reduce that. What the gentleman from Connecticut has come up with in a broad-based way is to bring in the international code, council building codes, which is an organized effort, well thought out, well designed. Instead of having the secretary of the Treasury, which I am not quite sure who or what qualifications he or she would have to make an independent judgment of whether a building code makes sense or not, let's put professionals, the experts, the people who understand building codes, let's put them in the middle of this thing and say this is the standard by which we will judge whether a State is doing what it is supposed to do to reduce that risk.

I think that's a very sound, logical way of solving the problem, encouraging the mitigation, reducing the hazard. I think it's something that deserves to be supported.

I would like to thank the gentleman from Connecticut. Hopefully the gentlewoman from West Virginia and the gentleman from Illinois will join us in what I think is something that addresses their concern, and probably we can all come together and say this is a solid way of doing it.

Mr. Chairman, I yield back the balance of my time.

Ms. MATSUI. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. MATSUI. Mr. Chairman, I rise today to ask my colleagues to support the Murphy, Matsui, Bean and Larson amendment.

I am sponsoring this amendment because it carries forward important public policy initiatives. It encourages local governments to develop comprehensive land use and zoning plans that include natural hazard mitigation. It also requires participating States to adopt internationally recognized building code standards.

I applaud the overall goal of this bill to provide access to insurance coverage for homeowners and disaster-prone communities. Our amendment today is about public safety.

As a representative from Sacramento, the Nation's most at-risk river city for catastrophic flooding, I am all too familiar with risk and vulnerability. Preparedness is a first step toward public safety. Strong building codes are key to being prepared and to reducing the damage caused by catastrophic events. This amendment ensures that States take steps to minimize risk.

Last week, I introduced the Safe Building Code Incentive Act of 2007 to encourage States to adopt stronger building codes. Our communities and homeowners should be better prepared, and Congress should be setting high standards for public safety.

Over the last few weeks, residents of my home State of California experienced devastating wildfires and an earthquake. We know that another event will occur and that it is only a matter of time.

To rapidly growing regions around the country such as Sacramento, the building standards we adopt now will ensure a safer future for our communities and property owners.

In January 2006, a Louisiana State University Hurricane Center study concluded that wind-related damage to homes by Katrina could have been reduced by 65 percent if current building code standards had been used. In short, we should be elevating public policy standards before disaster impacts our communities, not after.

Our amendment today raises the standard for public safety and encourages smarter planning to mitigate risk. I ask my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. LARSON of Connecticut. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LARSON of Connecticut. Mr. Chairman, let me associate myself with the remarks earlier today of Mr. INSLEE and commend two of our colleagues for an extraordinary job they have done in putting together this thoughtful piece of legislation, one that I think we all understand and recognize is much needed throughout the country because of the natural catastrophes we are bound to face.

I also want to commend them for being willing to work with everyone on both sides of the aisle and reach out on what are some thoughtful questions that have been posed to them and the continued manner in which they embrace a solid piece of legislation and make it stronger. To those ends I rise in strong support of the Murphy, Matsui, Bean and Larson amendment that I think goes a long way towards doing that.

I commend Mr. KLEIN and, again, Mr. MAHONEY for working to make sure that a good bill becomes even stronger.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. MURPHY).

The amendment was agreed to.

### AMENDMENT NO. 13 OFFERED BY MR. ROSKAM

Mr. ROSKAM. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. ROSKAM:

Page 17, line 2, strike "and" and insert a comma.

Page 17, line 8, before the period insert the following: ", and that the qualified reinsurance program has retained losses in excess of the amount of losses that would result from a single event of a catastrophic peril covered by the program of such magnitude that it has a one percent chance of being equaled or exceeded in any year, as determined by the Secretary".

The Acting CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. ROSKAM. Mr. Chairman, this is what I characterize as the skin-in-the-game amendment.

The bill currently has no retained loss requirement for participating State reinsurance funds before they can get a catastrophic loan from the Treasury. Once the trigger is met, a fund may qualify for a loan without having any skin in the game.

To improve fiscal accountability, States should be required to first sustain a loss before receiving a loan from Treasury, similar to paying deductible in an insurance policy. The loans could be better put to use helping States manage their losses above the retained loss requirement.

This amendment says that before a State insurance fund can access one of the loans created in the bill, it must first retain sufficient losses amounting to a 1-in-100-year event with respect to State catastrophe perils. This amendment will encourage State funds to handle a predictable level of loss before putting Federal taxpayers on the hook for billions of dollars in catastrophic loans.

With no retained loss requirements, State insurance funds will have no incentives to price their risk with a catastrophe factor but, instead, rely on post-event debt financing from the Federal Government and Federal taxpayers. Adding the retained loss requirement in this bill will also encourage States to utilize the global reinsurance market instead of turning directly to the Federal Government to capitalize their funds.

Currently, Florida is the only State with a reinsurance fund that would qualify under this bill. The bill would undoubtedly spur the creation of other State funds, and requiring States to have skin in the game will encourage these new funds to properly capitalize instead of taking out a huge loan from the Feds after every natural catastrophe.

Without loss requirements, State insurance funds will have no incentives to actuarially price their risk since they will be getting cheap loans to assist them in paying their claims.

I urge the adoption of the amendment and yield to the gentleman from Louisiana.

Mr. BAKER. I thank the gentleman for yielding.

Mr. Chairman, I just want to make sure I am understanding the effect of the gentleman's amendment properly. If I am a homeowner and I am paying a premium for my coverage and I have a loss, there generally is some sort of deductible, maybe $500 or $1,000, depends on what kind of policy I will have to buy. But I am going to have to put my premium money up, and then I am going to have to have a personal loss to get the benefit of the insurance coverage that I bought for my home.

What you are suggesting with this amendment is that the States who are going to avail themselves of the advantage of the Treasury extended loan are going to have to have their own money in the game. They can't just call up and say, Mr. Secretary, send me a few billion dollars. I am kind of short right now. They are going to have to have their own State losses in their own insurance pool before they can get access to the United States Treasury extension of credit; is that correct?

Mr. ROSKAM. The gentleman has an incredible gift of clarity and insight, and that is exactly it.

Mr. BAKER. My point here is in speaking, in asking the gentleman the question, is it is absolutely essential, no matter what the government program or service, did you know, that whoever is the beneficiary always makes some contribution to his own well-being or else the program will run amok. There will be no reason to exercise constraint.

You are absolutely correct. Premiums charged will never be actuarially sound. The gentleman's amendment, which in my opinion is, by the way, insightful and articulate, has drafted a constructive amendment which I hope others will find beneficial.

Mr. ROSKAM. Reclaiming my time, I think part of the reason we are in this state today and one of the reasons we are having this conversation is because of, really, a lack of some of those commonsense approaches towards their problem in the past, which is now why Representative KLEIN and Representative MAHONEY feel in good faith that they have got to come here on behalf of their constituents, and I understand that.

I would submit that this amendment brings some clarity, brings a little bit of pause, brings some reality to this so that over a period of time a future Congress doesn't have to come in and request an abundance from the Federal Treasury due to mismanagement and squander.

Mrs. CAPITO. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. Mr. Chairman, I rise in support of Mr. ROSKAM's very thoughtful amendment. I feel that it helps to work this bill, which I have obviously voiced some questions about, because it would simply require States to pay their fair share before tapping into a Federal line of credit. This will encourage State funds to handle a predictable level of loss before putting Federal dollars and Federal taxpayers on the hook for what could be billions of dollars in catastrophic loans.

Very briefly, I would like to say, without loss requirements, State reinsurance funds will have no incentive to actuarially price their risk since they will be getting cheap loans to assist them in paying their claims. I would like to voice support for the Roskam amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KLEIN of Florida. Mr. Chairman, let's get down to the bottom of what we are trying to accomplish here. There is a problem in the United States, in certain parts of the United States, where the insurance market, unfortunately, cannot deal with a very large disaster.

Now, some of our colleagues may not have been exposed to this problem because in their markets they haven't had any large-scale natural disasters, but the more time that passes, the more communities are affected by large-scale natural disasters.

The impact of a very large-scale natural disaster is that the insurance industry in these areas retrenches, pulls back, cancels policies or they call them nonrenewal.

I have to tell you, one of the most frustrating things after living through some hurricanes in Florida was members of my communities calling me up, as a State Senator, saying, I paid my premium for 15 years straight, and now I am afraid to make a claim because I have had some damage, never made a claim before, but I am afraid to make a claim because the insurance company is going to cancel me.

Something is wrong with the market, free market, as we like to think of it, if that is happening. People want to know the bargain is if I have paid my premium my insurance company is going be there and there is some stability behind it.

What we have tried to do is recognize that in some cases, not many, but in some cases, and the very high scale of large-scale natural disasters, there is some reaction that has to be provided. What we have done, instead of putting the government in the middle of it, which is exactly where it is right night now, no matter how you slice it, every time there is a large-scale natural disaster that the insurance company can't deal with, the States can't deal with, then the Federal Government comes rushing in, from Washington, with a big check.

What we have been trying to do is something proactive, up front. We have come up with some plans from experts in the insurance industry and the consumer side and everything else to balance this out.

What this amendment does is it arbitrarily limits the ability of programs to meet the reinsurance needs of the respective States not provided for by the private sector. The limit shows, and it is a 100-year event. Why 100? Why 1 in 100? Why not 1 in 50? Why not 1 in 250? As you can imagine, a 1-in-250-year event really changes the dynamics of the equation of what will have to be paid in reserves and make sure that the money is there.

They have chosen 100 years. That is consistent with the way we have very carefully, with a lot of input, chosen to work on this formula. We have chosen events where the losses have exceeded 150 percent of the aggregate amount of direct premium over the prior year.

□ 1645

That is a direct reflection of what's going on in that local market, how much premium's been paid. It's a 1.5 factor over and above that. It's very well thought out. It may not be perfect. It may be over time there's a better way to do it, but this is a very consistent approach we've taken throughout the bill.

If you adopt this amendment, we are now creating two inconsistent measures which I don't think will ever work together. So I would suggest that this amendment not be adopted.

I believe that we have come up with something that is logical, it's common sense, it reacts to the fact that there is a need here.

And again, for those folks who live in parts of the country that don't have natural disasters up to this point, let's all continue to pray and hope that we don't have many natural disasters.

But we're a country that's in this together. Certainly our insurance is something that we want to make sure everyone has the ability to have private homeowners insurance. But more importantly, every taxpayer is part of a bail out. We're trying to avoid that for the future.

So I would suggest the amendment should not be supported.

I yield back my time, Mr. Chairman.

Mr. MAHONEY of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MAHONEY of Florida. I'd like to join in support of my friend here from Florida (Mr. KLEIN) in opposing this amendment.

The point I'd like to make is very simple, and that is, the whole purpose of the bill is to stabilize the private homeowners insurance marketplace. And the goal of the bill is to work with the industry to continually find ways to expand the market so that the market takes the responsibility.

Right now, the problem that we're facing in the homeowners insurance market is unfunded liability, where we have the opportunity or the specter of a disaster, where the combination of States and the insurance industry do not have the financial wherewithal to pay claims.

The purpose of this bill in the first title is to try to work with States to consolidate risk in order to expand the private market's activity so that it can handle these claims.

So when the gentleman from Illinois proposes to arbitrarily set a 1-in-100-year mark, what it's doing is it's running counter to the goal of the legislation, which is to get the private insurance companies to take on more and more of the responsibility.

So with that, I think that the bill that we have right now recognizes that there needs to be some variability in some cases. One in 100 years, depending on States, might be too little; and in some cases it might be too much.

So, therefore, I would urge that this amendment be defeated.

I yield back the balance of my time.

Mr. BAKER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Louisiana is recognized for 5 minutes.

Mr. BAKER. Mr. Chairman, I wish to make clear that my interest in this matter is based on my representation of a portion of coastal Louisiana, so I get the problem. And we are struggling, even today, 2 years after Katrina, in trying to restore our State to what it once used to be. So I do not come to the floor in opposition to this matter in a cavalier manner.

The statement that this bill is intended to keep the American taxpayers from being responsible financially for future natural disasters is in direct contravention with the effect of the bill, if it ever does become law.

Let's start with the basics. People didn't like the fact that some Louisianans built at the water's edge. How can we be more responsible and elevate structures and build them to a certain code?

I support Mr. ROSKAM's amendment, which provides that the Secretary of the Treasury, before making such a loan, shall certify that the recipient entity in question has such safe and sound building codes. Sounds logical to most taxpayers, I would think.

The pending amendment simply says that the recipient entity getting the benefit of the Treasury loan shall have its own money at risk, and shall have suffered some monetary loss.

One-in-100 event. Some have suggested this is just a number pulled out of the air. It is a typical actuarial number of risk used by the insurance industry in rating the likelihood of recovery of loss in policies nationwide. It's not something that one can say was simply grabbed out of the air.

The risk-based capital provisions in the manager's amendment are completely obliterated for the first 5 years for companies now in existence in the program who would qualify for such loans. And in the event a loan would be made, there's a specific prohibition that the full faith and credit of the State getting the benefit of the credit would not be placed on that note. Translation: they don't have to pay this back.

Now, the bigger point is that when you look at the applicability of where NATCAT, national catastrophe funds, would likely be made operational, Florida, yes, California, maybe, and ladies and gentlemen of the Congress, not anywhere else.

Our insurance commissioner in our State has carefully evaluated the advantages and possibility of a NATCAT structure being utilized in Louisiana. It will not work. The applicability of this program will be for a narrow, narrow slice of the insurance market at risk on coastal Louisiana.

There are much better ways to do this. But do not support this measure on the assumption that the American taxpayer will not be put at risk.

In fact, if you really dig into the bill, you find a little provision that says commercial residential may be covered if the Secretary of the Treasury determines that the benefits are appropriate, without any conditions as to the requirement, style, nature or manner of repayment. We're going to be taking care of Hilton and their golf courses.

Really, really take a careful look at this. I am troubled to be opposed to a bill that could potentially be beneficial to my own State and my own constituents. But I have arrived at the conclusion that this is not the right way to perform this task. And not enough careful thought from varied interests has been taken into consideration in this matter.

I urge you, please adopt the Roskam amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ROSKAM. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

### AMENDMENT NO. 2 OFFERED BY MS. CASTOR

Ms. CASTOR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. CASTOR:

Page 21, after line 25, insert the following new subparagraphs:

(C) limit new development and increases in density, intensity, or range of use allowances in zoning and planning programs in coastal and other areas subject to a higher risk of catastrophic financial loss from natural disasters and catastrophic events, as such areas are determined in accordance with standards established by the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency and other appropriate agency heads;

(D) limit rebuilding of substantially demolished structures after catastrophic events to current density, intensity, use, and structural limits;

Page 22, line 1, strike "(C)" and insert "(E)".

Page 22, line 5, strike "(D)" and insert "(F)".

Page 22, line 12, strike "(E)" and insert "(G)".

The Acting CHAIRMAN. The gentlewoman from Florida is recognized for 5 minutes.

Ms. CASTOR. Mr. Chairman, I rise to offer an amendment that, over time, will keep insurance rates down by directing that State and local governments not approve intensified development in high-risk areas like our coastal high-hazard areas.

Insurance premiums are on the rise for many reasons, but one of the most significant reasons for skyrocketing costs of insurance is developer overbuilding in high-risk areas.

Developers and homebuilders have crowded on to the coasts and into the flood plains, fire zones, and other high-risk areas, without considering the consequences. The subsequent consequences to the folks that we represent have been very expensive.

These developers set up homeowners and businesses for financial ruin and personal tragedy when they locate in areas that are at high risk of natural disasters, and the developers are profiting at the expense of every policyholder whose premiums continue to rise without relief once another disaster hits.

Unfortunately, State and local governments have been too often complicit in this irresponsible behavior.

The amendment I offer today requires that States that participate in this innovative risk pool adopt policies to limit development in high-risk areas. It would also end the practice of rebuilding properties after a catastrophe with development that is of a greater size or a greater density or intensity, because the right to rebuild in high-risk areas is not the right to expand.

Now, this bill, carefully crafted by my thoughtful colleagues from Florida, provides States with an innovative tool to tackle the property insurance crisis. And my amendment improves the bill by preventing any greater problems down the road. The amendment aims to stop developer overbuilding that will lead to even greater disasters in the future and higher property insurance rates.

Now, I do appreciate the suggestion from the chairman of the Financial Services Committee that this amendment can be improved still, and I'll yield to the gentleman, because I am interested in your advice and assurance that maybe down the road, if I happen to withdraw the amendment, that we can work to improve.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. CASTOR. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman. I appreciate the initiative, and she's clearly right in concept.

We would say that this bill, we hope, will pass today, but it's not going to pass the Senate until we come back early next year. We do obviously hope to get this bill in place before the next hurricane season so we could get started. But that would give us time to work on this before our final passage was done.

And as the gentlewoman understands, because she's been involved herself, the State-Federal issue can become complicated. So while we very much agree on the substance, we don't want to engender a kind of State-Federal issue which could go beyond Florida. This is obviously something for all the States.

So with that in mind, it's a common objective, indeed. We think the gentleman from Connecticut's amendment goes in that general direction. But we really want to be very careful about the State-Federal-local interactions here.

So if the gentlewoman is agreeable, we would be working with her between now and some time in March or April when we finally hope to get this bill done so we can improve these kinds of requirements, but in a way that isn't going to jeopardize the whole thing by a big Federal-State dispute.

Ms. CASTOR. I greatly appreciate the assurances by the chairman; and with those assurances, I'd like to thank my colleagues again from Florida for this very innovative, thoughtful tool to reduce property insurance rates. And at this time I will withdraw my amendment.

Mr. FRANK of Massachusetts. I appreciate that. I also appreciate the fact that today no Republicans object to you withdrawing the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

### AMENDMENT NO. 1 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MANZULLO:

Page 15, line 2, strike "and".

Page 15, line 5, strike the period and insert "; and".

Page 15, after line 5, insert the following new paragraph:

(6) the qualified resinsurance program and the State authorizing the program are not delinquent, as determined by the Secretary, with respect to any payment due under any loan previously made under this Act or under any other loan provided by any agency or establishment of the Federal Government to the program or the State for assistance in connection with a natural or other major disaster.

The Acting CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. MANZULLO. Mr. Chairman, H.R. 3355 requires the Treasury Department to offer low-cost subsidized Federal loans to State reinsurance funds. This bill employs the lesser used loan approach for States, rather than block grants or emergency funding, the usual methods of Federal assistance.

The concept of the loan is unique from a block grant, as a loan implies a temporary extension of funds with agreed-upon terms of repayment. The concept of a loan also implies that there are consequences for those who do not abide by the terms of the loan, such as ineligibility to receive additional loans should one become delinquent on a current loan. It is not in the lender's interest to lend money to someone who has proven that he or she will not pay it back according to the contracted terms.

This bill contains no prohibition on continued lending to States that are delinquent on loans authorized under this bill or extended through other Federal entities as found in other Federal loan programs. This consequence free-lending program will also allow States that choose to ignore the repayment responsibility to treat the loans as being in a state of eternal deferral, and expose the taxpayer to a tremendous amount of risk.

My amendment seeks to protect the taxpayer by insuring that Federal loans go only to States with a proven track record of fiscal responsibility. Specifically, this fiscally responsible amendment will disqualify States that are delinquent on any Federal disaster loans from receiving additional loans under this program.

H.R. 3355 already entitles these States to subsidized loans at below-market rates from the Federal Government. It only makes sense that they should be held to the same responsible standard that applies in the private market and elsewhere in the Federal Government. Without this standard, the loan program becomes no different than a block grant or a taxpayer-financed giveaway.

□ 1700

H.R. 3355 requires very little of the States in the way of mitigation to reduce the cost to taxpayers. By ensuring that States act responsibly before receiving another subsidized loan, my amendment is a small but important step towards protecting the interest of the tax-paying Americans that will be funding this bill.

I urge support for this amendment and would cite as precedent TANF funds, for example, under title 42, chapter 7, a failure to timely repay a Federal loan fund for State welfare programs, if the Secretary determines that a State has failed to repay any amounts borrowed from the Federal loan program, then they become ineligible or that the amounts they receive in the future are deducted to pay the prior amounts that are due.

I would urge support of this amendment. This makes sure that this is a loan program and not a grant program.

Mr. Chairman, I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KLEIN of Florida. Mr. Chairman, I appreciate the gentleman from Illinois' proposition that if you are in default, you probably shouldn't be able to get anything further because maybe you haven't acted responsibly. But there are two faults that make this amendment unnecessary.

Number one, if a State is a recipient of a loan and it has defaulted or hasn't made the terms of payback, that has nothing to do with a State risk catastrophe fund, which is independent of the State. Most State risk catastrophe funds are not backed by the full faith and credit of the State. They're separate, independent organizations. So one has really nothing to do with the other. The fact that the State of Illinois may not have paid back something that it had received from the Federal Government should have nothing to do with an Illinois risk catastrophe fund if it has been doing whatever it's supposed to do. So I think that's number one.

Number two, the notion of the one disaster and then the Illinois risk catastrophe fund defaulting or not paying back, we have already taken care of that problem in terms of a future disaster that hits Chicago. And that is the Treasury who would be responsible for authorizing the second loan would not grant that. It is already provided in the content of our bill.

So I do support the proposition that if you are in default, you probably shouldn't be a continued further drag. And I think that we have taken care of that in the bill, and I think it's not necessary to pass this amendment.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. KLEIN of Florida. I yield to the gentleman from Illinois.

Mr. MANZULLO. It's obvious that the gentleman agrees with me on the absolute necessity of making sure that this is a loan program and not a grant program. This amendment simply gives more teeth to the assurance that the gentleman gave us as to the language that is in the bill. Therefore, I would suggest that he agree with the amendment.

Mr. KLEIN of Florida. Reclaiming my time, Mr. Chairman, I don't agree with the amendment because what it does is it creates an unnecessary regulatory burden. You already have in place the Treasury. Our Treasury Department in Washington would look at it. There's a default. Under the current language of the bill. Take a look at the language of the bill. It specifically says they would not be entitled to another loan, so we've already taken care of that problem.

As it relates to the State itself being in default, the State is independent of a State risk catastrophe fund. So the fact that the State of Illinois doesn't repay something to the Federal Government doesn't necessarily or should not necessarily put a burden on an independent organization that has a State risk catastrophe fund that does not operate under the full faith and credit of the State of Illinois.

So, again, I support the notion that a deadbeat should not receive more. But, again, we are dealing with States and organizations where we've already taken care of the problem or that we are looking to solve a problem that really isn't there.

So I would suggest that this amendment should be opposed. It's unnecessary and duplicative, and I think we've already addressed the problem very clearly in the legislation.

Mr. MAHONEY of Florida. Mr. Chairman, will the gentleman yield?

Mr. KLEIN of Florida. I yield to the gentleman from Florida.

Mr. MAHONEY of Florida. I would just like to also point out, too, that after an event of a natural catastrophe, I don't think it's in anybody's best interest in terms of getting people back in their homes and preserving communities to get into an administrative argument as to whether or not a particular loan has been paid or repaid based on what's going on between the State and a particular community that's in need of funding.

So although I appreciate the gentleman's point, I think that the danger here is that there could be a lot of ways that people could look at this issue and determine that there is a conflict between the way a State looks at a particular loan.

And it's not just catastrophe loans, as the gentleman's amendment talks about. It's any loan where there might be a conflict between the State and the Federal Government. And all I can tell you is that I don't think you would want to put your citizens in a bureaucratic mess when they are out of their homes and they need to get back in and that we need to save their communities.

Mrs. CAPITO. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. Thank you, Mr. Chairman.

I yield to the gentleman from Illinois.

Mr. MANZULLO. Thank you.

I actually concur with what the gentleman from Florida said. But what he was talking about was in terms of the traditional FEMA emergency funds. That's not the topic of this bill. Those funds are totally separate and independent of the topic that we have here.

What we are talking about is making loans to the reinsurance fund of the State. We're not talking about emergency grants under FEMA, nor are we talking about emergency loans under the Small Business Administration for purpose of reconstruction or for loss of business, et cetera. This is an entirely separate program to make sure that the reinsurance fund of each State remains solvent.

What we are saying here is that we want to make this as ironclad as possible that this not become a grant program but that it is a loan program. And the only way to make sure that that is the case is that those States that are delinquent as to repayment on these funds simply do not qualify to accept any more funds. What that does is it places the responsibility upon the States to come up with a plan themselves in order to make sure that their reinsurance fund would remain solvent.

Mr. KLEIN of Florida. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPITO. I yield to the gentleman from Florida.

Mr. KLEIN of Florida. I'm looking back at the amendment. And the point I was trying to make, which I think is pretty clear here, is that it says "under any loan previously made under this Act or any loan provided by any agency or establishment of the Federal Government to the program," that's the risk catastrophe fund, "or the State for assistance in connection with a natural or other major disaster."

First of all, a question for you is the money that goes to a State, are you talking about FEMA money?

Mr. MANZULLO. Is it FEMA money?

Mr. KLEIN of Florida. You're saying "the State for assistance in connection with a natural or other major disaster." To the State. You're saying if there's a default in money that went to the State.

Mr. MANZULLO. Right. FEMA doesn't lend money to the States.

Mr. KLEIN of Florida. Then what are you referring to? What is the default you're speaking of, then?

Mr. MANZULLO. Under this program. If you are in default under this program, then you are not eligible to receive further moneys.

Mr. KLEIN of Florida. There is no money that under this program goes to the State. It goes to the participants of the risk catastrophe funds. Those are independent.

Mr. MANZULLO. But it is set up under the State. What reassurance can you give that these loans will be paid and paid on time? That's what I am trying to get at.

Mr. KLEIN of Florida. The way this is designed is that the loans are structured between the risk catastrophe fund and the Treasury under terms and conditions that are acceptable to the Treasury. Now, if there is a default under those terms and conditions, it's already clear in our bill that the Treasury will not lend under any future natural disaster, if that's what you are concerned about, and I think it says here. It's already part of the bill, and I think that answers the question.

Mr. MANZULLO. I think the gentleman and I agree on the fact that the loan should be repaid and not be a grant, but I think we disagree fundamentally on how it would be administered. That's why this amendment is a backup amendment to make sure that the loans are repaid.

Mrs. CAPITO. Reclaiming my time, Mr. Chairman, I would like to ask the gentleman if he could show us where in the bill it states that the Treasury has that kind of discretion in this particular case.

Mr. KLEIN of Florida. The good news is that we are in agreement that we certainly want to make sure this is fiscally sound and responsible. I think we all agree on that.

The only thing I'm suggesting, as we pull up this language, is that it's already in the bill. The intention is that the Treasury have this authority. If it isn't clear, we would be glad to fix it. But I think it is crystal clear and we'll just pull it up.

The Acting CHAIRMAN. The time of the gentlewoman from West Virginia has expired.

(By unanimous consent, Mrs. CAPITO was allowed to proceed for 1 additional minute.)

Mrs. CAPITO. I yield to the gentleman from Florida.

Mr. KLEIN of Florida. I thank the gentlewoman for yielding.

The Full Taxpayer Repayment section of the bill, page 20, line 6: "The Secretary shall require the full repayment of all loans made under this title. If the Secretary determines at any time that such full repayment will not be made, or is likely not to be made, the Secretary shall promptly submit a report to the Congress explaining why such full repayment will not be made or is likely not to be made."

Mrs. CAPITO. Did you say page 20, section c?

Mr. KLEIN of Florida. Line 6, section c.

Mrs. CAPITO. Thank you.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MANZULLO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

### AMENDMENT NO. 4 OFFERED BY MR. MATHESON

Mr. MATHESON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MATHESON:

Page 8, line 24, before the period insert the following: ", and the first such annual report shall include an assessment of the costs to States and regions associated with catastrophe risk and an analysis of the costs and benefits, for States not participating in the Consortium, of such nonparticipation."

The Acting CHAIRMAN. The gentleman from Utah is recognized for 5 minutes.

Mr. MATHESON. Mr. Chairman I rise today, first of all, in strong support of H.R. 3355, the Homeowners' Defense Act, and I offer an amendment that I believe will further support the intent of this legislation, namely to better enable State-sponsored reinsurance programs to protect themselves by transferring catastrophic risk into capital markets.

I should first commend Congressman KLEIN and Congressman MAHONEY for their proactive approach in this legislation, which allows States to responsibly plan for disasters ahead of time by pooling risk. By accessing capital markets to transfer risk, State-sponsored insurance funds will be better protected in the event of future disaster and will be increasingly able to provide affordable services for homeowners.

This legislation will provide an important backstop for many of the larger State-sponsored insurance plans but will also provide States like my home State of Utah with an opportunity to prepare for future catastrophes. The State of Utah does not currently have a State-sponsored catastrophic insurance plan but is considering developing one.

Utah has been ranked as one of the top ten U.S. earthquake States in the United States, and in some areas of the State, catastrophe risks also include wildfires, flooding, and mudslides. Of course many of these risks are unique to Utah, but many of these risks, things like fault lines or forest ranges, are spread over many States. I believe that States should be assessing many of these risks on a regional basis given the nature of those risks.

Very simply, Mr. Chairman, my amendment would require that the first annual report of the consortium that's established by this legislation should include an assessment of the costs associated with catastrophic risk for States and regions and an analysis of the costs and benefits of participation in the program for States that are not part of the consortium.

It is my hope that in providing States with an assessment of the catastrophic risks posed to their respective State and region and the costs associated with trying to address those risks, those States could evaluate and consider developing a State-sponsored catastrophic insurance plan if they do not already have one. I believe this legislation provides an important mechanism for States to protect themselves in the event of catastrophe, and I urge support of this amendment so that States can make a more informed decision going forward.

Mr. Chairman, I yield back the balance of my time.

Mrs. CAPITO. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. Mr. Chairman, I have no opposition to Mr. MATHESON's amendment.

I just want to go back to the last point we were taking about with Mr. MANZULLO, the gentleman from Illinois. His amendment was putting forth the fact that if there is a loan to the State under these provisions that if they were in default or were not repaying their loan that there shouldn't be any further loans.

□ 1715

And the gentleman offered me a clarification by reading me some text.

On further looking at the text, yes, the text does say that the Secretary of the Treasury requires full payment of the loan; but it also says that the Secretary can then determine that if full repayment is not made or is unlikely to be made, that the only punishment or the only enforcement mechanism is the Secretary will then submit a report to the Congress explaining why repayment is not being made. It does not state in here, at least to my mind in the way I read it, that that State would be precluded from being able to attain another or further loan under the provisions of this bill.

I appreciate the opportunity to make that clarification. I think it strengthens Mr. MANZULLO's amendment, which I fully support. And, again, I thank the gentleman for his indulgence.

Mr. KLEIN of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KLEIN of Florida. I want to thank the gentleman from Utah for an excellent amendment which really adds some good value to the bill. And basically what it does is it creates a metric by which States can determine whether joining the consortium in the future would provide a benefit. It's information. The more information the States have, the better, the more consumers will benefit. I think that's the kind of ongoing accountability, both to the taxpayers and to the States themselves, in terms of whether this is something that a particular State should join.

So I appreciate the suggestion. We didn't think of it. It's another good example of us all coming together and trying to put something together that makes some sense. So I would like to support the amendment, and I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. MAHONEY of Florida) assumed the chair.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

## HOMEOWNERS DEFENSE ACT OF 2007

The Committee resumed its sitting.

### AMENDMENT NO. 12 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 Offered by Ms. GINNY BROWN-WAITE of Florida:

Page 22, line 11, strike "and".

Page 22, after line 17 insert the following new subparagraph:

(F) prohibit price gouging in any disaster area located within the State; and

Page 24, after line 3 insert the following new paragraph:

(3) PRICE GOUGING.—The term "price gouging" means the providing of any consumer good or service by a supplier related to repair or restoration of property damaged from a catastrophe for a price that the supplier knows or has reason to know is greater, by at least the percentage set forth in a State law or regulation prohibiting such act (not withstanding any real cost increase due to any attendant business risk and other reasonable expenses that result from the major catastrophe involved), than the price charged by the supplier for such consumer good or service immediately before the disaster.

Page 24, line 4, redesignate paragraph (3) as paragraph (4).

Page 24, line 8, redesignate paragraph (4) as paragraph (5).

Page 24, line 10, redesignate paragraph (5) as paragraph (6).

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, for too long, Congress has taken a reserved and reactionary approach to helping victims of disasters. For too long, Members have fallen back on a naive notion that a national plan would only put taxpayers at risk. We have refused to admit that in the event of a natural disaster, we either pay now or we pay later, and paying later is a whole lot more expensive.

Please consider this: in 2005 the insurance industry, not the taxpayers, paid out $61.2 billion for the 24 disasters that occurred that year; $40 billion of that went to the insured losses of Hurricane Katrina. That same year, Congress, using taxpayer dollars, awarded over $89 billion in post-disaster assistance, $89 billion that will never be recouped, that came from hardworking constituents from Illinois, for example, from my colleague who offered the amendment before, from West Virginia, from the State of the lady who is handling the bill on this side. Unless these constituents were directly affected by these events, they will never see a return of those dollars that the Federal Government provided. What is the lesson here? When Congress pays later, it's with taxpayer money that's never paid back.

For the first time, this bill and the manager's amendment provide a national plan to protect against losses. H.R. 3355 provides incentives to States to join a national consortium to issue catastrophic bonds. These bonds act as an alternative to costly reinsurance. It also provides some loans to the States that take the time to plan for their insured needs.

The amendment that we have at the desk today also relates to when a natural disaster strikes. How many natural disasters have we heard about, whether it's a tremendous snowstorm in the Northeast, whether it's a hurricane, whether it's an earthquake in California, where price gouging takes effect?

My amendment says, in order to qualify for the loans and Federal catastrophe fund under the bill, the various States would have to establish anti-price gouging laws for post-event materials, that's goods and materials that people need after a catastrophe. The amendment defines price-gouging as a supplier charging a price he knows is greater post-event than he charged pre-event, notwithstanding any reasonable business increases.

Certainly, this kind of an amendment would help stem the double-whammy of a natural disaster. You might, for example, have your home damaged, and then when someone comes in to put a blue tarp on the roof, the price is outrageous, or even the delivery of goods and services after such a disaster. We need to protect homeowners from people who would rip them off, people who are simply trying to rebuild their lives after such an event.

I urge the Members to support the anti-price gouging amendment that is before us today.

Mr. Chairman, I yield back the balance of my time.

### AMENDMENT OFFERED BY MR. KLEIN OF FLORIDA TO THE AMENDMENT OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

Mr. KLEIN of Florida. Mr. Chairman, I offer an amendment to the amendment.

The Acting CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KLEIN of Florida to the amendment offered by Ms. GINNY BROWN-WAITE of Florida:

In the matter proposed to be inserted at page 22, after line 17, strike "prohibit" and insert "discourage".

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KLEIN of Florida. Thank you, Mr. Chairman, and I would like to thank the gentlelady from Florida on this work on price-gouging. She and I served in the legislature in Florida and worked together with many others on price-gouging legislation. I don't think anybody can condone any kind of price-gouging in a natural disaster or at any other time, but certainly in a time of a natural disaster.

What the amendment to the amendment does is it provides some flexible language in the implementation of this. It certainly is something that we want to encourage States to move forward on as part of their eligibility, but recognizing we also want to make sure we're not creating impediments in terms of many States getting involved in the natural disaster consortium as quickly as possible.

So I am in full support of this flexibility language, and that's exactly what the amendment does.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. The gentleman from Florida, with whom I have worked so closely on this issue, and I obviously disagree. We disagree because I would like to have this as absolutely a mandatory part of participation, and he would prefer to have it as a suggestion.

I still believe that we need to make this mandatory. It's like, you know, somebody once said, the Ten Commandments are now a suggestion, they're not commandments. I don't want to just suggest it; I want to make sure that the price-gouging language is strong so that we do protect people at that time of a natural disaster.

Most States do have good price-gouging laws already on the books. I'm not very happy with the term "encourage." I think we need to mandate this as part of the process.

Mr. Chairman, I yield back the balance of my time.

Mr. MAHONEY of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MAHONEY of Florida. I appreciate the work the gentlelady from Florida has done on helping us do this bill. And I agree with her that I am also concerned, and we are concerned in this legislation about price-gouging.

Again, the issue is what's the role of the Federal Government with regard to this legislation? And the problem that we have with her amendment is that what she is proposing is to define for each State the definition of price-gouging. And while we accept and support the idea of encouraging legislation, the problem is when you take the next step and you start defining what price-gouging is, it's a relative standard that may or may not fit the circumstance; and, so, therefore, it may be too low or it may be too high. So what we would prefer to do is we would prefer to let the experts who are running the program make the determination and make sure that what we're not doing is we're not putting and dictating to the States what they should or should not be doing with regards to that.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. KLEIN) to the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment to the amendment was agreed to.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), as amended.

The amendment, as amended, was agreed to.

### AMENDMENT NO. 15 OFFERED BY MR. PUTNAM

Mr. PUTNAM. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. PUTNAM:

Page 14, line 9, strike "and".

Page 14, line 14, after the semicolon insert "; and".

Page 14, after line 14, insert the following new subparagraph:

(C) the State or regional reinsurance program enters into an agreement with the Secretary, as the Secretary shall require, that the State will not use Federal funds of any kind or from any Federal source (including any disaster or other financial assistance, loan proceeds, and any other assistance or subsidy) to repay the loan;

Page 20, line 12, after the period insert the following: "The Secretary may not accept any repayment of any loan made under this title that does not comply with the agreement for such loan entered into in accordance with section 202(b)(1)(C).".

The Acting CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. PUTNAM. Mr. Chairman, it's good to be here joining my Florida colleagues on an issue of such great importance not only to the State of Florida, but to the whole country.

As we discussed during committee, I believe there is a role for a public-private partnership in managing risk. Whether it's a hurricane on the gulf coast, an earthquake or wildfire in California, tornadoes across the central plains, the truth of the matter is any catastrophe is a terrible experience for a State, a business, or certainly a family to endure.

But we're not here to just talk about any catastrophe. We're here to talk about mega-catastrophes, or mega-disasters, the kind of the scale and the scope that displace entire towns, entire regions for months, if not years.

This amendment, in my view, offers a commonsense protection for the taxpayers who are not affected by that particular disaster in holding participating States accountable for any liquidity or catastrophic loans that they may be eligible to receive should they experience this type of disaster that the private marketplace cannot cover, in which case they may seek this temporary financial assistance.

The amendment says that as a condition for a State to receive a loan, it is required to agree not to repay with Federal funds, and the Secretary of the Treasury has to enforce that agreement. If a State qualifies for a loan and then proceeds to get a liquidity or a catastrophic loan, they have to pay it back with State funds. They can't transfer Federal disaster money and then use that as a way of repaying what the Feds have given them. That is, essentially, double dipping.

☐ 1730

I believe this amendment goes a long way to ensure that a State uses caution when entering into a loan for which that State is solely responsible for repayment.

Let me state clearly that this legislation we are debating is not meant to, nor should it ever, alleviate a State of its fiduciary responsibilities, nor should it replace the private marketplace. Rather, it is meant to assist in those times of extreme damage and ruin when a State or the private market cannot meet the State's or region's capacity. I encourage any State that decides to participate in the consortium or has a qualified reinsurance program to work beyond the bill's scope and promote greater mitigation, actuarially sound rates, and fiscal responsibility.

I recognize that some of my colleagues have concerns about this, but I believe we are all trying to find the right balance. I believe that the sponsors of this have done their very best to find that right balance and move this public policy forward to the House floor, and I appreciate that. One of the things that make our country great is the way we all rise to the occasion in solidarity with our fellow citizens who are suffering when a major disaster strikes. Rather than expect the Federal Government to save a State from all such liability, we should be encouraging those located in, high-risk, catastrophic areas to be better prepared for the inevitable. This legislation takes an important step forward toward that, and instead of expecting the Federal Government to take on that entire responsibility, we are working towards that partnership that allows for States to voluntarily participate in the program and finally bring them to the table as a true stakeholder.

Mr. Chairman, I yield back.

Mr. MAHONEY of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MAHONEY of Florida. I want to make the comment that I am in full support of my friend from Florida, and as I have had the opportunity to work with him more and more, I always appreciate his wisdom in terms of making things better, and in this particular case the concept of making sure that Federal dollars are not being used to pay back Federal loans is a lot wisdom, and as such, I applaud him. I appreciate his work with us on this piece of legislation.

Mr. Chairman, I urge my colleagues to support his amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. PUTNAM).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. PUTNAM. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

### AMENDMENT NO. 5 OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SHAYS:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Commission on Natural Catastrophe Risk Management and Insurance Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Establishment.
Sec. 4. Membership.
Sec. 5. Duties of the Commission.
Sec. 6. Timing.
Sec. 7. Powers of the Commission.
Sec. 8. Commission personnel matters.
Sec. 9. Termination.
Sec. 10. Authorization of appropriations.

### SEC. 2. FINDINGS.

The Congress finds that—

(1) catastrophic hazards, including tornadoes, earthquakes, volcanoes, landslides, tsunamis, flooding, and hurricanes, directly affect hundreds of millions of people each year;

(2) during the 1990s, 2,800 natural disasters killed more than 500,000 people and directly affected 1,300,000,000 people worldwide;

(3) property damage from natural catastrophes has dramatically increased in recent decades, roughly doubling every seven years—a 14-fold increase over the past 40 years;

(4) risk costs have particularly soared in coastal areas, where hurricane frequency and severity has significantly increased, along with home values and building costs;

(5) increased risk costs are being reflected in increased catastrophe insurance and reinsurance costs;

(6) an inefficient legal and regulatory environment in some States has further exacerbated insurance cost increases, including through ineffective price controls, restrictions on capital movement, sub-optimal solvency regulation, and duplicative or unnecessary regulation;

(7) consumers further suffer from temporary rate and availability volatility after major catastrophes while the marketplace adjusts to the losses;

(8) government catastrophe mitigation requirements have been sub-optimal, sometimes ineffective, and uncoordinated;

(9) some State efforts to reduce insurance prices in catastrophe-prone areas have sometimes reduced long-term availability and competitive affordability of coverage, as well as subsidized excessive development in environmentally sensitive areas at the expense of taxpayers;

(10) several proposals have been introduced in the Congress to address the affordability of natural catastrophe insurance, but there is little consensus on the appropriate role of the Federal Government in facilitating the private insurance marketplace while avoiding cross-subsidies; and

(11) therefore, an efficient and effective approach to assessing natural catastrophe risk management and insurance is to establish a nonpartisan commission to study the management of natural catastrophe risk, and to require such commission to report to the Congress on its findings before the next hurricane season begins.

### SEC. 3. ESTABLISHMENT.

There is established a nonpartisan Commission on Natural Catastrophe Risk Management and Insurance (in this Act referred to as the "Commission").

### SEC. 4. MEMBERSHIP.

(a) APPOINTMENT.—The Commission shall be composed of 16 members, of whom—

(1) 2 members shall be appointed by the Majority Leader of the Senate;

(2) 2 members shall be appointed by the Minority Leader of the Senate;

(3) 2 members shall be appointed by the Speaker of the House of Representatives;

(4) 2 members shall be appointed by the Minority Leader of the House of Representatives;

(5) 2 members shall be appointed by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(6) 2 members shall be appointed by the Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(7) 2 members shall be appointed by the Chairman of the Committee on Financial Services of the House of Representatives; and

(8) 2 members shall be appointed by the Ranking Member of the Committee on Financial Services of the House of Representatives.

(b) QUALIFICATION OF MEMBERS.—

(1) IN GENERAL.—Members of the Commission shall be appointed under subsection (a) from among persons who—

(A) have expertise in insurance, reinsurance, insurance regulation, policyholder concerns, emergency management, risk management, public finance, financial markets, actuarial analysis, flood mapping and planning, structural engineering, building standards, land use planning, natural catastrophes, meteorology, seismology, environmental issues, or other pertinent qualifications or experience; and

(B) are not officers or employees of the United States Government or of any State government.

(2) DIVERSITY.—In making appointments to the Commission—

(A) every effort shall be made to ensure that the members are representative of a broad cross section of perspectives within the United States; and

(B) each member of Congress described in subsection (a) shall appoint not more than 1 person from any single primary area of expertise described in paragraph (1)(A) of this subsection.

(c) PERIOD OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the duration of the Commission.

(2) VACANCIES.—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) QUORUM.—

(1) MAJORITY.—A majority of the members of the Commission shall constitute a quorum, but a lesser number, as determined by the Commission, may hold hearings.

(2) APPROVAL ACTIONS.—All recommendations and reports of the Commission required by this Act shall be approved only by a two-thirds vote of all of the members of the Commission.

(e) CHAIRPERSON.—The Commission shall, by majority vote of all of the members, select 1 member to serve as the Chairperson of the Commission (in this Act referred to as the "Chairperson").

(f) MEETINGS.—The Commission shall meet at the call of its Chairperson or a majority of the members.

### SEC. 5. DUTIES OF THE COMMISSION.

The Commission shall examine and report to the Congress on the natural catastrophe insurance marketplace, including the extent to which insurance costs and availability are affected by the factors described in section 2, which factors the Federal Government can and should address to increase catastrophe insurance availability and competitiveness, and which actions the Federal Government can undertake to achieve this goal without requiring a long-term cross-subsidy from the taxpayers. In developing its report, the Commission shall consider—

(1) the current condition of, as well as the outlook for, the availability and affordability of insurance and reinsurance for natural catastrophes in all regions of the United States;

(2) the current ability of States, communities, and individuals to mitigate their natural catastrophe risks, including the affordability and feasibility of such activities;

(3) the impact of Federal and State laws, regulations, and policies (including rate regulation, market access requirements, reinsurance regulations, accounting and tax policies, State residual markets, and State catastrophe funds) on—

(A) the affordability and availability of catastrophe insurance;

(B) the ability of the private insurance market to cover losses inflicted by natural catastrophes;

(C) the commercial and residential development of high-risk areas; and

(D) the costs of natural catastrophes to Federal and State taxpayers;

(4) the benefits and costs of—

(A) a national, regional, or other pooling mechanism designed to provide adequate insurance coverage and increased underwriting capacity to insurers and reinsurers, including private-public partnerships to increase insurance capacity in constrained markets, including proposed Federal natural catastrophe insurance programs (specifically addressing the costs to taxpayers, tax equity considerations, and the record of other government insurance programs, particularly with regard to charging actuarially sound prices);

(B) improving Federal and State tax policy to allow insurers or individuals to set aside catastrophe reserves;

(C) directing existing Federal agencies to begin selling catastrophe insurance to individuals;

(D) creating a consortium of Federal and State officials to facilitate state catastrophe bonds and reinsurance purchasing as well as providing temporary Federal disaster loans to the States for insurance purposes;

(E) expanding the Liability Risk Retention Act of 1986 to allow businesses to pool together to buy insurance and set up their own insurance funds;

(F) providing temporary Federal assistance to low-income individual homeowners whose catastrophe insurance rates have increased beyond a certain level after a major disaster, with the possibility that the assistance would be repaid upon sale of the underlying home;

(H) providing for limited Federal development and oversight of the sale of catastrophe insurance in high-risk areas during periods of relative unavailability; and

(I) facilitating further growth of the catastrophe bond marketplace and other competitive alternatives to the traditional insurance and reinsurance marketplace;

(5) the present and long-term financial condition of State residual markets and catastrophe funds in high-risk regions, including the likelihood of insolvency following a natural catastrophe, the concentration of risks within such funds, the reliance on post-event assessments and State funding, the adequacy of rates, and the degree to which such entities have been actuarially solvent in comparison to comparably sized private insurers;

(6) the need for strengthened land use regulations and building codes in States at high risk for natural catastrophes, and methods to strengthen the risk assessment and enforcement of structural mitigation and vulnerability reduction measures, such as zoning and building code compliance;

(7) the ability of the private insurance market in the United States—

(A) to cover insured losses caused by natural catastrophes, including an estimate of the maximum amount of insured losses that could be sustained during a single year and the probability of natural catastrophes occurring in a single year that would inflict more insured losses than the United States insurance and reinsurance markets could sustain; and

(B) to recover after covering substantial insured losses caused by natural catastrophes;

(8) the impact that demographic trends could have on the amount of insured losses inflicted by future natural catastrophes;

(9) the appropriate role, if any, for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets; and

(10) the role of the Federal, State, and local governments in providing incentives for feasible risk mitigation efforts.

### SEC. 6. TIMING.

Before the beginning of the 2008 hurricane season, which for purposes of this section shall be considered to be June 1, 2008, the Commission shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a final report containing—

(1) a detailed statement of the findings and assessments conducted by the Commission pursuant to section 5; and

(2) specific and detailed recommendations for legislative, regulatory, administrative, or other actions at the Federal, State, or local levels that the Commission considers appropriate, in accordance with the requirements of section 5.

### SEC. 7. POWERS OF THE COMMISSION.

(a) MEETINGS; HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out the purposes of this Act. Members may attend meetings of the Commission and vote in person, via telephone conference, or via video conference.

(b) AUTHORITY OF MEMBERS OR AGENTS OF THE COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this Act.

(c) OBTAINING OFFICIAL DATA.—

(1) AUTHORITY.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States any information necessary to enable the Commission to carry out this Act.

(2) PROCEDURE.—Upon request of the Chairperson, the head of such department or agency shall furnish to the Commission the information requested.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) ACCEPTANCE OF GIFTS.—The Commission may accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Commission. The Commission shall issue internal guidelines governing the receipt of donations of services or property.

(g) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(h) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities.

(i) LIMITATION ON CONTRACTS.—A contract or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

### SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(b) SUBCOMMITTEES.—The Commission may establish subcommittees and appoint members of the Commission to such subcommittees as the Commission considers appropriate.

(c) STAFF.—Subject to such policies as the Commission may prescribe, the Chairperson may appoint and fix the pay of such additional personnel as the Chairperson considers appropriate to carry out the duties of the Commission. The Commission shall confirm the appointment of the executive director by majority vote of all of the members of the Commission.

(d) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay prescribed for GS–15 of the General Schedule under section 5332 of that title.

(e) EXPERTS AND CONSULTANTS.—In carrying out its objectives, the Commission may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS–15 of the General Schedule under section 5332 of that title.

(f) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairperson, any Federal Government employee may be detailed to the Commission to assist in carrying out the duties of the Commission—

(1) on a reimbursable basis; and

(2) such detail shall be without interruption or loss of civil service status or privilege.

**SEC. 9. TERMINATION.**

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 6.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Commission, such sums as may be necessary to carry out this Act, to remain available until expended.

The Acting CHAIRMAN. The gentleman from Connecticut is recognized for 5 minutes.

Mr. SHAYS. Mr. Chairman, this amendment would strike the text of the bill in favor of creating a blue ribbon commission to develop a full array of policy options that Congress could pursue to address the concerns of insurance affordability and availability in disaster-prone areas of our country.

I introduced this language as a freestanding bill on a bipartisan basis with my colleague from Oregon (Mr. BLUMENAUER). It would bring together 16 of the country's leading experts on catastrophe-related issues who would be tasked with studying the issue in depth, gathering information from a host of constituencies affected by natural disasters and then reporting back to Congress with specific and detailed recommendations for legislative, regulatory, administrative or other actions to improve the natural catastrophe insurance marketplace.

The idea of this commission was originated by the chairman of the Senate Banking Committee, the senior Senator from Connecticut, Senator CHRISTOPHER DODD. Just before the August recess, Senate Banking Committee reported a bill out of committee unanimously creating the Commission, and I hope it will be considered on the Senate floor soon. I would like to highlight a few of the duties we will task the committee with examining. The full list of duties is found on page 7 of my amendment in section 5.

We will ask the Commission to consider the current condition of, as well as the outlook for, the availability and affordability of insurance and reinsurance for natural catastrophes in all regions of the United States not just in some; the current ability of States, communities and individuals to mitigate their natural catastrophe risks, including the affordability and feasibility of such activities; the benefits and costs of a national, regional or other pooling mechanism designed to provide adequate insurance coverage and increase the underwriting capacity to insurers and reinsurers; the need for strengthening land use regulations and building codes in States at high risk for natural catastrophes; and the appropriate role, if any, for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets and the role of the Federal, State and local governments in providing incentives for feasibility risk mitigation efforts.

We have heard a host of arguments already today on the merits and drawbacks of the underlying bill proposed by my colleague from Florida. I happen to believe the underlying bill is an overreach that could potentially expose taxpayers to massive liabilities. I am mostly concerned about encouraging States to create qualifying State insurance funds which are likely to further crowd out the private marketplace.

It seems to me there exists a happy medium between those who have total confidence in the private marketplace to correct problems in the insurance market and those who believe the Federal Government must intervene to set the market right.

We should not underestimate the weight of our decisions to move forward with the underlying bill. Inserting the Government's hand into the insurance marketplace threatens to disrupt the interrelationship of risk mitigation; threatens to disrupt population growth and economic development in vulnerable regions; threatens to disrupt private insurance and reinsurance markets for catastrophic risk management; threatens to disrupt insurance rate regulation, and threatens to disrupt the role of State-run catastrophic insurance mechanisms which are only beginning to be systematically examined.

Rather than rushing to vote on the underlying bill, I believe Congress should tap the growing body of knowledge and expertise that is now just coming together.

The bottom line is there are several proposals that have merit, and each would benefit from the kind of rigorous objective study that an impartial commission of experts could provide.

I believe this amendment is a measured approach, an approach supported by the Senate, at least the committee, and urge my colleagues to support the creation of a commission on natural catastrophic risk management and insurance in lieu of the current proposal.

I also want to point out that the existing bill, besides likely not being supported by the Senate, has a veto threat by the President because of the massive liabilities and the incredible disruption that this legislation may cause the insurance marketplace.

Mr. Chairman, I yield back.

Mr. MAHONEY of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MAHONEY of Florida. Mr. Chairman, I want to thank the gentleman from Connecticut for his amendment. I just want to make a couple of comments.

This is a problem that has been afflicting Americans now for over a decade. This Congress has looked at this problem for over a decade. For over a decade, this Congress has failed to do anything. And right now, as we are sitting here in the comfort of this great Chamber, there is a grandmother in Okeechobee, Florida, who has to sit down and write a check tonight to pay her mortgage, her insurance, and her property taxes. Let me just say this for all of the people, the millions of people right now who are afraid that they cannot make that payment. The idea after a decade of do nothing to continue to recommend to do nothing is unconscionable. It is also unconscionable that when Hurricane Katrina hit Louisiana and Mississippi, of the $110 billion bailout, that the people in the State of Connecticut coughed up $1.39 billion to pay off a disaster. This has to stop.

What the gentleman from Connecticut is trying to do is he is trying to kill this legislation with this amendment. He is trying to hurt the people in Okeechobee right now who are suffering, trying to figure out how to pay their bills. I would urge people to defeat this amendment because this is not the people's business. What we need to do is we need to act responsibly. We need to take care of people who should be able to live in their homes and afford their homes. Having a home and home ownership is the American Dream. It is important that we protect it. The time has long passed, over a decade, the time has long passed for study. Today, this House has the opportunity to take action.

Mr. Chairman, I would encourage my colleagues to vote "no" on this amendment.

I yield back the balance of my time.

Ms. GINNY BROWN-WAITE. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE. Mr. Chairman, I am very fond of the gentleman from Connecticut, and I know his heart is in the right place. He has been very supportive of many of the things that are proposed in this Chamber, and on many, many issues we agree; however, this is an issue that we do not agree on.

Study, study, study. Let's just study it again. That is what Congress has done for so many issues for so many years. Another colleague of ours, JO ANN EMERSON, came to Congress a little over 10 years ago taking her husband's place in Congress. He had passed away. The reason I mention this is her husband chaired a study group on this very subject in 1995 or 1996. How much longer do people have to believe that Congress is going to do nothing other than create another bound study that is going to sit on somebody's bookshelf someplace and not accomplish one darn thing? This isn't just about Florida. It is about every State that faces natural catastrophes. It is about finally having a solution.

The gentleman from Connecticut was elected to serve in the House. Quite honestly, there are many times when, on this very floor, we all say, I don't care what the Senate is going to do. Well, it just so happens that a bill recently was introduced, very similar to this bill, by Senator NELSON and a neighbor of the gentleman from Connecticut, Mrs. CLINTON, Senator CLINTON, so there is a companion bill over in the other House. While that companion bill is not bipartisan, it is some movement. It is acknowledgement to the people out there who are paying outrageous insurance rates that Congress is finally stepping up and doing something and not just creating another study killing who knows how many trees. I know the gentleman from Connecticut is an environmentalist. I would think he would want to save a few trees.

Mr. Chairman, I disagree with the gentleman's amendment, and I encourage my colleagues to vote against it.

Mr. KLEIN of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KLEIN of Florida. Mr. Chairman, what has just been expressed by our colleagues from around the country is that this is a time for action on an issue that is well overdue. There have been many parts of the country that have been hit by this insurance problem for a long time. But I can tell you that whether you are in the State legislature, like I was in the past, or in the Congress, or in any local government, or even a lot of businesses, a lot of times when you want to study something and you want to put it on the shelf and collect dust, it is not going anywhere. This particular provision, this particular idea sounds nice. It says, oh, we are going to study this and we're going to study that and have qualified people come together. Well, do you know something? That is what we have been doing. We have been bringing together qualified people.

We have spent a lot of time, bipartisan, a lot of experts in the field, consumer groups and experts on Wall Street and people in the industry to really figure out what is the right way to do this. Is this perfect? I don't know. But we have certainly tried to do what we think is common sense and we are moving in the right direction.

The notion of studying it and coming back, and this particular provision says coming back on June 1 of 2008 with a report which will then be presented to the Financial Services Committee, which will then hold hearings and more hearings and more hearings, and then it will end up in the Senate, we are talking about 2015 before they even bring a bill up.

Well, we have something here today that is a bill. It is an idea, a set of ideas that have been developed, and we are ready to move on it. And the people back home are ready for us to move it. They want action. They want relief from their insurance bills. They want to know as taxpayers there is a better way of doing this than the Federal Government writing a check every time. That is what this bill does.

So with all due respect to those folks who say, let's study it more, it hasn't been studied enough, yes, it has. It has been studied enough. And we will continue to study it when it goes over to the Senate. But we are looking to make a bill, finalize a bill here in the House today. Let the Senate take it up over the next couple of months and let's get some relief to the homeowners of the United States when it comes to their homeowners insurance.

Mr. Chairman, I yield back my time.

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Mrs. CAPITO. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I thank the gentlewoman for yielding to me.

I want to say to my colleagues from Florida that I would probably be saying the same things they are if I was from Florida. And I would say them with all the sincerity that you are saying them and I would attack any proposals that took a different position.

First, we are capable in this Chamber of acting quickly. I do agree with my colleagues that it has been a number of years that we have done nothing. I don't agree that we have had the kind of study that we need and the kind of study that you would see in my proposal.

But what I would also say, for whatever it's worth, not that it's going to change votes, but I want to go on record that if such a study is ultimately passed because of the Senate, even if this Chamber doesn't pass my amendment, that I will go out of my way to fight for a bill to deal with this issue next year. That is just a commitment I want to put on the record because I don't think we can continue to wait.

What concerns me is I feel like in an effort to deal with the very real problem of Florida, we are going to screw things up for 49 other States, or 40, or 35, and that we are going to do something that a lot of Members don't want to do and that is create huge liabilities for the Federal Government.

I am not suggesting that this is a perfect solution. My problem is I think the bill that is being promulgated by the Florida delegation is fatally flawed. I think if there was a study, we would come back with a proposal that would have similarities to this legislation, but not so negatively impacting the rest of the country and not providing the kind of potential liabilities to the tax payers.

I do respect what my colleagues from Florida are saying. I think they are fighting for their constituencies. But I think those of us who aren't in Florida have an obligation to step up and voice the kind of reservations that exist elsewhere throughout the country.

Again, if this amendment fails and this bill passes as it is and is sent to the Senate and dies, or passes both Chambers and the President vetoes it so nothing happens, I will be on your side of the issue working with my Florida colleagues to deal with the issue next year.

Mrs. CAPITO. Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The ACTING Chairman. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.

### VACATING ORDERING OF RECORDED VOTE ON AMENDMENT NO. 15

Mr. PUTNAM. Mr. Chairman, against my better judgment, I asked for a recorded vote on something I had won. As good as it would feel to see it up there in lights, I ask unanimous consent to vacate the request for a recorded vote on the Putnam amendment to the end that the Chair put the question de novo.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. PUTNAM).

The amendment was agreed to.

### AMENDMENT NO. 3 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CAMPBELL of California:

Page 2, line 5, before "Homeowners'" insert "Business Owners' and'".

Page 6, line 15, before "homeowners" insert "business owners and".

Page 13, lines 5 and 6, strike "**HOMEOWNERS**".

Page 13, line 13, before "homeowners'" insert "property and".

Page 18, line 9, strike "personal real".

Page 20, line 25, insert "property and" after "all".

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. CAMPBELL of California. Mr. Chairman, I stand here before you as a Member of Congress not from Florida; in fact, from California. But I support this bill. If a tsunami were to hit Honolulu, there is not enough insurance base in the entire State for all the types of insurance there could possibly be to cover the effects of that kind of disaster.

I come from California, which is not a small State. It is in fact the largest State. But we have earthquakes. After the Northridge earthquake, you could not buy earthquake insurance pretty much from anywhere at any price in the entire State of California after that earthquake. So even in a large State like California you can have problems getting disaster insurance for various disasters, even today; and it has been a number of years since we have had any significant number of earthquakes in California. The earthquake insurance, currently there's a State program to cover earthquake insurance and it vacillates between not providing very much coverage and being not actuarially sound.

So I support this bill because we do need to look at tsunamis in Hawaii, earthquakes in California, hurricanes in Florida and tornadoes in Kansas, and ways that we can pool those risks. Now, if a disaster of any type hits any one of those States, as I mentioned, that earthquake or that hurricane or that tornado will not discriminate between single families' homes and apartment buildings or commercial property. The amendment that I offer today, Mr. Chairman, would add commercial property to this bill because, as I said, the disasters don't discriminate. But also, when you think about it, if a hurricane hits, and I know the sponsors of this bill are very familiar with that, or an earthquake hits and an apartment building goes down, the people living in that apartment building need that apartment building rebuilt every bit as much as the people in the single family home need their single family home rebuilt.

If jobs and economic activity are to be restored in the region hit by the disaster, then the businesses that were destroyed or severely damaged in that disaster also need to be rebuilt. So what this bill would do is it would not compel any State to include commercial property in their State program. But if a State chooses to include commercial property in their State program, then it could be included in the risk pools that will be set up as a result of this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KLEIN of Florida. Thank you, Mr. Chairman, and I thank the gentleman from California. Although we are from different parts of the country and sort of the extreme points of the country, we share, along with many people in other quarters of the country, the same problem; and it is a problem with dealing with these large-scale natural disasters which are difficult to predict and, at the higher end, difficult to insure. Whether it is mud slides or wildfires or earthquakes or tornadoes or major floods or hurricanes or blizzards or any number of other things which cause very large-scale damage, we need to find a way to come together and resolve this, which is what, of course, this plan is trying to do.

What the gentleman has proposed, and is something I think we should all recognize, is the fact that earthquakes don't distinguish between a house and an office building, or a house and an apartment building, or any other number of commercial or private structures. I think the notion here of trying to, again, pool interests is something that deserves a lot of attention.

I would like to pose a notion to the gentleman. I know the Chair of Financial Services has mentioned that he would like to hold a hearing, because as we developed this, we were pretty close to certain this would work with the residential property community, and even put something in the bill at the gentleman's request about the multi-family properties as well, because I think that is a big issue.

As it relates to the broader issue, I think we want to continue to investigate this, to understand from the Congressional Budget Office's point of view, making sure that, as this does meet PAYGO, we want to make sure this continues to meet PAYGO; and I think if we were to adopt this amendment, I think there would be some question about that.

If the gentleman would respond as to whether he would withdraw the amendment now, with the commitment, I think from chairman of the Financial Services Committee, to, number one, hold a hearing and bring all the necessary information together and continue to work on this, whether it is in this piece of legislation as it moves to the Senate, or we all work together on another piece of legislation to deal with the same issue.

Mr. CAMPBELL of California. Mr. Chairman, will the gentleman yield?

Mr. KLEIN of Florida. I yield to the gentleman from California.

Mr. CAMPBELL of California. I thank the gentleman.

With the commitment from the gentleman from Florida and the understanding of the chairman of committee that we would hold a hearing on this and that we would then consider perhaps free-standing legislation or putting it in this, if as a result of that hearing we believe that there would be a way to add the commercial property, with that understanding I would ask unanimous consent to withdraw the amendment.

Mr. KLEIN of Florida. Reclaiming my time, I thank the gentleman, and look forward to working with him on that issue.

Mr. Chairman, I yield back the balance of my time.

Mr. CAMPBELL of California. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

### ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 17 by Mr. KLEIN of Florida of Florida.

Amendment No. 6 by Mr. ROSKAM of Illinois.

Amendment No. 13 by Mr. ROSKAM of Illinois.

Amendment No. 1 by Mr. MANZULLO of Illinois.

Amendment No. 5 by Mr. SHAYS of Connecticut.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

### AMENDMENT NO. 17 OFFERED BY MR. KLEIN OF FLORIDA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. KLEIN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 253, noes 159, not voting 25, as follows:

[Roll No. 1068]

AYES—253

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bordallo

Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Cannon
Capps
Capuano
Cardoza
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Feeney
Ferguson
Filner
Fortuño
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—159

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Blackburn
Blunt
Boehner
Bono
Boozman
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Norton
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—25

Bean
Bishop (UT)
Boren
Buyer
Carnahan
Carson
Christensen
Cubin
Giffords
Hastert
Hunter
Jindal
Jones (OH)
LaHood
Lantos
Levin
Lungren, Daniel E.
McCrery
Miller (FL)
Oberstar
Ryan (OH)
Ryan (WI)
Saxton
Slaughter
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1822

Mr. PICKERING, Mrs. DRAKE, and Mr. HELLER of Nevada changed their vote from "aye" to "no."

Mr. SHERMAN and Mr. MILLER of North Carolina changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. ROSKAM

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. ROSKAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 249, not voting 20, as follows:

[Roll No. 1069]

AYES—168

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyda (KS)
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Castle
Castor
Chabot
Chandler
Coble
Cole (OK)
Cooper
Costa
Davis (KY)
Davis, David
Davis, Tom
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
LaTourette
Linder
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (MI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Spratt
Stearns
Stupak
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)

NOES—249

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bordallo
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Calvert
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Clarke
Clay
Cleaver
Clyburn
Cohen
Conaway
Conyers
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Fortuño
Frank (MA)
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden

Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Pomeroy
Price (GA)
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—20

Bean
Bishop (UT)
Boren
Buyer
Carson
Christensen
Cubin
Giffords
Hastert
Hunter
Jindal
LaHood
Lantos
Levin
Lungren, Daniel E.
McCrery
Miller (FL)
Oberstar
Rangel
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1842

Messrs. TAYLOR, GEORGE MILLER of California, PENCE, PRICE of Georgia, LEWIS of Kentucky and BURTON of Indiana changed their vote from "aye" to "no."

Mr. CHANDLER and Mr. ALTMIRE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. ROSKAM

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. ROSKAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 245, not voting 20, as follows:

[Roll No. 1070]

AYES—172

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Linder
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—245

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bordallo
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortuño
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—20

Bean
Bishop (UT)
Boren
Buyer
Carson
Christensen
Cubin
Giffords
Hastert
Hunter
Jindal
LaHood
Lantos
Levin
Lungren, Daniel E.
McCrery
Miller (FL)
Oberstar
Obey
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1850

Mr. MITCHELL changed his vote from "aye" to "no."

Mr. ISSA changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. MANZULLO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr.

MANZULLO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 242, not voting 19, as follows:

[Roll No. 1071]

AYES—176

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—242

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortuño
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Putnam
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—19

Bean
Bishop (UT)
Boren
Buyer
Carson
Christensen
Cubin
Giffords
Hastert
Hunter
Jindal
LaHood
Lantos
Levin
Lungren, Daniel E.
McCrery
Miller (FL)
Oberstar
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1900

Mr. LYNCH changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. SHAYS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 166, noes 246, not voting 25, as follows:

[Roll No. 1072]

AYES—166

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Calvert
Camp (MI)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—246

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bordallo
Boswell
Boucher
Boyd (FL)

Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Campbell (CA)
Cantor
Capps
Capuano
Cardoza
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Feeney
Ferguson
Filner
Fortuño
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pitts
Pomeroy
Price (NC)
Putnam
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

## NOT VOTING—25

Bean
Bishop (UT)
Boren
Buyer
Carnahan
Carson
Christensen
Cubin
Giffords
Hastert
Hunter
Jindal
Kaptur
LaHood
Lantos
Levin
Lungren, Daniel E.
McCrery
Miller (FL)
Oberstar
Pallone
Paul
Peterson (PA)
Radanovich
Wynn

### ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1906

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. CARDOZA, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3355) to ensure the availability and affordability of homeowners' insurance coverage for catastrophic events, pursuant to House Resolution 802, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. CAPITO. Yes, in its current form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Capito moves to recommit the bill H.R. 3355 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendments:

Redesignate sections 402, 403, and 404 as sections 403, 404, and 405, respectively.

After section 401, insert the following new section:

**SEC. 402. PROHIBITING CROSS-SUBSIDIZATION FROM MIDDLE AMERICA.**

Notwithstanding any other provision of this Act, a program shall not be considered to be a qualified reinsurance program for purposes of this Act unless the Secretary certifies that the program is not cross-subsidizing any geographic region, including by subsidizing coastal homeowners and developers at the cost of other taxpayers or policyholders.

The SPEAKER pro tempore. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. Mr. Speaker, valid questions have been asked about this, and this bill could make West Virginians and other taxpayers across America liable for what the bill says itself, hundreds of billions of dollars in loans and subsidized insurance to State insurance companies that are displacing the private sector and charging inadequate rates.

It is unclear how much this bill will actually cost the taxpayers. The Congressional Budget Office has said at least tens of millions of dollars if fully implemented, and it could have been higher by several magnitudes if they thought that States would actually use the provisions of the bill with any meaningful frequency. Now the manager's amendment has added up to 200 billion more dollars in taxpayer exposures that would not be repaid. There is no sunset on this bill, and this is a permanent liability for the taxpayers. The hard facts are that the bill itself recognizes that taxpayers could be asked to cough up enormous sums of taxpayer dollars.

Another consideration is the environment. The National Wildlife Foundation and the Florida Coalition for Preservation oppose this bill because they say it "would result in continued encouragement of risky development in our Nation's coastal areas and floodplains. With more development in these environmentally sensitive areas, this bill could lead to more loss of life, property, and of wildlife habitat. The safety of our citizens should be the number one priority of any government program dealing with natural disasters.

The administration says that H.R. 3355 would "displace the private market," "clearly result in a subsidy for insurers, State insurance programs, and their policyholders," "undermine economic incentives to mitigate risks," "be fiscally irresponsible as the Federal Government could expect to face steep losses in certain years," and that "financing these losses would require Federal taxpayers to subsidize insurance rates for the benefit of those living in high-risk areas.

Mr. Speaker, this amendment simply says, if we are going to put taxpayers on the hook for billions of dollars in loans Treasury will be forced to give under this bill, then we should also make a commitment that homeowners who do not live on the coast will not have to pay for this subsidy in the form of increased insurance rates. One group of taxpayers should not be compelled to cover the inherent costs of risky, high-priced coastal development for developers.

Without this amendment, homeowners, who are taxpayers too, would be hit twice. First, they would essentially guarantee these loans in the event States default, and according to Treasury, "it is more than likely that there will be significant pressures to forgive outstanding debt in the case of a huge catastrophe" and that "taxpayers nationwide subsidize insurance rates in high-risk areas, which would be both costly and unfair."

Second, the extension of these loans will implicitly subsidize high-risk areas at the expense of other homeowners. When a State repays these loans, it could assess a fee or tax on all homeowners in the State, including those who don't receive the benefit of this subsidy. Also, the State insurance companies that stand to gain from this bill squeeze out private insurers, meaning less competition for consumers, higher prices, and fewer choices.

□ 1915

On October 10, a Wall Street Journal editorial put it this way: Congress is volunteering "middle-class taxpayers nationwide as the financial backstop for beachfront properties."

Mr. Speaker, this bill does nothing to address the development and zoning that could be encouraged with these new programs. We can add mitigation and other requirements. The fact is, if the Federal Government is making something cheaper, you're probably going to buy more of it and do more of it.

Today, with this bill, we are giving a gift to coastal development and dysfunctional State agencies at the expense of Middle America. Homeowners all over the country have been hit hard lately; and for the millions of taxpayers who do not live in these areas, this bill would be another blow. My amendment simply ensures that we will be mindful of the vast majority of homeowners and taxpayers who, like West Virginians, do not stand to benefit from this bill at all.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Florida (Ms. BROWN-WAITE).

Ms. BROWN-WAITE of Florida. I thank the gentleman for yielding.

I am very much opposed to the motion to recommit.

States have comprehensive plans controlling development. What States don't want is the Federal Government telling them what to do. There are excellent new building requirements, new building codes that are in place to ensure that anything that has been built since 1990 is built to much stronger standards.

On the insurance costs: let's face it, ladies and gentlemen, if this bill doesn't pass and a catastrophe happens, the first thing that will be the bill du jour is to bail out California if there is an earthquake, Florida if there is a hurricane, or any other State where tornadoes hit down. If you voted for TRIA because it was the right thing to do to stabilize the reinsurance market for terrorism insurance, then you should vote for the bill and against the motion to recommit. This is an attempt to stabilize the insurance market; it is not an attempt to take over the insurance market.

Mr. FRANK of Massachusetts. Mr. Speaker, first my friend from West Virginia said, well, we would be displacing the private insurance market. We have fellow citizens represented here who are trying desperately to find that private insurance market. This is hardly a case of our intruding in a perfectly functioning market.

And then the amendment bans cross-subsidies; it bans cross-subsidies that do not exist. The CBO report: "Assuming the appropriation of the specified amount CBO estimated in implementing this provision would cost $75 million over the next 5 years." That's the total on one provision. On the other provision: "CBO estimates that loans made under the bill would have an insignificant cost over the next 5 years. Enacting H.R. 3355 would not affect direct spending or revenue." So there is no taxpayer expenditure; so there is no subsidy.

Then as to cross-subsidy, it is very carefully worded. It says: "No cross-subsidizing in any geographic region." It doesn't say across State lines because that could not happen. No State is in this program unless it volunteers to get in. So now, apparently, the worry is that north Florida will subsidize south Florida. I think we leave that to Florida.

One last point. Many of my colleagues have had this button, article I. This does not attempt to change the program substantively. It does not try to deal with the subsidies because they're nonexistent. It says: "The Secretary of the Treasury has to certify." It is a very disturbing provision. It gives to a Secretary of the Treasury, who might be ideologically opposed to this, the power to kill the program voted by both Houses of Congress. If it said the Secretary could make a report and we would consider it, that would be one thing. But there is no taxpayer subsidy, according to CBO. There is no interstate involvement unless the States have volunteered to get in.

And then it says that these nonexistent hazards will stop the program. And it doesn't say, by the way, that the Secretary stops it if he certifies it's causing a problem. He has to certify the negative. He has to certify that it's not causing the problem. To give that kind of power to the Secretary on a carefully drafted bill that already says no subsidy, that bans any interstate involvement unless the States want to, is just a way to kill the bill. I do not think that it's fair to our colleagues from Florida on both sides of the aisle who have brought this forward and colleagues from other States who may want to join.

The worst thing about this is the title: "Prohibiting Cross-Subsidization from Middle America." Well, the gentlewoman left out apple pie and the flag, but all of them are irrelevant to this bill. If Middle America doesn't want to be in this bill, it simply stays out of it. There is nothing here that would coerce any State to be involved. So Members can safely vote against this recommittal and know that Middle America will sleep soundly tonight without having to subsidize the State of Florida.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. CAPITO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 175, noes 239, not voting 18, as follows:

[Roll No. 1073]

AYES—175

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave

Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

### NOES—239

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Feeney
Ferguson
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Putnam
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

### NOT VOTING—18

Bean
Bishop (UT)
Boren
Buyer
Carson
Cubin
Farr
Giffords
Hastert
Hunter
Jindal
LaHood
Lantos
Levin
Lungren, Daniel E.
McCrery
Oberstar
Wynn

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1938

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CAPITO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 258, nays 155, not voting 19, as follows:

[Roll No. 1074]

### AYES—258

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bono
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Frank (MA)
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickering
Poe
Pomeroy
Price (NC)
Putnam
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wicker
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

### NOES—155

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boyda (KS)
Brady (TX)
Broun (GA)
Burgess
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Linder
Lucas
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg

Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—19

Bean
Bishop (UT)
Boren
Buyer
Carson
Cubin
Giffords
Hastert
Hunter
Jindal
LaHood
Lantos
Levin
Lungren, Daniel E.
McCrery
Oberstar
Perlmutter
Watt
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 1946

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PERLMUTTER. Mr. Speaker, on rollcall No. 1074, I was unavoidably delayed in a meeting and did not get to the floor in time to vote. Had I been present, I would have voted "aye."

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3355, HOMEOWNERS' DEFENSE ACT OF 2007

Mr. KLEIN of Florida. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3355, to include corrections in spelling, punctuation, section numbering, cross-referencing, and amendatory instructions, and the insertion of appropriate headings.

The SPEAKER pro tempore (Mrs. TAUSCHER). Is there objection to the request of the gentleman from Florida?

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3996, TEMPORARY TAX RELIEF ACT OF 2007

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110-438) on the resolution (H. Res. 809) providing for consideration of the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. OBEY. Madam Speaker, pursuant to House Resolution 794, I call up the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. TABLE OF CONTENTS.***

*The table of contents for this Act is as follows:*

*Sec. 1. Table of contents.*
*Sec. 2. Statement of Appropriations.*

*LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2008*

*Title I—Department of Labor*
*Title II—Department of Health and Human Services*
*Title III—Department of Education*
*Title IV—Related Agencies*
*Title V—General Provisions*

***SEC. 2. STATEMENT OF APPROPRIATIONS.***

*The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008.*

### *TITLE I*

### *DEPARTMENT OF LABOR*

### *EMPLOYMENT AND TRAINING ADMINISTRATION*

### *TRAINING AND EMPLOYMENT SERVICES*

*(INCLUDING RESCISSIONS)*

*For necessary expenses of the Workforce Investment Act of 1998 ("WIA"), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,618,940,000, plus reimbursements, is available. Of the amounts provided:*

*(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,994,510,000 as follows:*

*(A) $864,199,000 for adult employment and training activities, of which $152,199,000 shall be available for the period July 1, 2008 to June 30, 2009, and of which $712,000,000 shall be available for the period October 1, 2008 through June 30, 2009;*

*(B) $940,500,000 for youth activities, which shall be available for the period April 1, 2008 through June 30, 2009; and*

*(C) $1,189,811,000 for dislocated worker employment and training activities, of which $341,811,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $848,000,000 shall be available for the period October 1, 2008 through June 30, 2009:*

*Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor;*

*(2) for federally administered programs, $483,371,000 as follows:*

*(A) $282,092,000 for the dislocated workers assistance national reserve, of which $6,300,000 shall be available on October 1, 2007, of which $63,792,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $212,000,000 shall be available for the period October 1, 2008 through June 30, 2009: Provided, That up to $125,000,000 may be made available for Community-Based Job Training grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: Provided further, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That $2,600,000 shall be for a noncompetitive grant to the National Center on Education and the Economy, which shall be awarded not later than 30 days after the date of enactment of this Act: Provided further, That $1,500,000 shall be for a non-competitive grant to the AFL–CIO Working for America Institute, which shall be awarded not later than 30 days after the date of enactment of this Act: Provided further, That $2,200,000 shall be for a non-competitive grant to the AFL–CIO Appalachian Council, Incorporated, for Job Corps career transition services, which shall be awarded not later than 30 days after the date of enactment of this Act;*

*(B) $55,039,000 for Native American programs, which shall be available for the period July 1, 2008 through June 30, 2009;*

*(C) $82,740,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $77,265,000 for formula grants (of which not less that 70 percent shall be for employment and training services), $4,975,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $500,000 for other discretionary purposes, which shall be available for the period July 1, 2008 through June 30, 2009: Provided, That, notwithstanding any other provision of law or related regulation, the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;*

*(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2008 through June 30, 2009; and*

*(E) $62,500,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2008 through June 30, 2009;*

*(3) for national activities, $141,059,000, which shall be available for the period July 1, 2008 through July 30, 2009 as follows:*

*(A) $50,569,000 for Pilots, Demonstrations, and Research, of which $5,000,000 shall be for grants to address the employment and training needs of young parents (notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D) of the WIA): Provided, That funding provided to carry out projects under section 171 of the WIA that are identified in the statement of the managers on the conference report accompanying this Act, shall not be subject to the requirements of section 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;*

*(B) $78,694,000 for ex-offender activities, under the authority of section 171 of the Act, notwithstanding the requirements of sections*

171(b)(2)(B) or 171(c)(4)(D), of which not less than $59,000,000 shall be for youthful offender activities: Provided, That $50,000,000 shall be available from program year 2007 and program year 2008 funds for competitive grants to local educational agencies or community-based organizations to develop and implement mentoring strategies that integrate educational and employment interventions designed to prevent youth violence in schools identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act;

(C) $4,921,000 for Evaluation under section 172 of the WIA; and

(D) $6,875,000 for the Denali Commission, which shall be available for the period July 1, 2008 through June 30, 2009.

Of the amounts made available under this heading in Public Law 107–116 to carry out the activities of the National Skills Standards Board, $44,000 are rescinded.

Of the unexpended balances remaining from funds appropriated to the Department of Labor under this heading for fiscal years 2005 and 2006 to carry out the Youth, Adult and Dislocated Worker formula programs under the Workforce Investment Act, $245,000,000 are rescinded: Provided, That the Secretary of Labor may, upon the request of a State, apply any portion of the State's share of this rescission to funds otherwise available to the State for such programs during program year 2007: Provided further, That notwithstanding any provision of such Act, the Secretary may waive such requirements as may be necessary to carry out the instructions relating to this rescission in the statement of the managers on the conference report accompanying this Act.

### COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, $530,900,000, which shall be available for the period July 1, 2008 through June 30, 2009.

### FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2008 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, $888,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2008.

### STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $90,517,000, together with not to exceed $3,337,506,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) $2,510,723,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501–8523 of title 5, United States Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2008, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2010, and funds used for unemployment insurance workloads experienced by the States through September 30, 2008 shall be available for Federal obligation through December 31, 2008;

(2) $10,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $693,000,000 from the Trust Fund, together with $22,883,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009;

(4) $32,766,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, the administration of activities, including foreign labor certifications, under the Immigration and Nationality Act, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $52,985,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009; and

(6) $14,649,000 from the General Fund is to provide for work incentive grants to the States and shall be available for the period July 1, 2008 through June 30, 2009:

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2008 is projected by the Department of Labor to exceed 2,786,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87.

In addition, $40,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance: Provided, That not later than 180 days following the end of the current fiscal year, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: Provided further, That not later than 18 months following the end of the fiscal year, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.

### ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2009, $437,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2008, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

### PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $88,451,000, together with not to exceed $88,211,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

## EMPLOYEE BENEFITS SECURITY ADMINISTRATION

### SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $142,925,000.

## PENSION BENEFIT GUARANTY CORPORATION

### PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 4201 et seq.), within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2008 shall be available for obligations for administrative expenses in excess of $411,151,000: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional $9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: Provided further, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

## EMPLOYMENT STANDARDS ADMINISTRATION

### SALARIES AND EXPENSES

### (INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $435,397,000, together with $2,111,000 which may *be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act.*

*Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $102,000,000 are rescinded.*

### SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

*For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by chapter 81 of title 5, United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $203,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2007, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2008: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $52,280,000 shall be made available to the Secretary as follows:*

*(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $21,855,000.*

*(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $16,109,000.*

*(3) For periodic roll management and medical review, $14,316,000.*

*(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:*

*Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.*

### SPECIAL BENEFITS FOR DISABLED COAL MINERS

*For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, $208,221,000, to remain available until expended.*

*For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.*

*For making benefit payments under title IV for the first quarter of fiscal year 2009, $62,000,000, to remain available until expended.*

### ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

*For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $104,745,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Program Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2008 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: Provided further, That not later than 30 days after enactment of this Act, in addition to other sums transferred by the Secretary to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICP"), the Secretary shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund, for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities under the EEOICP, including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.*

### BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

*In fiscal year 2008 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2008 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,761,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; not to exceed $24,785,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed $335,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.*

### OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

### SALARIES AND EXPENSES

*For necessary expenses for the Occupational Safety and Health Administration, $500,568,000, including not to exceed $91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2008, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—*

*(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;*

*(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;*

*(3) to take any action authorized by the Act with respect to imminent dangers;*

*(4) to take any action authorized by the Act with respect to health hazards;*

*(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and*

*(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:*

*Provided further, That the foregoing proviso shall not apply to any person who is enguged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That $10,116,000 shall be available for Susan Harwood training grants, of which $3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007 to September 30, 2008, provided that a grantee has demonstrated satisfactory performance: Provided further, That such grants shall be awarded not later than 30 days after the date of enactment of this Act: Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate with timetables for the development and issuance of occupational safety and health standards on beryllium, silica, cranes and derricks, confined space entry in construction, and hazard communication global harmonization; such timetables shall include actual or estimated dates for: the publication of an* *advance notice of proposed rulemaking, the commencement and completion of a Small Business Regulatory Enforcement Fairness Act review (if required), the completion of any peer review (if required), the submission of the draft proposed rule to the Office of Management and Budget for review under Executive Order No. 12866 (if required), the publication of a proposed rule, the conduct of public hearings, the submission of a draft final rule to the Office and Management and Budget for review under Executive Order No. 12866 (if required), and the issuance of a final rule; and such report shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of the enactment of this Act, with updates provided every 90 days thereafter that shall include an explanation of the reasons for any delays in meeting the projected timetables for action.*

### *MINE SAFETY AND HEALTH ADMINISTRATION*

### *SALARIES AND EXPENSES*

*For necessary expenses for the Mine Safety and Health Administration, $339,893,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, $2,200,000 for an award to the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams, and $1,215,000 for an award to the Wheeling Jesuit University, for the National Technology Transfer Center for a coal slurry impoundment project; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.*

### *BUREAU OF LABOR STATISTICS*

### *SALARIES AND EXPENSES*

*For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $488,804,000, together with not to exceed $78,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: Provided, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.*

### *OFFICE OF DISABILITY EMPLOYMENT POLICY*

### *SALARIES AND EXPENSES*

*For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $27,712,000.*

### *DEPARTMENTAL MANAGEMENT*

### *SALARIES AND EXPENSES*

*For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $304,856,000, of which $82,516,000 is for the Bureau of International Labor Affairs (including $5,000,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs), and of which $20,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $318,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.*

### *OFFICE OF JOB CORPS*

*To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,650,516,000, plus reimbursements, as follows:*

*(1) $1,507,684,000 for Job Corps Operations, of which $916,684,000 is available for obligation for the period July 1, 2008 through June 30, 2009 and of which $591,000,000 is available for obligation for the period October 1, 2008 through June 30, 2009;*

*(2) $113,960,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $13,960,000 is available for the period July 1, 2008 through June 30, 2011 and $100,000,000 is available for the period October 1, 2008 through June 30, 2011; and*

*(3) $28,872,000 for necessary expenses of the Office of Job Corps is available for obligation for the period October 1, 2007 through September 30, 2008:*

*Provided, That the Office of Job Corps shall have contracting authority: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: Provided further, That none of the funds made available in this Act shall be used to reduce Job Corps total student training slots below 44,791 in program year 2008.*

### *VETERANS EMPLOYMENT AND TRAINING*

*Not to exceed $197,143,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of sections 4100–4113, 4211–4215, and 4321–4327 of title 38, United States Code, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2008, of which $1,967,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, $31,055,000, of which $7,435,000 shall be available for obligation for the period July 1, 2008, through June 30, 2009.*

### *OFFICE OF INSPECTOR GENERAL*

*For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $72,929,000, together with not to exceed $5,729,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.*

### *GENERAL PROVISIONS*

*SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.*

### *(TRANSFER OF FUNDS)*

*SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.*

*SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.*

*SEC. 104. After September 30, 2007, the Secretary of Labor shall issue a monthly transit subsidy of not less than the full amount (of not less than $110) that each of its employees of the National Capital Region is eligible to receive.*

*SEC. 105. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.*

*SEC. 106. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.*

*SEC. 107. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training: Provided, That the preceding limitation shall not apply to grants awarded under section 107 of this title and to multi-year grants awarded in response to competitive solicitations issued prior to April 15, 2007.*

SEC. 108. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community-Based Job Training grants and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 109. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

SEC. 110. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.

SEC. 111. (a) On or before November 30, 2007, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act of 1970, promulgate a final occupational safety and health standard concerning employer payment for personal protective equipment. The final standard shall provide no less protection to employees and shall have no further exceptions from the employer payment requirement than the proposed rule published in the Federal Register on March 31, 1999 (64 Fed. Reg. 15402).

(b) In the event that such standard is not promulgated by the date required, the proposed standard on employer payment for personal protective equipment published in the Federal Register on March 31, 1999 (64 Fed. Reg. 15402) shall become effective as if such standard had been promulgated as a final standard by the Secretary of Labor.

SEC. 112. None of the funds available in this Act may be used to carry out a public-private competition or direct conversion under Office of Management and Budget Circular A–76 or any successor administrative regulation, directive or policy until 60 days after the Government Accountability Office provides a report to the Committees on Appropriations of the House of Representatives and the Senate on the use of competitive sourcing at the Department of Labor.

SEC. 113. (a) Not later than June 20, 2008, the Secretary of Labor shall propose regulations pursuant to section 303(y) of the Federal Mine Safety and Health Act of 1977, consistent with the recommendations of the Technical Study Panel established pursuant to section 11 of the Mine Improvement and New Emergency Response (MINER) Act (Public Law 109–236), to require that in any coal mine, regardless of the date on which it was opened, belt haulage entries not be used to ventilate active working places without prior approval from the Assistant Secretary. Further, a mine ventilation plan incorporating the use of air coursed through belt haulage entries to ventilate active working places shall not be approved until the Assistant Secretary has reviewed the elements of the plan related to the use of belt air and determined that the plan at all times affords at least the same measure of protection where belt haulage entries are not used to ventilate working places. The Secretary shall finalize the regulations not later than December 31, 2008.

(b) Not later than June 15, 2008, the Secretary of Labor shall propose regulations pursuant to section 315 of the Federal Coal Mine Health and Safety Act of 1969, consistent with the recommendations of the National Institute for Occupational Safety and Health pursuant to section 13 of the MINER Act (Public Law 109–236), requiring rescue chambers, or facilities that afford at least the same measure of protection, in underground coal mines. The Secretary shall finalize the regulations not later than December 31, 2008.

SEC. 114. None of the funds appropriated in this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

This title may be cited as the "Department of Labor Appropriations Act, 2008".

## TITLE II

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### HEALTH RESOURCES AND SERVICES ADMINISTRATION

### HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, and section 712 of the American Jobs Creation Act of 2004, $7,235,468,000, of which $317,684,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activities as specified in the statement of the managers on the conference report accompanying this Act, and of which $38,538,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: Provided, That of the funds made available under this heading, $160,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That $40,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses and relevant evaluations: Provided further, That no more than $44,055,000 is available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: Provided further, That of the funds made available under this heading, $310,910,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That of the funds available under this heading, $1,868,809,000 shall remain available to the Secretary of Health and Human Services through September 30, 2010, for parts A and B of title XXVI of the Public Health Service Act: Provided further, That within the amounts provided for part A of title XXVI of the Public Health Service Act, $9,377,000 is available to the Secretary of Health and Human Services through September 30, 2010, and shall be made available to qualifying jurisdictions within 45 days of enactment, for increasing supplemental grants for fiscal year 2008 to metropolitan areas that received grant funding in fiscal year 2007 under subpart I of part A of title XXVI of the Public Health Service Act to ensure that an area's total funding under subpart I of part A for fiscal year 2007, together with the amount of this additional funding, is not less than 91.6 percent of the amount of such area's total funding under part A for fiscal year 2006, and to transitional areas that received grant funding in fiscal year 2007 under subpart II of part A of title XXVI of the Public Health Service Act to ensure that an area's total funding under subpart II of part A for fiscal year 2007, together with the amount of this additional funding, is not less than 86.6 percent of the amount of such area's total funding under part A for fiscal year 2006: Provided further, That, notwithstanding section 2603(c)(1) of the Public Health Service Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2007, shall be available to the area for obligation from the date of the award through the end of the grant year for the award: Provided further, That $822,570,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That, notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $103,666,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,586,000 is available for projects described in paragraphs (A) through (F) of section

*501(a)(3) of such Act: Provided further, That of the funds provided, $39,283,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113: Provided further, That of the funds provided, $25,000,000 shall be provided for the Delta Health Initiative as authorized in section 219 of this Act and associated administrative expenses: Provided further, That notwithstanding section 747(e)(2) of the PHS Act, not less than $5,000,000 shall be for general dentistry programs, not less than $5,000,000 shall be for pediatric dentistry programs and not less than $24,614,000 shall be for family medicine programs: Provided further, That of the funds available under this heading, $12,000,000 shall be provided for the National Cord Blood Inventory pursuant to the Stem Cell Therapeutic and Research Act of 2005.*

### *HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT*

*Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,906,000.*

### *VACCINE INJURY COMPENSATION PROGRAM TRUST FUND*

*For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $6,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.*

## *CENTERS FOR DISEASE CONTROL AND PREVENTION*

### *DISEASE CONTROL, RESEARCH, AND TRAINING*

*To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,288,289,000, of which $147,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which $568,803,000 shall remain available until expended for the Strategic National Stockpile; of which $52,500,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center; and of which $121,541,000 for international HIV/AIDS shall remain available until September 30, 2009. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $116,550,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $44,523,000 for Health Marketing; (5) $31,000,000 to carry out Public Health Research; and (6) $97,404,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That up to $31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such transfer: Provided further, That not to exceed $19,414,000 may be available for making grants under section 1509 of the Public Health Service Act to not less than 15 States, tribes, or tribal organizations: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18: Provided further, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: Provided further, That out of funds made available under this heading for domestic HIV/AIDS testing, up to $30,000,000 shall be for States eligible under section 2625 of the Public Health Service Act as of December 31, 2007 and shall be distributed by March 31, 2008 based on standard criteria relating to a State's epidemiological profile, and of which not more than $1,000,000 may be made available to any one State, and any amounts that have not been obligated by March 31, 2008 shall be used to make grants authorized by other provisions of the Public Health Service Act to States and local public health departments for HIV prevention activities.*

## *NATIONAL INSTITUTES OF HEALTH*

### *NATIONAL CANCER INSTITUTE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,925,740,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.*

### *NATIONAL HEART, LUNG, AND BLOOD INSTITUTE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,001,691,000.*

### *NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $399,867,000.*

### *NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,753,037,000.*

### *NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,578,210,000.*

### *NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES*

### *(INCLUDING TRANSFER OF FUNDS)*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,682,585,000: Provided, That $300,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: Provided further, That such sums obligated in fiscal years 2003 through 2007 for extramural facilities construction projects are to remain available until expended for disbursement, with prior notification of such projects to the Committees on Appropriations of the House of Representatives and the Senate.*

### *NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,984,879,000.*

### *NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,286,379,000.*

### *NATIONAL EYE INSTITUTE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $684,126,000.*

### *NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES*

*For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $658,258,000.*

### *NATIONAL INSTITUTE ON AGING*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,076,389,000.*

### *NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $521,459,000.*

### *NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $403,958,000.*

### *NATIONAL INSTITUTE OF NURSING RESEARCH*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $140,900,000.*

### *NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $447,245,000.*

### *NATIONAL INSTITUTE ON DRUG ABUSE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,025,839,000.*

### *NATIONAL INSTITUTE OF MENTAL HEALTH*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,440,557,000.*

### *NATIONAL HUMAN GENOME RESEARCH INSTITUTE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $498,748,000.*

### *NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $305,884,000.*

### *NATIONAL CENTER FOR RESEARCH RESOURCES*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,182,015,000.*

### *NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $124,647,000.*

### *NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $204,542,000.*

### *JOHN E. FOGARTY INTERNATIONAL CENTER*

*For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), $68,216,000.*

### *NATIONAL LIBRARY OF MEDICINE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $329,039,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2008, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the Public Health Service Act and related health services.*

### *OFFICE OF THE DIRECTOR*

*For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $1,145,790,000, of which up to $25,000,000 shall be used to carry out section 215 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That no more than $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That $110,900,000 shall be available for continuation of the National Children's Study: Provided further, That $531,300,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act: Provided further, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the National Institutes of Health: Provided further, That the Office of AIDS Research within the Office of the Director of the National Institutes of Health may spend up to $4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act.*

### *BUILDINGS AND FACILITIES*

*For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $130,000,000, to remain available until expended.*

## *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION*

### *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

*For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,290,848,000, of which $19,644,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: Provided further, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,413,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $19,750,000 to carry out national surveys on drug abuse; and (4) $4,300,000 to evaluate substance abuse treatment programs: Provided further, That section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008.*

## *AGENCY FOR HEALTHCARE RESEARCH AND QUALITY*

### *HEALTHCARE RESEARCH AND QUALITY*

*For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 937(c) of the Public Health Service Act shall not exceed $334,564,000.*

## *CENTERS FOR MEDICARE AND MEDICAID SERVICES*

### *GRANTS TO STATES FOR MEDICAID*

*For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $141,628,056,000, to remain available until expended.*

*For making, after May 31, 2008, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2008 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.*

*For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2009, $67,292,669,000, to remain available until expended.*

*Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.*

### *PAYMENTS TO HEALTH CARE TRUST FUNDS*

*For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $188,828,000,000.*

*In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.*

### *PROGRAM MANAGEMENT*

*For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,276,502,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $49,869,000, to remain available until September 30, 2009, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That $193,000,000, to remain available until September 30, 2009, is for CMS Medicare contracting reform activities: Provided further, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2008 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That $5,140,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.*

### *HEALTH CARE FRAUD ABUSE AND CONTROL ACCOUNT*

*In addition to amounts otherwise available for program integrity and program management, $383,000,000, to be available until expended, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act, of which $249,620,000 is for the Centers for Medicare and Medicaid Services for carrying out program integrity activities* *with respect to title XVIII of such Act, including activities authorized under the Medicare Integrity Program under section 1893 of such Act; of which $35,000,000 is for the Centers for Medicare and Medicaid Services for carrying out Medicaid IPIA Compliance with respect to titles XIX and XXI of such Act; and of which, for carrying out fraud and abuse control activities authorized by section 1817(k)(3) of such Act, $36,690,000 is for the Department of Justice; $36,690,000 is for the Department of Health and Human Services Office of the Inspector General; and $25,000,000 is for the Department of Health and Human Services: Provided, That the report required by section 1817(k)(5) of such Act for fiscal year 2008 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs of the funds provided by this appropriation.*

### ADMINISTRATION FOR CHILDREN AND FAMILIES

### PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

*For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. chapter 9), $2,949,713,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2009, $1,000,000,000, to remain available until expended.*

*For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.*

*For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. chapter 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.*

### LOW-INCOME HOME ENERGY ASSISTANCE

*For making payments under section 2604(a)–(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)–(d)), $1,980,000,000.*

*For making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $431,585,000, notwithstanding the designation requirement of section 2602(e) of such Act.*

### REFUGEE AND ENTRANT ASSISTANCE

*For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, and for carrying out the Torture Victims Relief Act of 1998, $652,394,000, of which up to $9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2008 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2010.*

### PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

*For carrying out the Child Care and Development Block Grant Act of 1990, $2,094,581,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $18,777,370 shall be available for child care resource and referral and school-aged child care activities, of which $982,080 shall be for the Child Care Aware toll-free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $267,785,718 shall be reserved by the States for activities authorized under section 658G, of which $98,208,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.*

*In addition, $5,000,000, to remain available until September 30, 2009, shall be for carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.*

### SOCIAL SERVICES BLOCK GRANT

*For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.*

### CHILDREN AND FAMILIES SERVICES PROGRAMS

*For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act, and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. chapter 9), the Low-Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,220,695,000, of which $4,400,000, to remain available until September 30, 2009, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2008: Provided, That $7,042,196,000 shall be for making payments under the Head Start Act, of which $1,388,800,000 shall become available October 1, 2008, and remain available through September 30, 2009: Provided further, That $706,125,000 shall be for making payments under the Community Services Block Grant Act: Provided further, That not less than $8,000,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: Provided further, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $53,625,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That $18,820,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $12,920,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,900,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That $136,664,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: Provided further, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: Provided further, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.*

### PROMOTING SAFE AND STABLE FAMILIES

*For carrying out section 436 of the Social Security Act, $345,000,000 and section 437, $89,100,000.*

### PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

*For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,067,000,000.*

*For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2009, $1,776,000,000.*

*For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the* *last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.*

### ADMINISTRATION ON AGING

### AGING SERVICES PROGRAMS

*For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 and section 398 of the Public Health Service Act, $1,446,651,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.*

### OFFICE OF THE SECRETARY

### GENERAL DEPARTMENTAL MANAGEMENT

### (INCLUDING TRANSFER OF FUNDS)

*For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the Lifespan Respite Care Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $387,070,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $51,891,000 shall be for minority AIDS prevention and treatment activities; and $5,941,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; and $1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee; and $5,500,000 shall be for a Health Diplomacy Initiative and may be used to carry out health diplomacy activities such as health training, services, education, and program evaluation, provided directly, through grants, or through contracts: Provided further, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt, professional manner and within the time frame specified in the request: Provided further, That scientific information, including such information provided in congressional testimony, requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay: Provided further, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: Provided further, That such services shall be provided consistent with 42 CFR 59.5(a)(4).*

### OFFICE OF MEDICARE HEARINGS AND APPEALS

*For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $67,500,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.*

### OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

*For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $27,651,000: Provided, That in addition to amounts provided herein, $38,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.*

### OFFICE OF INSPECTOR GENERAL

*For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $45,187,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.*

### OFFICE FOR CIVIL RIGHTS

*For expenses necessary for the Office for Civil Rights, $33,748,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.*

### RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

*For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. chapter 55), such amounts as may be required during the current fiscal year.*

### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

### (INCLUDING TRANSFER OF FUNDS)

*For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $741,586,000, of which not to exceed $22,363,000, to remain available until September 30, 2009, is to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act, and of which $149,250,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.*

*For expenses necessary to prepare for and respond to an influenza pandemic, $763,923,000, of which $685,832,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: Provided, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: Provided further, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.*

### GENERAL PROVISIONS

*SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.*

*SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.*

*SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.*

*SEC. 204. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.*

*SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.*

*SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human Services shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.*

### (TRANSFER OF FUNDS)

*SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.*

### (TRANSFER OF FUNDS)

*SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.*

### (TRANSFER OF FUNDS)

*SEC. 209. Of the amounts made available in this Act for the National Institutes of Health,* *the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.*

*SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.*

*SEC. 211. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.*

*SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.*

*SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2008, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.*

*(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.*

*(c) The State is to maintain State expenditures in fiscal year 2008 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2007, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2007 State expenditures and all fiscal year 2008 obligations for tobacco prevention and compliance activities by program activity by July 31, 2008.*

*(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2008.*

*(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 of the Public Health Service Act from a territory that receives less than $1,000,000.*

*SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2008:*

*(1) The Secretary of Health and Human Services (in this section referred to as the "Secretary of HHS") may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of HHS shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.*

*(2) The Secretary of HHS is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of HHS to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of HHS is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, tq make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.*

*SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health (in this section referred to as the "Director of NIH") may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act (42 U.S.C. 282(b)(7), 282(b)(12)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).*

*(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the NIH may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241(a)(3), 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).*

*SEC. 216. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention ("CDC") and the Agency for Toxic Substances and Disease Registry ("ATSDR)" may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.*

*SEC. 217. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.*

*SEC. 218. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.*

*SEC. 219. (a) The Secretary of Health and Human Services is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region that has as its primary purposes addressing longstanding, unmet health needs and catalyzing economic development in the Mississippi Delta.*

*(b) To be eligible to receive a grant under subsection (a), the Delta Health Alliance shall solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, and planning, construction, and equipment of public health-related facilities in the Mississippi Delta region.*

*(c) With respect to the use of grant funds under this section for construction or major alteration of property, the Federal interest in the property involved shall last for a period of 1 year following the completion of the project or until such time that the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.*

*(d) There are authorized to be appropriated such sums as may be necessary to carry out this section in fiscal year 2008 and in each of the five succeeding fiscal years.*

*SEC. 220. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.*

*SEC. 221. (a) PROHIBITION.—With respect to the 2010–2011 influenza season, the Secretary of Health and Human Services (the Secretary) shall not use or make available any funds for the administration of any influenza vaccine containing thimerosal as a preservative (thimerosal-free) to any child under 3 years of age, unless the Secretary:*

*(1) finds that there is inadequate supply of thimerosal-free influenza vaccine for the covered population and for the respective influenza season; or*

*(2) finds that an actual or potential public health situation justifies the use of other influenza vaccine for children under 3 years of age; and*

*(3) gives written notice of such findings (and an explanation of the basis for the findings) to the Congress and of actions the Secretary is taking to ensure adequate supply of pediatric thimerosal-free influenza vaccine for the following influenza season.*

*(b) REPORT TO CONGRESS.—To improve public confidence in the safety of vaccines, the Secretary shall submit to the Congress a plan no later than April 1, 2008—*

(1) to work proactively with manufacturers of influenza vaccine to facilitate the approval of thimerosal-free influenza vaccine for administration to children under 3 years of age;

(2) to increase the Federal Government's purchases of thimerosal-free influenza vaccine; and

(3) to take any other actions determined appropriate by the Secretary to increase the supply of thimerosal-free influenza vaccine.

### (TRANSFER OF FUNDS)

SEC. 222. Of the amounts made available in this Act for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (NRSA) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 223. None of the funds made available in this Act may be used—

(1) for the Ombudsman Program of the Centers for Disease Control and Prevention; and

(2) by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.

SEC. 224. There is hereby established in the Treasury of the United States a fund to be known as the "Nonrecurring expenses fund" (the Fund): Provided, That unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Health and Human Services by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund: Provided further, That amounts deposited in the Fund shall be available until expended. and in addition to such other funds as may be available for such purposes, for capital acquisition necessary for the operation of the Department, including facilities infrastructure and information technology infrastructure, subject to approval by the Office of Management and Budget: Provided further, That amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2008".

## TITLE III

## DEPARTMENT OF EDUCATION

### EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $15,930,691,000, of which $7,611,423,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $8,136,218,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That $6,808,971,000 shall be for basic grants under section 1124: Provided further, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2007, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be for concentration grants under section 1124A: Provided further, That $3,068,680,000 shall be for targeted grants under section 1125: Provided further, That $3,068,680,000 shall be for education finance incentive grants under section 1125A: Provided further, That $9,330,000 shall be to carry out sections 1501 and 1503: Provided further, That $1,634,000 shall be available for a comprehensive school reform clearinghouse.

### IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,262,778,000, of which $1,126,192,000 shall be for basic support payments under section 8003(b), $49,466,000 shall be for payments for children with disabilities under section 8003(d), $17,820,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2009, $64,350,000 shall be for Federal property payments under section 8002, and $4,950,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2007-2008, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

### SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,411,758,000, of which $3,790,731,000 shall become available on July 1, 2008, and remain available through September 30, 2009, and of which $1,435,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than $1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: Provided further, That $58,129,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $34,376,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That $18,001,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: Provided further, That $3,000,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.

### INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $124,000,000.

### INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), $1,010,084,000: Provided, That $9,821,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: Provided further, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: Provided further, That $361,917,000 shall be available to carry out part D of title V of the ESEA: Provided further, That $103,293,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided further, That $99,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: Provided further, That of the funds available for part B of title V, the Secretary shall use up to $24,783,000 to carry out activities under section 5205(b) and under subpart 2, and shall use not less than $190,000,000 to carry out other activities authorized under subpart 1.

### SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and *subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $708,835,000, of which $300,000,000 shall become available on July 1, 2008, and remain available through September 30, 2009: Provided, That $300,000,000 shall be available for subpart 1 of part A of title IV and $222,519,000 shall be available for subpart 2 of part A of title IV, of which not less than $1,500,000, to remain available until expended, shall be for the Project School Emergency Response to Violence ("Project SERV") program to provide education-related services to local educational agencies and to institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That Project SERV funds appropriated in previous fiscal years may be used to provide services to local educational agencies and to institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That $152,998,000 shall be available to carry out part D of title V of the ESEA: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to $12,072,000 may be used to carry out section 2345 and $3,025,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.*

### ENGLISH LANGUAGE ACQUISITION

*For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, $722,717,000, which shall become available on July 1, 2008, and shall remain available through September 30, 2009, except that 6.5 percent of such amount shall be available on October 1, 2007, and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C).*

### SPECIAL EDUCATION

*For carrying out the Individuals with Disabilities Education Act ("IDEA") and the Special Olympics Sport and Empowerment Act of 2004, $12,357,999,000, of which $5,461,394,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $6,654,982,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That $13,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support activities under section 674(c)(1)(D) of the IDEA: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2007, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: Provided further, That nothing in section 674(e) of the IDEA shall be construed to establish a private right of action against the National Instructional Materials Access Center for failure to perform the duties of such center or otherwise authorize a private right of action related to the performance of such center: Provided further, That $8,000,000 shall be available to support the 2009 Special Olympics World Winter Games.*

### REHABILITATION SERVICES AND DISABILITY RESEARCH

*For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, $3,285,985,000, of which $1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: Provided, That $3,242,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.*

### SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

#### AMERICAN PRINTING HOUSE FOR THE BLIND

*For carrying out the Act of March 3, 1879, $22,000,000.*

#### NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

*For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $60,757,000, of which $1,705,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.*

#### GALLAUDET UNIVERSITY

*For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $115,400,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.*

### CAREER, TECHNICAL, AND ADULT EDUCATION

*For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act, subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA") and title VIII–D of the Higher Education Amendments of 1998, $2,013,329,000, of which $1,218,252,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $791,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009: Provided, That of the amount provided for Adult Education State Grants, $69,759,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $7,000,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for the National Institute for Literacy under section 242: Provided further, That $81,532,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2007, and shall remain available through September 30, 2009, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2008, and remain available through September 30, 2009, for grants to local educational agencies: Provided further, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools.*

### STUDENT FINANCIAL ASSISTANCE

#### (INCLUDING RESCISSION)

*For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, $16,379,883,000, which shall remain available through September 30, 2009.*

*The maximum Pell Grant for which a student shall be eligible during award year 2008–2009 shall be $4,435.*

*Of the unobligated funds available under section 401A(e)(1)(C) of the Higher Education Act of 1965, $525,000,000 are rescinded.*

*For an additional amount to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965, $525,000,000, which shall remain available through September 30, 2009.*

### STUDENT AID ADMINISTRATION

*For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $708,216,000, which shall remain available until expended.*

### HIGHER EDUCATION

*For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, part I of subtitle A of title VI of the America COMPETES Act, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,095,608,000: Provided, That $9,699,000, to remain available through September 30, 2009, shall be available to fund fellowships for academic year 2009–2010 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: Provided further, That $620,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act: Provided further, That $104,399,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects* *and in the amounts specified in the statement of the managers on the conference report accompanying this Act.*

### *HOWARD UNIVERSITY*

*For partial support of Howard University, $237,392,000, of which not less than $3,526,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.*

### *COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM*

*For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, $481,000.*

### *HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT*

*For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the Higher Education Act of 1965, $188,000.*

### *INSTITUTE OF EDUCATION SCIENCES*

*For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $561,315,000, of which $293,155,000 shall be available until September 30, 2009.*

### *DEPARTMENTAL MANAGEMENT*

#### *PROGRAM ADMINISTRATION*

*For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $420,698,000, of which $3,000,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, DC.*

### *OFFICE FOR CIVIL RIGHTS*

*For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $93,771,000.*

### *OFFICE OF THE INSPECTOR GENERAL*

*For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $53,239,000.*

### *GENERAL PROVISIONS*

*SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.*

*SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.*

*SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.*

#### *(TRANSFER OF FUNDS)*

*SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.*

*SEC. 305. None of the funds made available in this Act may be used to promulgate, implement, or enforce any revision to the regulations in effect under section 496 of the Higher Education Act of 1965 on June 1, 2007, until legislation specifically requiring such revision is enacted.*

*SEC. 306. (a) MAINTENANCE OF INTEGRITY AND ETHICAL VALUES WITHIN DEPARTMENT OF EDUCATION.—Within 30 days after the enactment of this Act, the Secretary of Education shall implement procedures—*

*(1) to assess whether a covered individual or entity has a potential financial interest in, or bias towards, a product or service purchased with, or guaranteed or insured by, funds administered by the Department of Education or a contracted entity of the Department; and*

*(2) to disclose the existence of any such potential financial interest or bias.*

*(b) REVIEW BY INSPECTOR GENERAL.—*

*(1) Within 30 days after the implementation of the procedures described in subsection (a), the Inspector General of the Department of Education shall report to the Committees on Appropriations of the House of Representatives and the Senate on the adequacy of such procedures.*

*(2) Within 1 year, the Inspector General shall conduct at least 1 audit to ensure that such procedures are properly implemented and are adequate to uncover and disclose the existence of potential financial interests or bias described in subsection (a).*

*(3) The Inspector General shall report to such Committees any recommendations for modifications to such procedures that the Inspector General determines are necessary to uncover and disclose the existence of such potential financial interests or bias.*

*(c) DEFINITION.—For purposes of this section, the term "covered individual or entity" means—*

*(1) an officer or professional employee of the Department of Education;*

*(2) a contractor or subcontractor of the Department, or an individual hired by the contracted entity;*

*(3) a member of a peer review panel of the Department; or*

*(4) a consultant or advisor to the Department.*

*SEC. 307. (a) Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965, North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.*

*(b) Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—*

*(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and*

*(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.*

*SEC. 308. Prior to January 1, 2008, the Secretary of Education may not terminate any voluntary flexible agreement under section 428A of the Higher Education Act of 1965 that existed on October 1, 2007. With respect to an entity with which the Secretary of Education had a voluntary flexible agreement under section 428A of the Higher Education Act of 1965 on October 1, 2007 that is not cost neutral, if the Secretary terminates such agreement on or after January 1, 2008, the Secretary of Education shall, not later than March 31, 2008, negotiate to enter, and enter, into a new voluntary flexible agreement with such entity so that the agreement is cost neutral, unless such entity does not want to enter into such agreement.*

*SEC. 309. Notwithstanding section 102(a)(4)(A) of the Higher Education Act of 1965, the Secretary of Education shall not take into account a bankruptcy petition filed in the United States Bankruptcy Court for the Northern District of New York on February 21, 2001, in determining whether a nonprofit educational institution that is a subsidiary of an entity that filed such petition meets the definition of an "institution of higher education" under section 102 of that Act.*

*This title may be cited as the "Department of Education Appropriations Act, 2008".*

## *TITLE IV*

## *RELATED AGENCIES*

### *COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED*

#### *SALARIES AND EXPENSES*

*For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,994,000.*

### *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*

#### *OPERATING EXPENSES*

#### *(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses for the Corporation for National and Community Service to carry out the Domestic Volunteer Service Act of 1973 ("1973 Act") and the National and Community Service Act of 1990 ("1990 Act"), $798,065,000, of which $313,054,000 is to carry out the 1973 Act and $485,011,000 is to carry out the 1990 Act: Provided, That up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle: Provided further, That none of the funds made available under this heading for activities authorized by section 122 and part E of title II of the 1973 Act shall be used to provide stipends or other monetary incentives to program participants or volunteer leaders whose incomes exceed the income guidelines in subsections 211(e) and 213(b) of the 1973 Act: Provided further, That notwithstanding subtitle H of title I of the 1990 Act,* none of the funds provided for quality and innovation activities shall be used to support salaries and related expenses (including travel) attributable to Corporation for National and Community Service employees: Provided further, That of the amounts provided under this heading: (1) not less than $126,121,000, to remain available until expended, to be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the 1990 Act: Provided further, That in addition to these funds, the Corporation may transfer funds from the amount provided for AmeriCorps grants under the National Service Trust Program, to the National Service Trust authorized under subtitle D of title I of the 1990 Act, upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Congress; (2) not more than $55,000,000 of funding provided for grants under the National Service Trust program authorized under subtitle C of title I of the 1990 Act may be used to administer, reimburse, or support any national service program authorized under section 129(d)(2) of such Act; (3) $12,000,000 shall be to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(4) of the 1990 Act; and (4) not less than $5,000,000 shall be for the acquisition, renovation, equipping and startup costs for a campus located in Vinton, Iowa and a campus in Vicksburg, Mississippi to carry out subtitle G of title I of the 1990 Act.

### SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $68,964,000.

### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $6,900,000.

### ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 402. Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act of 1990 to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

SEC. 403. The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: Provided, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs.

SEC. 404. The Corporation for National and Community Service shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2008, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 405. Professional Corps programs described in section 122(a)(8) of the National and Community Service Act of 1990 may apply to the Corporation for a waiver of application of section 140(c)(2).

SEC. 406. Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws: Provided, That an individual who provides services under this section shall be subject to the same protections and limitations as volunteers under section 196(a) of the National and Community Service Act of 1990.

SEC. 407. Organizations operating projects under the AmeriCorps Education Awards Program shall do so without regard to the requirements of sections 121(d) and (e), 131(e), 132, and 140(a), (d), and (e) of the National and Community Service Act of 1990.

SEC. 408. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first three years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

### CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2010, $420,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: Provided further, That for fiscal year 2008, in addition to the amounts provided above, $29,700,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That for fiscal year 2008, in addition to the amounts provided above, $26,750,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system: Provided further, That none of the funds made available to the Corporation for Public Broadcasting by this Act, the Continuing Appropriations Resolution, 2007 (Public Law 110–5), or the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109–149), shall be used to support the Television Future Fund or any similar purpose.

### FEDERAL MEDIATION AND CONCILIATION SERVICE

### SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454, $44,450,000, including $650,000 to remain available through September 30, 2009, for activities authorized by the Labor-Management Cooperation Act of 1978: Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $8,096,000.

### INSTITUTE OF MUSEUM AND LIBRARY SERVICES

### OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $277,131,000: Provided, That funds may be made available for support through inter-agency agreement or grant to commiemorative Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services.

### MEDICARE PAYMENT ADVISORY COMMISSION

### SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $10,748,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

### NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

### SALARIES AND EXPENSES

For close out activities of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $400,000.

## NATIONAL COUNCIL ON DISABILITY

### SALARIES AND EXPENSES

*For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,113,000.*

## NATIONAL LABOR RELATIONS BOARD

### SALARIES AND EXPENSES

*For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $256,988,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.*

## NATIONAL MEDIATION BOARD

### SALARIES AND EXPENSES

*For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $12,992,000, of which $750,000 shall be for arbitrator salaries and expenses pursuant to section 153(1).*

## OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

### SALARIES AND EXPENSES

*For expenses necessary for the Occupational Safety and Health Review Commission, $10,696,000.*

## RAILROAD RETIREMENT BOARD

### DUAL BENEFITS PAYMENTS ACCOUNT

*For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $79,000,000, which shall include amounts becoming available in fiscal year 2008 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.*

### FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

*For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2009, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.*

### LIMITATION ON ADMINISTRATION

*For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $103,694,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.*

### LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

*For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $7,803,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare Program.*

## SOCIAL SECURITY ADMINISTRATION

### PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

*For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, $28,140,000.*

### SUPPLEMENTAL SECURITY INCOME PROGRAM

*For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $27,014,000,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.*

*For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.*

*For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2009, $14,800,000,000, to remain available until expended.*

### LIMITATION ON ADMINISTRATIVE EXPENSES

*For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,522,953,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $2,000,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2008 not needed for fiscal year 2008 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.*

*From funds provided under the first paragraph, not less than $263,970,000 shall be available for conducting continuing disability reviews under titles II and XVI of the Social Security Act and for conducting redeterminations of eligibility under title XVI of the Social Security Act.*

*In addition to amounts made available above, and subject to the same terms and conditions, $213,000,000, for additional continuing disability reviews and redeterminations of eligibility.*

*In addition, $135,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2008 exceed $135,000,000, the amounts shall be available in fiscal year 2009 only to the extent provided in advance in appropriations Acts.*

*In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108-203), which shall remain available until expended.*

### OFFICE OF INSPECTOR GENERAL

### (INCLUDING TRANSFER OF FUNDS)

*For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $27,000,000, together with not to exceed $68,047,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.*

*In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.*

## TITLE V

## GENERAL PROVISIONS

*SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.*

*SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.*

*SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.*

*(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.*

*SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from* *funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "National Mediation Board, Salaries and expenses".*

*SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.*

*SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—*

*(1) the percentage of the total costs of the program or project which will be financed with Federal money;*

*(2) the dollar amount of Federal funds for the project or program; and*

*(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.*

*SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.*

*(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.*

*(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.*

*SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—*

*(1) if the pregnancy is the result of an act of rape or incest; or*

*(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.*

*(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).*

*(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).*

*(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.*

*(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.*

*SEC. 509. (a) None of the funds made available in this Act may be used for—*

*(1) the creation of a human embryo or embryos for research purposes; or*

*(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).*

*(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.*

*SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act (21 U.S.C. 812) except for normal and recognized executive-congressional communications.*

*(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.*

*SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.*

*SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—*

*(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and*

*(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.*

*SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.*

*SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.*

*SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.*

*SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—*

*(1) creates new programs;*

*(2) eliminates a program, project, or activity;*

*(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;*

*(4) relocates an office or employees;*

*(5) reorganizes or renames offices;*

*(6) reorganizes programs or activities; or*

*(7) contracts out or privatizes any functions or activities presently performed by Federal employees;*

*unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.*

*(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—*

*(1) augments existing programs, projects (including construction projects), or activities;*

*(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or*

*(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;*

*unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.*

*SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.*

*(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.*

*SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2008 that are different than those specified in this Act, the accompanying detailed table in the committee report, or the fiscal year 2008 budget request.*

*SEC. 519. None of the funds made available by this Act may be used to carry out the evaluation of the Upward Bound program described in the absolute priority for Upward Bound Program participant selection and evaluation published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).*

*SEC. 520. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act.*

*SEC. 521. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2008, but not to include grants awarded on a formula basis. Such report shall include the name of the contractor or grantee, the amount of funding, and the governmental purpose. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.*

*SEC. 522. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—*

*(1) a direct link to the Internet websites of their Offices of Inspectors General; and*

*(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.*

*SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.*

*SEC. 524. Section 1848(l)(2)(A) of the Social Security Act, as amended by section 6 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110–90), is amended by striking "$1,350,000,000" and inserting "$1,200,000,000, but in no case shall expenditures from the Fund in fiscal year 2008 exceed $650,000,000" in the first sentence.*

*SEC. 525. Iraqi and Afghan aliens granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act for a period not to exceed 6 months.*

*SEC. 526. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.*

*SEC. 527. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number which is an offense prohibited under section 208 of the Social Security Act.*

*This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008".*

### MOTION OFFERED BY MR. OBEY

Mr. OBEY. Madam Speaker, pursuant to House Resolution 794, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Obey moves that the House concur in the amendment of the Senate.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 794, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from New York (Mr. WALSH) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, we have been here before and we know what is the content of this bill. I urge support.

I reserve the balance of my time.

Mr. WALSH of New York. Madam Speaker, I am proud to be here this evening to assist the chairman in the management of this important bill. I did not intend to take much time since I think over the last week we have said just about everything there is to be said.

I am pleased that we now have before us a straightforward Labor-HHS-Education conference report to review and consider. I would like to extend my appreciation to Chairman OBEY and his capable staff for helping us to work our way through this bill and the development of this bill. He has been a great partner in the effort to put this bill together. I am pleased the Senate separated the Military Construction-Veterans bill from this conference report.

With respect to the Labor-HHS bill before us, it is a good bill and a fair compromise. It makes needed investment in our Nation's health care, infrastructure, supports our country's workforce and increases educational opportunity for America's kids. I intend to support it.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Madam Speaker, could I inquire of the gentlemen if he has any remaining speakers.

Mr. WALSH of New York. Mr. Chairman, I have no further speakers.

Mr. OBEY. Then if the gentleman would be happy to yield back, I have one statement myself, and I will yield back.

Mr. WALSH of New York. I yield back the balance of my time.

Mr. OBEY. Madam Speaker, the measure we are considering today contains the same language pertaining to the Departments of Labor, Health and Human Services, Education and related agencies that the House approved by a vote of 269–142 on Wednesday evening. The statement of the managers accompanying the conference report on H.R. 3043 contains instructions and guidance to these departments and agencies, including detailed tabular material regarding the allocation of resources among the various programs, projects and activity funded in the measure pending before us today.

House Report 110–424 reflects the intent of congressional guidance underlying the legislation now before the House. The departments and agencies funded in H.R. 3043 should implement these programs, projects and activities in a manner consistent with the guidance in that report.

Now that I have the boilerplate out of the way, Madam Speaker, let me simply make a very few observations. Madam Speaker, it is now "put-up or shut up" time in the House. This is a bipartisan bill. When the bill first passed the House, we had 53 Republicans supporting it, along with every single Democrat, except one. We had every single subcommittee Republican and Democrat vote for the bill as it left committee. When it was marked up, every single amendment offered from the minority side of the aisle was an amendment to increase, not decrease, funds.

The President, in the budget that he submitted to the Congress, suggested that we cut vocational education, cut special education, cut NIH funding, cut LIHEAP, and cut training for medical personnel in children's hospitals. We rejected those suggestions. We also kept a good many provisions in the bill that were sought by many minority members on the subcommittee.

Also, because it is such a controversial issue, we tried to cut through the issue of abortion, and we provided several hundred million dollars in initiatives to help encourage women to carry babies to full-term, so we would offer young women something besides lectures when it came to the question of whether or not they would carry their babies to full-term or seek an abortion. After the bill left the House, we made further concessions to the White House and the minority party by cutting $1 billion out of the bill that we had voted on in the House.

Now, when we voted to go to conference a week ago, at that time, as you know, the intention of the majority was to include the Defense appropriation bill in this conference report. We heard many objections from the minority side of the aisle, so we conceded the point and took Defense out. We left Military Construction in, but the Senate overruled us. So now at this point we have a bill which is exactly what so many people said they wanted, a straight-up, unadorned Labor, Health, Education and Social Services bill.

I would point out that with respect to the question of earmarks, when this House started the consideration of this bill, I offered the House a chance to eliminate every single earmark with an amendment that I proposed. It was overwhelmingly defeated on both sides of the aisle, and this bill has proceeded within the spirit and the letter of the rules with respect to earmarks. It moved to the Senate, and it received almost 80 votes.

So now it is really up to us. The choice is whether or not we are going to exercise our own judgment as an independent body about what requirements we have in this economy, or whether we are simply going to wire our buttons to the White House door. I would hope that we would not do that.

In 2 short minutes remaining, I would like to simply remind Members what is at stake.

On health care, one in six Americans is without health insurance. That is 47 million Americans. The President cut funding for the primary Federal agency responsible for increasing health care access by $600 million. This bill rejects those cuts and provides $1.5 billion above the President's request for programs to improve health care access, roughly the cost of 5 days' activities in Iraq.

On education, the President cut funding for the Department of Education by $1.2 billion. This bill rejects those cuts, investing $4.5 billion above the President's request to the Department of Education, roughly the cost of operating for 2 weeks in Iraq.

On job training, the President cut the largest job training program in the vocational education programs by $1.2 billion. He cut State grants for vocational education in half. We rejected those cuts on a bipartisan basis, investing $1.3 billion above the President's request, roughly the cost of 4 days of operations in Iraq.

With respect to medical research, the President attempted to cut funding for medical research at the National Institutes of Health by $450 million. That would have resulted in 800 fewer medical research grants. The committee rejected those cuts, investing about $1.4 billion above the President's request, roughly the cost of 4 days in Iraq.

Finally, the Low Income Heating Assistance Program, the President tried to cut that by $400 million. We rejected those cuts and invested $630 million more than he requested, roughly the cost of 2 days in Iraq.

This is a balanced bill. It is a moderate bill. It is essential to make these investments, and I would urge Members on both sides of the aisle to support the proposal.

I would make one last point: on earmarks, when this House voted on my amendment to determine whether or not earmarks should be retained or excluded from the bill, this House voted 53-369 to keep earmarks in the bill, and we have tried to do that. We have a 40 percent reduction in the amount of money for earmarks. It is a 40 percent reduction from the amount that this House had 2 years ago.

But I want to make one practical point.

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I know there are some people in this Chamber who believe that if this bill goes down, if the President vetoes it, that somehow a way will be found to compromise and still protect these earmarks.

I want to make it clear, I have been told many times by the White House that they have no intention whatsoever of compromising on this or any other bill that exceeds the President's wishes. If that is the case and if this bill goes down, then the only alternative left to us will be to bring in a bill at the President's level of funding.

I would ask every serious-minded person in this body, if they really think there is a chance of a snowball in Hades that Members' earmarks on either side of the aisle will survive if we wind up at the President's level of funding, I think you understand that is not likely. And so I think the fate of all of the work that has gone into this bill, the fate of every project that Members have been concerned about is in your hands.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 3 of House Resolution 794, the previous question is ordered.

The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALSH of New York. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 274, nays 141, not voting 17, as follows:

[Roll No. 1075]

YEAS—274

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—141

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
English (PA)
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa

Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)

NOT VOTING—17

Bean
Bishop (UT)
Boren
Buyer
Carson
Castor
Cubin
Everett
Giffords
Hastert
Jindal
LaHood
Lantos
Levin
Lungren, Daniel E.
Oberstar
Wynn

☐ 2024

Mr. BACHUS and Mr. HALL of Texas changed their vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2074

Mrs. MYRICK. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2074.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 3093, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. MOLLOHAN. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 3093) making appropriations for the Departments of Commerce, Justice, Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNYDER). The question is on the motion.

The motion was agreed to.

A motion to reconsider was laid on the table.

### MOTION TO INSTRUCT OFFERED BY MR. FRELINGHUYSEN

Mr. FRELINGHUYSEN. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Frelinghuysen moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3093, be instructed to recede to section 527 of the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, this motion to instruct is straightforward. It instructs the House conferees to recede to the Senate on a provision in the Senate-passed bill that would prevent the Equal Employment Opportunity Commission from using funds to initiate civil action against an organization which requires its employees to speak English at work.

This provision was motivated by a lawsuit filed earlier this year against the Salvation Army. In that particular case, the EEOC sued the Salvation Army over its policy that its employees speak English. The lawsuit sought hundreds of thousands of dollars in monetary and punitive damages.

What is more troubling is that when you look at the history of this issue, you will find a Federal court ruling almost 4 years ago that upheld the Salvation Army's policy that employees speak English at work. You will also find that the Salvation Army gave the two employees a year to learn English before it took action to terminate them.

The EEOC has an important mission, one which we all support.

☐ 2030

The EEOC currently has a tremendous backlog of pending cases, approximately 46,000, a number that the Commission estimates will grow. At a time when the EEOC is struggling to fulfill its mission, cases like this lead one to questions about the Commission's ability to set priorities.

By insisting on the Senate amendment, we are sending an important message to the EEOC that we expect them to prioritize their actions and work diligently to address the major discrimination issues facing the American workers.

Mr. Speaker, I urge adoption of the motion and reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I agree with the gentleman that this amendment would send an important message to the EEOC, but I agree it's important for a different reason. I think it's important because I think it would be a perverse message.

The United States Congress has, in previous years, passed legislation specifically granting to the EEOC authorization and responsibility to work on behalf of employees where they face discrimination in the workplace. That legislation anticipated an opening of a remedy for employees. This amendment would close a remedy for employees.

These cases should be decided on their facts. If we were to adopt this motion and the conference were to include the amendment in its agreement, then the EEOC would not have an opportunity to look at the facts and represent employees pursuant thereto. Therefore, we do oppose the amendment.

I want to point out that the court in this case upheld the decision and upheld the position of the employer in this case. That's well and good.

What's important in that is that the court, through due process, decided the matter. That's the way the EEOC ought to operate, not through Congress in a motion to instruct conferees and in an appropriation conference, taking away what the Congress has already given jurisdiction in these cases.

Mr. Speaker, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I urge adoption of the motion.

I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I urge in the strongest terms opposition to the motion.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 186, not voting 28, as follows:

[Roll No. 1076]

YEAS—218

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Conyers
Costello
Culberson
Cummings
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes

Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—186

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—28

Bean
Bishop (UT)
Boren
Buyer
Carson
Crenshaw
Cubin
Dicks
Doyle
Giffords
Granger
Hastert
Holden
Jindal
LaHood
Lantos
Larson (CT)
Levin
Lungren, Daniel E.
Moran (VA)
Oberstar
Paul
Radanovich
Reynolds
Simpson
Tanner
Westmoreland
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on the vote.

☐ 2053

Ms. CASTOR and Messrs. SESTAK, LYNCH, HODES and DEFAZIO changed their vote from "yea" to "nay."

Messrs. MCNERNEY, COSTELLO, COLE of Oklahoma, BAIRD and KAGEN changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. MOLLOHAN, KENNEDY, FATTAH, RUPPERSBERGER, SCHIFF, HONDA, Ms. DELAURO, Messrs. PRICE of North Carolina, OBEY, FRELINGHUYSEN, CULBERSON, ROGERS of Kentucky, LATHAM, ADERHOLT and LEWIS of California.

There was no objection.

## CONTINUATION OF EMERGENCY REGARDING WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–74)

The SPEAKER pro tempore (Mr. ELLISON) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I transmit herewith notice of a 1-year continuation of the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, as amended.

GEORGE W. BUSH.
THE WHITE HOUSE, *November 8, 2007.*

## CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–75)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

*To The Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared in Executive Order 12170 on November 14, 1979, is to continue in effect beyond November 14, 2007.

Our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981 agreements with Iran is still underway. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2007.

GEORGE W. BUSH.
THE WHITE HOUSE, *November 8, 2007.*

## EMPLOYMENT NON-DISCRIMINATION ACT

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, America's a great Nation, but it's a work in progress; and we still have work to do when it comes to protecting the rights of every American.

No one understands that better than Representative BARNEY FRANK, my friend and colleague from Massachusetts. With BARNEY's leadership, the House passed the Employment Non-Discrimination Act last night. ENDA is a clear statement that we will protect and defend the rights of Americans in the workplace.

As far as I'm concerned, the issue comes down to one simple declarative sentence: your sexual orientation and lifestyle is your own business, not your employer's business. No person or business in this country should have the right to discriminate against any American.

I stand proudly shoulder to shoulder with BARNEY FRANK and my constituents in Seattle in strong and unwavering support of ENDA. A chance at the American Dream should apply to every American. Gay, lesbian, bisexual, they all hope and care and wish like all the rest of us. They deserve nothing less than a full measure of justice and equality in this country. So do the transgender Americans, and we have more work to do to extend the protections to them.

We made progress with ENDA and neither BARNEY FRANK, nor I, nor my constituents will rest until we can declare with conviction that all Americans are created equal.

## MAJOR ANDREW STONE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, southeast Texas is proud of the military men that it's produced, men such as United States Air Force Major Andrew Stone of Beaumont, Texas, who recently received the Distinguished Flying Cross with Valor for his heroics while fighting in Afghanistan. Thus far, there have only been a handful of recipients of this second highest military award from the Afghanistan and Iraqi wars.

On October 30, 2006, Major Stone answered a distress call from a Special Forces Unit that was on the ground and was trapped and taking heavy rocket and machine gun fire. Alone against this enemy, Major Stone attacked in his A-10 aircraft with a barrage of 30mm cannon fire. With no regard for his own safety, and while exposing himself to horrific enemy ground fire, Major Stone continued to perform cover over this trapped Special Forces Unit until they reached complete safety. He would not leave any of them behind. It was his selfless courage and bravery that enabled this U.S. troop patrol to escape.

And as we approach Veterans Day, we honor our relentless warriors like Major Stone. And it's with great pride that I recognize this son of Texas and congratulate him on receiving the Distinguished Flying Cross.

And that's just the way it is.

□ 2100

## APOLOGIES TO DAWN DAWSON

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, I want to apologize to Dawn Dawson. Ms. Dawson is a thoughtful young woman who was engaged in a lawsuit involving a charge of discrimination based on sexual orientation. An organization in the dispute we had about the scope of the Employment Non-Discrimination Act, in my judgment, misquoted the holding in that lawsuit. In the course of refuting that, I quoted some passages which reflected somewhat negatively on Ms. Dawson. I should not have done that. There is no reason to make any negative inference about her. It was in a legal context which does not support factually any negative response.

Ms. Dawson called me after that, came to see me. I was impressed by her grace, by her thoughtfulness, and by her commitment to working for a better America for all of us.

So I want to express my regret that I brought this young woman into this dispute for no good reason. She deserves much better from me, as she deserves from all who are concerned about fairness in this country. And as I said, I apologize to Ms. Dawson. I continue to believe that the organization with which I was disputing misinterpreted her lawsuit, but that was not her fault.

## MIDDLE EAST OIL AND THE SOARING COST OF FUEL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, when the Democrats took over the House, the price of oil was $59 a barrel. Today it's $100 a barrel.

Now, I don't blame that on Democrats, but I have got to say that where is your energy bill? Where is your alternative fuels bill? I thought that in this green, "don't leave a footstep" or whatever it is the Speaker has promised that we were all going to be riding hybrids. But it has not happened under them.

I have cosponsored a bipartisan bill with ELIOT ENGEL that does have tax credits for buying hybrids, flex-fuel vehicles. It gives the automobile companies tax credits for making more of them. It gives the gasoline stations money to transfer to be fuel stations so that they can sell biodiesel and ethanol and hydrogen, whatever it would take to get us off Middle East oil. But the Democrat Party has shown no interest in ending our dependency on Middle East oil, and that is a national security concern of all Members, and we need to do something about it.

I call on the Speaker to move a serious energy bill that addresses the high, soaring cost of fuel.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ELLISON). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## THE BOND OF BROTHERS—THE DOZEN RIPKOWSKIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, today I have the distinct honor of recognizing a family in the Second Congressional District in Texas where Veterans Day is a daily family event. If you looked up the word "patriot" in the dictionary, you would most likely find a photograph of the 12 Ripkowski brothers in Dayton, Texas.

The lives of all 12 brothers form a company of heroes that served in our military in various branches spanning from World War II to the Korean War. Most of them served in a time of war, and all 12 of them returned home. They truly were a band of brothers who fought for America.

Their family story began in the small town of Dayton, Texas, in the 1930s. Their parents, Stash and Mattie Ripkowski, had 12 sons and 4 daughters. That's right, 16 all-American children. Their names are Felix, August, Raymond, Bernie, Alex, Leon, Bill, Herman, Franklin, John, Mike, Stanley, Catherine, Virginia, Pearline, and Anna Lee.

The Ripkowski family grew corn and cotton on their 200-acre farm. As World War II began, the brothers answered their country's call of duty to serve in the military one after the other.

Raymond served in the Air Force and was stationed in New Guinea. He was a radio operator and gunner. During his military service, he survived and recovered from an airplane crash. Bernie served in the Army and was stationed in Alaska during World War II. Felix served in the Army in Europe. August served in the Navy and was stationed in the Pacific. And Bill was also stationed in the Pacific, but he served in the United States Army. Stanley served in the Army during peacetime and then during the Korean War.

Today only 6 of the 12 Ripkowski brothers are still alive. Alex, the oldest of the surviving brothers, is 91. He served in the Army and was deployed in Europe during World War II. Mike joined the Air Force and served as a chief clerk for 2 years on the island of Okinawa. Herman served in the Army as an infantryman for 3 years, and he was a member of the 78th Lightning Division, which was the first division to cross the Rhine River in Germany towards the end of World War II in Europe. After crossing the river, German airplanes blew up the bridge, separating Herman and his division from the rest of the American troops. American troops quickly built a pontoon bridge in the former location of the blown-up bridge. At this point, Herman's division met up with Russian forces outside of Berlin shortly before the Germans surrendered. It was during this battle that Herman earned the Bronze Star for laying communications wire during enemy fire.

Leon served in the Army during World War II, and his tour of duty took him to Africa, Italy, and France, where he served in the infantry. By miraculous chance, he ran into his brother Felix in Tunisia, Africa during the Battle of El Guettar. Leon received 5 campaign stars while in the United States Army. Franklin served as a Merchant Marine during World War II dodging German submarines in the Atlantic. He crossed the Atlantic 3 times during his military service. Several years later Franklin was drafted again into the Army, and he served his country one more time, but this time during the Korean War.

John "Buster" Ripkowski served as a squad leader in the infantry division in the Army during the Korean War. He helped take care of ammunition for his entire infantry platoon.

All the brothers, except one, have spent the rest of their lives after the military in Dayton, Texas. Herman was the only one to move away from his family, and he moved to Liberty, Texas, which is 6 miles away.

What makes the Ripkowski brothers' story so remarkable is how humble and modest they are in describing their family's enormous military contribution to our great Nation. Their humility is best understood in their own words:

Mike said, "We did it to serve our country. We're just hard-working country folk."

"Thank God we are here and that all of us made it home," said Herman, when asked to describe his brothers and their service in the military.

"You had to serve your country," said John. "I enjoyed going into the service and doing my job."

This band of brothers believed that their service in the military was their duty as an American citizen. To them it was not for performing heroics or to gain medals but to answer the honorable call of duty for our country. "Medals didn't interest us," said Franklin. "Our minds were on doing our jobs and doing it better every day. Nowadays a lot of people don't care or put much of their heart into it. But the military trained you to put your heart into it. I wish every person in America would go into the military for 1 year. It would make a better person out of all of them."

The Ripkowski brothers' patriotic legacy of military service is one of the best examples of our "Greatest Generation" doing their job for America during the great World War II. They are an eternal example of the service and sacrifice given to protect freedom for our Nation. They're a good example for all of us, especially our younger generation.

And that's just the way it is.

## ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, everybody in America, at least the vast majority of Americans, are very concerned about illegal immigration. And they want it stopped.

Back in the early 1980s, we passed a bill called the Simpson-Mazzoli bill. It was in about 1986, and it was supposed to stop illegal immigration. And what it ended up being was a magnet for more illegal immigration. It just simply didn't work. So today, instead of 2 or 3 million illegals in this country, we have got maybe 14, 15, 16 million. And we really need to deal with the problem.

One of the problems we have is that we are not enforcing our laws. Here in Washington, DC, the capital of the United States, a person can acquire an illegal driver's license, a fake, a fake Social Security card, a fake green card, and all they have to do is talk to somebody on the street.

My chief of staff lives over near a place here in Washington, DC called Adams Morgan. It's a very popular place, especially for young people. And the ABC News affiliate here in Washington, DC, recently went down there with a camera and did an interview and watched what was going on as far as giving phony IDs to illegal aliens. And I want to read to you what happened. Here's what they said:

"On any given day, you see them walking up and down Columbia Road in Adams Morgan. As soon as you make eye contact with them, they try to offer you freedom as best they can.

"Seller: 'Green card or security card?'

"Buyer: 'Yes. What will that cost me?'

"Seller: 'The green card and Social Security card will cost you $140. The driver's license alone will cost you $120.'"

Now, they are selling fake IDs. And the people that attacked us on 9/11 had phony driver's licenses and had regular driver's licenses and they used them as ID to get on planes. And here in Washington, DC, we have these people making phony ID cards, driver's licenses, green cards, Social Security cards, and they're selling them in broad daylight and we are not doing anything about it. And these people may very well be terrorists and a threat to the United States of America. I'll go on:

"After jotting down a fake name, using our subject's photo . . . the card sharks put it all together in a private office. Two hundred dollars and a couple of hours later, our subject picks up his documents . . . documents so real looking it's almost impossible to detect anything suspicious . . . identical seals, a new Social Security number, and even affirmation that the U.S. Department of Homeland Security has given its okay. It's easy to get a good fake ID that can legitimately fool employers. And the Federal employment verification "Basic Pilot" cannot detect fraud, which means employers must fend for themselves when determining if a prospective employee is authorized to work in the U.S. What's the point of a system if it doesn't work?"

And that's my question tonight. What are we going to do? We have a system that invites illegal aliens to come into this country. They get education, they get health care, and we have even had legislation passed that would give them an apartment or a home to live in. It's just amazing.

And now we are not enforcing the laws that would stop these people from selling fake IDs, which could give a terrorist the ability to move about in a very easy way here in the United States of America.

This is tragic. Our FBI, our Homeland Security, the State police and the local police in this country need to enforce the laws against creating these fake IDs. It is absolutely essential to keep this country protected and to stop the flow of illegal aliens coming into this country. What's to stop them? Nothing. Right now they get fake ID and they can go anywhere they want, and the American people are sick and tired of it. You talk to any congressman and go to any congressman's district and they will tell you that the American people want this illegal immigration stopped. And we are not even enforcing the law and stopping the manufacture of fake IDs. We have to do something about it.

## THE SIMPLIFIED USA TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise tonight to talk about an issue that has been close to my heart since I came to Congress. Clearly, the current tax code is far too complicated. It is riddled with obvious inequities. Its structure punishes savings and investment, which reduces economic and job growth and burdens domestic industries struggling to remain competitive in today's global market.

Although the U.S. Treasury Department has called for international tax reform and has advocated policies to advance U.S. competitiveness, increase national savings, and reduce our trade barriers, this Congress has failed to offer a substantive response.

Recently, we in the Ways and Means Committee have received a proposal that presents itself as tax reform but is, in fact, as you are going to hear later tonight, a Rube Goldberg device to raise taxes. In this context, it is important to consider other alternatives, and tonight I would like to discuss my own tax proposal which encompasses all of these concerns and would attract a broad cross-section of working Americans.

My proposal, the Simplified USA Tax, puts the right incentives in place to grow our economy and to create new jobs. The Simplified USA Tax has three key components:

One, it simplifies the tax code by a factor of about 75 percent; 2, it takes the taxes off of savings to promote thrift and address a national dearth of savings; and, 3, it makes America significantly more competitive, thereby creating and preserving better jobs within our borders.

□ 2115

The simplified U.S.A. tax starts out with just three simple low rates, 15 percent at the bottom, 25 percent in the middle, and 30 percent at the top.

Through a payroll tax credit to all wage earners, SUSAT effectively lowers the income tax rates to the 7 and 17 percent range for nearly all Americans.

Under my proposal, and this is one significant departure from some tax reform blueprints, everyone would get a deduction for mortgage interest on their home. In addition, the SUSAT proposal allows charitable donations and tuition deductions.

To further ensure that the new Tax Code would be progressive, my proposal also permits all families to take a generous family credit, and qualifying families to take an additional refundable work credit. These two credits simplify and improve the current child credit and earned income tax credit.

I believe the Tax Code must also give Americans a fair opportunity to save part of their earnings. By taking the taxes off of savings, we will increase the savings rate and ultimately reduce the cost of capital.

My proposal encourages savings by allowing everyone to contribute to an unlimited Roth IRA. It also repeals the individual and corporate alternative minimum tax, Federal death and gift taxes.

Mr. Speaker, as you can see, the individual tax system, under my proposal, is designed to be simple. The tax return will be short, only a page or two for most people; but, more importantly, the tax return will be comprehensible.

My proposal also contains a new and better way of taxing corporations and other businesses that will allow them to compete and win in global markets in a way that exports American-made products, not American jobs.

All businesses are taxed alike under our proposal at an 8 percent rate on the first $150,000 of profit, and a 12 percent on all amounts above that small business level. All businesses will be allowed a credit for the 7.65 percent payroll tax they pay under the current law.

One of the most pro-growth elements in SUSAT is that all costs for plant equipment and inventory in the United States will be expensed in the year of purchase. This is important because investment in state-of-the-art equipment is critical to manufacturing in a global economy.

The other key component of SUSAT which will make American business more competitive is that it will be border-adjustable. In other words, SUSAT would end the perverse practice unique among our trading partners of taxing our own exports. All export sales income is exempt and all profits earned abroad can be brought back home for reinvestment in America without penalty.

Because of a 12 percent import adjustment, all companies that produce abroad and sell back in the U.S. markets will be required to bear the same tax burden as companies that both produce and sell in the U.S. This policy would finally take away the bias in favor of imports built into our current tax structure, which, in my view, contributes dramatically to our trade deficit, which, in my view, continues to rise at record-breaking levels.

## LIEUTENANT GENERAL DAVID POYTHRESS

The SPEAKER pro tempore (Mr. ELLISON). Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, as we approach Veterans Day, I proudly rise to honor a Georgia native, Lieutenant General David Poythress, who has served the State of Georgia as our adjutant general since 1999.

Two weeks ago, I attended the change of command ceremony for General Poythress as he stepped down from his post as commander of the Georgia National Guard.

General Poythress's long and distinguished military career began at Emory University in Atlanta, where in 1967 he received his law degree, and he graduated as a distinguished military graduate of the Emory ROTC program.

After graduation, Mr. Speaker, General Poythress served 4 years on active duty with the United States Air Force as a judge advocate officer, including 1 year as chief of military justice at Da Nang Air Force Base in Vietnam.

Upon returning to civilian life, General Poythress remained in the Air Force Reserve, serving as a judge advocate officer in various positions of increasing responsibility. In 1991, General Poythress returned to active duty to oversee the reserve legal officers during Operation Desert Storm and Desert Shield. He was promoted to brigadier general in 1994, and to major general in July of 1999.

It was in 1999 that General Poythress took over as the adjutant general of the State of Georgia, where he has commanded 12,000 personnel of the Georgia Army National Guard, the Georgia Air National Guard, and the Georgia State Defense Force now for nearly a decade.

Mr. Speaker, in 2006, General Poythress became the first adjutant general in Georgia's 273-year history to wear a third star as a lieutenant general. And for the past 8 years, General Poythress has led Georgia's Guard through some historic changes, and our men and women have performed admirably under his leadership.

Not only has General Poythress made a major impact on our Nation's military, but he has also been an irreplaceable asset, Mr. Speaker, to the State of Georgia. General Poythress spent much of his civilian career in public service to the citizens of our great State. He served first as deputy state revenue commissioner, then secretary of the State of Georgia, and finally, commissioner of labor in Georgia. Needless to say, General Poythress's retirement will leave huge shoes to fill in the State of Georgia.

Over the past several years, Mr. Speaker, I have enjoyed getting to know General Poythress and his lovely wife, Elizabeth, as personal friends, and I appreciate their singular dedication to our Guardsmen.

Last year, Mr. Speaker, I even had the opportunity to travel to Iraq with the general, and we met with Georgia's 48th Brigade Combat Team. I know it must have been a joy for General Poythress to see his troops and General Rhodheaver serving our Nation so honorably, but also a painful time, as he remembered the 26 fallen soldiers from the 48th who were lost in some of the most dangerous combat in the Sunni Triangle outside of the city of Baghdad.

Through all of the struggles, including the difficult task of assisting Louisiana in the aftermath of Hurricane Katrina, General Poythress has led Georgia's Guard with the strength of a commander and the heart, Mr. Speaker, of a public servant.

And so I ask my colleagues tonight, join me in honoring Lieutenant General David Poythress for his dedicated service to defending the State of Georgia and the United States of America.

## HONORING OUR VETERANS—VETERANS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, this coming week we will celebrate Veterans Day. As we remember the many who have given their lives in service to our Nation, I hope we pause not only to honor their memory, but also to express our gratitude for that which their sacrifices have secured.

The many American veterans that we honor today are a reflection of American greatness. The men and women of our Armed Forces throughout our Nation's history have not hesitated to make tremendous personal sacrifices for the cause of freedom. If it were not for our brave and selfless veterans, we would be a land of fewer freedoms and smaller liberties.

Throughout our history, our veterans have gone to foreign shores to fight the forces of injustice and tyranny. Today, many live in freedom thanks to their great sacrifices.

Our veterans are the first and the finest example of the American hero. They have preserved our peace and they have held back the tide of darkness when the call has sounded to protect our liberty. And these men and women have done and continue to do these things with a sense of duty that has never shirked the great sacrifices, but instead, upholds the mantle of democracy with strength and pride.

On Veterans Day, we rightly single out the members of our Armed Forces, past and present, and give them the honor that they do not ask for, but that they so richly deserve.

I do not say this lightly, that our veterans are the primary forces that keep and have kept the vision of America alive throughout the centuries. Ours is a vision of freedom for all, a vision of a land where any man or woman can breathe free and lay hold of prosperity, secure in the knowledge that their brave and selfless soldiers, sailors, marines, airmen and coast guardsmen have proven that our cause is worthy of the most profound of sacrifices.

We must not take our freedoms lightly. They have been purchased with the blood and sacrifice of many patriots. These patriots have answered the call to service, knowing that a life without liberty is hardly worth living.

They've shown us that our freedoms are invaluable and priceless beyond the paltry dividends of a life under the shadow of tyranny or fear or repression.

We have much to be grateful for in this Nation. Our freedoms are many and our sacrifices are few in comparison to what our veterans willingly give up. And these sacrifices are made on our behalf so that we might enjoy a liberty that is unrivaled throughout human history.

It is therefore a tremendous pleasure to honor the men and women who saw the value of freedom and grasped the threat of tyranny and did not shrink into the twilight. As Thomas Paine said of our freedom on the eve of the American Revolution: "The sun never shined on a cause of greater worth."

I thank our veterans for recognizing this cause and rising to its defense with unfailing strength. Our gratitude is tribute to your great bravery and profound sacrifice.

## TAX BURDEN IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BRADY) is recognized for 60 minutes as the designee of the minority leader.

Mr. BRADY of Texas. Mr. Speaker, tonight, it is our opportunity to talk about the tax burden that families in America unfortunately must pay.

I am a six-term Member of Congress. I represent the Eighth Congressional District of Texas. It's a great district that encompasses a great deal of east Texas from the Louisiana border over to I-45. I live in The Woodlands, Texas, just north of Houston, with my wife and our two boys, a kindergarten son named Sean and a third-grader named Will, who goes to public school, Sally K. Ride Elementary School. We are blessed to have a great school system in our community.

I have enjoyed serving on the Ways and Means Committee because for many years, as I've told my wife, I get to go to work each day trying to cut taxes from families and small businesses so they have less of a burden. It seems to me we have an overtax, and we are an overtaxed Nation. Most families pay more in taxes than they do for food and housing and clothing combined. Many families work, and most workers work into June and July, actually, after July 4th, before they have paid all their taxes. They don't start working for themselves until almost the seventh month of every year.

And just think about each of the days our families live. You wake up in the morning and you take a shower and you pay a water tax. If you get a cup of coffee, you pay a sales tax. If you drive to work, you pay a gas tax. At work you pay two taxes, an income tax and a payroll tax. You get home and turn on the lights, you pay an electricity tax. You turn on the TV, you pay a cable tax. Get on the phone, you pay a telephone tax. You get ready for bed and kiss your spouse and you pay a marriage tax. And you do this day in and day out for years until when you pass away, you pay a death tax.

□ 2130

We are an overtaxed Nation. This new Congress is bent on increasing that tax burden on America's families and those who create jobs. Already, this Congress has, in the House, approved over $110 billion, billion dollars, worth of new taxes. For those of us who believe the more you tax something the less that you get, what we are seeing is an all-out assault on jobs in America. We are taxing American energy workers.

This Congress seeks to tax American capital, American manufacturing, American small businesses, and tomorrow, this Chamber is set to take up two new tax increases: a major tax increase on the real estate partnerships of America who build our apartments and shopping centers, our office buildings and industrial parks, and another tax that would increase the tax on hard-working Americans who have scrimped hard and saved to buy a second home, maybe a retirement home for their family.

I am going to talk about this for just a minute, then I am joined with two of the leaders of the Ways and Means Committee who are going to talk about the alternative minimum tax, and we will talk about what is now called the "mother of all tax hikes" proposed by the chairman of the Ways and Means, CHARLIE RANGEL.

The two provisions I am talking about tomorrow that do not deserve to pass, one is a tax on the small partnerships that build America. Real estate partnerships are a routine, traditional, very responsible way to build facilities in our local community. This tax would tax those small businesses and partnerships, increasing their taxes $6.7 billion, billion, over the next 10 years. This tax increase is described by many as perhaps the most dangerous and risky tax increase on the real estate community since the 1986 tax law, whose changes drove many of our real estate into foreclosure, helped lead into the S&L, savings and loan credit problem, and will undoubtedly cost jobs in America. Some in Washington say, "No, no, no. We are not targeting America's small business and real estate professionals. We are targeting Wall Street." The truth of the matter is that they are shooting at Wall Street; they are hitting Main Street. They are hitting our real estate partnerships, our energy partnerships, our venture capital and local groups that have done nothing wrong except build our infrastructure in our local community and help create jobs.

It is simply wrong, in my view, to tax these organizations. They are the traditional, predominate business model. This tax increase will not only cost jobs, it will cost construction jobs. It will harm property values and really lower government revenue at the local level. I think it is important that we not punish the real estate partnerships that are such an important fabric of our country. And why risk, why help drive more of this housing bubble? Why cause more problems for the real estate industry when, in truth, we can encourage more of this development?

The second tax increase we will face tomorrow, and I hope we will vote down, is a tax increase that hits small businesses, or actually hits families that have saved hard for a second home. It is proposed that we change the tax increase, the capital gains tax, on people who own a second home. Now, we did some research on this. What we discovered, a lot of people think this is the wealthy. We did research on it and discovered that 40 percent of all the home sales last year were to second homes, four out of ten home sales to second homes. And those who bought those homes weren't wealthy. According to the National Association of Realtors, on average, their income was about $82,000. They were buying a second home for their family. Some were investing for their retirement. Others have a favorite lake or river that they have always dreamed of having a cabin on or a lodge on and may have, in fact, done everything right. Many of them have scrimped on their first home so they could try to buy another for their dream in their retirement, for their family's quality of life. It seems to me when you look at punishing people who have worked hard to try to buy that home, we ought not do it.

When you look at the impact on your communities around the country, second home market's where it is very important to the local community. You see many of them in New England where you have buyers from New York, Washington, Philadelphia and all along the East Coast. You see many of them in California and in Florida where you naturally have retirees. But it is not limited to that. Arizona, North Carolina, all throughout the Midwest in areas where there are beautiful lakes and rivers and wide open spaces, then you have the high tech communities and others that invest in second homes.

It just seems to me that this is dangerous to discourage this type of investment. I think we risk in the future harming the property values in the communities that rely upon these resort-type of homes and vacation homes. It seems to me unfair that we would penalize and punish people who have worked so hard to save. We ought not be doing that. We ought to be rewarding that type of behavior.

My hope is that tomorrow as Congress or this U.S. House of Representatives considers these bills that, in fact, we reject these tax increases on the real estate partnerships that build America and reject tax increases on families that scrimped for a second home, maybe perhaps their dream home.

With that, I would like to yield to the ranking member, the highest ranking Republican on the Trade Subcommittee on Ways and Means. This gentleman is from California. He is a conservative who has led the fight for tax relief in many areas throughout the years here in Congress. And I yield to the gentleman from California (Mr. HERGER).

Mr. HERGER. I thank my good friend, the gentleman from Texas (Mr. BRADY) for leading this talk this evening on this incredibly important issue of the taxes that are about to be raised if we do nothing here in the U.S. Congress. I might mention, it was interesting listening to my friend talking about all the individuals that he knows of that will have their taxes raised. I have to give some of my background. My reason, I grew up in Northern California in a rural area just south of Yuba City, Marysville, in a dairy community, born in 1945, so raised during the 1950s and 1960s. Our family also had a small business which I worked in. My reason for becoming involved politically and running for office was not what government was doing for me, but rather as a small businessman and small rancher what they were doing to me. So this evening, I want to discuss something that is more that they seem to be wanting to do to us.

Mr. Speaker, if you earned the same amount of money last year that you do this year and you write a bigger check out to the IRS this year than you did last year, you have just experienced a tax increase. The expensive alternative minimum tax measure recently introduced by the Democrats and the chairman of the Ways and Means Committee, Chairman RANGEL, threatens to take us down the path of staggering tax hikes that will impact nearly every taxpayer. In fact, if that proposal were to be enacted, over the next 10 years, more than 120 million Americans would pay more than $312 trillion in additional taxes.

Mr. Speaker, I have consistently supported doing away, outright, with the alternative minimum tax and am a cosponsor of legislation by my good friend, the gentleman from Pennsylvania (Mr. ENGLISH) that will be speaking in a few minutes that will do precisely that. But the Democrats' "mother of all tax hikes" is the wrong approach on the American taxpayer. Ten years ago, most Americans had never heard of the AMT. Today, more and more middle-class families are becoming ensnared in this alternative tax regime.

The AMT was created almost 40 years ago, in 1969, to make 155 of our Nation's wealthiest individuals, who were not then paying taxes, pay at least some level of tax. Yet, the income entry level for the tax were never set to be adjusted for inflation. So if Congress doesn't act soon, the number of taxpayers paying the AMT will rise from 4 million, now mind you that is up from 155, from 4 million last year to 23 million this year alone. In other words, an additional 19 million middle-class taxpayers could pay an average of $3,800 more in taxes this year.

House Democrats would have us raise taxes elsewhere to the tune of nearly $312 trillion over the next 10 years to do away with this AMT that was never intended. They claim this massive tax hike is necessary to offset, or make up for, the tax revenue that is lost with the termination of AMT. For a married couple with two children and an income of $45,000 a year, as well as some typical deductions, this could mean a new $1,500 tax bill. How is this possible if the Democrats' bill assumes that the landmark tax relief of 2001 and 2003, which we put through the Ways and Means Committee in this Congress and signed by President Bush, will expire 3 years from today? Including the lower marginal tax rates and the $1,000 child tax credit.

Under this scheme, more than 94 million Americans with income between 20 and $200,000 will see a major tax increase. I am seriously concerned about how these new taxes will affect taxpayers in my own Northern California congressional district. In 2005, just over 2 percent of all taxpayers in my district paid the AMT. If we fail to extend AMT patch, some 54,000 Northern Californians will have to pay the AMT this year alone. Again, this was a tax meant for only 155 of the wealthiest Americans who weren't paying any taxes in 1969.

But what really troubles me is that the majority party's mother of all tax hikes would eliminate the AMT for this 2 percent and merely substitute it with higher taxes for almost every other taxpayer. This kind of pro-tax-increase thinking is simply unacceptable. We should do away with the AMT altogether. But the majority party's "tax Peter to pay Paul" approach is wrong and ignores a reality that the AMT was never intended to capture these Americans in the first place.

I would like to thank, again, my friend, KEVIN BRADY, the gentleman from Texas, for hosting this important Special Order this evening and encourage all my colleagues to stand up for the taxpayers in their congressional districts and oppose the majority's proposed massive tax hikes.

Mr. BRADY of Texas. Well, Mr. HERGER, thank you for that. Let me just bore you on something. What you said was that under the Democrat proposal, all of President Bush's tax relief is set to expire, so an average family in Texas, for example, we had the expert run the numbers up here, our average Texas family would face an annual tax increase of about $2,800 a year, $2,800 a year. And I know that doesn't sound like a lot of money here in Washington, but back home, that is an awful lot of money to a family.

Will families in California and other parts of the country face that same type of tax increase?

Mr. HERGER. To my friend, yes. That is, as a matter of fact, that tax increase could go as high as $3,800, and talking about average families.

□ 2145

Mr. BRADY of Texas. On top of that, besides letting the President's tax cuts expire, there is a new range of taxes, this mother of all tax hikes, MATH, that adds even more tax increases on top of that, is that correct?

Mr. HERGER. That is correct.

Mr. BRADY of Texas. Mr. HERGER, thank you for raising this issue. Thank you for standing on behalf of families and for your leadership on tax relief in this country.

Mr. HERGER. Thank you, Mr. BRADY.

Mr. BRADY of Texas. Our next speaker probably ought to be known as "Mr. Manufacture," because I don't know anyone who works harder on behalf of manufacturing workers in America, especially in the northeast, than the gentleman from Pennsylvania. He is a long-time member of the Ways and Means Committee. He has a tremendous reputation for looking out for the tax burden of families; more importantly, keeping our U.S. companies competitive so we can compete anywhere throughout the world against anyone and help create new jobs here in America.

I would yield to the gentleman from Pennsylvania, Mr. ENGLISH.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I thank the gentleman. I have been listening this evening to the presentations of the last two speakers and I am struck by how, with powerful presentations, I think with a logic which is difficult to challenge, and with oration rhetoric they have laid out the challenge facing American workers with a tax bill, with a tax initiative coming from the majority that is going to raise taxes on working families, driven by a budget by the majority that took revenues from applying the AMT to 23 million taxpayers and now is requiring the majority to look willy-nilly for ways of bridging that tax gap, we now come to the mother of all tax hikes, which has been rolled out in our committee, presented as a tax reform, but ultimately I think is an albatross that would be a dead drag on the American economy.

There are so many problems with the majority's mother of all tax hikes that, frankly, Mr. Speaker, I sincerely doubt that one hour would allow us to do justice to all of them.

So tonight I'd like to focus my remarks on how working families in districts like mine are, as a result of the bill, potentially going to be facing one whopping marriage penalty, see a reduction on the value of deductions for things like mortgage interest and State and local taxes. In addition, if they have got kids, they better be prepared to hang on to their wallet because it's going to take the revenue from dropping the child tax credit to $500 from $1,000, and raising the 10 percent bracket to 15 percent. I'd also like to talk about how this bill will make America less competitive and cost America jobs, particularly in the manufacturing sector.

Now, Mr. Speaker, beginning in 2001, the Republican majority at the time took steps to neutralize the marriage penalty. We were successful in reducing this unfair penalty on marriage and families in the Tax Code. Yet, in the mother of all tax hikes bill, the Democrat majority is proposing to resuscitate the marriage penalty and bring it roaring back to life.

The MATH bill sets income thresholds for a newly designed surtax. But instead of setting the income threshold for married couples at twice the level of income as the threshold for single filers, the majority creates a gargantuan marriage penalty. In fact, the threshold for married couples is only 33 percent higher than the one established for single filers. This creates a 66 percent marriage penalty for taxpayers affected by this new surtax.

This is one way in which the MATH bill moves our Tax Code clearly in the wrong direction. The very same surtax is at the heart of the new marriage tax penalty and is also going to diminish the value of deductions that can be claimed in the filing of taxes. These deductions include the mortgage interest deduction and the deductions for charitable contributions. Under the bill, the deduction for State and local taxes would also be diminished in value.

How exactly are the Democrats going to erode the value of these deductions, and that is another shell game, Mr. Speaker. Because they would implement this surtax based on adjusted gross income instead of taxable income, the surtax is applied before you're able to make any deductions. While that may sound like something that only green-eye-shade types can decipher, it's going to be hard not to understand the next time you end up tallying your taxes. The end result is simple: less money in the pocket of working families all across America.

So to recap so far, the Democrats have put forward a bill that socks it to married couples in the form of a brand new mammoth marriage penalty and that decreases the value of any deductions that are available to the claimant, including the standard deduction. What else could they possibly dream up to tax the American family? How about the tax on families with kids? That, Mr. Speaker, is the next station this train wreck of a tax bill heads to.

A magnifico in the Democrat Party in the House earlier this year called the alternative minimum tax the parent penalty. I guess that was a poll-tested term. In fact, it was during his national radio address on the AMT when the following was said, and I quote: "While Republicans were passing multiple tax cuts for the very wealthy over the last 6 years, the Bush administration and the Republican Congress seemed to have forgotten about the middle-class families." The new Democratic Congress has made cutting the AMT, the parent penalty, our top priority for tax reform.

Curiously, the Democratic budget and the MATH bill don't fix this so-called parent penalty. Instead, it forces the taxman to drop the hammer on working families by increasing taxes on those the Democrats claim to want to help. To understand how the Democrats are now increasing taxes on middle-class parents, we have to go back to 1997 when the Democrats claimed Republicans were focused on cutting taxes for the wealthy. The Republican majority created the child tax credit in 1997, and then increased the credit from $500 to $1,000. It was limited at the top. It was capped in the families by income that would be eligible for it.

Also, the Republican majority lowered the bottom tax bracket to 10 percent from 15 percent. Those are working families at the bottom end of the economic ladder who benefit from that. Yet the Democrats in their budget want the child tax credit to revert to $500 and those in the lowest tax bracket to pay 15 percent instead of 10 percent.

So using the current level of tax and value of the credit and then comparing it to the tax rates imposed on middle-class families in the MATH bill, just how do parents fare? The answer may surprise you, given all the Democratic rhetoric flying around the Capitol in recent years. Let's look at an example to see what is really going on.

Peter and Kelly of Waterford, Pennsylvania, are a married couple with two children and have an adjusted gross income of $45,000 in 2011. They have four exemptions totaling $14,800, plus $13,000 worth of deductions for their charitable contributions, mortgage interest and State taxes. Under the current tax system, Peter and Kelly would have a negative tax liability of $275 and would get a check from the taxman. Under the MATH bill proposed by the Democrats, however, Peter and Kelly would owe the taxman over $1,500.

How can that possibly be? After all the Democrats said they wanted to help working families like Peter and Kelly. The fact is that the Democrats are playing fast and loose with their rhetoric and are now playing the game of three-card monte with this family. They say they are removing something called a parent penalty, but by assuming the expiration of the 10 percent tax credit and the child credit declining to $500, the tax bill doesn't lie. This is a big tax increase and in some respects a different standard of living for these parents.

That is why it is so important to talk about just how bad this bill is. With all the information in hand, taxpayers won't be fooled by the Democrats' smoke and mirrors. The only ones foolish enough to believe the claims about this bill, I believe, are my colleagues themselves on the other side of the aisle.

If that wasn't enough, Mr. Speaker, the majority proposes to vault U.S. individual tax rates to among the highest in the entire developed world. When the surtax included in the MATH bill is combined with the take-the-money-and-run revenue grab of repealing the 2001 and 2003 tax cuts, the majority would leave the top tax rate at more than 44 percent. Of all the members of the Organization for Economic Cooperation and Development, that is the club of the developed world, only five would have higher top marginal tax rates in 2011. This is a staggering increase on the top rate.

Some will counter that this increase is only fair because it is directed at only the wealthiest individuals in our country. But those critics would be dead wrong. They would fail to recognize that this crushingly high tax rate will affect small business owners and farmers who report business income through the individual tax code and will cripple the engine of opportunity, job growth and innovation that makes our economy strong. This is the most dynamic part of our economy.

In fact, the Heritage Foundation has estimated that this bill, in conjunction with the repeal of the 2001 and 2003 tax policies, would have the effect of eliminating the entire economic output of my hometown of Erie, Pennsylvania, seven times over each year beginning in 2011.

All year, Democrats have been blindly and steadfastly hanging on to the misguided theory that taxpayers are worse off as a result of the 2001 and 2003 tax relief. Their theory is that because those taxpayers got a tax cut, they were more likely to go into AMT status and therefore be subject to a higher tax bill from Washington.

Not everything in their theory is completely inaccurate. Yes, as a result of the 2001 and 2003 tax relief, more taxpayers were subject to the AMT, and the reason is simple: you are subject to the AMT if your liability under it is higher than your liability under the regular tax. The part they have wrong is that those taxpayers are worse off as a result of now being in the AMT. In fact, they are not worse off than they were, because without the 2001 and 2003 tax policies, they would have paid the same or higher taxes than they do now, even in the AMT.

Where this story gets interesting, however, is that the Democrats' own logic is now turned against them and exposes a major flaw in their bill, the mother of all tax hikes. The stakes are high and job creation hangs in the balance. Unfortunately, the mother of all tax hikes will dole out one serious beating, particularly on small manufacturers, on innovators, on entrepreneurs, and ultimately on job creation.

To understand why, let's borrow the Democrats' own theory, namely, that if rates are lowered, more taxpayers will be subject to the AMT. Only this time, under the mother of all tax hikes, the taxpayers are getting thrown into the AMT as employers.

The individual AMT is not the only monster lurking in the Tax Code. Similar to the individual AMT, the corporate AMT is a horribly inefficient and counterproductive parallel tax system, a source of complexity. The Democrats' bill will, by virtue of modestly lowering the corporate income tax rate, have the effect of increasing the number of corporate AMT taxpayers.

What do the Democrats do to head off this problem, which they decried as a fundamental unfairness when the Bush tax cuts did the same things for individuals? Not a thing. Nothing at all. Nada.

Why is this more important, you may ask? Won't they be better off than they would have been absent the tax cut? While it may be true that corporate taxpayers thrust into the corporate AMT as a result of the mother of all tax hikes may not pay more tax overall, the corporate AMT has built in disincentives to capital investment and job growth.

In short, the corporate AMT, especially for capital-intensive industries, such as the ones in my district, manufacturing, forces employers to choose between investing in their tax bill or investing in job creation. I, for one, have long advocated for a Tax Code that embraces incentives to create jobs, as opposed to a policy that is a dead drag on the economy.

In addition, by lowering rates but not dealing with the corporate AMT at the same time, the mother of all tax hikes will further entrench employers already in the AMT. This will make it even harder for those taxpayers to get out of the AMT.

The practical consequence of this is that existing corporate AMT taxpayers, being forced to stay in the AMT longer, or even indefinitely, will not be able to use the AMT credits that they have accumulated.

□ 2200

These credits are given so a corporate AMT taxpayer will be able to offset future tax liability as a way to make sure that the AMT is not a permanent tax increase. But unless the taxpayer can ultimately leave the AMT, the reality is, in effect, it is a permanent tax increase. In other words, by increasing the strength of the AMT's hold on taxpayers, it will likely translate into a permanent tax increase for some employers that find it difficult to get out of the AMT, and many of these are tax sensitive.

This is absolutely the wrong direction for Congress to take. Instead of entrenching the corporate AMT in the Tax Code, we should be repealing it outright. The corporate AMT turns incentives enacted by Congress to spur new investment and create jobs into liabilities. This includes research and development activity and the purchase of new equipment.

Because more firms are subject to the AMT during economic downturns, the AMT increases taxes during recessions and decreases them during relatively prosperous periods. This artificially accentuates natural market cycles and unnecessarily destabilizes the economy.

The end result is job loss and employers being forced into protracted fears of stagnation when it comes to investment in ingenuity. Not only does the mother of all tax hikes fail miserably to deliver on its promise of middle-class tax relief, but it also makes an intense effort to put those middle-class taxpayers out of work.

This is a bad initiative. It is one borne of ideology rather than practical experience. It is a bad tax policy, and we know from past experience that an old saw of Daniel Webster's holds true: The power to tax is the power to destroy.

If we allow these higher taxes to go into place, it will have a negative impact on our economy, on many of our working families, on many families that we have sought to support through judicious use of the Tax Code.

Mr. Speaker, I think it would be a terrible mistake if, without a fight, we allowed this Democrat tax bill to go into law masquerading as tax reform, but basically dramatically increasing the amount of our national wealth that is confiscated.

I am prepared to join this fight. I am delighted to join the gentleman from Texas and others. I believe there will be a clear philosophical difference laid out before this Congress between those who want to reform the Tax Code through simplification, putting in place the right incentives and pro-growth economic policies, and those who want to game the Tax Code and generate more revenue at whatever economic cost and shift more and more of the burden down to the middle class. This is a fight worth having, and I am proud to join the gentleman from Texas to be part of it.

Mr. BRADY of Texas. I appreciate the gentleman from Pennsylvania.

In the name of tax reform, according to the Joint Committee on Taxation's report that came out today, even though this is called tax reform, 113 million families will see their tax burden go up and only a few, 9 million, will see their taxes go down; is that correct?

Mr. ENGLISH of Pennsylvania. That's correct. What we are seeing is a vehicle being called "tax reform" being used as a locomotive to drive higher taxes, higher revenues, and higher spending levels. This is an attempt in the name of fiscal responsibility to take more from the American economy, more from American working families, more from the public at the expense of the private economy.

Mr. BRADY of Texas. And as I understand it, although this proposal will soak the wealthy and the small businesses in America, it also soaks the working-class families, many who make less than $75,000 a year, according to the report released today, will see a major increase in their taxes. These are families that make less than $75,000 a year, it will increase taxes on those families?

Mr. ENGLISH of Pennsylvania. That is precisely correct. That is something that I think needs to get out to the American people before we have this debate.

Mr. BRADY of Texas. And I know we are having a debate tomorrow on the alternative minimum tax. I think many of us are concerned that this is an opportunity to increase taxes. The alternative minimum tax was a mistake to begin with. It targeted a few wealthy millionaires. Now it has spread unintentionally to 3 or 4 million Americans. There is an argument in Washington today that says to a person, we intend to tax you in a couple of years, but we are not going to do that and so we will increase taxes on other Americans to cover the tax increase you don't have.

Mr. ENGLISH of Pennsylvania. And what is particularly perverse about it, to respond to the gentleman, is we are talking here about permanent tax increases, to provide temporary protection to other taxpayers. Ultimately they have created a series of PAYGO rules that allow them to go in each year, hold certain taxpayers harmless, but at the expense of permanent increases in revenue into the foreseeable future.

What they are doing is setting up a system that can be gamed that will permit them to go forward and raise taxes each year without calling it a tax increase where they are trying to avoid the label. I think that is particularly perverse because what it assumes, even as Republicans for years when they were in power each year tried to look for ways of cutting taxes, it seems like the Democrats have set up a PAYGO system by which they will be able to go in each year and justify tax increases.

They may call some of it loophole closing, but it is higher taxes, and they are going to be looking for more and more creative ways for generating more revenue for years to come, particularly as the cost of patching under their rules, the cost of patching the AMT each year grows higher.

Mr. BRADY of Texas. I think many of us believe it is right to eliminate the alternative minimum tax. It is a mistake. It is a second tax. It is a wrong tax, and should be stopped today. Many of us believe that should not be an excuse for raising taxes on others. In fact, the best solution is if you look at the next 10 years of spending in America, our government will spend nearly $50 trillion over the next 10 years. And I think many of us believe that rather than finding excuses to add tax burden to American families and small businesses, we ought to sit down together, both parties, and see if we can identify less than a trillion dollars of that.

Mr. ENGLISH of Pennsylvania. I think the time has come to put together budgets where the math is accurate, where the math isn't based on phantom revenues, where the math doesn't assume the phaseout of taxes every year, and where the math is not based on applying new taxes to whole new classes of taxpayers, particularly a tax that was intended for the wealthy but increasingly is being targeted to the middle class. I think we need to take this opportunity to make a departure from past practice.

As the gentleman knows, when we were in the Ways and Means Committee marking up the unfortunate patch bill that is being brought to the floor tomorrow, I put forward an amendment that was defeated by the majority that was consistent with their budget rules, that would have eliminated the AMT by a date certain. This is something absolutely consistent with their budget practices. They claim to want to get rid of the AMT. But when they had a chance to actually get rid of the alternative minimum tax, they voted us down on straight party lines. This would not have done violence to any of their budget calculations. It would not have required them to adjust their current budget. It would have just required them to acknowledge that they have to stop using the AMT in the outyears to plump up their revenues because they are not entitled to that revenue. Congress never intended to apply this tax, the AMT, to middle-class taxpayers. And the fact that the majority party is so addicted to its revenue that they are not willing to just say no I think tells the entire tale.

Mr. BRADY of Texas. I thank the gentleman from Pennsylvania. I think there is a clear philosophical difference between the two parties. As Republicans, we believe what you earn is your money. I think our new majority here believes what you earn is the government's money.

I think most of us agree before we ask through these tax increases, before we demand that families tighten their belt, maybe us in Washington ought to be tightening our belts first to try to put this government on a diet and try to make better use of the moneys that the people send us.

I appreciate the gentleman from Pennsylvania's leadership on this issue.

Mr. ENGLISH of Pennsylvania. I thank the gentleman.

Mr. BRADY of Texas. I turn now to the gentleman from New Jersey who represents both rural and suburban households, some who do well, but others who are just working-class Americans. He has fought hard against tax increases during his time in Congress, and I welcome the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I appreciate that and thank the gentleman from Texas for your work on this issue.

I also commend the gentleman from Pennsylvania because I know he has been championing this issue and cause for a number of years. And I believe during his remarks he mentioned the piece of legislation he has had in this House for some time as well.

In his usual, understated way, the gentleman from Pennsylvania ended his remarks by saying this will begin a philosophical discussion, and the gentleman from Texas picked up on that as well. Indeed it is a great philosophical discussion to point out the disparity between the two parties. The Democrat Party, which is now in control of the House and the Senate, we can see from their actions during the past 11 months that they have been in control that families should be compelled to keep their house in order but Congress does not have to be forced to live within its means. They do that every time they come to the floor with another tax increase, which we will see shortly when their AMT bill comes, that Congress does not have to live within their means. The focus should be, instead, on the family budget, as we have always said on this floor in the past.

Before I came to the floor, I want to do a little aside, I was reading this current issue of Human Events, the week of November 5. It is a front-page story by Andrew Boylan: "Rangel tax reform riddled with tax hikes." He has an expression in here, and I think it points out what CHARLIE RANGEL and the Democrat majority are trying to do in the House. It says, "Chairman Rangel's plan isn't just robbing Peter to pay Paul; it is robbing Peter and Paul while convincing both of them that the other guy is the one paying the higher taxes." That really puts it in a nutshell.

What you will hear from the other side of the aisle when they begin to explain this is no, we are just trying to set things straight. We are just trying to rectify a problem from the old AMT.

But at the same time they really, in reality, are shifting it. No, they are robbing from all of us, the entire American population, and they will be trying to convince all of us through the spin and the rhetoric that we hear that the other guy is paying it. That is not the case at all.

You know, the word "AMT," for those who don't follow this issue very closely, has a good name, alternative minimum tax. At first blush that sounds like something that you would want to pay instead of what you are currently paying.

"Alternative" makes it sound like it is voluntary. "Minimum"; I, too, would like to pay the minimum amount of taxes. But those words are deceiving just as the Democrat plan is deceiving. It is not alternative in the sense that it is voluntary. It is mandatory. You are compelled to pay the higher of the tax. And it is not minimum in any sense of the word. It is a maximum tax. That will be exactly what we get when the Democrats give us CHARLIE RANGEL's bill of an alternative minimum tax fix.

Now the gentleman from Pennsylvania talked about a piece of legislation that he has worked on, which I have cosponsored as well, that tries to address this by simply repealing the entire AMT. It repeals the entire alternative minimum tax so that citizens of this country will not have to pay that higher tax.

□ 2215

I've cosponsored that legislation, and I support it, but let me just digress for 30 seconds here and just say that I also have sponsored a piece of legislation to address the AMT in this session of Congress. It does not go so far as to totally repeal the bill, but what it does is to try to do, let's say, a compromise measure, if you will, if we can't get that far because the other side of the aisle will not go so far as to giving American taxpayers that total relief. And what it does is it meets it halfway.

From my perspective, it gets halfway and says let's put a COLA in that bill, a cost of living adjustment into it, so that the AMT could do what it was actually intended to do several decades ago, target those very, very, very, very few. Back then, there were was only 150 of those taxpayers out of 200 million people, those taxpayers who were not paying any taxes, and put a COLA into it so that it would be just adjusted just as the rest of the tax breaks. So when your income goes up each year due to inflation and what have you, you would not find yourself falling into it.

So if the Democrats can't go so far as some of us, as Congressman ENGLISH and others of us believe that we would like to see here, and that is to totally repeal, take away that burden on all American taxpayers, I would hope that they would see instead some sense to reaching halfway at the very least and saying let's make sure that it does not swallow up so many of the individuals in this country. If we don't do anything shortly, 22 million Americans will see their taxes go up dramatically.

Now, I come to the floor, as the gentleman from Texas says, from the great State of New Jersey, and I speak with some experience as to the fact that sometimes the other side of the aisle, both on a Federal level and on a State level, will try to deceive us on some of these things as to who they're really going after.

Here, if you read and listen to the rhetoric from the Democrats on this issue, they're saying, well, we're just trying to go after the rich people in this country. In New Jersey, a few years ago, there was Governor McGreevey at the time. They said the same thing. They said we're going to go with a millionaire's tax, and of course, the average citizen said, hey, that's fine, they're not coming after me; they're going after the other guy; in effect robbing Peter to pay Paul and convince them it's the other taxpayer that's going to pay the bill.

But you know what happened there. That millionaire's tax in New Jersey started at $1 million, and then suddenly it went down to $900,000, then $800,000, $700,000, and it kept on going down lower and lower and lower until eventually it covered just about everybody. Anybody who had a household where the husband and wife worked, you had a husband maybe a policeman and the wife might be a school teacher or a nurse or something like that, they became covered by that so-called millionaire tax in New Jersey.

It was the so-called tax that started out as a rifle shot at just a select few and instead turned into a shotgun approach and encompassed everyone. Same thing that's happening right here with the AMT so-called relief that we're getting from the Democrats, so-called going after the millionaires; but it's going to cover all of us with higher taxes.

When I say higher taxes, one of the things I say on the floor just about every time I come to the floor, I say this. We are now in November, the eleventh month of the year, which means we're on the eleventh of Democrat control of this House, and we should always ask ourselves, what has 11 months of control by the Democrats wrought for this House and the country.

It has initially brought us the largest tax increase in U.S. history. It has brought us the creation of slush funds in the various appropriation and budget bills that they gave us at the beginning of the year, and it has gotten rid of any hint of transparency in the earmark rules of this House, some things that they campaigned on.

The issue of tax increases continues here tonight, and if I have just another minute, they gave us the largest tax increase initially when they gave us the budget at the very beginning of the year. Since that time, in just about every piece of major legislation that the Democrats have brought before this House,. you have seen a tax increase. In bills that you would never even imagine would have tax increases, they have it. And let me just take a moment just to run through a list, and I don't have a chart to put up behind me so I'll have to give it to you this way.

The CLEAN Energy Act, we're all in favor of clean energy, I suppose, but it includes a $7.7 billion tax increase over 10 years. The Small Business and Work Opportunity Tax Act, $1.38 billion. Katrina Housing Tax Relief, tax relief, it sounds as though they're giving us tax relief. No, it's raising taxes by $241 million. Taxpayer Protection Act, $23 million increase. To amend the Internal Revenue Code, well, we all want to do that, but who knows. When they did it, they raised taxes by $14 million.

U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act. Gosh, by the name of that, they're all great things, U.S. troop readiness, Katrina recovery, but you know what, they tucked in a tax increase there. How much? $4.4 billion. Second bill, same name, H.R. 2206, $4.8 billion.

The Andean Trade Preferences Act, $105 million tax increase. Farm Nutrition and Bioenergy Act, $7.4 billion Democrat tax increase. The Children's Health and Medicare Protection Act, get this one, $54.8 billion Democrat tax increase.

Just three more. The Renewable Energy and Energy Conservation Act, what does that have to do with taxes? Well, for the Democrats, it's $15 billion in tax increases.

The Airport and Airway Trust Fund Financing Act, trying to make our airports better. Well, how do they do it? They do it by raising our taxes by $1.8 billion.

And, finally, the Mortgage Forgiveness Debt Relief Act. Who could be against mortgage forgiveness and debt relief? Well, the debt is going to be on our shoulders because they're raising taxes by $2.005 billion.

You add up that whole list, and this is even before we come to the bill that's before us tomorrow, that comes to $106 billion tax increase over 10 years, on top of the largest tax increase as I mentioned in the budget at the beginning of the year.

Let me just conclude. I see our time is coming down. These numbers are for me, and I think most Americans, hard to put your arms around when you are talking about such high tax increases. The bottom line, though, is put them in large absolute numbers when you're talking about $106 billion or the $70 billion in permanent tax increases as the gentleman talked about, or as a Member from the other side of the aisle admitted, 130 percent tax increase, whether it's percentages or absolute numbers, put them down in day-to-day numbers. It's around $2,400 on the largest tax increase to the average American household that you will be seeing.

The question we have to ask is the one I started with and the one that the gentleman from Pennsylvania ended with. It's a philosophical discussion. Are we going to put the focus on the American budget or the family budget? I suggest, and this side of the aisle suggests, the focus should be on the American family's budget to allow the American taxpayer to keep as much of his money as possible and not see another tax increase on that family budget.

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman from New Jersey for pointing out we do have a choice between higher taxes and tightening our belt here in Washington, DC.

As a Republican, as a conservative, I'm convinced that the reason Republicans got fired from their job of leading Congress is that we didn't balance the budget. We didn't secure the border. We didn't lead with integrity. And I think it is a fair criticism that we should have done much better in getting a handle of this spending machine that we call Washington, D.C.

However, I hear all the time the reason we have record debt and the record public debt is because of our tax increases or tax relief spending and we did not pay for the war.

The truth of the matter is we are having record revenue here in America. After 9/11, during the recession and after 9/11, we actually saw a decrease in revenue the first time in years, not slowing, a decrease. We put in place tax relief to help spur the economy, create new jobs. Our thought was we want to create jobs around America, leave the money in the pockets of Americans so it can work around Main Street and the shopping centers and go to work, and it has done that. We've had 7 million new jobs created over the last few years, record revenues, double digit revenues coming in to Washington. Our problem is not our revenues. Our problem is spending.

We hear criticism that Democrats do not support tax relief or the new spending and they would have paid for the war. But the truth of the matter is the first President's tax relief was $1.3 trillion that Republicans proposed. Democrat tax relief was $1.2 trillion tax relief that they voted.

The second major tax reform, the Jobs Creation Act 2004 was passed overwhelmingly with nearly 80 Democrat Members joining in that tax relief. The spending on recovering New York from 9/11 was bipartisan, overwhelming. The spending on Katrina and Rita was bipartisan and overwhelming. Medicare, the Democrat Medicare plan was three times as large as the Republican plan.

In fact, all of the spending bills the Republicans proposed that Democrats opposed, they opposed not because they were too small, but they weren't high enough.

And so what we are faced today with is a choice between raising taxes to balance the budget. We're tightening our belts, working together, Republicans and Democrats, and I know up here that seems to be a poisonous thing to do. But the truth of the matter, I think most Members of both parties would like to balance this budget as best we can, as soon as we can. I don't think we ought to increase taxes to do it. There are better ways.

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## ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the majority leader.

Mr. INSLEE. Mr. Speaker, I come to the House this evening to discuss our great irony about our position in the world right now, economically and environmentally.

The irony is that we face some real challenges that touch on our energy-based economy, and I think those challenges are obvious to us tonight, a challenge as oil approaches $100 a barrel, $3 a gallon, and there's no relief in sight.

Americans right now are feeling the pinch associated with fossil fuel costs going up. We have a challenge in that we still are addicted to Middle Eastern oil as a principal source of oil, and as long as we are addicted to oil we will have a problem being wrapped around the axle of the Middle East.

And we have the problem of global warming, which is something that is becoming increasingly clear to us, not with scientific research but with our own eyes. In fact, I was pretty stunned to see the photographs of the arctic this summer where 1 million square miles of the arctic disappeared this summer, totally shocking the scientific community. An area the size of six Californias disappeared, melted unexpectedly in the arctic this summer.

And, of course, that's a big concern because the arctic ice cap is sort of like a big sunshade. It reflects energy back into space. Now that it's gone in the summer, or substantial portions of it, the oceans are absorbing six to ten times more energy, having a pernicious feedback loop, making the problem even worse.

In fact, if you look at the projections prepared by the scientific community showing the arctic ice cap in the year 2000, if you project up to the year 2040, the scientific community basically has found the arctic ice cap will be gone in the late summer months, essentially in my children's lifetime certainly.

And the results of these three challenges that we have, increasing fossil fuel prices, our addiction to Middle Eastern oil and global warming, are certainly great challenges and ought to give us pause.

But I'm here to talk about optimism rather than fear because the great irony is that these three challenges have the capacity to ignite one of the most positive developments in the U.S. economy ever, and that is sparking the potential clean energy revolution that we're not accustomed to enjoying in the United States.

☐ 2230

Our situation is a little bit like it was in the 1960s. If you recall, in the early 1960s, when John F. Kennedy came and stood right behind me here on May 25, 1961, and said that we would put a man on the Moon in 10 years and bring him back safely, that was a very bold and audacious thing to say. At the time, rockets were blowing up on the launch pad, and our computers were in rudimentary stages. We were way behind the Russians. We just put Spam in a can up. We hadn't even invented Tang yet.

But we were driven to going to the Moon by a challenge, the challenge with the Russians, and the need for technological imminence that the Americans felt we deserved and had a destiny to fulfill. Indeed, we did fulfill that destiny when we went to the Moon in the original Apollo project.

Now we have these challenges involving oil and global warming that we can use to the same effect as Kennedy used the challenge in the space race, and that effect is to rally the United States of America to a brighter future and a higher destiny to use our technological genius to develop a clean energy future for the United States of America.

I am here tonight to share some of the good news that is extant across the United States in all 50 States where tonight there are men and women of genius and entrepreneurial perseverance and business acumen that are building the technology that allows us to beat global warming, break our addiction to Middle Eastern oil and, third, grow millions of new jobs in the clean energy economy that we intend to build.

I will here tonight, when we conclude, finish by saying we will be able to achieve the same level of technological leap forward as Kennedy achieved in space. We will do for energy what Kennedy did for space.

If I can, let me talk about some of the things I have learned in the last year. I have been proposing a bill called the New Apollo Energy Act for some time and, of course, writing a book called "Apollo's Fire," I met a lot of people around the country who are now engaged in this great challenge. I would like to share with my colleagues and the public tonight what I found.

First I want to address the issue of our cars. We got great cars. My favorite is a 1956 Chevy, always was, always will be, but we know that we have a great problem that 40 percent of the carbon dioxide emitted as global warming gases come from our cars and trucks. We know that we are paying $3 a gallon and it's going to go up. We know that we are taking our money and putting it in the pump machine, and it's going right to the Middle East to finance people who are attacking us.

We need to reinvent the car. We need to take a bold leap forward in technology to find a new way to propel the car in a more efficient way. I am here tonight to say that we have the ability to do that in the immediate future.

I want to share with you a picture of a car called the General Motors Volt. This is a prototype of a car that General Motors hopes to have in mass production 5 or 6 years from now. It is a plug-in hybrid vehicle. A plug-in hybrid vehicle, this car is quite stylish, and this physically exists. I actually brought this car to show to my colleagues several months ago. Thanks to General Motors, it exists physically.

The way this car works is that it has a tremendous combination of advance battery technology and hybrid drive train technology that allows it to be plugged in at night. When you have this car, you will be able to take it home, put it in the garage, plug it in. The next morning you unplug it. You can drive it for up to 40 miles on total electrical propulsion, no $CO_2$, no gasoline for the first 40 miles.

The beauty of that, and the importance of that, is that when you operate on electricity from the electrical grid, it may cost as little as 1 to 3 cents a mile for fuel. It costs 9 cents-plus a mile or more for gasoline now, and it's absolutely clean while you are driving the car. Now, obviously there is some $CO_2$ involved in the production of the electricity, but I will get to that in a moment, so it's basically very inexpensive.

Because over 60 percent of all the daily driving is under 40 miles, over half of the daily trips that Americans take will be pure electrical propulsion. Then if you want to drive more than 40 miles before you get home to recharge, you have a hybrid engine similar to the hybrid engines now used in both domestic and foreign manufacturers, to basically use a combination of fuel, and right now it's gasoline, someday it will be cellulosic ethanol, and electricity residual in the batteries to drive until you fill up your tank again or you get back to get recharged.

When these cars are produced, we will get over 100 miles a gallon of gasoline. This won't be some small marginal increments, and you know right now we are debating whether to improve our corporate average fuel efficiency standards up to 35 miles a gallon in 10 or 15 years. These are going to blow right by that. It's going to blow right through the things we are debating right now and leapfrog that technology that is actually available today.

Cars like this are on the road today being driven. I have driven one. They use a lithium ion battery manufactured by the A123 Systems in Massachusetts. People have taken the Toyota Prius. I drive a Toyota Prius. It is a great car. I am 6'2", 200 pounds; comfortable, safe, quiet, works like a dream for us. Folks have taken these Priuses and converted them into a plug-in hybrid car today. They are driving around the streets of America.

I drove the first one that was commercially sold. We are going to have them in mass production in several years, and that's why it's important for this Chamber to send a signal to the auto industry that we are going to have a legal requirement that will improve the economy, and it will be simple to do and economical as well. Economical, because when these are in mass production, they may cost a couple of thousand dollars more than if you didn't have this technology, but you are going to save three or four times that amount in fuel costs later on.

A double bonus of these cars is that as you drive them, as the grid electricity gets cleaner, because as we move to solar thermal energy and wind power energy and other sources, perhaps clean coal energy, we will have less $CO_2$ emissions so the car will actually get cleaner. I mean, except wine, this will be the only thing that gets better with age and put out less $CO_2$ over time.

A triple bonus, according to people who have studied this, these cars have the potential to help the electrical grid where utilities can essentially use the batteries in the car in the garage at night to store energy. Your utility can be generating wind power at night or wave power at night or any kind of power at night, feed that energy into your battery and rent your battery in your garage.

Economists who studied this think the day may come when you are paid $2,000 or $3,000 a year essentially for the temporary rental of your battery once your battery becomes part of the electrical grid. There are companies today in my town of Seattle, Washington, who are developing the software to do that.

The point I think is important to make is that as we talk about setting caps on carbon dioxide, as we talk about increasing mileage requirements for our cars, we ought to have optimism and we ought to have confidence and we ought to recognize what Kennedy did about the can-do spirit of America, that that spirit is going to build us cars that can radically improve our mileage and radically reduce $CO_2$ and then become a source of exports so we can start exporting these cars around the world.

Why can't we sell these cars to China? We can, if, in fact, we will start sending the signals from this Chamber to the industry that this is going to be very achievable. It makes sense once we limit carbon dioxide.

Now, this isn't the only solution to our car woes. General Motors, Ford, Honda, various other companies are also looking at electrifying the car and using a fuel cell hydrogen source to essentially generate the electricity to run electrical motors. That may be as good or better as lithium ion batteries. It is probably a little further away from commercialization due to the storage issues of hydrogen and the distribution needs for the distribution system of hydrogen, but it is another alternative that at least one company intends to have commercially available in the next several years.

So we now are ready to have leapfrog technology. It's because of the genius of Americans, and it's getting ready to go, and we should not be fearful in this Chamber. We should be confident of our ability to reinvent the car, thanks in part to guys like Felix Kramer, who essentially built one of these in his garage in California and dared Detroit and the rest of the auto industry internationally to build one, and that's going to happen now.

So we know we can reinvent the car. But where do we get the energy for the electrical grid to energize these electrical cars? Well, the good news is that the genius of people building cars is matched by the genius of people figuring out how to generate electricity. I have been stunned in the last year, as I have studied this, and as I have gone around talking to people across America, I have been stunned with the rapidity of the developments that are taking place in the clean electricity field. You literally cannot turn over a rock in this country and not find someone developing a technology that is helping to find a way to generate electricity cleanly.

I want to relate a little story of a company I heard about months ago. It's a company called Ausra Energy, Ausra. Ausra is owned largely by a fellow named Vinod Khosla, who is a fellow who was very instrumental in the development of software, founded Sun Microsystems, was very successful, and now has taken his talents to the field of clean energy.

Mr. Khosla has now looked at all of the potential places where we can develop clean energy, recognizing that the world is going to demand these new technologies. He is a person, as many of the other people will talk about tonight, who did very well in software and Internet, and now see the same potential in the clean energy world as existed in software and Internet. They recognized a market opportunity, and they recognized that there are technological solutions that can fulfill these market opportunities.

A fellow named John O'Donnell sent me an e-mail, who is one of the leaders of the Ausra Company, and it was a really happy e-mail to get. I will tell you why. I was on this floor the first week in August when we were debating what's called a renewable portfolio standard, and in the energy bill that we eventually passed in the House in August, which is a great bill by the way, a good start on this proposal, we were working to get a provision that would call for 15 percent of our electricity to be generated by clean renewable sources by the year 2020.

Of course, we talked to each other on the floor, and I was talking to some of my colleagues from the State of Florida. They were explaining to me, and I was saying, well, you know, there are a lot of different sources of clean energy, biofuels, wave power, clean coal technology. Efficiency in conservation is a form of what we call the first fuel and solar power. When I said that, one of my colleagues from Florida said we can't do solar power in Florida.

I thought that was a little curious because I thought the license plate said Florida, the Sunshine State, but he explained that because they have some clouds in Florida, it's not as productive a solar field as perhaps the deserts of Arizona. In fact, that is true. Arizona might be 10 or 15 percent better than Florida.

But, a few weeks later, I was talking to Mr. Khosla, who told me that his technology has a perfect fit for Florida, it's called Ausra. This is a picture of the Ausra thermal solar generator. The way the Ausra system works is that it is an array of mirrors. These blue long lines are essentially flat-panel mirrors, long arrays. They are quite long. As you can see these mirrors concentrate the sun's energy on a little pipe. You can see this pipe running about here above the long mirrors, and these are all focusing the reflected rays of the sun on that pipe. It heats water and eventually creates steam, and the steam turns a turbine, just like a coal-fired plant would, and generates electricity.

Now, this Ausra technology could be and is, as far as we can tell right now, probably the least expensive of the solar thermal technologies that are being considered. The reason Mr. Khosla explained it to me is because they discovered a way to make these mirrors flat rather than concave, and they can make them a lot cheaper. The other provisions have a concave surface to them. They are much more expensive to manufacture.

□ 2245

Well, as a result of these and other improvements they made, Mr. Khosla's company just signed for ten, I believe, hundreds of megawatts with the Florida public, with a Florida public power utility for the production of zero $CO_2$ emitting solar thermal energy. So here we have a situation in a State that at least some folks didn't think we could produce solar energy, and within weeks we have a contract with a major league, a Florida utility to produce electricity for thousands of people in Florida. And this stuff's powerful. In every 2 acres of these mirrors, you can do somewhere between, you can provide enough electricity for somewhere between 750 and 1,000 homes. This is not just, you know, powering just your fan. It's real electricity.

And now I got an e-mail from Mr. O'Donnell 3 days ago that, in fact, a contract has also been signed, a major public utility in California. And the sky's the limit. Now, this power's a little more expensive than coal-based power now, but the folks who run this company believe that can be competitive in just a matter of a few years once the cost of investment capital comes down and their scales of economy, and the fact that the prices of fossil fuels have not exactly been coming down, witness the price of gasoline.

So in a very few years, this technology has the capability to be as inexpensive or less expensive than traditional fossil fuel-based systems with zero $CO_2$ emissions without sending our money to Saudi Arabia and without digging up anything in the ground. That's a pretty good deal.

Now, there are other companies besides OSRA that have similar technology, and there are contracts being let around the country for them as well. So we have the potential, not the potential, but the existence of real energy. This is not a pipe dream. This exists in reality. And we have the right to be excited about it.

Now, there are many other ways to produce potentially clean energy. One of those potentially is clean coal technology, and research is going on, as we speak, in the potential of being able to take coal, gasify it, draw off the carbon dioxide, take the carbon dioxide and inject it underground into permanent geological sequestration, and then burn coal without any $CO_2$ emissions of any significant amount. And that research is expensive, and it is not a guarantee that this tip of technology will be commercially viable. But it is a distinct possibility.

In fact, an MIT researcher that reviewed this believed it was probable that this type of sequestration technology, putting $CO_2$ underground in either large saline aquifers underground or in two or three other types of geological formations, that we would be able to do this in many, many places in the United States in commercially viable costs.

Now, that technology's being developed too. There's a company called Ramgen Corporation in Seattle, Washington, that has developed a compression technology that costs 30 percent less money that could make this commercially viable to allow true clean coal to occur. And it strikes me that research to make that determination whether this can be done is appropriate investment.

Now, this is to be distinguished from something you might hear called coal-to-liquid, which is a very different thing. Coal-to-liquid is turning the coal into a liquid and then burning the liquid. When you just burn the liquid, for instance, in an airplane motor or a car motor, you end up putting $CO_2$ right back into the air. So coal-to-liquid is not an improvement from a global warming perspective.

What we call clean coal, where the $CO_2$, from its production is actually sequestered underground, is a marked improvement in global warming, and that's another technology that we are looking at. But there are a host of others, and some of them are off our coastline. And I learned about these technologies in the last year in the course of my research and in the preparation of the new Apollo Energy Act that I've cosponsored.

Off of our coastline in our estuaries, we have enormous amounts of energy in the waves and in the tides. And I have a picture here of some of the technologies that are now under development to harness that energy. And to have a, just to get a sense of the energy that is in our waves, if you've ever been thrashed in the surf like I have, you get some sense of how much energy is in a wave. But it's truly awesome.

In a 10-by-10-mile stretch of the coast of the Pacific, just in a 10-by-10-mile square, there is enough energy in the waves that could power all the electrical needs for the State of California. That's big-time energy. And the Department of Energy has concluded that if we can commercialize wave power technology, it could produce even in excess of 10 percent of all the electrical needs of the United States. So there's an awesome amount of energy off the waves.

In fact, the Pacific Coast of the United States happens to be the, happily, the single most beneficial prospective place for wave power in the world. This has actually been mapped. There are maps of the wave power all around the world, and the best in place in the world is off the Pacific Coast.

So now we have brilliant Americans developing technology to harness that. We have a picture of some of them here. A buoy developed by Ocean Power Technology. As this buoy bobs up and down, it compresses air that then compresses, essentially, hydraulic fluid and drives an electrical generator.

There are others from a company called Finavera that uses a system as the buoy bobs up and down, it pressurizes a column of water that then turns a generator. There are others that look like these large snakes. As they undulate and move up and down, they, through mechanical transference of energy, basically run a generator that then through a wire sends the electricity back to the coast.

Now, the first of these in the Continental United States has now gone in the water off the coast of Oregon. We have them off the, actually powering Navy bases in Hawaii right now that have been in the water now for over a year. We're learning a lot from them. We're learning that there's a lot of energy there. And, in fact, as you might imagine, we've learned that you've got to make them incredibly strong to withstand the forces of the sea.

Now, people, we cannot guarantee that this technology is going to be commercially viable. It is an infant industry. But we know, with the energy available in the waves, and we know the advances we can make, I think it is a reasonable opportunity that justifies investment in this technology, and, in fact, the private sector is making a very large investment in this technology.

Now, there's another type of power called tidal power which involves currents, harnessing the currents that are driven by the tides, by the Moon, of course. You know, this is kind of lunar energy. The Moons run the tides. And we now have technology using turbines that look like underwater wind turbines. There's a picture of one here manufactured by a company called Verdant that is now in the East River in New York.

These essentially work like wind turbines that you've seen. As the tide moves in and out, and of course it's very predictable and happens every day, it spins this turbine very slowly, so it has a minimal impact on marine life and generates the electricity. And these are actually in the water.

Now it's interesting, we found out there's so much energy in these currents these have had to be rebuilt, which is a good sign, essentially, because we found out there's more energy than we knew. So we have substantial energy off of our coastlines that we have potential for capturing.

Now, a lot of people thought ocean energy is where wind energy was about 20 years ago. About 20 years ago, people started to put up these wind mills and generate electricity from them. And when they started, a lot of people thought they were kind of wacky. It was very expensive at the time. It was a new idea and the oil and gas folks kind of laughed at them. That was 20 years ago.

During this succeeding 20 years, we've had continuing improvements of the technology, and now we have wind turbines over 300-foot in height powering over 1,000 homes apiece, producing electricity that is as cheap as any electricity in the Nation.

Today, in the State of Washington, where I hail from, in southeast Washington, we have the largest wind farm in the Western Hemisphere producing electricity as cheap as coal-fired electricity. And now it is the largest most rapidly growing form of energy in the United States, and it has still huge potential to grow because we have enormous resources of wind. In fact, it's growing so fast that the wind turbine manufacturers cannot keep up.

And I'd like to tell the story of an American company called Clipper Wind. Clipper Wind tonight has several hundred Iowans working in Cedar Rapids building clipper wind turbines; good, well-paid American jobs now spinning, and these are also being exported around the world, producing exactly zero $CO_2$ emitting wind energy. And these are American jobs.

And that's what this is about. Whether it's plug-in hybrid cars or solar thermal technology, or wind turbine technology, these are American jobs that we're building. But we're only going to build them if Congress starts to adopt the policies that drive investment into these technologies, rather than just the fossil fuel industry. And that's why we need to take some of these subsidies we've given to the oil and gas industry and we did it in the House bill we passed some time ago, $16 billion, reel it back in and put it into a fund to help some of these nascent industries grow.

And we need a renewable portfolio standard to send a message to the investment community that they can invest in these technologies, because we know there's going to be a demand for them. And we need a cap and trade system so that we don't allow polluting industries to put their carbon dioxide and their pollution in unlimited amounts into the atmosphere. And when those things happen, there will be a gold rush, a flood tide of investment capital into the companies that are developing these technologies. That's what they need. They've got the brilliance. As soon as they have the investment capital, they're going to take off. And as soón as the demand is obvious, investment capital will flow.

I talked to a fellow named John Plaza. He was here three days. John has a really interesting story. He was an airline pilot, and he said he sort of got bored going back and forth. I know what it feels like because I fly back and forth every Monday and Friday. And he decided he wanted to try something new. So he went out and decided he was going to start brewing up biodiesel fuel, literally in his garage, and started to figure out a way to make biodiesel. And he actually came to believe it was commercially viable. So he went and found an investor, a fellow named Martin Tobias, who was successful at Microsoft; raised some capital, built a little plant on the shores of the Duwamish River in Washington. Really wasn't much to look at. Just your typical little tilt-up warehouse.

John was pretty creative. He went to the Rainier Brewing Company, the iconic Big R in Seattle, and he bought two big huge brewing vats from the Rainier Brewing Company, and he moved them down to this little warehouse and he designed a way himself on how to filter some of the material out of biodiesel when you refine it. And he started refining biodiesel, and he started selling it.

Well, that was last year. This year he is leading and has constructed the largest biodiesel plant in the world that puts out 100 million gallons of biodiesel at Grays Harbor, Washington, a town that's experienced some economic hardship because of the decline of the timber industry. And John, in his genius and his business acumen, has built a business hiring people in Washington State, now going to be shipping biodiesel all around. They just signed a deal with a distributor to start distributing it. And the very first committed biodiesel pump from this group called Propel was installed in Ballard, Washington, just a couple of weeks ago.

So here's good old American know-how, can-do spirit, developing a whole new industry. And the biofuel industry has a very bright future.

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I would like to talk just for a moment about biofuels. We know we have corn ethanol today in abundance, and 23 percent of all the corn grown in the United States now goes to ethanol. And it's been productive. The price of gasoline actually would have been worse if we hadn't had that ethanol available. It's bad enough as it is.

But the good news I want to share with you is that we have tremendous cause for optimism that we are going to grow second, third, and fourth generations of ethanol. They're going to be much more productive than corn ethanol that we are using now because the corn ethanol we use now only uses the kernel, a very small part of the total plant. Scientists have now developed ways to use the entire plant, all of the carbohydrates in the plant, what they call the corn stover, switchgrass, and some advanced feedstocks that have the capability to be four or five times as productive per acre as corn.

And I was at a company called Mendel Biotechnology in Hayward, California, a few weeks ago that have developed a grass called Miscanthus. Miscanthus grows about 10 or 12 feet high, a real thick-looking plant. When you harvest it, you take the whole plant. They take it, they chop it up, they expose it to heat and enzymes that breaks down the cell wall and freezes the carbohydrates that then could be distilled into an alcohol. Ethanol is an alcohol. And that feedstock has the potential to produce four or five times as much per acre as existing corn ethanol with less fertilizer and less water needed.

We're also making tremendous strides in enzymes. And there are ways to do this even without enzymes. The very first cellulosic ethanol plant in America had the ground broken 2 days ago, I believe, the Ramgen Company, another company owned by Vinod Khosla that I talked about, and we have five others that are going to begin construction shortly. So conservative estimates are that within the next 20 years, we will be able to have 25 to 30 percent of all of our transportation fuels fueled by biofuels. And the best is yet to come.

Last night I learned about a company called Solazyme. Solazyme is developing a way to make biodiesel from algae that is 50 times as productive as corn per square meter or acre in its productive capability. Now, it's not commercialized yet. It's quite aways from commercialization. A lot of work has to be done. But when that is done, Katie, bar the door when it comes to biofuels. And when we do that, we are going to have plug-in hybrid cars that we can plug in, run for 40 miles, then burn cellulosic ethanol or potentially biodiesel, and have an infinite number of miles per gallon of gasoline because we won't be using it. We will have a decarbonized car. The car may become total electric, but even if it doesn't become total electric, it can become decarbonized by a combination of plug-in hybrid technology and biofuels. And of course biofuels are zero $CO_2$ emitting net because you don't put any more carbon into the atmosphere than the plant takes out of the atmosphere. It's just a little circle. The plant sucks the $CO_2$ out of the atmosphere, photosynthesis kicks in. You make carbohydrates, build the plant, chop the plant up. You make it into biodiesel or cellulosic ethanol. You burn it, and then $CO_2$ goes back up and the cycle is repeated. There is no net $CO_2$, unlike coal and oil. We are taking stuff out of the ground that has been there for a million years, and that has enormous net increases to the atmosphere.

So here we have existing technology that is on the cusp of commercialization and American know-how is going to do it. And that is why we in this Chamber and my colleagues who might be listening tonight, should that be the case anywhere in this fair country, we ought to have confidence that we can move forward with the host of these clean energy policies that we are now considering and realize that the American economy is going to grow as a result of these policies, not shrink, because the world is going to need this clean energy. And it ought to be America that is selling it to China and the rest of the world, and we have every possibility of doing that.

Now, there is another place where the clean energy revolution is going to be really important, and that is in our homes, in a lot of different ways. And some people think that to make our homes electrical-generating units or to make them zero $CO_2$ emitters is sort of a Buck Rogers fantasy, and I have learned that that is anything but true. In fact, on the mall 2 weeks ago, we had a solar decathlon where 13 colleges sent kids, and anybody under 40 is a kid to me now, but these college students that came in and built these zero $CO_2$ emitting solar-powered homes. And they were just delightful to look at and fascinating to behold what these young students had created.

Now, they did look a little different than my home and maybe yours look like because they had the absolute avant guard technology in them.

But I want to show you another home in one of the rainiest parts of Washington, up north in Redmond, Washington. This is the home of Mike and Meg Towne. Mike is a teacher at Redmond High School. And several years ago Mike was talking to his students about the importance of dealing with global warming and all the whiz-bang technologies that he thought was going to come on to help solve this problem. And one of his students said, Mr. Towne, if this is so cool, why aren't you using it? And he said to himself, well, maybe I will. So he and his wife, Meg, decided to go out and build essentially a zero net $CO_2$ home that's solar powered, and they did it. And they did it for very little more than it costs to build a typical home. And here's their home in Redmond, Washington.

I want to note this is a very unusual day because it was not raining when this picture was taken, and it tends to rain a little bit where I live, and it rains even more where Mike lives. This is up towards the foothills of the Cascade Mountains, and it's just a very damp, gray environment. But even in that environment, they put up these solar cells, and you will see that they are incorporated into the roofing material. You can just put them on. Mike put them on himself. They used a little extra insulation, decent windows, designed it in a way to minimize heat loss. And right now they have zero electrical net usage because they feed back into the grid frequently of electricity they are not using, and they netted out to zero. And Americans are going to have that right if a bill that I have been working on for 4 years called the Net Metering bill passes, so that when you generate electricity and you feed it back into the grid, you get paid for it.

The point of this is that this exists today in rainy climates. It's possible almost anywhere in the country. And we are going to do it. And we have a bill in the House that we have now passed this August that will establish building codes that will decrease energy use by 50 percent in our homes and our businesses in the next 10 years of new construction. That is possible to do. We are doing it. Mike and Meg Towne did it. And we are well on our way as part of an important part of the clean energy revolution.

And, by the way, this is going to create jobs, because when we retrofit our homes, when we put in new insulation, when we put in weather stripping, when we put in more efficient heating systems, all of those things generate jobs. And a conservative estimate of the new Apollo Energy Act that I have sponsored is that it will create 3 million new jobs in the next several years.

So what we have seen tonight is a host of new economic opportunities for America. And what I started out with, I was talking about that this is an irony. The irony is that these great challenges of global warming and addiction to Middle Eastern oil and the huge increase in the cost of oil and gas are actually disguised opportunities. And if this Chamber will act, and we would like to do it in a bipartisan basis, to adopt this signal to the market, these technologies are going to blossom.

And I would like to talk about one policy that is of overriding interest, and that is the cap-and-trade system that we need in this country to drive investment in these technologies. Right now we have a broken market. We have a great market failure. And that market failure is that we are allowing polluting industries to use our atmosphere, a scarce resource, and put unlimited amounts of their pollutants into the air for no cost whatsoever. And that is not only morally wrong; it's economically wrong, because when you have an asset, if somebody uses it up, they ought to pay for that; right? And there ought to be some limit on it. But right now when a utility burns coal and they dump the $CO_2$ in our atmosphere, an atmosphere we have in common, it's like a city park. And we would not allow a utility to back their dump truck into the city park and dump their trash in the city park. We would not allow some refinery putting $CO_2$ into the atmosphere to drive up to the city park and dump their sludge in the city park. But that's what we are doing right now by allowing unlimited amounts of carbon dioxide into the atmosphere. And that has to stop. We have to develop a limit on the amount of carbon dioxide that goes into the atmosphere. And a cap-and-trade system does that. When we develop a cap, we will put and guarantee Americans that only a certain amount of carbon dioxide can go into the atmosphere every year. It's common sense. We can't continue to put this into the atmosphere without very devastating ramifications. And we need to charge for that as well.

Europe made a big mistake. When they did this, they just handed these permits out, and the utilities took them and then took a huge windfall profit by charging rate payers for an asset that was just given to them. We can't do that. We need to have an auction of those permits to create a price for carbon and to use the market to determine who really needs them and what they will pay for that scarce resource.

And this is a resource owned by the taxpayers. The taxpayers own the atmosphere, not the corporations. The citizens of America own the air we breathe, not the utilities. The Congress has a responsibility to our citizens to take care of that asset, and we are not doing it yet. And when somebody uses that asset, they need to pay for using that asset.

So what we would propose to do is have an auction and let the market determine what the cost of those permits are for polluting industries. And the sooner we do that, the better; the more powerful impact we will have in driving investment to these new technologies, and the sooner that taxpayers will get a break getting paid by something that they own mutually. And that money can then be used for further research and development into these technologies. It can be used to help lower-income folks with their heating and cooling expenses. And it can be used as part of the clean energy revolution. And we need to increase that R and D. We are spending 25 times more in Iraq today than we are spending on trying to solve this energy problem. We spent seven times more on the original Apollo Project than we are spending today on this energy problem. We have got to ramp up our Federal R and D as the private sector does as well.

So in closing, Mr. Speaker, I would like to say that if people come to know the people I have known during the last year; the folks who are developing solar thermal; the folks who are developing clean coal; the folks who are developing advanced forms of cellulosic ethanol and advanced forms of biodiesel; the folks who are developing wind and tidal power; the people who are developing what's called the SIPs industry, the structural integrated panels, where they have built these panels now that you can build a house with them and you can reduce your usage by 40 percent at no additional cost; the people who are developing the plug-in hybrid car, these are the Americans that we need to listen to and have confidence in that they are going to solve this problem. And that is why in the next few weeks in this Chamber I hope we will pass an energy bill that is as bold and as visionary and as optimistic as Kennedy's original Apollo Project. And America deserves nothing less than that because we are just as capable, we are just as smart, and we are just as technologically ambitious as we were in the 1960s. And if we do that, America will produce. It is our destiny. The New Apollo Energy Act will solve these problems and grow our economy at the same time.

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## FOOD SAFETY AND PRODUCT RECALL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for the remainder of the time until midnight.

Mr. BURGESS. This evening I come to the floor to talk about a growing and disturbing trend of food and consumer product safety recalls, and this danger is very real. The danger has been widely documented and discussed in the media. It's been widely documented and discussed in committee hearings, in our committee, the Committee on Energy and Commerce, discussed around the water cooler at work, kitchen tables around the country, and almost nightly on the "Lou Dobbs Show."

And what does this mean, recall after recall after recall all summer long? What does this mean for average Americans? It means that parents are afraid that their children are playing with lead-contaminated train sets. It means that parents are afraid that magnets or toys and charms may cause internal damage if their child accidentally swallows them. It means that families are afraid that the food they feed their pets may actually have plastic in it. It means that people are afraid that their toothpaste may contain antifreeze. It means that people are afraid that the fish they serve to their families may contain dangerous levels of antibiotics.

It is seemingly without end, and people are afraid about the source of their products and the dangers, and rightfully so.

People are afraid. They're afraid of the defective products being imported into our country. And, Mr. Speaker, it seems like almost all of the trouble focuses around a single country, the People's Republic of China.

Consumer health and well-being are endangered on two fronts: the food we eat, the goods we use.

I want to use some of my time to discuss both fronts and what we in Congress are doing and should be doing to protect American families from harmful products.

First, considering the issue of consumer product safety recalls, it seems like the Nation has turned its attention on to this issue. Every time you turn on the TV, you open a newspaper, you learn about yet another consumer product safety recall.

People are generally concerned about the issue of recalls; and many people, myself included, are concerned about the source of the recalls since it appears that the majority of the recalls are coming from the People's Republic of China.

Just last night, nine new recalls alone were announced, including recalled products that had lead-contaminated paint on their toys. As a parent, as a physician, one recall was extremely disturbing. According to the U.S. Consumer Product Safety Commission, an e-mail notification that I received last night read: "Spin Master Recalls Aqua Dots—Children Became Unconscious After Swallowing the Beads." It's a pretty innocent looking toy, and if my kids were little, I'm sure they would have loved this toy. It looks innocent. But this product is truly a wolf in sheep's clothing. And the recall notification, I encourage everyone to sign up for the notification at www.cpsc.gov, the Web site listed the injuries caused by these beads. And I quote: "The Consumer Product Safety Commission has received two reports over the last several days of children swallowing Aqua Dots. A 20-month-old child swallowed several dozen beads, he became dizzy, vomited several times before slipping into a comatose state for a period of time, was hospitalized, and has since recovered. A second child also vomited and slipped into a comatose state and was hospitalized for 5 days."

This morning it was reported in the Dallas Morning News, my local newspaper, and other news outlets, that Aqua Dots were linked to rohypnol. Now, you may have heard of rohypnol in the past. Rohypnol gained some notoriety as the "date rape" drug. And according to ABC news, scientists say a chemical coating on the beads, when ingested, metabolizes rohypnol, the so-called date rape drug, gamma hydroxy butyrate, GHB. When eaten, the compound made from common and easily available ingredients can induce unconsciousness, seizures, drowsiness, coma, and death.

While it is not yet clear how this chemical wound up in a child's product, it is clear where it was made: In the People's Republic of China. In fact, eight out of the nine recalled products announced just last night were from China. The other recalled product was from Mexico.

Mr. Speaker, Christmas is coming. Christmas lights, Christmas sounds, Christmas music, Christmas shopping. I cannot help but think there would be a huge market for a "Made in America" label on the toys and goods parents and consumers are out looking for this Christmas season. I encourage retailers to stock as many "Made in America" products as they can. You might even make it in Texas and put a little Texas flag on there. I bet that would be a big seller.

The majority of the products that are being recalled this year were made in China. And, Mr. Speaker, quite honestly, I've made a decision. I'm treating that "Made in China" label as a warning label, and I've made a personal decision to try not to buy anything made in China, although it's extremely hard given the penetration that Chinese goods have in our consumer markets. Given all the circumstances, it seems like the right thing to do, the safe thing to do for my family. I feel certain that other American families have made similar decisions. In fact, Mr. Speaker, I bet the Lou Dobbs family is one of those families.

Now, this concern about imported products is real and has been substantiated with real data. The United States Consumer Product Safety Commission, which is tasked with the job of trying to safeguard our society from unreasonable risk of injury and death associated with consumer products, informed me that in fiscal year 2007, a record-breaking 472 consumer products were recalled for safety reasons. Of the 472 recalls, 60 percent were manufactured in the People's Republic of China. Mr. Speaker, 60 percent of all recalled products this past year were imported from China.

Furthermore, of the 472 total consumer product recalls, 61 of those recalls affected our children, our most innocent and vulnerable members of society. Sixty-one consumer products were toys. And how many of those products were manufactured in the Republic of China, you might ask? Well, I'm glad you asked, Mr. Speaker, because that figure is even more staggering. The United States Consumer Product Safety Commission estimated that over 90 percent of the toy recalls were made in China. So I guess we really shouldn't have been too surprised last night when eight out of the nine listed recalls were manufactured in China. This is now clearly becoming a common business practice, part of the business model for Chinese toys.

Now, Mr. Speaker, I'm just a simple country doctor, and I don't pretend to understand everything that goes on up here in Washington; but I am asking what we in Washington can do to help Americans protect themselves and their families. Let's look at just a few of the product recalls from the month of October.

For the safety of our families, we've got to get to the bottom of the cause behind all of these recalls. I am on the Commerce Trade and Consumer Protection Subcommittee, which has jurisdiction over this issue; and our committee is investigating and working on the problem. And over the next several weeks, we're going to be working on additional legislation on the issue. We have passed several bills recently dealing with specific issues of consumer product safety. We passed a bill dealing with the safety of swimming pools, and a bill that I was actually able to amend to include ornamental pools, since an ornamental pool had claimed four lives in one of my home cities in Fort Worth, Texas.

The House Energy and Commerce Committee introduced bipartisan legislation last week that will strengthen the consumer product safety system in this country, H.R. 4040. For those keeping score at home, H.R. 4040, the Consumer Product Safety Modernization Act, along with 50 Members, original cosponsors of this legislation. The legislation was introduced in the Commerce Trade and Consumer Protection Subcommittee, and we had a hearing on the bill. And we have been promised that it will go through regular order, and all Members will have an opportunity to actually comment and amend the bill as it goes through subcommittee process and the full committee process. This is the way, Mr. Speaker, it should always be, the way that we formulate and work on legislation. I certainly thank the leadership of the House Energy and Commerce Committee for being committed to the legislative process. How refreshing after the donnybrook we saw with the State Children's Health Insurance Program this summer.

The House version is a bipartisan effort, and I commend Chairman DINGELL and I commend Ranking Member BARTON for their leadership in getting this bill through the committee. I would also like to commend the U.S. Consumer Product Safety Commission Commissioner, Chairwoman Nancy Nord, for her honest assistance for the bill. We asked for technical assistance and constructive criticism, and it was provided to us. The other Chamber asked for the same assistance with their bill, and she provided the same honesty. And for going to the trouble of providing that same honesty, she was, I think, unjustly criticized. The difference was that some of the Members of that Chamber and of our own Chamber didn't like her answers, so they called for her resignation.

Unlike those Members, I appreciate and I welcome the candor of the chairwoman. Because Chairwoman Nord wasn't afraid to speak the truth about her own agency's needs, the House has been able to do what the Senate was not, craft legislation that will give the commissioner real tools needed to keep Americans safe from unreasonable dangers and consumer products.

Now, a week ago, the Speaker of the House held a press conference and called for the resignation of Chairwoman Nord simply for speaking her mind, exercising her free speech rights. In my opinion, this criticism was a disgrace to this body and an embarrassment to the legislative process. I often feel that an imperial speakership that likes to govern by edict really has no place in this House. But Chairwoman Nord withstood the criticism and stood in the eye of the storm.

Former Prime Minister Tony Blair once said the art of leadership is sometimes saying no. It's easy to say yes, and sometimes you just have to say no. Chairwoman Nord was a true leader and was able to say no to legislation that she knew would be harmful to the country. There are times we need leaders like that.

Now, turning back to H.R. 4040, the Consumer Product Safety Modernization Act, there are a lot of topics, there are a lot of issues on the table, including enhancing the commissioner's recall authority. And I firmly believe we've got to improve the U.S. Product Safety Commission's ability to notify consumers about dangerous products more quickly and on a broader scope.

I'm concerned that there is a large universe of people and associations that are not receiving the information about product recalls in a timely manner. As we all know, products are recalled because they have been found to have an element of danger, otherwise the recall wouldn't take place. The danger is to the consumer, and they need to be immediately discarded. Now, nonprofits, like Salvation Army, Good Will, Christian Community Action, located in my home county of Denton County, they provide invaluable resources to the communities that they serve. And often these nonprofits run secondhand retail shops to additionally help some of the neediest members of society. But I have been informed, when I've questioned the nonprofits in my area, that, through no fault of their own, they're unaware of many of the recalls when they occur. Therefore, the fear is that they may inadvertently sell recalled products to families and individuals. So I'm currently working with the Consumer Product Safety Commission to try to close that gap.

I'm also working with the Consumer Product Safety Commission on another idea, and we'll talk in more detail in just a little bit, but I introduced legislation dealing with food imports that will give the Food and Drug Administration a big red button to push to be able to stop dangerous foods from entering the country.

At our hearing this week, I asked Chairwoman Nord if she had the same authority that my bill would give the FDA, did she have the same authority for the Consumer Product Safety Commission, and the answer was no. So over the next couple of weeks I'm going to be working with the commission and the commissioner to incorporate that idea into the bill as it goes through the regular committee process.

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While we continue to try to close the gap through legislation, I strongly encourage Members of Congress to sign up for product recall alerts.

Mr. Speaker, I know we don't address the C Span audience directly in their living rooms but if I could address the C Span audience in their living room I would encourage them to go to the Consumer Product Safety Commission website and sign up for the product recall alerts. It is free. It is easy. And it can save lives. If you have access to an e-mail account and to the Internet, all you have to do is simply go to the website, go to the U.S. Consumer Product Safety Commission's home page, which is www.cpsc.gov, Consumer Product Safety Commission, go to their website and they will direct you how to sign up for free recall and safety news. The website again, www.cpsc.gov.

The Consumer Product Safety Commission also has a Neighborhood Safety Network which is for organizations, civic-minded individuals, to help disseminate information about recalls and posters to members of society who may not be aware of the recalls.

Mr. Speaker, do you know what? This type of education can save lives. Unfortunately, though, certain groups of Americans, the elderly, urban and rural low-income families, some minority groups often don't hear about the safety messages from the government. So some additional outreach is needed. And it is critical, because when people go to yard sales, when people go to garage sales, when people go to Internet resellers, they need the ability to have this information and discern whether or not a product is on the recall list and is in fact unsafe for them to bring in their homes.

So, Mr. Speaker, although rules of the House do not permit me to address people directly, but if I could, I would ask that they help make their community safer by getting the word out, getting the word out about recalls. I am a member of the Neighborhood Safety Network, and we will disseminate information about the recalls vie my website, www.house.gov/burgess.

Let's talk a little bit, in the time remaining, about food safety because that is an issue that is critical. And again it is in the news. Has there been any attention at all paid by the United States Congress to the food we eat? Well, again, I am glad you asked because there has been a lot of attention paid in Congress regarding the safety of the food we eat. On the Energy and Commerce Committee, we are pursuing an aggressive investigation, and then we will move on to subsequent legislation, to try to correct this problem. As a member of the Oversight and Investigation Subcommittee, we have taken an active role in investigating the safety of our Nation's food supply. In August, a bipartisan team of investigators was sent by our committee to China to see, first-hand if they could delineate some of the causes of the problem. In the committee staff report, the investigators came to the following conclusions about their trip and their investigation thus far. Quoting directly from the staff report, "Number one, it would appear that the Chinese food supply chain does not meet international safety standards. In fact, it is responsible for very serious domestic Chinese food poisoning outbreaks.

"Number 2, the Chinese Government appears determined to avoid embarrassing food safety outbreaks in exports markets due to the damaging and potentially lasting effect this would have upon their 'Made in China' branding."

It seems like that has happened any way.

"Number 3, the lack of meaningful internal regulation of farming and food processing in China, the advanced development of the document counterfeiting industry, and the willingness of some entrepreneurs in both China and the United States to smuggle foodstuffs that do not meet quality standards, necessitates a much more vigorous program of inspection and laboratory testing in China and in this country and at the U.S. ports of entry than the Food and Drug Administration has been able or willing to pursue to date."

Now, Mr. Speaker, these are important conclusions, and yes we must not simply watch the problem worsen. We must be willing to handle the problem head on and transform the Food and Drug Administration into an agency that can fully cope with the importation problems of the 21st century. The Energy and Commerce Committee is doing their part to do just that. In addition to the staff trips to China, we are in the middle of a series of five hearings to discuss the topic, can the FDA, can the Food and Drug Administration assure the safety and security of our Nation's food supply?

What have we learned so far? Well, let's recapitulate. At the hearing on July 17, 2007, on this very topic, former FDA Associate Commissioner William Hubbard testified that in 1999, the Food and Drug Administration drafted a legislative proposal which would have given the Food and Drug Administration the authority to require foreign countries to take more responsibility for the food that they send to the United States. The agency's proposal would have allowed the Food and Drug Administration to embargo a given food from a given country if there were repeated instances of food being found contaminated when it arrived in the United States. Well, that seems pretty simple, to embargo a given food from a given country if there were repeated instances of that food being found contaminated when it arrived in our country, when it arrived in the United States.

Countries that sent safe food have no reason to be concerned. They would be unaffected. But countries that demonstrated a pattern of disregard for United States law and safety standards are going to have to increase their oversight of food exported from their country.

Now, unfortunately, Congress did not accept this recommendation in 1999. And the situation with imported foods has gone from bad to worse to simply awful. Congress now has a chance to examine the problem and consider recommendations on how to solve the problem. Mr. Speaker, the world was a different place in 1999. It was difficult to anticipate the acceleration of foreign products, how rapidly the acceleration of foreign products coming into our country would occur. Was the safety of food products from foreign countries not a priority for Congress back in 1999? Well, I am sure it was but not nearly as much as it should have been.

Why we have allowed this problem to persist when we know how much harm these unsafe products have the potential to cause? We may not be able to answer that question, but as I stand here tonight, I will tell you, it is absolutely a priority of mine, and I hope a priority of my committees that we intend to do something about it.

On October 11, the Energy and Committee Subcommittee on Oversight and Investigations held the third part of a five-part series of hearings on the Food and Drug Administration's ability to assure the safety and security of our Nation's food supply.

According to testimony given by Mr. David Nelson, the senior investigator for the Energy and Commerce Committee, currently the Food and Drug Administration does not go over and see if the products that are produced in China are done so under the same standards that we expect those products to be produced in the United States. These are the products that are produced in China and then sent over here for consumption, the products that Americans will be consuming, and they're not produced under American standards.

The ranking member of our subcommittee, ED WHITFIELD from Kentucky, asked Mr. NELSON that, if he were speaking to a group and a member of the audience raised their hand and asked how safe is it for consumers to consume the products produced in China, he said, "Well, you're taking your chances on any imported food from China."

Well, we can't act like that. America has to have the authority to prohibit these foods from coming into our country if they're not safe. We have to be able to stop those foods on which our consumers would be taking a chance. It's not worth it.

Chairman DINGELL, the full committee chairman, asked Mr. NELSON whether or not the Food and Drug Administration can protect the United States citizen from unsafe imports with the resources that they currently have.

His answer: "That would be an emphatic no."

Not just "no" but an emphatic "no."

When I got my chance to question, I asked him while they were over in China, they were there for several days, perhaps a couple of weeks, did they have occasion to eat anything. And he smiled and said, yes, they did. I said, Were you worried at all? And he said, yes, he was.

Fortunately our committee staff weathered that, put themselves in harm's way and they weathered that trip okay, although I think some of them did get a little ill, no one got severely ill, which is actually fortunate.

We had a witness come before the committee and during my questioning of Mr. James Rice, the Vice President and Country Manager of Tyson Food in China, he was just talking about the problem, I said, Do you look for problems? In your policies and procedures while you're in country in China, does it cause you to look for problems from Chinese suppliers? And he said, of course it does. And I said, Do you ever find a problem with a Chinese supplier? He said, oh, yeah, we sure do.

So when you find a problem with a Chinese supplier, do you get on the phone and do you call other companies that are over there working in businesses like yours? Do you kind of send out a little e-mail alert, hey, watch out for this supplier, he has some really bad chicken wings coming your way?

And the answer was, no, we don't do that. He explained to me that because Tyson was using local Chinese suppliers and the products were mostly for the Chinese market, they didn't feel that it was necessary to do that. So in essence there would be no dialogue whatsoever.

Mr. Rice told me that if there were persistent problems from one supplier, no one would alert the others to this problematic supplier and, probably more frighteningly, they wouldn't pick up the phone and call the local Food and Drug Administration inspectors that were in country and were responsible for assuring the safety of products that are going to be shipped into this country. There is no system in place to let other suppliers or, indeed, the Food and Drug Administration itself know that someone is significantly misbehaving, that someone is behaving in a criminal manner.

That's a serious, serious problem.

Mr. Speaker, it was important that I introduce legislation that relates to this 1999 proposal and H.R. 3967, the Imported Food Safety Act, was introduced a few weeks ago. And I firmly believe, firmly believe that the FDA needs the ability and the explicit authority to immediately stop dangerous foods and products from coming into this country.

It's a pretty simple concept. Think of it like this. You got all this stuff, all this food coming into this country on a big giant conveyor belt. And when the FDA finds a bad apple on that belt, they need to be able to push a big red button that says Stop on it and immediately stop that bad apple from continuing into the line of commerce in this country.

The legislation that I introduced would give the Food and Drug Administration a big red button to push that would stop the food from coming into this country. The idea is so simple that I don't understand why it hasn't been enacted previously.

If this is enacted, the Food and Drug Administration would have the authority to embargo a specific food from a specific country if there were episodes of repetitive violation of United States food safety standards or if the food was found to be contaminated. Quite frankly, we've got to be able to stop countries from sending harmful food products into the United States. So H.R. 3967 will allow us to finally take control of the food that is being sent to America. And, Mr. Speaker, it would send a pretty strong message to countries that in the past have sent harmful products to the United States: Solve the problem on your end because we mean business on our end.

After a summer of recall upon recall upon recall, it is time. It is time that Congress take this matter into its own hands. I for one am no longer going to tolerate hearing a different news story every night about a new and dangerous product coming into our country from the People's Republic of China.

The Health Subcommittee of which I am also a member had a legislative hearing on September 26 regarding Chairman DINGELL's bill, H.R. 3610. Having reviewed this legislation, I think the intentions are good and I look forward to working with the chairman on this issue. Clearly I don't support every provision but I do support the spirit of the proposed legislation. I believe we need to look toward how other Federal agencies have dealt with this issue and whether or not it would be appropriate to give the Food and Drug Administration similar authorities.

According to the Government Accountability Office, 15 Federal agencies collectively administer 30 different laws related to food safety. The Food and Drug Administration, which is part of the United States Department of Health and Human Services, and the Food Safety and Inspection Service, which is part of the United States Department of Agriculture, together comprise the majority of both the total funding and the total staffing of the government's food safety regulatory system. However, food safety laws vary greatly from agency to agency and not all foods are treated equally.

For instance, the United States Department of Agriculture, which has jurisdiction over meat, poultry and eggs, has an established equivalency determination standard for those foods.

What is equivalency, you might ask? I'm glad you did ask.

On October 11 at the third Oversight and Investigation hearing on the FDA's ability to assure the safety and security of our Nation's food supply, the Undersecretary for Food Safety at the United States Department of Agriculture, Dr. Richard Raymond, gave the following definition:

"Equivalency is the foundation of our system of imports. It recognizes that an exporting country can provide an appropriate level of food safety, even if those measures are different from those applied here at home. The Food Safety and Inspection Service has always required an assessment of foreign inspection systems before those nations can export their products to the United States. This prior review is mandated by our laws, which originally required that a foreign system be 'equal to' our system before the foreign product can be admitted."

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He further went on to state, "An exporting country has the burden of proving that its system is equivalent to our system if that country wishes to export that product to the United States."

Now I understand, I understand that applying this system of equivalency that is currently employed by the United States Department of Agriculture, implying that more stringent requirement to the Food and Drug Administration, which, in fairness, has about an 80 percent jurisdiction of all food compared to the roughly 20 percent of the United States Department of Agriculture, that is going to be hard. That is going to be difficult.

Currently, only 33 countries are eligible to ship meat and/or poultry products to the United States. If the exact standard that the United States Department of Agriculture employs was used by the Food and Drug Administration, it would drastically change and some people would even say it would cripple the food import system if, if there were not enough resources to support it. That's why the resource aspect, the staffing aspect becomes so critical.

Mr. Speaker, former Speaker Newt Gingrich in his book on Transformation lists as his second principle of transformation: Real change requires real change. This is a time for real change. This system should be drastically altered. Consider this: In 2005, 15 percent of the overall volume of U.S. food consumption was imported. Between 1996 and 2006, the amount of U.S. imports of agriculture and seafood products from all countries increased by 42 percent. In the last decade, the volume of FDA regulated imports has tripled. Chinese imports to the United States have increased more rapidly than the global average, and between the years of 1996 to 2006 the volume of import of Chinese agriculture and seafood products increased by 346 percent. China is now the third largest exporter of agriculture and seafood products to the United States, only behind our neighbor to the north and our neighbor to the south.

So perhaps our food import system should, should undergo real change. It should undergo significant change. The Food and Drug Administration was created in a time when we were still domestically growing the majority of our foods here in this country. We have got real issues here at home to deal with regarding our food regulatory system, but at least we have a regulatory system here in this country to deal with the problem.

This is not the case for all the countries from which we receive food. It seems that it would be common sense that we would only import food from a country if they can prove that their products are as safe as ours. Yet, only the United States Department of Agriculture can require this.

Let's think about this for a minute: USDA, 20 percent; FDA, 80 percent stringent controls on the 20 percent far less stringent controls on the 80 percent. Kind of seems like an imbalance, Mr. Speaker. Now it seems to me to be very arbitrary that the system the United States Department of Agriculture can employ is so much tougher than what the Food and Drug Administration can employ.

At the end of the day the American consumer doesn't know whether that food has been checked and regulated by USDA or FDA. The final common pathway, the end target is the kitchen table. When it goes from farm to fork, people don't consider what regulatory agency has had jurisdiction over that food, especially if it came from another country. We don't discriminate as Americans about the food, where it comes from and which agency has the regulatory control over that food. You know, it's almost a little curious that Congress does. Congress set forth dual standards and Congress must have a candid conversation and discussion with itself on whether or not we need to make these two systems, the United States Department of Agriculture 20 percent, Food and Drug Administration, 80 percent, whether or not we need to make those two jurisdictions perhaps more comparable.

Now Chairman DINGELL's food safety bill is tentatively scheduled to be marked up at both the subcommittee level and the full committee level later this month. I don't know if we will have time. I hope we are able to do it before the end of the year, but the legislative year is rapidly passing us by with each successive day and I hope that we can get that work done because I think it is critically important. It's my goal to encourage this frank conversation at the committee level, and hopefully Members on both sides of the dais will continue to have input on this critically important issue.

As we all know, this system, our system works best, and we have the most effective legislation if our bills are allowed to go through the normal process, if they are allowed to go through regular order. I implore the leadership, implore the leadership to allow this important piece of legislation to go through the normal process. Don't rush it through, don't jam it through. We saw what happened to the State Children's Health Insurance Program when that process was circumvented. Did we save any time delivering a State Children's Health Insurance Program to the children of America by jamming it through at the end of July and jamming it through in September and trying to jam it through in the early part of October? No. We didn't save any time. We are now 2 months passed the time that we should have reauthorized that legislation and, quite frankly, no resolution is in sight. That is no way to run an airline, that is no way to run the United States Congress.

I implore the leadership, let's stick to the regular legislative process and let this legislation work its way through the committee. Let it be improved by the committee. There's some of the best and brightest minds in the United States Congress that sit on both sides of the dais on the Energy and Commerce Committee. Some of the biggest brain firepower in this Congress sits on that committee. Don't circumvent the committee process, don't cut them out of the process. You don't serve the American peoples' interests when you do that, you don't serve congressional interests when you do that. Quite frankly, leadership does itself a huge disservice when it continues to do that. You're not scoring points politically and certainly not scoring points with the American people.

So let's not allow the issue of protecting our families from harmful and dangerous goods coming in from other countries to become a debate of one political party versus the other. It's something that I am certain holds resonance in the minds of us all. Realistically, we do our best work when we work together, and that is that the American people realistically sent us here to do. We need to work together effectively, solve this crisis now. It ought to be a priority for everyone in this body, regardless of their political party.

Just this week the President's working group on Import Safety presented their proposal to both the President and Congress. I wish the working group had been able to get their proposal together at a little bit earlier date, but better late than never. I do believe they have presented many sound policies, many sound ideas, and we should incorporate some of these ideas when we are formulating our own legislation.

I am still reviewing that group's findings. They are certainly voluminous, and have recently come to us. I was pleased to read that they would also like to see a legislative proposal that could give the Food and Drug Administration additional authority for preventive controls for high risk foods from high risk countries. If you would like to read their proposal for yourself, I encourage you to visit their website at www.importsafety.gov.

Mr. Speaker, you might ask, is there a dark side, is there a downside to all of this that we have been talking about tonight? Of course, the answer to that is yes. We always, we always in this Congress, have to be cautious about crossing the line and approaching or pushing that ever-expanding reach and grasp of the Federal Government in places it doesn't belong. But, you know, that is one of the basic activities that Americans expect out of their Federal Government, and that is to ensure the safety of the food supply and ensure the safety of the products that come into this country from other countries.

The last thing we want is for the Federal Government to control every little aspect of things that we pick up off our grocers' and stores' shelves, but it is a balancing act, as always, and we have to be always vigilant and be always cognizant of that fact.

We also must be vigilant in restoring safety and trust back into the foods we eat and the products we use. I believe that H.R. 3967, the Food Import and Safety Improvement Act of 2007, will further that goal, will further that purpose, as will the enhanced recall authority for the United States Consumer Product Safety Commission that we talked about a little earlier tonight.

Compromising the safety of the foods that we put on our tables must not ever be an option for this Congress. Compromising the consumer products that we buy for our families must never be an option, must never be an optional activity, for this Congress. Compromising the security of Americans cannot be an option. Compromising cannot be an option because we simply lack the power or lack the political will to exercise that power.

Remember the big red stop button. H.R. 3967 gives us the power to protect Americans by stopping things before they get into this country. We can no longer sit back and continue to allow harmful products to reach our homes. All Americans, all Americans, and I include myself, have the choice to take a stance individually and simply not buy products that come from a country that serially violates our safety standards. And we have talked about that country several times tonight, the People's Republic of China, because they have not proven that their products are safe, and, over and over again, we hear and see the news reports that their products are not safe.

But we have got to go further than that. Stricter rules are necessary. It is up to this Congress, it is up to this Congress, to step up, take the necessary legislative activities under their control, and do what is right for the American people.

Mr. Speaker, you have been very indulgent, and I yield back the balance of my time.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BRALEY of Iowa (at the request of Mr. HOYER) for today on account of business in the State.

Ms. GIFFORDS (at the request of Mr. HOYER) for today and November 9 on account of personal business.

Mr. LEVIN (at the request of Mr. HOYER) for today after 11:30 a.m.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, November 14 and 15.

Mr. JONES of North Carolina, for 5 minutes, November 14 and 15.

Mr. GINGREY, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, November 13.

Ms. FOXX, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

## ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2602. An act to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility".

H.R. 3043. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

## A BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on November 6, 2007 she presented to the President of the United States, for his approval, the following bill.

H.R. 2546. To designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center".

## ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Friday, November 9, 2007, at 9 a.m.

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## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the third quarter of 2007, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, LUCY HEENAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 12 AND AUG. 23, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Lucy Heenan | 8/12 | 8/14 | Morocco | | 722.74 | | (3) | | | | |
| | 8/14 | 8/16 | Ghana | | 538.00 | | (3) | | | | |
| | 8/16 | 8/16 | Libera | | | | (3) | | | | |
| | 8/16 | 8/18 | Ghana | | 538.00 | | (3) | | | | |
| | 8/18 | 8/21 | Uganda | | 1,029.00 | | (3) | | | | |
| | 8/21 | 8/22 | Kenya | | 318.00 | | (3) | | | | |
| | 8/22 | 8/23 | Spain | | 465.64 | | (3) | | | | |
| Committee total | | | | | 3,611.38 | | | [4] 2,293.35 | | | |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Miscellaneous embassy costs.

LUCY HEENAN, Oct. 31, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Charles W. Boustany, Jr | 8/27 | 8/29 | Kuwait | | 818.49 | | 9,029.05 | | | | 9,847.54 |
| Hon. Adrian Smith | 8/27 | 8/29 | Sudan (Chad) | | 872.14 | | | | | | |
| | 8/29 | 8/30 | Tunisia | | 289.00 | | | | | | |
| | 8/30 | 8/30 | Algeria | | 149.00 | | | | | | |
| | 8/31 | 9/1 | Ethiopia | | 300.00 | | | | | | |
| | 9/1 | 9/3 | Dubai | | 1,419.00 | | 13,495.97 | | | | 16,525.11 |
| Keith Jones | 9/20 | 9/21 | Canada | | 341.66 | | 435.61 | | | | 777.27 |

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Committee total | | | | | 4,189.29 | | 22,960.63 | | | | 27,149.92 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

COLLIN C. PETERSON, Chairman, Nov. 1, 2007.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Thomas Allen | 8/7 | 8/8 | Pakistan | | 339.00 | | | | | | 339.00 |
| | 8/8 | 8/9 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 8/9 | 8/10 | Pakistan | | 339.00 | | | | | | 339.00 |
| Commercial transportation | | | | | | | [3] 2,690.45 | | | | 2,690.45 |
| Hon. J. Dennis Hastert | 8/5 | 8/7 | Japan | | 850.00 | | | | | | 850.00 |
| | 8/7 | 8/10 | Japan | | 1,176.00 | | | | | | 1,176.00 |
| | 8/10 | 8/14 | China | | 1,820.00 | | | | | | 1,820.00 |
| Commercial transportation | | | | | | | 10,505.43 | | | | 10,505.43 |
| William Koetzle | 8/5 | 8/7 | Japan | | 850.00 | | | | | | 850.00 |
| | 8/7 | 8/10 | Japan | | 1,176.00 | | | | | | 1,176.00 |
| | 8/10 | 8/14 | China | | 1,820.00 | | | | | | 1,820.00 |
| Commercial transportation | | | | | | | 9,973.43 | | | | 9,973.43 |
| David Cavicke | 8/5 | 8/7 | Japan | | 850.00 | | | | | | 850.00 |
| | 8/7 | 8/10 | Japan | | 1,167.00 | | | | | | 1,167.00 |
| | 8/10 | 8/14 | China | | 1,820.00 | | | | | | 1,820.00 |
| Commercial transportation | | | | | | | 9,791.33 | | | | 9,791.33 |
| Hon. John Shadegg | 8/8 | 8/10 | Japan | | 778.00 | | | | | | 778.00 |
| | 8/10 | 8/14 | China | | 1,820.00 | | | | 224.49 | | 2,044.49 |
| Commercial transportation | | | | | | | 7,595.72 | | | | 7,595.72 |
| David Nelson | 8/18 | 8/24 | China | | 2,034.00 | | | | | | 2,034.00 |
| | 8/24 | 8/30 | China | | 1,928.00 | | | | | | 1,928.00 |
| Commercial transportation | | | | | | | 7,469.93 | | | | 7,469.93 |
| Kevin Barstow | 8/18 | 8/24 | China | | 2,034.00 | | | | | | 2,034.00 |
| | 8/24 | 8/30 | China | | 1,316.00 | | | | | | 1,316.00 |
| Commercial transportation | | | | | | | 7,449.93 | | | | 7,449.93 |
| Andrew Woelfling | 8/24 | 8/30 | China | | 1,316.00 | | | | | | 1,316.00 |
| Commercial transportation | | | | | | | 6,673.52 | | | | 6,673.52 |
| Brian McCullough | 8/18 | 8/24 | China | | 2,034.00 | | | | | | 2,034.00 |
| | 8/24 | 8/30 | China | | 1,316.00 | | | | | | 1,316.00 |
| Commercial transportation | | | | | | | 7,449.93 | | | | 7,449.93 |
| Christopher Knauer | 8/27 | 9/7 | China | | 3,365.00 | | | | | | 3,365.00 |
| | 9/8 | 9/15 | India | | 1,195.97 | | | | | | 1,195.97 |
| Commercial transportation | | | | | | | 9,207.82 | | | | 9,207.82 |
| Peter Spencer | 8/27 | 9/7 | China | | 3,365.00 | | | | | | 3,365.00 |
| | 9/8 | 9/15 | India | | 1,195.97 | | | | | | 1,195.97 |
| Commercial transportation | | | | | | | 9,207.82 | | | | 9,207.82 |
| Hon. Barbara Cubin | 9/7 | 9/2 | Kuwait | | 210.00 | | | | | | 210.00 |
| Commercial transportation | | | | | | | [4] 9,374.12 | | | | 9,374.12 |
| Committee Totals | | | | | 36,189.94 | | 97,389.43 | | 224.49 | | 133,803.86 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

[4] Supplemental Report for Rick Boucher will be filed as information becomes available.

JOHN D. DINGELL Chairman, Oct. 31, 2007.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Michele Bachmann | 6/30 | 7/1 | Ireland | | 116.00 | | (3) | | | | 116.00 |
| | 7/1 | 7/3 | Germany | | 98.00 | | (3) | | | | 98.00 |
| | 7/3 | 7/5 | Pakistan | | 578.00 | | (3) | | | | 578.00 |
| | 7/5 | 7/6 | Kuwait | | 105.00 | | (3) | | | | 105.00 |
| | 7/6 | 7/6 | Iraq | | | | (3) | | | | |
| Hon. Melissa Bean | 7/20 | 7/22 | Serbia | | 583.77 | | (3) | | | | 583.77 |
| | 7/22 | 7/22 | Bosnia-Herzegovina | | | | (3) | | | | |
| | 7/22 | 7/23 | Croatia | | 25.52 | | (3) | | | | 25.52 |
| J.D. Grom | 7/20 | 7/22 | Serbia | | 463.12 | | (3) | | | | 463.12 |
| | 7/22 | 7/22 | Bosnia-Herzegovina | | | | (3) | | | | |
| | 7/22 | 7/23 | Croatia | | 25.52 | | (3) | | | | 25.52 |
| Larry Lavendar | 7/20 | 7/22 | Serbia | | 780.00 | | (3) | | | | 780.00 |
| | 7/22 | 7/22 | Bosnia-Herzegovina | | | | (3) | | | | |
| | 7/22 | 7/23 | Croatia | | 134.00 | | (3) | | | | 134.00 |
| Hon. Carolyn Maloney | 7/20 | 7/22 | Serbia | | 780.00 | | (3) | | | | 780.00 |
| | 7/22 | 7/22 | Bosnia-Herzegovina | | | | (3) | | | | |
| | 7/22 | 7/23 | Croatia | | 134.00 | | (3) | | | | 134.00 |
| Hon. Gregory Meeks | 8/6 | 8/7 | Peru | | 576.00 | | [4] 4,293.95 | | | | 4,869.95 |
| Hon. Gwen Moore | 8/12 | 8/14 | Morocco | | 722.74 | | (3) | | | | 722.24 |
| | 8/14 | 8/16 | Ghana | | 538.00 | | (3) | | | | 538.00 |
| | 8/16 | 8/16 | Liberia | | | | (3) | | | | |
| | 8/16 | 8/18 | Ghana | | 538.00 | | (3) | | | | 538.00 |
| | 8/18 | 8/21 | Uganda | | 1,029.00 | | (3) | | | | 1,029.00 |
| | 8/21 | 8/22 | Kenya | | 318.00 | | (3) | | | | 318.00 |
| | 8/22 | 8/23 | Spain | | 482.14 | | (3) | | | | 482.14 |
| Hon. Luis Gutierrez | 8/18 | 8/20 | Tunisia | | 482.00 | | (3) | | | | 482.00 |
| | 8/20 | 8/22 | Turkey | | 1,242.00 | | (3) | | | | 1,242.00 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Stevan Pearce | 8/22 | 8/24 | Croatia | | 1,064.00 | | (3) | | | | 1,064.00 |
| | 8/24 | 8/27 | Germany | | 1,629.00 | | (3) | | | | 1,629.00 |
| | 9/7 | 9/8 | Kuwait | | 105.00 | | [4] 9,374.12 | | | | 9,479.12 |
| | 9/8 | 9/9 | Iraq | | | | (3) | | | | |
| | 9/9 | 9/10 | Kuwait | | 105.00 | | | | | | 105.00 |
| Committee totals | | | | | 12,653.81 | | 13,668.07 | | | | 26,321.88 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

[4] Round trip commercial air ticket.

———Oct. 31, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Thomas Hicks | 8/15 | 8/16 | Italy | | 478.80 | | 7,564.64 | | | | 11,200.43 |
| | 8/16 | 8/19 | France | | 1,623.99 | | | | | | |
| | 8/19 | 8/22 | Spain | | 990.00 | | | | | | |
| | 8/22 | 8/23 | United Kingdom | | | | | | 543.00 | | |
| Janelle Hu | 8/15 | 8/16 | Italy | | 478.80 | | 7,564.64 | | | | 11,200.43 |
| | 8/16 | 8/19 | France | | 1,623.99 | | | | | | |
| | 8/19 | 8/22 | Spain | | 990.00 | | | | | | |
| | 8/22 | 8/23 | United Kingdom | | | | | | 543.00 | | |
| Teri Morgan | 8/15 | 8/16 | Italy | | 478.80 | | 7,654.64 | | | | 11,200.43 |
| | 8/16 | 8/19 | France | | 1,623.99 | | | | | | |
| | 8/19 | 8/22 | Spain | | 990.00 | | | | | | |
| | 8/22 | 8/23 | United Kingdom | | | | | | 543.00 | | |
| Gineen Beach | 8/15 | 8/16 | Italy | | 478.80 | | 7,654.64 | | | | 11,200.43 |
| | 8/16 | 8/19 | France | | 1,623.99 | | | | | | |
| | 8/19 | 8/22 | Spain | | 990.00 | | | | | | |
| | 8/22 | 8/22 | United Kingdom | | | | | | 543.00 | | |
| Committee total | | | | | 12,371.16 | | 30,258.56 | | 2,172.00 | | 44,801.72 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT A. BRADY, Chairman, Nov. 1, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Chris Cannon | 8/26 | 9/03 | Kazakhstan | | 2,556.00 | | 11,226.87 | | | | 13,782.87 |
| Bobby Vassar | 8/4 | 8/11 | England, Switzerland | | 2,291.77 | | 9,151.55 | | | | 11,443.32 |
| Greg Barnes | 8/4 | 8/11 | England, Switzerland | | 2,291.77 | | 9,151.55 | | | | 11,443.32 |
| Teresa Vest | 8/4 | 8/11 | England, Switzerland | | 2,291.77 | | 9,151.55 | | | | 11,443.32 |
| Sean McLaughlin | 8/4 | 8/11 | England, Switzerland | | 2,291.77 | | 9,151.55 | | | | 11,443.32 |
| Allison Beach | 8/4 | 8/11 | England, Switzerland | | 2,291.77 | | 9,151.55 | | | | 11,443.32 |
| Committee total | | | | | 14,014.85 | | 56,984.62 | | | | 70,999.47 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN CONYERS, JR., Chairman, Oct. 31, 2007.

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## EXECUTIVE COMMUNICATIONS, ETC.

**Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:**

4043. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Spinetoram; Pesticide Tolerance [EPA-HQ-OPP-2007-0876; FRL-8149-9] received October 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4044. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Furilazole; Inert Ingredient Tolerances [EPA-HQ-OPP-2007-0557; FRL-8145-2] received October 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4045. A letter from the Chairman and CEO, Farm Credit Administration, Farm Credit Administration, transmitting the Administration's final rule — Title IV Conservators, Receivers, and Voluntary Liquidations; Priority of Claims--Subordinated Debt (RIN: 3052-AC38) received October 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4046. A letter from the Chairman and CEO, Farm Credit Administration, Farm Credit Administration, transmitting the Administration's final rule — Title IV Conservators, Receivers, and Voluntary Liquidations; Priority of Claims--Joint and Several Liability (RIN: 3052-AC16) received October 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4047. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Admiral Henry G. Ulrich III, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

4048. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of September 30, 2007, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account," pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

4049. A letter from the Assistant to the Board, Department of the Treasury, transmitting the Department's final rule — Fair Credit Reporting Affiliate Marketing Regulations [Docket ID [OCC-2007-0010]] (RIN: 1557-AC88) received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4050. A letter from the Secretary, Department of Health and Human Services, transmitting the Fiscal Year 2005 Biennial Report to Congress on the Status of Children in Head Start Programs as required by Section 650 of the Head Start Act; to the Committee on Education and Labor.

4051. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve, covering calendar year 2006, pursuant to 42 U.S.C. 6245; to the Committee on Energy and Commerce.

4052. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Transfer of Polychlorinated Biphenyl Cleanup and Disposal Program from the Office of Prevention, Pesticides and Toxic Substances to the Office of Solid Waste and Emergency Response [EPA-HQ-OPPT-2007-0425; FRL-8150-6] received October 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4053. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Perfluoroalkyl Sulfonates; Significant New Use Rule [EPA-HQ-OPPT-2005-0015; FRL-8150-4] (RIN: 2070-AJ18) received October 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4054. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota; Revisions to the Administrative Rules of South Dakota [EPA-R08-OAR-2007-0656; FRL-8479-9] received October 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4055. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 4 (RIN: 3150-AI23) received October 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4056. A letter from the Acting Assistant Administrator Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's final rule — Miscellaneous Amendments to Acquisition Regulations (AIDAR Circular 2007-02) (RIN: 0412-AA30) received October 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4057. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees Dental and Vision Insurance Program (RIN: 3206-AL03) received October 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4058. A letter from the Director Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the U.S. Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active Sonar [Docket No. 070703226-7461-02; I.D. 062206A] (RIN: 0648-AT80) received October 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4059. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC66) received October 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4060. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting an Interim Feasbility Report and Evironmental Impact Statement for the Kansas Cities, Missouri and Kansas, Flood Damage Reduction Project; to the Committee on Transportation and Infrastructure.

4061. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2008 [CMS-8032-N] (RIN: 0938-AO61) received October 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4062. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Part A Premium for Calendar Year 2008 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8031-N] (RIN: 0938-AO62) received October 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4063. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Offset of tax refund payments to collect past-due support (RIN: 1510-AB16) received October 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4064. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Overview Series Railroad Industry [LMSB-04-1007-072] received November 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4065. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2008 [CMS-8033-N] (RIN: 0938-AO68) received October 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

4066. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare and State Health Care Programs; Fraud and Abuse; Safe Harbor for Federally Qualified Health Centers Arrangements Under the Anti-Kickback Statute — received October 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3315. A bill to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall (Rept. 100-436). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 3387. A bill to update and improve the codification of title 46, United States Code, with an amendment (Rept. 110-437). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 809. Resolution providing for consideration of the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes (Rept. 110-438). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:**

By Mr. REICHERT:

H.R. 4113. A bill to expand the Alpine Lakes Wilderness in the State of Washington, to protect the complete watershed of the free-flowing Pratt River as a Wild River, and for other purposes; to the Committee on Natural Resources.

By Mr. NADLER (for himself, Mr. DELAHUNT, Mr. CONYERS, Mr. ACKERMAN, Mr. ARCURI, Ms. BALDWIN, Mr. BERMAN, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOUCHER, Mr. CAPUANO, Ms. CLARKE, Mr. CLAY, Mr. COHEN, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. HALL of New York, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Ms. NORTON, Mr. HOLT, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KAGEN, Mr. KUCINICH, Ms. ZOE LOFGREN of California, Mr. MARKEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. OBERSTAR, Mr. OLVER, Mr. PASTOR, Mr. PAUL, Mr. RANGEL, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SHAYS, Ms. SHEA-PORTER, Ms. SLAUGHTER, Ms. SUTTON, Mr. THOMPSON of California, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WELCH of Vermont, and Mr. WEXLER):

H.R. 4114. A bill to modify certain provisions of law relating to torture; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself and Mr. STUPAK):

H.R. 4115. A bill to provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians; to the Committee on Natural Resources.

By Mr. BURGESS (for himself and Ms. MCCOLLUM of Minnesota):

H.R. 4116. A bill to provide for the issuance of a veterans health care stamp; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT:

H.R. 4117. A bill to suspend temporarily the duty on certain electronic dimming ballasts with a three wire control scheme; to the Committee on Ways and Means.

By Mr. BOUCHER (for himself, Mr. GOODLATTE, Mr. CANTOR, Mr. SCOTT of Virginia, and Mrs. DRAKE):

H.R. 4118. A bill to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event, loss of life and limb, at Virginia Polytechnic Institute & State University; to the Committee on Ways and Means.

By Mrs. BACHMANN (for herself, Mr. RYAN of Wisconsin, Mr. COOPER, Mr. KIRK, Mr. CULBERSON, Mr. KLINE of Minnesota, Mr. GINGREY, Mr. AKIN, Mrs. MCMORRIS RODGERS, and Mr. FORTENBERRY):

H.R. 4119. A bill to change from March 31st to December 15th the date of submission to Congress of the audited financial statement of the executive branch of the United States Government; to the Committee on Oversight and Government Reform.

By Mrs. BOYDA of Kansas (for herself and Mrs. BIGGERT):

H.R. 4120. A bill to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes; to the Committee on the Judiciary.

By Mr. CARNEY (for himself, Mr. SPACE, and Ms. DELAURO):

H.R. 4121. A bill to amend the Ethics in Government Act of 1978 to prevent Government officials from accepting travel from persons having business before their agencies, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. COSTA:

H.R. 4122. A bill to support the development of high-speed rail in the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COSTA:

H.R. 4123. A bill to provide for the creation of a National High-Speed Rail Authority; to the Committee on Transportation and Infrastructure.

By Mr. MICHAUD (for himself, Mr. LIPINSKI, Ms. KAPTUR, Mr. HARE, Ms. SUTTON, Mr. KILDEE, Ms. LINDA T. SÁNCHEZ of California, Mr. ELLISON, Mr. LYNCH, Mr. GRIJALVA, and Mr. STARK):

H.R. 4124. A bill to direct the President to withdraw from the United States-Peru Trade Promotion Agreement; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself and Mr. CULBERSON):

H.R. 4125. A bill to amend the Hobby Protection Act to require that imitation Civil War items be clearly marked as copies; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself and Mr. LEWIS of Kentucky):

H.R. 4126. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain roof systems; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 4127. A bill to amend title 31, United States Code, to prohibit the further minting of 1-cent coins until the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System certify in writing that there is not a surplus of 1-cent coins already available for use in transactions, and for other purposes; to the Committee on Financial Services.

By Mr. SENSENBRENNER:

H.R. 4128. A bill to modernize, shorten, and simplify the Federal criminal code; to the Committee on the Judiciary.

By Ms. SOLIS (for herself, Ms. CARSON, and Mr. RAMSTAD):

H.R. 4129. A bill to amend the Public Health Service Act to strengthen and expand substance abuse and mental health services to persons experiencing homelessness in the United States; to the Committee on Energy and Commerce.

By Mr. DELAHUNT:

H. Con. Res. 249. Concurrent resolution recognizing Hostelling International USA for 75 years of service to intercultural understanding and to youth travel; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey (for himself, Mr. DOOLITTLE, Mr. GINGREY, Mr. GOODE, Mr. AKIN, Mr. SAM JOHNSON of Texas, Mr. WALBERG, Mr. FRANKS of Arizona, Mr. PENCE, Mr. RYAN of Ohio, Mr. MACK, Mr. JONES of North Carolina, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. BARTON of Texas, Mr. BURGESS, Ms. FOXX, Mr. TANCREDO, and Mr. CHABOT):

H. Con. Res. 250. Concurrent resolution supporting Taiwan's membership in appropriate international organizations such as the United Nations; to the Committee on Foreign Affairs.

By Mr. PERLMUTTER (for himself, Ms. DEGETTE, Mr. UDALL of Colorado, and Mr. SALAZAR):

H. Con. Res. 251. Concurrent resolution commending the National Renewable Energy Laboratory for its work of promoting energy efficiency for 30 years; to the Committee on Science and Technology.

By Mr. MORAN of Virginia (for himself, Mr. TOM DAVIS of Virginia, Mr. WOLF, Mr. VAN HOLLEN, Mr. WYNN, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. ACKERMAN, Mr. HINOJOSA, Mr. BAIRD, Mr. MOLLOHAN, Mr. ENGLISH of Pennsylvania, Ms. ROS-LEHTINEN, Mr. CUMMINGS, Mr. KANJORSKI, Mr. BOUCHER, Mr. FATTAH, Mr. FILNER, Mr. DAVIS of Alabama, Mr. CLAY, Mr. ELLISON, Ms. MCCOLLUM of Minnesota, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. AL GREEN of Texas, Mr. LANTOS, Ms. BERKLEY, Mr. RUPPERSBERGER, Ms. CLARKE, Ms. LEE, Ms. WOOLSEY, Mr. MOORE of Kansas, Mr. HARE, Mr. ABERCROMBIE, Ms. HIRONO, Mr. WELCH of Vermont, Mr. HINCHEY, Mr. ENGEL, Ms. LINDA T. SÁNCHEZ of California, Ms. ESHOO, Mrs. LOWEY, Mr. BISHOP of New York, Mrs. TAUSCHER, Mr. MCDERMOTT, Mr. INSLEE, Mr. BOREN, Ms. TSONGAS, Mr. BLUMENAUER, Mr. OBEY, Mr. OLVER, Mr. KAGEN, Mr. PETRI, Mr. UPTON, Mr. DENT, Mr. WELLER, Mr. BOUSTANY, Mr. KING of New York, Mr. MCHUGH, Mr. KUHL of New York, Mr. ROGERS of Alabama, Mr. CAMP of Michigan, Mr. SHAYS, Mr. RADANOVICH, Mr. MARCHANT, Mr. MANZULLO, Mr. GERLACH, Mr. PORTER, and Mrs. EMERSON):

H. Res. 808. A resolution commemorating the 50th Anniversary of the Metropolitan Washington Council of Governments; to the Committee on Oversight and Government Reform.

By Ms. JACKSON-LEE of Texas (for herself, Mr. BURTON of Indiana, Mr. DELAHUNT, Mr. CROWLEY, Mr. TOWNS, Mr. RUSH, Mr. PASCRELL, Mr. ELLISON, Mr. HONDA, Mr. HASTINGS of Florida, Mr. WU, Mr. CUMMINGS, Ms. WATSON, Mr. AL GREEN of Texas, Ms. WOOLSEY, Mr. VAN HOLLEN, Mr. MEEKS of New York, Mr. BUTTERFIELD, Mr. CHABOT, Ms. LINDA T. SÁNCHEZ of California, and Mr. BILIRAKIS):

H. Res. 810. A resolution calling for an end to the state of emergency in Pakistan; to the Committee on Foreign Affairs.

By Mr. PRICE of North Carolina (for himself, Mr. DREIER, Mr. LANTOS, and Ms. ROS-LEHTINEN):

H. Res. 811. A resolution condemning the November 6, 2007, terrorist bombing in Afghanistan and expressing condolences to the people of Afghanistan and the members of the Wolesi Jirga; to the Committee on Foreign Affairs.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. LANTOS, Mr. ENGEL, Mr. BURTON of Indiana, Ms. JACKSON-LEE of Texas, Mr. SIRES, Mr. SCOTT of Georgia, and Mr. PAYNE):

H. Res. 812. A resolution expressing the sympathy and pledging the urgent support of the House of Representatives and the people of the United States for the victims of the devastating flooding in southern Mexico; to the Committee on Foreign Affairs.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 241: Ms. FOXX.

H.R. 406: Mr. HINCHEY.

H.R. 462: Mr. LEWIS of Kentucky.

H.R. 549: Mr. THOMPSON of Mississippi.

H.R. 578: Mr. BARROW.

H.R. 579: Mr. WYNN.

H.R. 593: Mr. MARIO DIAZ-BALART of Florida.

H.R. 621: Mr. HALL of Texas.

H.R. 627: Mr. PLATTS.

H.R. 826: Mr. WOLF.

H.R. 1023: Mr. KING of New York, Mr. KLINE of Minnesota, Mr. BARROW, Mr. BURGESS, and Mr. FORBES.

H.R. 1043: Mr. LOEBSACK.

H.R. 1055: Mr. SESTAK.

H.R. 1070: Mr. SIRES.

H.R. 1110: Mr. UDALL of Colorado.

H.R. 1125: Mr. WELLER.

H.R. 1127: Mr. LAMBORN.

H.R. 1134: Mr. MURTHA and Ms. KAPTUR.

H.R. 1169: Mr. YOUNG of Alaska.

H.R. 1192: Mr. LOBIONDO.

H.R. 1232: Mr. ENGLISH of Pennsylvania and Mr. GERLACH.

H.R. 1237: Mr. INSLEE and Mr. WAXMAN.

H.R. 1282: Mr. LIPINSKI.

H.R. 1338: Mr. CARDOZA.

H.R. 1398: Mr. SALI.

H.R. 1405: Mr. KING of New York, Mr. ENGEL, and Mr. NADLER.

H.R. 1413: Mr. HOLT.

H.R. 1419: Mr. UDALL of New Mexico.

H.R. 1474: Mr. GRIJALVA, Mr. WILSON of South Carolina, Mr. WHITFIELD, Mr. KLINE of Minnesota, Mr. DUNCAN, and Mr. HODES.

H.R. 1497: Mr. WALDEN of Oregon, Mr. NADLER, and Mr. DOGGETT.

H.R. 1514: Mrs. EMERSON and Mr. CALVERT.

H.R. 1542: Mr. CAPUANO, Mr. FILNER, Mr. SESTAK, and Mr. ROTHMAN.

H.R. 1590: Ms. TSONGAS.

H.R. 1609: Mr. SPRATT, Mr. SAXTON, Mr. WALSH of New York, and Mrs. EMERSON.

H.R. 1610: Mr. CARNEY, Mr. DOOLITTLE, and Mr. REYES.

H.R. 1772: Mr. ROTHMAN and Mr. SESTAK.

H.R. 1823: Mr. MCCARTHY of California.

H.R. 1881: Mr. BARROW.

H.R. 1884: Mr. BOSWELL, Mr. CARNEY, Mrs. MCCARTHY of New York, and Mr. ALTMIRE.

H.R. 1954: Mr. ELLISON.

H.R. 2016: Mr. MURPHY of Connecticut, Mr. SHAYS, and Ms. BORDALLO.

H.R. 2032: Mr. ROTHMAN.

H.R. 2052: Ms. WOOLSEY.

H.R. 2087: Mr. YOUNG of Alaska, Mr. KLEIN of Florida, Mr. BOUCHER, Mrs. MALONEY of New York, and Mr. PLATTS.

H.R. 2103: Mr. THOMPSON of California.

H.R. 2112: Ms. MCCOLLUM of Minnesota.

H.R. 2116: Mr. BROWN of South Carolina and Mr. SOUDER.

H.R. 2125: Mr. POE.

H.R. 2169: Mr. DOGGETT, Mr. ARCURI, and Mr. DICKS.

H.R. 2204: Mr. LEWIS of Georgia.

H.R. 2234: Mr. MURPHY of Connecticut and Mr. ALTMIRE.

H.R. 2287: Mr. BOUCHER and Mr. PLATTS.

H.R. 2320: Mr. BUTTERFIELD.

H.R. 2353: Ms. SUTTON, Mr. ENGLISH of Pennsylvania, Mr. AL GREEN of Texas, and Mr. HASTINGS of Florida.

H.R. 2405: Ms. SCHAKOWSKY and Mr. LEWIS of California.

H.R. 2464: Ms. HOOLEY and Ms. SOLIS.

H.R. 2502: Ms. SCHAKOWSKY.

H.R. 2511: Mr. BLUMENAUER.

H.R. 2606: Mrs. GILLIBRAND and Mr. DAVIS of Illinois.

H.R. 2609: Mr. BARROW.

H.R. 2610: Mr. CONYERS.

H.R. 2802: Mr. MELANCON and Mr. HINCHEY.

H.R. 2833: Mr. TIERNEY.

H.R. 2910: Mr. SAXTON and Mr. UDALL of Colorado.

H.R. 2928: Ms. HIRONO, Mr. HOLT, Mrs. MALONEY of New York, Mr. MCNULTY, Mr. ABERCROMBIE, Mr. AL GREEN of Texas, Ms. LORETTA SANCHEZ of California, Mr. BISHOP of New York, Mr. MCDERMOTT, Mr. KLEIN of Florida, Mr. BOUCHER, Mr. YOUNG of Alaska, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2933: Mrs. DRAKE.

H.R. 2943: Mr. BISHOP of Georgia, Mr. ROTHMAN, Mr. CROWLEY, Mr. PASCRELL, Mr. KIND, Mr. KAGEN, and Mr. GORDON.

H.R. 2951: Mr. LEWIS of Georgia.

H.R. 2965: Mr. SMITH of Washington, Mr. GEORGE MILLER of California, Mr. BOUCHER, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. GORDON, Mrs. MALONEY of New York, Mr. TIERNEY, and Mrs. NAPOLITANO.

H.R. 3014: Mr. VAN HOLLEN.

H.R. 3119: Mr. BOUCHER.

H.R. 3212: Mr. CAPUANO.

H.R. 3329: Ms. SUTTON, Ms. DELAURO, Mrs. MALONEY of New York, Mrs. JONES of Ohio, Mr. MURPHY of Connecticut, and Ms. LORETTA SANCHEZ of California.

H.R. 3360: Mr. STUPAK.

H.R. 3439: Mr. ORTIZ.

H.R. 3481: Ms. DELAURO.

H.R. 3544: Mr. ENGEL and Mr. WYNN.

H.R. 3548: Mr. UDALL of Colorado.

H.R. 3577: Mr. ROTHMAN.

H.R. 3578: Mr. MANZULLO.

H.R. 3637: Mr. YARMUTH.

H.R. 3660: Mr. WAMP and Mr. AKIN.

H.R. 3663: Mr. GILCHREST.

H.R. 3687: Ms. SOLIS and Mr. GUTIERREZ.

H.R. 3689: Mr. ELLISON and Mr. BACA.

H.R. 3694: Ms. SCHWARTZ.

H.R. 3697: Mr. FILNER, Mr. TOWNS, Mr. WEINER, and Mr. FRELINGHUYSEN.

H.R. 3737: Ms. CORRINE BROWN of Florida.

H.R. 3780: Mr. ALTMIRE.

H.R. 3791: Mr. FRANKS of Arizona.

H.R. 3815: Mr. DICKS.

H.R. 3817: Mr. LOEBSACK.

H.R. 3836: Mr. SHERMAN.

H.R. 3852: Mr. COHEN.

H.R. 3861: Mr. BOSWELL.

H.R. 3865: Ms. SLAUGHTER, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. YOUNG of Alaska, Mr. ABERCROMBIE, and Mr. TIERNEY.

H.R. 3870: Mr. SHAYS.

H.R. 3911: Mr. MURTHA, Mr. FATTAH, Mr. PETERSON of Pennsylvania, and Mr. SHUSTER.

H.R. 3915: Mr. BACA, Mr. CUMMINGS, and Mr. SCOTT of Georgia.

H.R. 3918: Mr. TERRY, Mr. DAVIS of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. LEWIS of Georgia.

H.R. 3932: Mr. ARCURI, Mr. MURTHA, Mr. ABERCROMBIE, Mr. BOSWELL, and Mr. VAN HOLLEN.

H.R. 3937: Mr. DOGGETT.

H.R. 3960: Ms. HERSETH SANDLIN.

H.R. 3981: Mr. MITCHELL, Mr. ABERCROMBIE, Ms. HERSETH SANDLIN, and Mr. MOLLOHAN.

H.R. 3992: Mrs. DRAKE.

H.R. 4033: Mr. CLAY.

H.R. 4040: Ms. SHEA-PORTER, Mr. DOYLE, and Mrs. LOWEY.

H.R. 4055: Ms. ESHOO.

H.R. 4063: Mr. MORAN of Virginia and Ms. CORRINE BROWN of Florida.

H.R. 4067: Mr. DAVIS of Illinois.

H.R. 4096: Mr. GARY G. MILLER of California and Mr. GALLEGLY.

H.R. 4104: Mr. PUTNAM, Mr. REHBERG, Mr. WILSON of South Carolina, Mrs. SCHMIDT, Mr. DAVID DAVIS of Tennessee, Mr. COBLE, Mr. GINGREY, Mr. BROUN of Georgia, Mrs. BIGGERT, Mr. KINGSTON, Mrs. WILSON of New Mexico, Mr. SHAYS, Mr. TIBERI, Mrs. DRAKE, Mr. DENT, Mr. PITTS, Mr. SAM JOHNSON of Texas, Mr. HASTINGS of Washington, Mr. BURTON of Indiana, Mrs. BLACKBURN, Mr. ROSKAM, Mr. ISSA, Mr. GOHMERT, Mr. FEENEY, Mr. SALI, Mr. HELLER, Mr. MCCARTHY of California, Mr. GARRETT of New Jersey, Mr. PETERSON of Pennsylvania, Mr. ADERHOLT, Mr. MCKEON, Mr. MCCAUL of Texas, Mr. SESSIONS, Mr. MACK, Mr. MILLER of Florida, Mr. PRICE of Georgia, Mrs. EMERSON, Mr. SHUSTER, Mr. KELLER, Mr. BAKER, Mr. BONNER, Mr. LAMBORN, Mr. BACHUS, Ms. PRYCE of Ohio, Mr. DAVIS of Kentucky, Mr. WALSH of New York, Mr. PLATTS, Mr. CHABOT, Mr. WELDON of Florida, Mr. ROGERS of Alabama, Ms. GINNY BROWN-WAITE of Florida, Mr. ROGERS of Michigan, Mr. ROGERS of Kentucky, Mr. ALEXANDER, Mr. WALBERG, Mr. CALVERT, Mr. STEARNS, Mr. SAXTON, Mr. HALL of Texas, Mr. CAMP of Michigan, Mrs. MUSGRAVE, Mr. RADANOVICH, Mr. AKIN, Mr. DREIER, Mr. SULLIVAN, Mr. INGLIS of South Carolina, Mr. ENGLISH of Pennsylvania, Mr. EVERETT, Mr. LOBIONDO, Mr. FRANKS of Arizona, Mr. PENCE, Mrs. BACHMANN, Mr. SOUDER, Mr. GOODE, Mr. SIMPSON, Mr. COLE of Oklahoma, Mr. KIRK, Mr. GOODLATTE, Mr. DOOLITTLE, Mr. MCHENRY, Mr. FERGUSON, Mr. TURNER, Mr. SHADEGG, Mr. HENSARLING, Mr. HULSHOF, Mr. CASTLE, Mr. HASTERT, Mr. BILIRAKIS, Mrs. MILLER of Michigan, Mr. REICHERT, Mr. TOM DAVIS of Virginia, Mr. EHLERS, Mr. RYAN of Wisconsin, Mr. LATOURETTE, Mr. WHITFIELD, Mr. SMITH of New Jersey, Mr. JOHNSON of Illinois, Mr. TIAHRT, Mr. LUCAS, Mr. RENZI, Mr. THORNBERRY, Mr. LINDER, Mr. WESTMORELAND, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FOSSELLA, Mr. PICKERING, Mr. GRAVES, Mr. REGULA, Mr. GERLACH, Mr. REYNOLDS, Mr. LAHOOD, Mr. KING of New York, Mr. MICA, Mr. PEARCE, Mr. LATHAM, Mr. PETRI, Mr. POE, Mr. ROHRABACHER, Mr. YOUNG of Alaska, Mr. KUHL of New York, Mr. PORTER, Mr. MORAN of Kansas, Mr. UPTON, Mr. KNOLLENBERG, Mr. SENSENBRENNER, Mr. BUCHANAN, Mr. MCHUGH, Mr. JORDAN, Mrs. MCMORRIS RODGERS, Mrs. BONO, Mrs. CAPITO, Mr. WALDEN of Oregon, Ms. FALLIN, Mr. HOBSON, Mr. CANNON, Mr. GALLEGLY, Mr. GARY G. MILLER of California, Mr. BARRETT of South Carolina, Mr. BARTON of Texas, Mr. BURGESS, Mr. DEAL of Georgia, Mr. DUNCAN, Mr. FORTENBERRY, Mr. HOEKSTRA, Mr. KLINE of Minnesota, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCRERY, Mr. TIM MURPHY of Pennsylvania, Mrs. MYRICK, Mr. NUNES, Mr. PAUL, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. SHIMKUS, Mr. TANCREDO, Mr. TERRY, Mr. WOLF, Mr. FORTUÑO, Mr. KING of Iowa, and Mr. HUNTER.

H.R. 4105: Mr. NUNES.

H. Con. Res. 81: Mr. BISHOP of New York, Mrs. CAPPS, and Mr. GOODE.

H. Con. Res. 229: Mr. GRIJALVA and Mrs. CAPPS.

H. Con. Res. 235: Mr. BOUSTANY, Mr. PENCE, Mr. PICKERING, Mr. PLATTS, Mr. ROGERS of Michigan, and Mr. TIM MURPHY of Pennsylvania.

H. Con. Res. 239: Mr. WILSON of South Carolina.

H. Con. Res. 242: Mr. VAN HOLLEN.

H. Con. Res. 246: Mr. BUTTERFIELD, Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Mr. MILLER of Florida, Mrs. TAUSCHER, Mrs. MCCARTHY of New York, Mr. HALL of New York, Mr. SNYDER, Mr. WEXLER, Mr. HODES, Mr. KLINE of Minnesota, Mr. COURTNEY, Mr. PASCRELL, Mr. ETHERIDGE, Ms. KAPTUR, Mr. HARE, Mr. COBLE, Mr. SPRATT, and Mrs. DRAKE.

H. Res. 111: Mr. DUNCAN, Mr. AKIN, Ms. LEE, Mr. DONNELLY, Mr. TANNER, and Mr. MILLER of North Carolina.

H. Res. 356: Mr. MEEKS of New York and Mr. RANGEL.

H. Res. 525: Ms. LEE and Mr. DAVIS of Illinois.

H. Res. 542: Mr. LANGEVIN, Mr. COOPER, Mr. SHUSTER, Mrs. DRAKE, Mr. BOREN, Mr. SMITH of Nebraska, and Mr. BONNER.

H. Res. 543: Mr. WYNN.

H. Res. 598: Mr. FORTUÑO.

H. Res. 674: Mr. POE.

H. Res. 684: Mr. KUCINICH.

H. Res. 695: Mrs. BONO.

H. Res. 700: Mr. MCCRERY, Mr. CONAWAY, Mr. BOYD of Florida, Ms. WASSERMAN SCHULTZ, Mr. CAMP of Michigan, and Mr. HASTERT.

H. Res. 705: Mr. SALI and Mrs. MUSGRAVE.

H. Res. 713: Mr. MACK.

H. Res. 758: Mr. CONAWAY and Mr. ROHRABACHER.

H. Res. 768: Mr. KING of New York and Mr. MITCHELL.

H. Res. 784: Mr. HENSARLING.

H. Res. 786: Mr. DOOLITTLE.

H. Res. 789: Mr. SAM JOHNSON of Texas, Mr. WALBERG, and Mr. FRANKS of Arizona.

H. Res. 803: Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. ROTHMAN, Mr. NADLER, Ms. SLAUGHTER, Mr. MURPHY of Connecticut, Mrs. CHRISTENSEN, and Mr. HINCHEY.

H. Res. 804: Mr. LARSEN of Washington, Mr. BECERRA, Ms. RICHARDSON, Ms. SCHAKOWSKY, Mr. HINCHEY, Ms. SUTTON, Ms. CORRINE BROWN of Florida, Mr. PRICE of North Carolina, Mr. BISHOP of New York, Mr. ISRAEL, Mr. PERLMUTTER, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. WALSH of New York, Mr. TAYLOR, Mr. POMEROY, Mr. KIND, Ms. KAPTUR, Mr. GENE GREEN of Texas, Mr. MEEKS of New York, Mr. HARE, Mrs. JONES of Ohio, Ms. MOORE of Wisconsin, and Mr. OLVER.

H. Res. 805: Mr. WALBERG, Mr. MCCOTTER, and Mr. SALI.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2074: Mrs. MYRICK.

# EXTENSIONS OF REMARKS

## CELEBRATION OF THE 60TH BIRTHDAY OF DAVID ALLEN

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### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mrs. JONES of Ohio. Madam Speaker, it gives me great pleasure to rise today in honor of my dear friend David Allen, who will celebrate his 60th birthday on November 15, 2007. Born in Pittsburgh, PA, and raised in the Collinwood/Glenville neighborhood of Cleveland, David is a proud 1965 graduate of Glenville High School. He went on to receive an associate's degree from Cuyahoga Community College, bachelor's degree from Cleveland State University and a master's degree from Boston University. Additionally, David served honorably in the United States Army obtaining the rank of captain.

David began his career as a research economist at the Federal Reserve Bank of Boston, where he researched the impact of reserve requirements on commercial bank profitability in Federal Reserve District I.

In 1975, he came to the hill as a majority staff consultant for the House Budget Committee. There he served as staff liaison to my predecessor Congressman Louis Stokes and Congressman Parren Mitchell. Some of the highlights of his tenure include: Heading task forces on health, labor and education, and housing and community development; helping develop first Congressional Black Caucus Alternative Budget; and authoring the first 10 percent minority business set-aside included as an amendment in the Local Public Works Act of 1976. He would later serve as senior economist for the Joint Economic Committee where he advised Congressman Stokes on business and economic development issues in the Cleveland district.

After years of public and private service, David and his wife Sandra founded The KEVRIC Company, Inc. in 1981, which was named in honor of their 2 sons, Kevin and Eric. The company provided management, technical, and scientific support services to private and public sector clients. He sold the KEVRIC Company in 2003 and would later found another consulting firm, Stephco, named as a tribute to his daughter.

Though we grew up in close proximity to each other, I did not meet David until he began dating my dear friend Sandra when we were students at Case Western Reserve University. Since that time our friendship has continued to grow. David's stellar accomplishments and success reflect his tremendous hard work and determination. He is a shining example for people of color and all people of the realization of the "American Dream" and I am extremely proud to call him my friend.

On behalf of the people of the 11th Congressional District, I am extremely pleased to join with his wife Sandra; children Kevin, Eric and Stephanie, my goddaughter and namesake; his 2 daughters-in-law, 3 grandchildren, family and friends in wishing David Allen a very happy and blessed 60th birthday! And I wish you many, many, more.

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## HONORING "DIGGER" O'DELL, 2007 LIFETIME ACHIEVEMENT AWARD WINNER

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### HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. WALBERG. Madam Speaker, I rise today to recognize Donald "Digger" O'Dell upon receiving the 2007 Lifetime Achievement Award. It is with great admiration I congratulate Donald "Digger" O'Dell on behalf of all those who have benefited from his hard work and dedication.

Digger O'Dell is a lifelong resident of Chelsea, Michigan. He served his country in the Korean War from 1952 to 1955, and continues to serve his country and his community through his continuous acts of kindness. Whether it is helping to roof a home, cleaning the snow off a sidewalk, or taking someone to the airport or hospital, he never seeks acknowledgement in the things that he does, because in his own words, "it's what human beings should do."

Mr. O'Dell is retired from Chelsea Proving Grounds and has been a part-time employee of Staffan-Mitchell Funeral Home for the past 25 years. He is a member of the Washtenaw County Veterans Honor Guard and performs on average 100 military funerals per year. Digger has been a member of the American Legion Post 31 and the VFW Post 4076 for well over 50 years.

The most thoughtful act of kindness occurred this past year when Digger and his wife Margaret placed over 1,200 flags on graves of veterans in the Chelsea area. They have done this meaningful job for many years, but this year they had no assistance. As he continues to serve his country and his community, it is realized that Donald "Digger" O'Dell is one of the unsung heroes of Chelsea.

I personally thank Donald "Digger" O'Dell for his continued service to his country and the Chelsea community. May others know of my high regard for his selfless contributions and service to others, as well as my best wishes for him in the future.

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## HONORING EDWARD (ED) ST. JOHN

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### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Edward, Ed, St. John, founder, president, and CEO of St. John Properties, Inc. After graduating from the University of Maryland in College Park in 1961, Ed St. John founded St. John Properties, Inc. Since 1971, St. John Properties has developed, constructed, and maintained ownership of over 13 million square feet of office, industrial, and retail space. The company serves business space requirements of over 1,600 tenants in Maryland, Colorado, Wisconsin, Virginia, and Louisiana.

Ed is a leader and active member of the community. He serves on the boards of several organizations, including the University of Maryland, Baltimore County, the Economic Alliance for Greater Baltimore, Anne Arundel County Economic Development Corporation, the Johns Hopkins University Real Estate Institute, and the Maryland Science Center. He was inducted into the Baltimore County Chamber of Commerce Hall of Fame in 2001, and named Maryland Entrepreneur of the Year for Real Estate in 1997.

Ed St. John created the Edward A. St. John Foundation in 1998 with a philanthropic focus on educational enrichment for children based on the belief that education has the power to transform lives and strengthen communities. To date, more than $40 million has been pledged and donated through outright contributions and gifts-in-kind to over 300 educational, medical, philanthropic, and other nonprofit organizations throughout the Baltimore/Washington region.

Many colleges and universities have benefited enormously from Ed's philanthropic endeavors. The Edward St. John Endowed Scholarship at Bowie State University provides scholarships based on merit and financial need to full-time students who are majoring in either business administration or mathematics. In addition, he has made a $5.85 million commitment to the Johns Hopkins University School of Professional Studies in Business and Education. His donation will launch a full-time master's degree program to complement the university's part-time real estate curriculum.

Madam Speaker, I ask that you join with me today to honor Edward, Ed, St. John. His legacy as a leader in real estate will be matched only by his devotion to philanthropic projects. It is with great pride that I congratulate Ed St. John on his exemplary career in the real estate business.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## CONGRATULATING RALEIGH WILKERSON ON THE OCCASION OF HIS RETIREMENT

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the long and distinguished career of Raleigh Wilkerson, on the occasion of his retirement from the Alabama Farmers Federation.

With a career spanning over 33 years, Raleigh served in almost every capacity at the Alabama Farmers Federation. Raleigh joined the Federation in May 1974 as a field representative for a nine-county region of the Black Belt. He was named director of the beef division 5 years later and has overseen the cotton; meat, goat and sheep; and hay and forage divisions.

In his first year as director of the beef division, Raleigh initiated the annual Beef Tour, which continues to remain popular with Alabama's cattle producers. As beef director, he headed a beef marketing program—a highly successful program that in 1 year helped ship about $30 million worth of Alabama cattle to 19 different States. Even though the marketing program has been phased out, the relationships established with other States are still paying dividends today.

As director of the cotton division, he helped bring the Boll Weevil Eradication Project to Alabama. Because he missed the personal interaction with farmers throughout the State, Raleigh surrendered his position with the Commodity Division in 2003 to return to the field as area organization director. Last year, Raleigh was named president of the newly formed Alabama Youth Agricultural Foundation, an organization that seeks to serve as a perennial source of funding for helping Alabama youth in agriculture. Raleigh has graciously agreed to continue to serve in this capacity until it is more established.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout Alabama. I know his family, his wife, Nancy; their daughters, Allison McCain and Avery Beatty; his many friends; Alabama farmers, and past and present Alabama Farmers Federation employees join me in praising his accomplishments and extending thanks for his service over the years on behalf of the city of Camden and the State of Alabama.

Raleigh will surely enjoy the well deserved time he now has to spend with family and loved ones. On behalf of a grateful community, I wish him the best of luck in all his future endeavors.

## IN HONOR OF THE SOLANO COUNTY CHILD WELFARE SERVICES DIVISION FOR THE UNVEILING OF THE SOLANO HEART GALLERY

### HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mrs. TAUSCHER. Madam Speaker, I rise with the support of my colleague, the Honorable GEORGE MILLER, in the House of Representatives, to recognize the Solano County Child Welfare Services Division for the unveiling of the Solano Heart Gallery. Their tireless efforts throughout the years have facilitated the placement of numerous foster children into permanent homes. It is especially fitting to highlight the success of the Solano County Child Welfare Division during our celebration of National Adoption Month.

Throughout the United States there are more than half a million children in foster care, with more than a fifth of those children looking for permanent homes. In the foster care system, far too often it becomes difficult to keep brothers and sisters in the same home. In addition, many of these children face difficult physical, emotional, and behavioral challenges. These stressors compound developmental concerns and make the necessity of a permanent home even more critical. In response, the Solano County Child Welfare Division chooses to live by this simple creed, "Every child deserves a permanent, loving family and a home in which they can develop to their fullest potential." This creed is exemplified by the dedication and commitment that we see every day in Solano County.

As we celebrate the 17th annual National Adoption Month, the Solano County Child Welfare Division continues to find new and effective ways to match foster children with "forever families." Building on its success from previous years, and the ability to place 57 children into permanent homes in 2007, the Solano County Child Welfare Division is unveiling the Solano Heart Gallery. This gallery will feature many of the 190 children in Solano County who are currently seeking stable and loving homes. This Heart Gallery will travel throughout Solano visiting every city in the county during the 2008 calendar year.

We are proud to represent a county that places such a high priority on the future of our children. It is because of dedicated public servants in our community that we can all expect great things from this next generation of children. We are pleased to say that through the work of the Solano County Child Welfare Division and the newly unveiled Solano Heart Gallery, the children of Solano County will always come first.

## HONORING THE LIFE OF SERGEANT PHILLIP DAVID QUANDT

### HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize the extraordinary life and accomplishments of St. Petersburg Police Department Sergeant Phillip David Quandt.

Phillip Quandt was a lifelong resident of St. Petersburg, Florida. He was born on February 2, 1962 in St. Anthony's Hospital. He graduated from Central Pinellas Christian School in 1980 and earned his Bachelor's degree from Bob Jones University. Never one to sit idle, Phillip not only obtained his Master's degree in 1997 from Troy State University, but was working on his Doctorate at Argosy University until his recent passing and tragic death on August 27, 2007.

Madam Speaker, Phillip Quandt's ambitions set him on a bright law enforcement career with the St. Petersburg Police Department where he was hired on November 5, 1984. Sworn in as a police officer on July 31, 1985, Phillip immediately distinguished himself as a rising star in the Department. In addition to serving as a patrol officer, Phillip was a prolific DUI officer, Community Police Officer, Career Criminal Detective, and Auto Theft Detective. Then on May 1, 2000, Phillip Quandt was promoted to the high ranking level of Sergeant. He served as both a Community Policing Sergeant and a Patrol Sergeant.

Even though Sgt. Quandt was a shining star in the St. Petersburg Police Department, he shone even more brilliant in his family life. He met his lovely wife, Robbyn, in college and fell deeply in love. The two were married on January 2, 1987. Phillip and Robbyn were blessed with two wonderful children, fifteen-year old, Ryan, and eleven-year old, Trevor.

Like the St. Petersburg Police Department, Robbyn and the boys are absolutely devastated by the sudden and unexpected passing of Phillip. While their loss is profound, I am certain that they are proud to continue the legacy of service and honor that Sgt. Quandt has left behind.

Madam Speaker, I salute Sergeant Phillip David Quandt for a job well done and pray for his family and their well being.

## TRIBUTE TO U.S. MARSHALS SERVICE

### HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. BOOZMAN. Madam Speaker, today I offer my congratulations to the United States Marshals Service, as well as a hearty "Welcome Home" to Fort Smith, Arkansas.

At "high noon" today, trucks from ABF Freight System arrived with precious cargo: the history of the United States Marshals Service. They arrived from Wyoming to their new hometown of Fort Smith, the future site of the United States Marshals Museum.

Today's arrival is a symbolic event, but just a temporary stop. The Marshals collection, now inside Arkansas' borders, will be secured in a safe location while we build a proper home of the legendary history of the Marshals Service.

From the arrival of the "Hanging Judge" Isaac Parker and through such men as Deputy Marshal Bass Reeves, an African-American deputy who arrested more than 3,000 men, the history of the Marshals Service and the history of Fort Smith, Arkansas, have been continually linked.

Today, we take the next step in making that link permanent. The legacy of the United States Marshals Service is now in Arkansas.

Congratulations to Fort Smith and congratulations to the United States Marshals.

Welcome home.

## PERSONAL EXPLANATION

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. KIND. Madam Speaker, I was detained in my district and was unable to have my vote recorded on the House floor on Monday, November 5, 2007, for H.R. 3222 (roll No. 1034), H.R. 513 (roll No. 1035), and H. Res. 744 (roll No. 1036). Had I been present, I would have voted in favor of these measures.

## 100TH ANNIVERSARY OF TEAMSTERS JOINT COUNCIL 7

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Ms. WOOLSEY. Madam Speaker, I along with Hon. ELLEN O. TAUSCHER, Hon. ANNA G. ESHOO, Hon. MIKE HONDA, Hon. GEORGE MILLER, Hon. TOM LANTOS, Hon. ZOE LOFGREN, Hon. MIKE THOMPSON, Hon. PETE STARK and Speaker NANCY PELOSI are proud to rise today to honor Teamsters Joint Council 7 on the occasion of their 100th anniversary. Theirs is a proud history, whose origins in the days of the California Gold Rush speak to a long-time concern for the welfare of working people.

In the mid-1800s, when San Francisco was a booming Gold Rush town, the Teamsters Association was formed to address competition from Australians who had arrived with stronger horses. While not a true trade union, it was the first teamster organization on the West Coast and the precursor of Teamsters Joint Council 7.

The Teamsters Association collapsed in the depression of 1854, and in 1856, a new Draymen's and Teamsters Union was formed. By 1888, however, the majority of working teamsters had dropped out, leaving a guild of employers and bosses. Due to poor conditions, a second attempt was made to create a union in 1900, and again the organization was commandeered by employers.

The International Brotherhood of Teamsters came into existence in 1903 and stepped up to organize local unions by occupation after the 1906 earthquake led to a more complex system of goods distribution. On November 18, 1907, the Joint Council was chartered to oversee these groups.

By 1912 there were 13 groups ranging from hackmen to ice wagon drivers. The Joint Council helped in disputes with employers as well as differences among the locals, relieving union officers of many routine duties and improving the welfare of the membership.

In those early years, Teamsters Local 85 dominated the operations and provided notable leadership. Local 85 had demonstrated its ability to create solidarity when they called a strike in 1901. Other labor unions rallied around, and the employers backed down. This action earned San Francisco a reputation as the strongest "Union Town" in the nation.

Today Joint Council 7 has 15 affiliates and serves the greater Bay Area from Santa Rosa in the north to Salinas/Monterey in the south. The current affiliates are:

Local 70, Oakland, Chuck Mack, Secretary-Treasurer; Local 78, Hayward, Steve Mack, Secretary-Treasurer; Local 85, San Francisco, Van Beane, Secretary-Treasurer; Local 278, San Francisco, Jack Bookter, Secretary-Treasurer; Local 287, San Jose, Bill Hoyt, Secretary-Treasurer; Local 315, Martinez, Dale Robbins, Secretary-Treasurer; Local 350, Daly City, Robert Morales, Secretary-Treasurer; Local 490, Vallejo, Carlos Borba, Secretary-Treasurer; Local 624, Santa Rosa, Bob Carr, Secretary-Treasurer; Local 665, Daly City, Ernie Yates, Secretary-Treasurer; Local 853, San Leandro, Rome Aloise, Secretary-Treasurer; Local 856, San Bruno, Joseph Lanthier, Secretary-Treasurer; Local 890, Salinas, Franklin Gallegos, President; Local 896, Vallejo, Rene Medrano, Secretary-Treasurer; Local 912, Watsonville, Brad Sebring, Secretary-Treasurer.

Under the leadership of president Chuck Mack, who has served for 25 years, the organization has developed many additional functions. These include legal support, a commercial drivers' training program, political activity to support working families, alcohol and drug treatment, and maintenance of a charitable trust to assist members after disasters and tragedies as well as to support community causes.

Their own words say it best: "100 hundred years old and our members are still priority number one!"

Madam Speaker, organized labor in this country has led to better wages, health care, and pensions for workers. Throughout the years, Teamsters Joint Council 7 has reaffirmed its commitment to the working families of the Bay Area. We all wish Joint Council 7 continued success in the future and hope that their second hundred years will be as productive as the first hundred.

## 40TH ANNIVERSARY OF ELECTION OF CARL B. STOKES AS MAYOR OF CLEVELAND

### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mrs. JONES of Ohio. Madam Speaker, today I rise in honor of a personal hero, Carl B. Stokes. Today marks the 40th anniversary of his historic election as mayor of the city of Cleveland. The first African American mayor of a large American city, Carl Stokes was an inspiration not only to people of color, but all Americans.

Carl Stokes was born June 21, 1927 in Cleveland, OH to Charles Stokes, a laundry worker, and Louise Stokes, a cleaning woman. His father died when he was two, leaving his mother to raise Carl, and his brother, my predecessor, former Congressman Louis Stokes, alone. They lived in Cleveland's first federally funded housing project for the poor Outhwaite Homes.

Although a good student, Carl dropped out of high school in 1944. He worked briefly for Thompson Products before joining the U.S. Army at the age of 18. Following his discharge in 1946, Stokes returned to Cleveland and earned his high school diploma in 1947.

He would attend several colleges before earning his bachelor's degree from the University of Minnesota in 1954. He went on to graduate from Cleveland-Marshall College of Law in 1956 and was admitted to the Ohio bar in 1957.

While studying law he was a probation officer. For four years, he served as assistant prosecutor and became partner in the law firm of Stokes, Stokes, Character, and Terry, and continued to practice throughout his political career.

In 1962, he became the first black elected to the Ohio House of Representatives, where he served for three terms. He made his first run for mayor of Cleveland in 1965, narrowly losing the bid. He would mount a second run in 1967 where he was able to mobilize both black and white voters to defeat Seth Taft, the grandson of a former U.S. president William Howard Taft, by a 50.5 majority. As mayor, Stokes opened city hall jobs to blacks and women and initiated Cleveland: Now!, a public and private funding program aimed at the revitalization of Cleveland neighborhoods. Additionally, the National League of Cities elected him as their first black president-elect. He was reelected in 1969, and in 1971 chose not to run for a third term.

After his mayoral administration, Stokes lectured to colleges around the country. In 1972 he became the first black anchorman in New York City when he took a job with television station WNBC–TV. He returned to Cleveland in 1980 and began serving as general legal counsel for the United Auto Workers.

In 1983, he decided to run for the municipal court judgeship that I had vacated against an incumbent judge appointee. This election was the beginning of a long friendship that I could have never dreamed of or anticipated as a young volunteer on his 1967 campaign. From 1983 to 1994 he in that seat where he developed a reputation as a fair judge with a common sense approach to the law.

President Bill Clinton then appointed him U.S. Ambassador to the Republic of Seychelles. He was awarded 12 honorary degrees, numerous civic awards, and represented the United States on numerous goodwill trips abroad by request of the White House.

Along with all of Carl Stokes great achievements, he inspired a young, black college student who was volunteered to work on his 1967 mayoral campaign to follow her dreams. He was a shining example for this young black woman, that through hard work and determination you could do the impossible. That young African American woman was me. I am able to serve here in Congress as the first African American woman elected to the House of Representatives from the state of Ohio, because Carl Stokes paved the way for me and many others. If there were no Carl Stokes, there would be no STEPHANIE TUBBS JONES. I am truly blessed to have been able to call him and his brother my friend. So, it is my honor and privilege to recognize this significant milestone today, and simply say, thank you Carl Stokes for your courage and tenacity forty years ago, and for inspiring me to follow my dreams.

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## HONORING AMBASSADOR RONALD WEISER AS THE 2007 CHELSEA CITIZEN OF THE YEAR

### HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. WALBERG. Madam Speaker, it is my special privilege to recognize Ambassador Ronald Weiser upon his receiving of the 2007 Chelsea Citizen of the Year Award. It is with great admiration that I congratulate Ambassador Ronald Weiser on behalf of all who have benefited from his hard work and dedication.

Ambassador Weiser, founder of McKinley Properties, understands the importance of a vibrant downtown to the growing Chelsea community. Through McKinley Properties, the Ambassador has contributed his time and financial resources to ensure a historic landmark was restored and brought into the 21st century.

What has been the symbol of Chelsea for over a century, has been beautifully restored, housing businesses, cafes, restaurants, and a community commons area. The revitalization of this once industrial sector has enabled the city to expand with the potential of endless opportunities.

Ambassador Weiser saw something in the citizens of Chelsea and the atmosphere of a city which made him envision a prosperous, vibrant community. He brought back to life the symbol lighting up the night, the symbol recognized by many, "Chelsea's Clock Tower."

Therefore, I rise today to honor Ambassador Ronald Weiser for his endless support of the Chelsea community. May others know of my high regard for his selfless contributions and service to others, as well as my best wishes for him in the future.

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## HONORING MARTIN (MARTY) R. RESNICK

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Martin (Marty) R. Resnick, founder, owner, and CEO of Martin's Catering. He has recently been inducted into the prestigious Baltimore Business Hall of Fame. Martin Ronald Resnick was born in Baltimore on September 3, 1931. He graduated from City College in 1949, deciding to enter the world of business instead of going to college. Marty's early business career started in department stores, learning the world of business until 1964 when he opened his first catering company, Eudowood Gardens. Martin's Catering now has the capacity to serve over 20,000 people operating in 7 locations.

For over 40 years, Marty spent nearly all of his energy in the catering business, earning numerous awards from small business associations. Martin's, Inc. has annual sales of over $30 million. Several organizations have named him "Man of the Year", and former mayor of Baltimore William Donald Schaefer declared June 24, 1981, to be "Martin Resnick Day in Baltimore". Although his business interests are many and consuming, he devotes his boundless energy to many causes, including the University of Maryland Foundation, the Morgan State University Foundation, the Baltimore Alliance for the Prevention and Control of Hypertension and Diabetes, and the Baltimore City Police Department Foundation.

Marty and his company "adopted" Riverview Elementary in 1989. Riverview Elementary is located in an economically disadvantaged community, and many of the students who attend Riverview come from single-parent homes. Before Martin's Caterers adopted Riverview, the school had poor attendance and the need for encouragement from caring, positive role models. Today, he is "Uncle Marty" to more than 1,000 students. Marty also provides jobs for the parents of his "nieces and nephews", where he teaches them good work ethic and valuable skills to learn and grow in their career.

Marty received an Honorary Doctorate Degree in Philosophy form Israel's Sinai University, and there is a Yeshiva in Jerusalem that bears his name. Even with all of his many business demands, Marty is truly an adoring family man, who has always placed his family first.

Madam Speaker, I ask that you join with me today to honor Martin (Marty) R. Resnick. His legacy as a professional will be forever preserved in the Baltimore County Business Hall of Fame, and will be matched only by his devotion to his family and community. It is with great pride that I congratulate Marty Resnick on his exemplary career in the catering and event planning business.

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## HONORING THE MEMORY OF MR. ROBERT B. INGRAM, JR.

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. BONNER. Madam Speaker, the state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory. Mr. Robert B. Ingram, Jr., known as Bob to his many friends and family, was one of the most influential and respected political writers in Alabama's history.

Born in Centre, Alabama, in 1926, Bob and his 2 sisters were raised in Cherokee County by his widowed mother during the Great Depression. He graduated from Cherokee County High School and served with distinction in World War II as a radio operator and gunner aboard the USS *Panamint*. He graduated from Auburn University in 1949 and soon began working for the Cherokee County Herald.

Soon thereafter, Bob joined the Montgomery Advertiser, where he worked as a reporter. He left the world of journalism for several years and served as state finance director for former Alabama Governor Albert Brewer. From 1979 until 1993, he was editorial director at WSFA–TV in Montgomery, and he ended his editorials with the words that became his trademark, "And that's the way I see it . . ."

Bob Ingram also wrote 2 books, "That's the Way I Saw It," and "That's the Way I Saw It II," published a magazine, and spent 30 years as a political analyst for 3 Montgomery television stations. He received many awards throughout his storied career. He particularly cherished the honor bestowed on him by Auburn University Montgomery with the creation of the Robert Ingram Lecture Series. Four years ago, he was inducted into the communication hall of fame at the University of Alabama, and earlier this year, he received the Mass Media Achievement Award from the Auburn University Journalism Foundation.

Bob Ingram reported on—and was witness to—many of the most pivotal events in Alabama's history, including the civil rights movement and the career of former Governor George C. Wallace. While known for his legendary objectivity, Bob was never afraid to speak his mind. Be it with praise or criticism, Mr. Ingram served as a watchdog for the people of Alabama his entire career. For nearly 50 years, his weekly column, "The Alabama Scene," was a treasure trove of political tidbits, history, and news for Alabamians.

Bob Ingram was also active with several charitable and civic endeavors. He was a Paul Harris Fellow of the Rotary Club, and served as a deacon at Cloverdale Baptist Church in Montgomery, where he taught Sunday school for more than 35 years. Most recently, he volunteered his time with the Montgomery Ostomy Association.

The Montgomery Advertiser's tribute to Bob Ingram was especially poignant, stating, "Most of those who knew Ingram through his writings and television analyses never met him in person, but they felt he was their friend."

Madam Speaker, Bob Ingram was a reporter, a publisher, an author, a commentator, and a speaker for the better part of a century. He was an outstanding example of the quality individuals who have devoted their lives to the field of journalism, and I ask my colleagues to join with me in remembering one of our State's most revered journalists and esteemed citizens.

Bob Ingram loved life and lived it to the fullest, and his passing marks a tremendous loss for all of Alabama. He will be deeply missed by many, most especially his children, Robert B. Ingram III, Beth Ingram Lamberth, and Ragan Ingram; his sister, Rozanne I. Jones; his 8 grandchildren; his great-grandchild; as well as countless friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

## RECOGNIZING THE CENTENNIAL OF THE HISTORIC WAILUKU COURTHOUSE

### HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Ms. HIRONO. Madam Speaker, I rise today to recognize the centennial of the historic Wailuku Courthouse on the island of Maui. I would also like to congratulate the many people and companies in history who helped build and occupy the Courthouse.

Angus P. McDonald began construction on the Wailuku Courthouse on October 18, 1907. His work was completed in late 1908 and the building opened in February 1909.

The Wailuku Courthouse was occupied by the Honorable Judge Aluwae Noa Kepoikai, from 1892 to 1894 and again from 1904 to 1909; the Honorable Judge Seldon B. Kindgsbury from 1909 to 1913; the Honorable Judge William S. Edings from 1914 to 1918; the Honorable Judge Leslie L. Burr from 1918 through 1922; the Honorable Judge Daniel H. Case from 1922 to 1943; the Honorable Judge Cable A. Wirtz from 1944 through 1951 and in 1956 to 1959; the Honorable Wendell F. Crockett from 1959 to 1961; the Honorable Judge Takashi Kitaoka from 1962 to 1968; the Honorable Judge George Fukuoka from 1968 through 1982; the Honorable Judge Kase Higa from 1977 to 1985; and the Honorable Judge Arthur Ueoka from 1982 to 1983.

As the population of Maui County grew and the demands on county services increased, the Wailuku Courthouse was eventually vacated by the Court in 1988.

In October 1992, the GW Murphy Construction Company began renovating and restoring the Wailuku Courthouse to allow for its continued use by the County of Maui. In October 1993, the offices of the Maui County Department of the Prosecuting Attorney were moved into the Wailuku Courthouse and the Department continues to occupy the building to this day.

The Wailuku Courthouse has since been home to the following Prosecuting Attorneys: Larry L. Butrick from October 1993 through July 1995; Richard T. Bissen Jr. from August 1995 through January 2003; Davelynn M. Tengan from January 2003 through January 2007; and currently Benjamin M. Acob, who was appointed on January 2, 2007.

I extend a sincere mahalo (thank you) to all of the past and current residents of the Wailuku Courthouse. The building stands as a symbol of your shared commitment to justice and equality for all the residents of Maui. Congratulations on this historic centennial.

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## PERSONAL EXPLANATION

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mrs. MALONEY of New York. Madam Speaker, on November 5, 2007, due to transportation delays I was unable to cast my floor vote on rollcall votes 1034, 1035, and 1036.

Had I been present for the votes, I would have voted "yea" on rollcall votes 1034, 1035, and 1036.

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## IN TRIBUTE TO JIM RYAN

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize Jim Ryan, who passed away on November 6, 2007. Mr. Ryan was a compassionate leader and public servant who worked for many years in the Fourth Congressional District. Mr. Ryan's involvement in the nonprofit and political arena in the metropolitan Milwaukee area was truly impressive.

Mr. Ryan served as a Milwaukee County Board Supervisor. He served the Village of Hales Corners for over 30 years; nearly 20 of those years were spent as Village President. He was to retire from public service and not seek another term as Village President next year.

Mr. Ryan was known as the consummate professional with strong consensus building and problem-solving skills and a strong knowledge of how government worked at all levels. Mr. Ryan served as President and CEO of the Milwaukee Regional Medical Center where he started the Flight for Life program; worked for the State of Wisconsin as a child welfare supervisor; and for Racine County's Human Service Department. While serving as a County Board Supervisor, he was chair of the Ryan Commission which played a significant role in changing how the Milwaukee Metropolitan Sewerage District was administered.

Mr. Ryan faced a considerable challenge in his private life and was to retire from his successful public life. He was diagnosed with stomach cancer a year ago. Mr. Ryan's wife, Lisa, 4 children, Jimmy, John, Kristen, Cathryn; and 3 grandchildren all live in the Milwaukee area and were an integral part of his support network during this health crisis.

Mr. Ryan remained the Director of Penfield Children's Center where he served for more than a decade. Penfield Children's Center located in Milwaukee's central city serves all of Milwaukee County. Penfield Children's Center works with the child's family to ensure that each child has everything he/she needs to succeed and achieve his/her full potential. One of my granddaughters was born with a weight of less than 2 pounds. She received care at Penfield and benefited from their superb services.

Madam Speaker, for these reasons, I am honored to pay tribute to Mr. Ryan and his contributions to the Fourth Congressional District. Mr. Ryan's work throughout the years will continue to make a "positive impact" on the people of the entire metropolitan Milwaukee area.

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## TRIBUTE TO RAYMOND ADAMS

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. STUPAK. Madam Speaker, I rise to honor a constituent who has served his country admirably in our Armed Forces and, in civilian life, continued to serve his local community.

Mr. Raymond Adams is "Ogemaw County Veteran of the Year" as named by the Ogemaw County Veterans Alliance. The Veterans Alliance through its member organizations, represents all veterans in Ogemaw County. The Ogemaw County Veteran of the Year Award is considered the highest honor that the Alliance bestows upon fellow veterans.

A native of Ogemaw County, Mr. Adams has been a patriot all of his life. He was so determined to serve his Nation that, even when the Air Force initially turned him away, he re-applied. It took three attempts and a few years before he was able to successfully enlist in the Air Force in September of 1962.

After basic training, Mr. Adams was sent to McGuire Air Force Base in New Jersey to train as an air policeman. He was stationed there until June 1965, where he learned the skills and duties of an air policeman.

Following his training at McGuire Air Force Base, Mr. Adams went to Vietnam. He was stationed just outside of Saigon.

A modest man, Mr. Adams downplays his own service in Vietnam. In his own words, he writes, "I didn't see too much action. I was one of the lucky guys." Regardless of his own humility, Mr. Adams' service is to be commended and appreciated.

While stationed in Vietnam, he received additional K–9 training, learning to handle and utilize a police dog.

In June of 1966, Mr. Adams returned home to Michigan and entered civilian life. For a few years he worked in construction and spent some time working in local automobile factories. He was hired into Michigan Bell in January 1969, where he would work for the next 25 years, retiring in 1994.

Mr. Adams would also raise a family in the area. In January of 1970, Mr. Adams married Gayle Wangler. As of today, they have been married nearly 40 years. Together, they raised two daughters.

Even after Mr. Adams left the military and re-entered civilian life, his sense of service remained strong and intact. An active member of Ogemaw Hills Free Methodist Church, he has remained deeply involved in his community and dedicated much of his personal time to helping those in need. His church group has built schools and churches in Mexico and throughout Central America. Mr. Adams belongs to the Red Cross and has volunteered time with Habitat for Humanity. He has also been active with Hospice of Helping Hands and the Ogemaw County Mobile Food Bank. He volunteered to assist clean up and recovery efforts in Louisiana and Mississippi following Hurricane Katrina.

Ray has also remained an active advocate for his fellow veterans. He is a member of the

Veterans of Foreign Wars. Last year, I was honored to attend the opening of a new Veterans Museum at the Ogemaw County Fairgrounds. Ray was instrumental in helping to put together this important monument honoring his fellow local veterans. When Ray's local Veterans of Foreign Wars Post needed remodeling, Ray helped take the lead, handling many of the permitting issues that needed to be cleared before work could be completed.

While he has donated his own time, energy and effort to these many valuable community causes, he has never asked for any recognition. As one local resident put it, not only is it appropriate that Mr. Adams be recognized as "Veteran of the Year," but he would certainly be eligible to be "Volunteer of the Year."

Clearly, Madam Speaker, this is a man who understands profoundly the value of service and the responsibility we all have to help others. On November 11th, Veterans Day, members of the Ogemaw community will come together to honor Mr. Raymond Adams. As this noble, hardworking and humble man is recognized by his fellow veterans and by his community, I would ask, Madam Speaker, that you and the entire U.S. House of Representatives join me in saluting Raymond Adams for his lifetime of service and offering him the thanks of a grateful Nation.

## IN PRAISE OF FREDRICK A. MILLS

### HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. WALBERG. Madam Speaker, I rise today to recognize Fredrick A. Mills upon his receiving of the 2007 Lifetime Achievement Award. It is with great admiration I congratulate Frederick Mills on behalf of all those who have benefited from his hard work and dedication.

In 1963, Fred and his wife Venetia, moved to Chelsea when he took a math and coaching position with the Chelsea School District. After 3 years, Mr. Mills took the position of Assistant Superintendent for Finance and Operations with the Chelsea School District, which he held for 29 years, before retiring in 1995. Since then, Mr. Mills has worked for Chelsea Lumber Company in contractor sales.

For the last 49 years Fred Mills has given his life to the Chelsea community and education. Mr. Mills has been a member of the Chelsea Community Hospital board of trustees, Chelsea State Bank board of directors, Chelsea Village Economic Development Committee, Chelsea Industrial Development Committee, Chelsea Recreation Planning Committee and the Chelsea City Charter Commission. In addition, he has served on the Washtenaw/Livingston and Wayne County School Business Officials Board, Michigan School Business Officials Board, and the Association of Assistant Superintendents and Business Officials of Livingston, Monroe, and Washtenaw Counties. Mr. Mills is an active member at the First United Methodist Church, a charter member of the Chelsea Lions, and was a member of the Chelsea Jaycees. His presence is felt throughout the Chelsea community and across the State.

Fred Mills has seen Chelsea grow from a small rural community to a thriving city, helping along the way to make sure the qualities that make Chelsea a special place to live and raise a family are preserved. Mr. Mills is a true asset to the community as a whole and his contributions over the years will continue to be felt for years to come.

I thank Mr. Mills for his continued support of the Chelsea community. May others know of my high regard for his selfless contributions and service to others, as well as my best wishes for him in the future.

## HONORING THE MEMORY OF ROBERT MILLER CRESWELL

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. BONNER. Madam Speaker, Wilcox County and indeed the entire State of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory. Mr. Robert Miller Creswell, known to his many friends as "Mr. Bob," was a devoted family man and a dear friend to his community.

Born and raised in Worcester, Massachusetts, Mr. Bob graduated from Massachusetts State College in Amherst, now known as the University of Massachusetts. He was inducted into the U.S. Army on February 11, 1941. Mr. Bob served with distinction as a combat trooper during World War II, dropping into the battlefields of the Netherlands under hostile Nazi fire.

While stationed at Fort Benning, Georgia, Mr. Bob met Grace Morgan, a teacher in Columbus, Georgia. The two married in 1954 and had four children: Barbara, John, Phil and Tom.

Following his service in the U.S. Army, Mr. Bob served in the U.S. Army Reserve until retiring in 1977 as a lieutenant colonel. In 1964, he became reservoir ranger at Lake Allatoona, Georgia. Mr. Bob and Grace brought their family to Camden, Alabama in 1969, when he was promoted to reservoir manager for the Alabama River Lakes.

Hollis Curl, publisher of the Wilcox Progressive Era and personal friend of Mr. Bob, wrote, "I don't know just what Mr. Bob saw as his major achievement, but I believe it is safe to say that he looked with extreme pride on the family he and his wife, Grace, raised together." Hollis went on to write, "Mr. Bob's tenure as the man in charge of the Corps of Engineers Alabama River Lakes was impressive. Unlike many in similar positions, Mr. Bob was a friend to the community and to the people he served. He knew the role of the Corps and he was a master at abiding by the rules while at the same time helping citizens conform to regulations they might not have understood."

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. Throughout his life, Mr. Bob Creswell set a standard of excellence second to none. He was preceded in death by his beloved wife, Grace, and his daughter, Barbara. He will be deeply missed by his family—his sons, Philip M. Creswell, John R. Creswell, and Thomas L. Creswell; two grandchildren, Joshua Morgan Creswell and Laura Grace Creswell; four step-grandchildren, Clayton R. Tartt, T. Hester Tartt, Jennifer R. Goggans, and N. Anne Goggans—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

## TRIBUTE TO HELEN IRENE MORS

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. LATHAM. Madam Speaker, I rise today to congratulate Helen Irene Mors on the recent celebration of her 100th birthday on November 3, 2007.

Irene was born on November 3, 1907 in Thornton, IA, to Frank and Alberta Arnold. She is 1 of 4 brothers and 3 sisters. In 1928 she married John C. Mors in the world famous Little Brown Church in the vale in Nashua, IA. They happily lived together and had 2 sons. She was a proud homemaker for her family and loved to sketch and paint during her free time. Irene still lives in her own home in rural Iowa.

There have been many changes that have occurred during the past 100 years. Since Irene's birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and the birth of new democracies. Irene has lived through 18 U.S. presidents and 24 governors of Iowa. In her lifetime, the population of the United States has more than tripled.

I congratulate Helen Irene Mors on reaching the milestone of her 100th birthday. I am extremely honored to represent Irene in Congress, and I wish her happiness and health for many years to come.

## ALPINE LAKES WILDERNESS ADDITIONS AND WILD PRATT RIVER ACT

### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. REICHERT. Madam Speaker, today I am introducing the Alpine Lakes Wilderness Additions and Wild Pratt River Act. This legislation builds upon a proud Washington tradition of protecting our public lands and improves the quality of life for many of my constituents and other outdoor recreation enthusiasts from across the state of Washington.

One of the popular glories of my district in Washington State is the Alpine Lakes Wilderness, a 362,000 acre wilderness that straddles the crest of the Cascade Mountains just west of the Seattle/Tacoma metropolitan area. My legislation will expand the boundary of the existing wilderness area to embrace important lower-elevation lands and complete watersheds. In doing this, we are—with a single exception—addressing only federal lands already under the administration of the U.S. Forest Service.

### FITTING THIS ALPINE LAKES WILDERNESS EXPANSION INTO A LARGER FRAMEWORK

Preserving our natural heritage of the wildest, most natural Federal lands as wilderness is an ongoing effort by Congress. Set in motion 43 years ago with enactment of the historic Wilderness Act on September 3, 1964, Congress, to this day, has consistently pursued this work in a bipartisan, or perhaps I should say, nonpartisan way.

The people of the State of Washington understand how this bipartisanship works for their lasting benefit. We live today with the benefits of three great national parks. In many ways, Mt. Rainier, Olympic, and the North Cascades National Parks are the anchors of the popular outdoor recreational resources that are treasured by our residents and visitors alike. To these treasures add a wide spectrum of other recreational areas on our public lands, including wilderness areas that have received this highest form of federal protection from Congress. It is fair to say that every one of these conservation achievements—as proud a record as any State can boast of—has been the product of bipartisan work by generations of our State's elected leaders.

The honor roll for this proud tradition of bipartisan conservation leadership is too long to recount here. However, two names would be found at the top of anyone's listing—former Senator Henry M. "Scoop" Jackson, a Democrat, and former Governor and Senator Daniel J. Evans, a Republican. It is noteworthy that each was a key architect in the protection of the original Alpine Lakes Wilderness through legislation Congress enacted in 1976. I am proud to follow their significant accomplishment with my own legislation.

### THE ALPINE LAKES WILDERNESS ADDITIONS AND WILD PRATT RIVER ACT EXPLAINED

Madam Speaker, my new legislation could not be more straight-forward. It does not propose to resolve every matter that some might raise concerning these lands. But it does complete the fundamental protection that Congress alone can provide for these lands under the proven provisions of the Wild and Scenic Rivers Act and the Wilderness Act.

First, I want to stress that this legislation is limited solely to lands within the Eighth Congressional District. It only concerns that portion of the existing Alpine Lakes Wilderness boundary which is within my district.

Second, as with the Wild Sky Wilderness Act passed by this House earlier this year, a key objective of this proposal is to provide the protection of the Wilderness Act for lower elevation lands. This serves several goals. It will bring into an expanded Alpine Lakes Wilderness a richer diversity of ecosystems, including deeply forested valleys, increasing the biodiversity of the overall wilderness area. And addition of these lower elevation lands has the direct effect of protecting a broader array of outdoor recreational opportunities easily accessible for our people.

Third, a key element of this legislation is the designation of the entirety of the Pratt River, from its headwaters within the existing 1976 boundary of the Alpine Lakes Wilderness to its confluence with the Middle Fork of the Snoqualmie River, as a "wild river" pursuant to the 1968 Wild and Scenic Rivers Act. Obviously, there are huge benefits from assuring strongest protection and consistent management embracing entire watersheds where we have the chance. This legislation will complete that job for the Pratt River, with "wild river" protection for its full length, and inclusion of its entire watershed within the expanded Alpine Lakes Wilderness.

Finally, this legislation includes a specific provision addressing the best future management of two small tracts of lands that are presently owned by the State of Washington through its Department of Natural Resources. I believe that the State agrees with local outdoor and conservation organizations that there are good reasons that the boundary of the additions to the federal Alpine Lakes Wilderness should include these two tracts, as has often been done before, and as was contemplated under the provisions of section 5 of the 1964 Wilderness Act. Though these tracts are within the boundary of the proposed federal wilderness area, these State lands would not become subject to Forest Service administration or the provisions of the Wilderness Act unless and until they are acquired by the Forest Service.

And, Madam Speaker, that is all that this new legislation proposes. It represents a straight-forward approach to complete the work of Congress for the protection of these key lands and waters in ways that only we in Congress can confer.

As I noted earlier, this legislation specifically does not seek to address or resolve every issue about details of the management of these lands that are, within the framework of the wilderness and wild river designations, properly left to the professional discretion of the Forest Service. A good example is the question of completing of a trail segment within the proposed wilderness that is referred to as "the Pratt Connector." User groups, conservation leaders, and others interested in this area have varying views about the merits of this proposed trail segment. Under the Forest Service's existing authority this decision is best left to the consultative processes the Forest Service routinely follows in such cases. Thus, there is no need for this matter to come to Congress as part of this legislation.

### BACKYARD WILDERNESS

Madam Speaker, the Alpine Lakes Wilderness is one of the treasures of Washington State. It reaches from icy and isolated mountain peaks down to deep valleys covered by silent forests where visitors are reminded of the original landscape of so much of our state. It is a recreational treasure, too, with the existing wilderness area anchoring a spectrum of recreational opportunities, not only within its boundaries but in the surrounding area. And all of this is, on its western side, situated so near to the Seattle/Tacoma metropolitan area that this special place is affectionately known as our "backyard wilderness."

The statutory protection proposed in this legislation for the additional wilderness lands and for the Pratt River will enhance the overall fabric of protection and public use opportunities of the Alpine Lakes area. Like other wilderness areas Congress has established literally at the city limits of major urban area—Salt Lake City, Albuquerque, Tucson, and greater Los Angeles, for example—we should act now to assure we have used the strongest policy tools in our nature-protection toolkit to conserve and protect the wild jewel that is the centerpiece of a beloved, much-used landscape for our people.

These wilderness additions, and the protection of the Pratt River "fit" into the larger pattern we have been putting in place to protect our wild heritage. And this wilderness will serve vast, untold numbers of Americans.

First, it serves those who choose to adventure into its quiet valleys and up to its sentinel peaks. Some of those are hardy mountain climbers; for others the adventure is an afternoon walk, grandparents introducing their grandchildren to nature and its most wild and inviting along a quiet, easy wilderness trail.

Second, this expanded wilderness serves those who choose other forms of recreation in the adjacent lands. Mountain bikers find challenges along trails that bring them along the wilderness boundary.

A perfect example, where I walked with avid mountain bikers and other conservationists, is the trail along the Middle Fork of the Snoqualmie River. This trail is not within the wilderness, but closely follows its boundary. By an historic agreement worked out between user groups, bicycles are allowed on this trail adjacent to the proposed wilderness addition on alternate days, so that those hikers who seek a trail experience without encountering bicyclists know they can do so on specific days. Here is an innovative resolution to what might otherwise have been a festering controversy. That collaboration is a perfect example of the broad coalition of supporters for my proposal.

Similarly, we should respect the larger group of wilderness users—and I emphasize that these are wilderness users—who take pleasure from the wilderness that they view from the Mountain-to-Sound Greenway, an extraordinary corridor of protected federal, state, and private lands offering all kinds of recreational opportunities to those who travel across our state on Interstate 90, which crosses the Cascades at Snoqualmie Pass, just south of the Alpine Lakes Wilderness. Those who savor the wild scenery from more developed sites and roadways, are no less users of wilderness than the adventurers who trek to the highest, farther peaks.

Finally, Madam Speaker, there is the largest "interest group" of all—the future generations for whom we act today. As a grandfather, I understand that we have a stake today, in a future we ourselves will not live. That is the world in which our grandchildren's children will live their lives, amid whatever kind of landscape we have left them. Count mine as one solid voice and vote on behalf of taking care that the landscape we bequeath to future generations is one with an abundant, generous, diverse system of wilderness areas, not only in the remotest stretches of the Arctic, but right here close to home—in a "backyard wilderness" such as the Alpine Lakes.

## IN LASTING MEMORY OF JUDGE CHARLES SKINNER

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Judge Charles Skinner, a true treasure to the community of El Dorado, Arkansas, and to Union County. Judge Skinner passed away November 2, 2007, at the age of 73.

Judge Charles Skinner spent his lifetime dedicated to public service and to improving the community around him. He devoted 20 years to Union County as a juvenile probation officer where he garnered much support and admiration for his professionalism and outgoing nature. His work over the years with youth where he taught the values of respect and service shaped the lives of numerous young people, and had a lasting impact on the quality of life in Union County that can still be felt today.

It was Judge Skinner's deep work ethic and dedication to helping others that led him to seek public office as Union County Judge. His popularity, which he gained through his selfless service, was evident in his 1990 landslide victory in which he won each precinct within the county. He will always be remembered and held in high regard for his service to Union County to make it a better place to live for all who called it home.

Throughout his life and career, Judge Skinner believed deeply in the fundamental idea of assisting others and giving back to those who needed a helping hand. I extend my deepest condolences to his wife, Jo Ann Skinner of El Dorado; his 2 sons, Charles Skinner Jr., of El Dorado and David Skinner of El Dorado; his brother, James Skinner of Magnolia; and to his numerous grandchildren, great-grandchildren, nieces, nephews and friends. Judge Skinner will be greatly missed in El Dorado, Union County and throughout the state of Arkansas, and I will continue to keep his family in my thoughts and prayers.

## TRIBUTE TO MAYOR FRANK J. RYAN

### HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. FERGUSON. Madam Speaker, I rise to recognize Mayor Frank J. Ryan and his service to the residents of Bound Brook, NJ.

Mayor Ryan is a graduate of Bound Brook High School and is married to Rachel "Te." He is a father of two, and grandfather of four. Mayor Ryan served with honor in the U.S. Navy during the Korean War. In 1959, Mayor Ryan was elected to the Board of Education, where he served for 7 years before also serving as the president of the Board of Education between 1966 and 1968. In 1998, he was elected to the Borough Council and in 2000 was elected mayor of Bound Brook.

Together, Mayor Ryan and I have worked on flood control for the Bound Brook portion of the Green Brook Flood Control Project. To date, we have secured more than 50 million Federal dollars and have completed more than half of the project. Mayor Ryan has been and remains a strong advocate of the project; earlier this year he travelled to Washington to personally promote continued Federal funding for the project with senior members of the House Appropriations Committee.

Mayor Ryan is retiring this year from elective public service in Bound Brook. On behalf of residents of Bound Brook, I wish Mayor Ryan many happy years of rest and relaxation with his wife, Te, and I am pleased to honor his service to Bound Brook.

## HONORING CENTRAL VALLEY SAFETY SOCIETY

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. RADANOVICH. Madam Speaker, I rise today to commend the Central Valley Safety Society for their commitment to serving the Central Valley.

The Central Valley Safety Society, CVSS, was created as a non-profit organization in 1996 to provide safety and human resource professionals with a place to exchange ideas and information, for the professional enhancement of members and to recognize those who excel in safety and health. CVSS is based in the Central Valley and is the only group of its kind from Los Angeles to Modesto. The long time organizational members include; Pelco, Rich Products, The Fresno Bee, Fresno Metropolitan Flood Control District, Fresno County EOC and Clovis Cemetery District.

CVSS holds nine monthly luncheon meetings in downtown Fresno. Typically, there are 20 to 30 members present to discuss topics that cover a range issues from Heat Illness Protection, Hazardous Materials and Health and Wellness Programs. The speakers are typically volunteers from the community. Over the past 8 years, the organization has partnered with similar organizations in the Fresno area, such as; Ag Safe, Human Recourse Association of Central California, Fresno County Employer Advisory Council and California State University SHRM Student Chapter. CVSS has partnered with these and other organizations to plan and participate in a half-day human resource and safety seminar and it is held annually in October.

Madam Speaker, I rise today to commend the Central Valley Safety Society for their commitment to serving the Central Valley. I invite my colleagues to join me in wishing the organization many years of continued success.

## CITY OF ST. PETE BEACH, FL, CELEBRATES ITS 50TH ANNIVERSARY

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. YOUNG of Florida. Madam Speaker, please join me in congratulating the people of St. Pete Beach, FL, as they celebrate the city's 50th anniversary this weekend.

It is an honor to represent this beautiful beach community that is home to one of our Nation's finest beaches and picture perfect sunsets. The residents there take tremendous pride in their city, which has just the right combination of parks, shops and cultural offerings.

St. Pete Beach is a barrier island with a permanent population of just over 10,000. It was incorporated in 1957 with the consolidation of the towns of Pass-a-Grille, Don Cesar, Belle Vista and St. Petersburg Beach.

Today it is a popular tourist destination when its population doubles during the winter months. Visitors flock to St. Pete Beach to enjoy its 38 acres of public parks and 39 acres of public beaches.

This is also a fiercely patriotic city as flags fly on homes throughout the community. The people there have also led a seven-city effort to collect items to send our troops serving overseas. They want our soldiers, sailors, marines, airmen, and coastguardsmen to know they are loved and appreciated.

Madam Speaker, as the city prepares for its festivities this weekend, let me commend Mayor Ward Friszolowski, Vice Mayor Michael Finnerty, Commissioners Linda Cheney, Ed Ruttencutter and Harry Metz, and all the city's employees for their dedication to governing and managing one of our Nation's finest hometowns and vacation destinations. St. Pete Beach reminds us of all that is right in Florida and why it is such a great place to live, to work and to play.

## PERSONAL EXPLANATION

### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. STEARNS. Madam Speaker, unfortunately, I was unavoidably detained and missed rollcall vote No. 1059 on Wednesday, November 7, 2007.

However, had I been present, I would have voted "aye" on H. Res. 801, providing for consideration of the bill, H.R. 3688, to implement the United States-Peru Trade Promotion Agreement.

## CELEBRATING THE 50TH ANNIVERSARY OF OREGON, OHIO

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Ms. KAPTUR. Madam Speaker, I rise today to recognize a community in my District, that of Oregon, Ohio. Formally incorporated following elections in November of 1957, Oregon celebrates its 50th anniversary in 2007.

Oregon, located on the Western Bay of Lake Erie, was once part of Northwest Ohio's Great Black Swamp. Cultivated for its trees and rich earth, its first government—Oregon Township—was formed in 1838. It is bounded by the City of Toledo to the West, Lake Erie to the North, Wood County to the South, and Jerusalem Township to the East.

Through the 1800s and 1900s, water and rail systems developed in the region. Northwest Ohio is a cornerstone of water, rail, and surface transportation, and Oregon is at its hub. As a result of its location, its 2 largest employers built and remain in Oregon: Sun Oil and BP refineries. Oregon continued to grow as an industrial center of the region, with several chemical plants and energy generating facilities. Industrialization brought residential and commercial growth, and Oregon thrives.

Throughout its earlier years of growth, its Western neighbor Toledo tried to annex Oregon Township. Annexation attempts failed, but so, too, did early attempts to incorporate Oregon on its own. In 1957 after another annexation attempt, the residents of Oregon voted overwhelmingly to incorporate as the City of Oregon.

Oregon's own residents coined the slogan "City of Opportunity" in 1958 shortly after adopting the City Charter. Indeed Oregon lives up to its slogan. The City is home to Maumee Bay State Park—a jewel on our Western Lake Erie shoreline—as well as Pearson Metropark, South Shore Park, and Coontz Recreational Complex. Oregon is home to one of Ohio's largest festivals, the German American Festival, as well as its own Oregon Fest. The community is an urban mix of business, industrial, residential, recreational, educational and municipal ventures.

The City of Oregon is a vibrant community full of pride. Oregonians celebrate their past while moving toward the future. It is a City on the move. While recognizing the achievements of its first 50 years, Oregon is poised for the next 50. Onward!

## PERSONAL EXPLANATION

### HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. HARE. Madam Speaker, on November 5, 2007, I was unavoidably detained. Had I been present, I would have voted as follows: on rollcall No. 1034, On Closing Portions of the Conference for Department of Defense Appropriations, I would have voted "aye"; on rollcall No. 1035, H.R. 513—National Heroes Credit Protection Act, I would have voted "aye"; and on rollcall No. 1036, H. Res. 744—Recognizing the contributions of Native American veterans and calling upon the President to issue a proclamation urging the people of the United States to observe a day in honor of Native American veterans, I would have voted "aye."

## WISHING MRS. MAGGIE KATIE BROWN KIDD A HAPPY 103RD BIRTHDAY

### HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. SCOTT of Georgia. Madam Speaker, I rise today to recognize an important milestone in the life of my constituent Mrs. Maggie Katie Brown Kidd. On December 8, 2007, Mrs. Kidd will celebrate her 103rd birthday. Many family members and friends will recognize this momentous occasion with a party in late November.

Maggie was born during President Theodore Roosevelt's second term in office and has lived to see another 16 presidents in her lifetime. Maggie Brown was the eleventh and youngest child born to William (Doc) and Lucy Callahan. She is the sister of Johnny (John S.) Brown, Rosie May Brown, Pearlie Docia Ann Brown Seals, Jasper Brown, Sally Mack Brown Finch, Evie Brown Robinson, Lena Jane Brown Jewell, Mary Lou Brown, Jewell McNabb, Nora May Brown Barrow, Climmie Lee Brown Finch Haynes and James Richard (J.C.) Brown.

At a young age, Maggie united with the Mount Zion Baptist Church in Stephens, Georgia under the leadership of Reverend W.M. Combs, and was baptized by Reverend Henry Gresham. After church, she loved to play baseball on Sunday afternoons with her siblings. She remained with Mt. Zion until she moved to Atlanta, and still feels a connection to her home church.

On November 30, 1940, she married Willie (Dock) Kidd, III, son of Willie Kidd, II and Annie Lou Dalton, and brother of Bernice Kidd Wingfield, Ceola Kidd Jackson, Janie Kidd Jackson and Carrie Kidd Thomas. Mr. and Mrs. Kidd raised 2 children, John and Rosalyn. She is also a grandmother to 4, and a great-grandmother to 3 children. As her husband and all siblings have passed away, Maggie is the matriarch of her family.

Maggie still takes long vacation trips with her children and participates in family gatherings and activities outside of Georgia. Maggie is an avid quilter and enjoys a quiet afternoon stitching in her favorite chair.

In closing, Madam Speaker, I ask my colleagues to join me in recognizing the life of Mrs. Maggie Katie Brown Kidd, by wishing her a very happy 103rd birthday.

## LANTOS RECOGNIZES YAD VASHEM CEREMONY HONORING ALBANIANS WHO SAVED JEWISH LIVES DURING THE HOLOCAUST

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. LANTOS. Madam Speaker, I would like to call the attention of my colleagues in the Congress to a ceremony that was held on November 1 at Yad Vashem, the Holocaust Martyrs' and Heroes Remembrance Authority in Jerusalem. This ceremony, which recognized the unique role that Albanians played in saving every Jew who either lived in Albania or sought asylum there during World War II, marking the opening of "Besa: A Code of Honor/Albanians who Rescued Jews during the Holocaust." This exhibit by Jewish American photographer Norman Gershman documents the heroism of the rescuers and their families—65 percent of whom were Muslim—who saved more than 2,000 Jews from the ravages of the Nazi Holocaust.

Few people are aware that all Jews who lived in Albania during World War II or sought asylum there were saved from likely death during the Holocaust. Approximately 200 Jews lived in Albania during the early 1930s, while nearly 2000 Jews resided there by the end of the war—making Albania the only nation that can claim that every Jew within its borders was rescued from the Holocaust. When the Italian fascists invaded Albania in 1939, followed by the German Nazis in 1943, the Albanian population hid Jews; furthermore, Albanian government officials refused to comply with the order to provide a list of Jews living in Albania. While many Albanian citizens hid Jews on their own initiative, the rescue operation became more coordinated as the danger increased and "national liberation councils" in towns where Jews were hiding moved them from place to place—either with false passports or disguised as Albanian peasants. Albanians living in Kosova, Macedonia, and Montenegro, then part of the former Yugoslavia, were instrumental in gaining safe passage for Jews into Albania.

Not only were the Albanians isolated from centuries of institutionalized anti-Semitism, Madam Speaker, but they also have a history of religious tolerance based on the Kanun (a set of customary laws developed in the 15th century and passed down through the generations). Its underpinning moral code of besa, which is celebrated in the Yad Vashem photo exhibition, emphasizes a sacred promise to keep one's word as well as to provide hospitality and protection. As the Western concept of "foreigner" does not exist within the Kanun, Albanians did not see Jews as "foreigners" but rather as "guests" who needed to be protected even at great risk to their hosts.

Information about the safe haven that many Albanians provided to Jews who were being persecuted during the Holocaust was suppressed by the communist regime of Enver Hoxha, who controlled the country for five decades. When former Congressman Joe DioGuardi and I became the first U.S. officials in 1990 to enter Albania in 45 years, Albania's new leader, Ramiz Alia, showed us never-before-seen archives with letters, photographs and newspaper clippings about Albanians who saved Jews during World War II. Congressman DioGuardi sent this material to Israel, where the documents were authenticated by Yad Vashem. In cooperation with former Congressman Ben Gilman and the Albanian American Foundation, Albania was added to the "Righteous among nations" section of the U.S. Memorial Holocaust Museum in 1995.

The Yad Vashem exhibit was created with the help of the Albanian American Civic League and financial support from the Righteous Persons Foundation, the Jewish Communal Fund, the New York State Department of Education, the McBride Family Foundation, and the Albanian American Foundation. It will be on display for two months at Yad Vashem before traveling to museums and Holocaust memorial sites around the world. It will be displayed on January 27, International Holocaust Remembrance Day, at the United Nations headquarters in New York City.

Madam Speaker, as a Holocaust survivor who survived certain death due to the kindness of strangers, I am immensely grateful to the Albanian people for their bravery, selflessness and generosity in risking their lives to hide and protect so many Jews during one of the world's darkest hours. I am delighted that this exhibition is finally giving Albania the recognition it deserves for the vitally important role its citizens played during World War II. I am grateful to my former colleague and friend Joe DioGuardi and the Albanian American Civic League for their efforts in ensuring that this information becomes publicly available. Madam Speaker, I wish to formally recognize the opening of this remarkable memorial and encourage all of my colleagues to visit it where possible.

## INDIA HOUSE HOUSTON

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. POE. Madam Speaker, America, as a Nation made up of many cultures, has always been one to embrace traditions of the past, while at the same time looking towards the future. Members of the India House organization follow this same time honored philosophy. Their mission to "unite cultures, create bridges, and serve human needs," is a testament towards this group's significance. With over 120,000 Indian-American's residing in the Houston area alone, the importance for community interaction becomes increasingly apparent.

As the Indian population continues to grow throughout South East Texas, so does the need to raise awareness of their increasing footprint. India House has successfully stepped up to this challenge through diverse organizations provided for all Houstonians. Services ranging from legal advice and financial education to yoga and meditation are made available by the organization.

Yet, until recently the rendering of these positive benefits was somewhat difficult resulting from their dispersed locations. In order to better connect the needs of their increasing community India House recently broke ground on their new facility. At 100,000 square feet it will be the largest of its kind in the Nation, offering over 500 different activities to the community annually.

Phase one of the projects will work towards further educating and assisting Houstonians, allowing them to thrive. This building, most importantly, will work towards meeting both the health as well as financial needs of the Indian-American population. Senior activities areas are also a part of the master plan, hoping to increase their social interaction. Yet perhaps the most important aspect included in this segment, comes with the availability to further ones education. Various classes, such as English, will be provided for members so that they may better become part of society.

Showcasing and promoting Indian culture to the Houston community makes up much of the buildings second phase. The Cultural Arts Center is designed to house performances, relevant retail and craft shows, as well as food related events. By educating neighbors in Indian-American culture, this group takes positive strides towards becoming part of our Nation's future. While the initial construction concentrates on assisting members, this later development is particularly involved with celebrating tradition.

India House recognizes the need to work together as a community, and to discern how to meet the needs of their population. Contemporarily, they are one of the largest legal Asian immigrant groups, with the highest level of educational qualifications surpassing any other ethnic group in America. Their impact on the future of our society is thus undeniable. However, the strides to become a working part of our Nation's economy and society through groups like India House, is unquestionably commendable.

And that's just the way it is.

## HONORING FRED KELLEY FOR HIS EFFORTS TO PROMOTE HEALTHY LIVING THROUGH "PEDDLIN' FOR A CURE"

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. BONNER. Madam Speaker, there are many unsung heroes throughout our great nation who give selflessly of their time in order to help others. Mr. Fred Kelley, of Monroeville, Alabama, is one of these individuals.

Fred has dedicated his life to helping others by encouraging families to take up bicycling. His tireless efforts to promote healthy living have raised over $330,000 for the American Cancer Society. Founder of Monroe County's "Peddlin' for a Cure," the largest fundraising event in the American Cancer Society's southeast division, Fred and his team raised an incredible $140,000 at this year's ride for cancer research.

"Peddlin' for a Cure" began almost by accident. In 2004, Fred Kelley and Phill Allen, cohosts of the Morning Show on Monroeville's WMCF 99.3, made a plea to their listeners to raise funds for the American Cancer Society. Fred challenged his listeners saying, "If we can raise $1,000 this morning, I'll ride my bicycle from the Monroeville Square to the Battleship Alabama." Within 20 minutes, $5,000 had been raised and numerous callers had volunteered to ride with Fred, and that morning, "Peddlin' for a Cure" was born. The first ride to the battleship exceeded everyone's expectations raising $36,000, and in just four years, "Peddlin' for a Cure" has raised $334,000 for the American Cancer Society's Relay for Life, in addition to other cancer fundraising events throughout the country.

Fred's commitment to his community doesn't end there. He is also a volunteer with the Alabama Obesity Task Force in Montgomery and uses his skills as a commercial pilot to volunteer with Pilot's for Christ, an international organization that uses airplanes for missionary work. With Pilot's for Christ, Fred has flown numerous cancer patients for specialized treatments all of the United States.

Earlier this week, President George W. Bush invited Fred Kelley to the White House to personally thank him for his selfless service to others.

Madam Speaker, I proudly ask you and my colleagues to join me in honoring Fred Kelley for his selfless commitment to helping his community and for inspiring others to do the same. Fred's story serves as an inspiration not only to those of us in southwest Alabama but also to people across the country. Without a doubt, we need more people like Fred Kelley in this world—a true hero.

## MRS. BEVERLY HATCHER, PRESIDENT OF THE GOLDEN TRIANGLE MINORITY BUSINESS COUNCIL

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. POE. Madam Speaker, today I am proud to recognize a community leader in southeast Texas. Mrs. Beverly Hatcher has worn many distinguished hats, including mother, wife, member of the Junior League of Beaumont; Honorary Member of Delta Sigma Pi Fraternity of Delta Eta Chapter; Beaumont Rotary Club Member; Beaumont M.L. King, Jr. Parkway Commission; Texas PTA Honorary Life Member; Member of the National Association of Parliamentarians; Board Member of the 100 Club of Jefferson and Hardin Counties; Member of Leadership Texas, Leadership America and Leadership Southeast Texas; Vice President of Membership of the Three Rivers Council of the Boy Scouts of America; U.S. Small Business Administration District VI Minority Small Business Advocate of the Year; Port Arthur Weed and Seed Advisory Board; and '04–'06 Senator Kay Bailey Hutchison's Business Leadership Summit.

Since 1990, Mrs. Hatcher has led the Golden Triangle Minority Business Council. As president of the GTMBC, Mrs. Hatcher helps educate, promote, and develop minority and women owned businesses by providing a variety of programs, services and business opportunities.

Mrs. Hatcher and the GTMBC routinely bring corporate and public interests together for the benefit of southeast Texas by providing a unique partnership in economic and community development. By consolidating the interests and resources of industries through advertisers and mentors and making them available to minority owned businesses, the GTMBC enlightens and strengthens local communities by preparing business leaders for competition in a global market. Through Mrs. Hatcher's leadership, the GTMBC was one of only 29 applicants in 1999 to receive an award from the U.S. Small Business Administration as Small Disadvantaged Business Private Certifier.

I applaud Mrs. Hatcher and the Golden Triangle Minority Business Council for working tirelessly on behalf of minority and women owned businesses. The knowledge and support that she provides to local businesses ensures that the entrepreneurial spirit will be nurtured, and tomorrow's business leaders will be prepared for global economic growth.

I applaud Mrs. Beverly Hatcher on her outstanding achievements. She has helped make our world a better place to live, and I applaud her unwavering service and dedication to the community.

That's just the way it is.

## TRIBUTE TO BILL OVERMAN

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. LATHAM. Madam Speaker, I rise to recognize Bill Overman, City Clerk of Rhodes, Iowa, for his distinguished public service and dedication to the Rhodes community on the occasion of his retirement from that position.

For the past 28 years, Bill has served as city clerk. A life-long resident of Rhodes, Bill previously served as mayor from 1970 until 1979 before taking over the clerk position. He also retired from Lennox in Marshalltown in 2005 as a lean materials analyst after working for 37 years. As city clerk, Bill has been the chief administrator of services with a strong understanding of the needs and desires of the community.

I know that my colleagues in the United States Congress will join me to commend Bill Overman for his leadership and service to Rhodes, Iowa. I consider it an honor to serve Bill in Congress and I wish him the best in the future.

## H.R. 3355, THE HOMEOWNERS' DEFENSE ACT

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. BLUMENAUER. Madam Speaker, I voted against H.R. 3355, which would create a Federally-backed national catastrophe risk consortium and provide below-market catastrophic loans to State reinsurance and insurance plans.

I appreciate the efforts of my colleagues from Florida to raise awareness about the increasing costs of natural disasters on their constituents and the insurance industry. This is made worse because the number of people who live in harm's way is expanding dramatically; some estimates say that 75 percent of Americans are at risk for some type of disaster. Climate change will only compound the problem with predictions of increased frequency of extreme weather events and rising sea levels.

However, at its core, this legislation continues the trend of disguising the risks associated with living in hazardous areas. The Federal Government is already facing a huge financial liability associated with the impacts of Hurricane Katrina on the National Flood Insurance Program. Yet we have refused to take steps to address the root causes of the problem: more development and more expensive development in harm's way. I am concerned that this bill will increase our liability, without requiring communities to take meaningful steps to reduce their own vulnerability to natural hazards. This bill could potentially dramatically expand Federal liability before we come to grips with the problems of the National Flood Insurance Program and our natural disaster policies. We can't afford to take this leap.

The Federal Government has a special opportunity and responsibility to help communities prepare for and prevent damages from natural disasters. Instead of making it easier to develop in these areas, we should be taking steps to reduce property damage and loss of life, save taxpayer dollars, and protect the environment. Mitigation works: Recent studies have shown that 1 dollar spent by FEMA on hazard mitigation saves 4 dollars in future disaster spending.

Until we deal meaningfully with prevention and mitigation, I must oppose this legislation.

## INTRODUCTION OF THE "CIVIL WAR ARTIFACT AUTHENTICITY ACT"

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. MORAN of Virginia. Madam Speaker, today I, along with my colleague JOHN CULBERSON, are introducing the "Civil War Artifact Authenticity Act" that will curb the proliferation of fraudulent Civil War artifacts and memorabilia entering the legitimate market place.

Since the last shot fired in America's Civil War, countless numbers of people across the Nation have become fascinated with this monumental conflict. From the battlefields of Virginia and Louisiana's Red River to the hallowed ground of Antietam, Gettysburg, and thousands of other places that saw brother fighting brother, this war touched virtually every part of this country and every home and hearth. More than 600,000 combatants died from battle, disease, and imprisonment.

With the war's end, soldiers who fought in that conflict returned frequently, often with families in tow, to the places of the most stirring moments of their lives. They revered the fields on which they fought and established numerous associations, North and South, commemorating those who served. These veterans created strong links to their service and sacrifice, through their memoirs and other writings and the personal items and artifacts they carried on the battlefield and brought home to rest in conspicuous places on the mantles of their homes in recognition of the soldiers' service and sacrifice.

Over the ensuing decades, as the soldiers and families who owned and cared for these artifacts died away, many of these heirlooms began to scatter, particularly as later generations forgot the importance of these historic belongings, failed to care for them, or sold the items to augment their incomes.

With the arrival of the 100th anniversary of the Civil War, and the deaths of the last Union and Confederate soldier, respectively, in 1956 and 1961, people began to consider the importance of these relics, personal items, letters, diaries, and other memorabilia that the soldiers took home. Scholars and researchers, collectors, museum curators, and others who knew the historic importance of these artifacts have renewed the connections to the conflict and have sought to protect and preserve the Civil War's tangible heritage that the soldiers cherished. From the day the guns fell silent up until this moment, these artifacts and other memorabilia have helped us define and understand our Civil War.

The personal artifacts of the Civil War have spawned a large and growing interest in the Civil War. Probably more books and articles have been written about the war than any other era in our history. Researchers, writers, curators, and many average Americans have felt the need to own, study and preserve what that long-gone generation once owned. These artifacts which now populate the homes, shops, museums, schools and any number of other venues have great meaning for many of us today. As a result, entrepreneurs have opened commercial establishments to trade these relics in honest commercial enterprise.

The fascination with the Civil War has grown a new generation of sellers and collectors. Original artifacts and memorabilia have skyrocketed in value among collectors and others. A "belt plate," which most people know as a buckle, sold for $5 in 1960, and now cost as much as $200 to a $1000 depending on the particular item. Sadly, unscrupulous people have opened new markets in fraudulent items that never saw the Civil War.

As a result, the entry of fake items into the market for relics and artifacts not only cheats people financially, but also disrupts historical scholarship and the legitimate display in museums and other venues. Internet trade makes it easier for people to sell fake items to unschooled and unwary buyers because the con artists are unknown, many working overseas to flood the market with costly junk. To protect the true artifacts of the Civil War era, I propose new legislation designed to interfere with the manufacture and sale of fraudulent items, and increasing the awareness among sellers and buyers of the large trade in these fake items.

Our bill would add a second title to existing Federal law, the "Hobby Protection Act," which requires that fake political items and memorabilia, and numismatic items must have the words "copy" or "facsimile" clearly stamped on them to ensure that they are recognized as replicas or non-authentic items. Because original Civil War artifacts and memorabilia are highly prized and can reach into the thousands of dollars depending on the particular item, those determined to make a dishonest dollar, can easily replicate an original item, or worse, produce an item that is a pure fantasy piece—an artifact that never existed during the Civil War.

While this legislation will not end the trafficking in fake Civil War items, it will provide sanctions through the Federal Trade Commission for manufacturers who purport to offer authentic Civil War relics and artifacts, when they are in fact fake junk.

This legislation is essential if we want to ensure these artifacts and memorabilia of the Civil War era retain their historic importance for generations to come. I urge my colleagues to support the "Civil War Artifact Authenticity Act."

## CONGRATULATING EUGENE FELIX CERVANTES 100TH BIRTHDAY

### HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. MCKEON. Madam Speaker, I rise to honor and extend my congratulations to Eugene Felix Cervantes and his family on the occasion of his 100th birthday, which will be celebrated on November 10, 2007 at the California Mission Inn in Rosemead, California.

Mr. Cervantes is an example of one of the many Americans that have brought about the profound change that make this country what it is today. Starting a successful business, serving as a private civilian employee of the U.S. Navy, membership in community and business organizations, and a sincere appreciation for the natural wonders of our State are all parts of a life that serves as a definitive example of the American dream.

Born on November 15, 1907 in San Gabriel, California, Mr. Cervantes has many grand achievements to look back upon. In the early 1930s, Mr. Cervantes received his pilot's license. He went on to own two aircrafts and part of an airport. When the depression of the 1930s hit hard, he kept his head up and enrolled in night classes, teaching himself engineering. Though he never received an official degree in engineering, he was truly a self-taught engineer.

In 1934, Mr. Cervantes married Mary Loya and had two sons, Richard and Donald. The young family moved to Mare Island in Vallejo, California, where Mr. Cervantes worked for the U.S. Navy at the naval submarine base. There, he did a great deal of work with ship board ventilation. His engineering background soon made him stand out, and he rose to the head of the department.

The early 1930s were a peaceful time for the family, with plenty of recreation opportunities on the base. However, war clouds were looming on the horizon in Europe, and chaos broke loose with the December 7, 1941 Japanese attack on Pearl Harbor. Mr. Cervantes moved his family back to Alhambra, California to take a job with Bethlehem Steel's Ship Building Division as an engineer in charge of on-board ventilation at the company's design facility at the Port of San Pedro. He was divorced and married his second wife, his beloved of 62 years, Betty Helgeson from Brainerd, Minnesota.

At the end of World War II, Mr. Cervantes put everything on the line to pursue the American dream of owning a business. The sheet metal company that he started in Compton, California in 1945 grew to handle some of the largest mechanical projects in the State. It was incorporated in 1962 and moved to Orange County, where it became known as Air Conditioning Systems, Inc. In 1985, the company was awarded a contract to design and build a portable ground support air conditioning unit for the Space Shuttle. The company went on to design and fabricate many highly specialized air conditioning systems, including B1 ground support, NAVSTAR Tracking Van, and Space Shuttle Assembly Building. In national recognition, the company was presented the Administrators Award for Excellence by the Small Business Administration.

Throughout his life, Mr. Cervantes remained an avid golfer and a dedicated member of the Rio Honda Country Club. He played into his 92nd Birthday and shot his age on several occasions. He held membership in many clubs and community and business organizations. When he fully retired in 1987, he moved to his new home at Canyon Crest Country Club in Riverside, California.

Mr. Cervantes' love for the beautiful Sierra Nevada Mountains, involvement in the community, and passion for helping people who were "down on their luck" are just a few of the things that have made his life so special. In 100 years, he has gone from horse and buggy to space exploration. Few people are blessed with such an exciting and extraordinary life. Mr. Cervantes is truly a great American, Californian, father, grandfather, and great grandfather.

Madam Speaker and my colleagues, I ask that you join me in honoring Eugene Felix Cervantes today. I hope we all have the good fortune to live such a full life as he has. He is a great man and his family and friends are very proud of all of these achievements.

## TRIBUTE TO LUTHER HOLLAND

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. LATHAM. Madam Speaker, I rise today to recognize Luther Holland of the McCallsburg Lions Club for his longtime service to the International Lions Club.

Luther has been named a Melvin Jones Fellow, which is one of the highest forms of recognition conferred by the Lions Clubs International Federation. The International Lions Club is a volunteer organization which works together to answer the needs that challenge communities around the world, including an end to preventable blindness, cleaning local parks and providing essential supplies to victims of natural disasters.

Luther was nominated because of his tireless dedication to improving his community. He has always attended and volunteered for community dinners and given his time for many fundraisers. He is a great example for this community, and I commend him on his enduring commitment.

I consider it an honor to represent Luther Holland in Congress, and I wish him the very best in his continued voluntary service.

## INTRODUCTION OF HOKIE SPIRIT MEMORIAL FUND TAX EXEMPTION ACT

### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. GOODLATTE. Madam Speaker, on April 16, 2007, the tranquil campus of Virginia Tech, and the Town of Blacksburg, was shattered by the actions of a lone gunman. The horror that the Virginia Tech community has experienced is something that every parent, every American, hopes they never have to learn has affected their families and friends.

Although this horrendous and unspeakable violence showed the worst of mankind, it also showed what those of us who have been a part of the Virginia Tech community for years have always known . . . the students, the instructors, the administrators, and the citizens of Blacksburg care deeply for one another and take great pride in their community. Even in the worst circumstances, the Virginia Tech community showed great compassion for their fellow man and did what they could to help each other. Liviu Librescu, a survivor of the Holocaust, blocked the doorway of his classroom so that his students could climb out the windows to safety. Ryan Clark, a Resident Advisor in the West Ambler Johnston Hall, rushed into the hallway to help his fellow students when the first attack came, and became the second victim. And I was deeply saddened to learn that one of my constituents, Henry Lee—a graduate of William Fleming High School in Roanoke—was among those who died in the attack on Norris Hall.

In the days and months following this tragedy, the Virginia Tech Community and Hokie Nation saw an outpouring of love and support from people around the country. The university saw donations come in excess of $7 million as people sought to give aid to those affected. As time went on, the university had to decide how to use the money donated as a result of this horrific act, and the university made a wise and selfless choice. They decided that the best way to disburse this money was to put it in the hands of those who experienced and lost the most as a result of this unspeakable violence. So, last month Virginia Tech distributed the money to 79 families or individuals. These are the families that have lost the most, and have experienced emotional trauma that no one should ever have to experience. This money, given by people across the Nation, is a small way to help those directly affected by this horrendous act. The families can determine the best uses for these contributions. Some already have decided to endow memorial scholarships at Virginia Tech or elsewhere. Some simply have bills to pay.

While the university has acted graciously to help the families, we have discovered that there is a new problem the families are facing, this time by the Federal Government. It has become apparent that the funds these families received will become significantly reduced because of taxes. Funds some families desperately need to pay medical bills, funeral costs, and to simply rebuild their lives. The last thing these families need to worry about is an additional tax burden. And I guarantee that those who gave so generously want their money going to help those directly affected, not paying taxes. I do not believe that these funds should be taxed or that it is Congress's intent that they should be taxed.

In 2001, Congress passed P.L. 107–143. In this bill there is a provision that makes qualified disaster payments exempt from taxes. There is no doubt that this was in fact a disaster—ask any member of the Virginia Tech Community, Hokie Nation, or a citizen of the Commonwealth of Virginia and to them it unequivocally was. In fact, the Governor of Virginia declared so that day. Despite this well intentioned law, that Congress passed to make tax-exempt payments from qualified disasters, the families and the university have all been told it is likely these funds will be taxed. It was not the intention of the Congress that disaster payments should be taxed, and I am proud to join Mr. Boucher in introducing legislation that will seek to have these funds, like those resulting from any other disaster, tax-exempt.

The tragedy at Virginia Tech will never leave our minds, but we in Congress have an opportunity to help rebuild this community. I ask all Members of Congress to join us in supporting this legislation. Let us help the families and those so personally affected as they seek to rebuild their lives.

## HONORING THE SOVIET JEWISH FREEDOM MOVEMENT H. RES. 759

### HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Ms. WASSERMAN SCHULTZ. Madam Speaker, December 7th marks the 40th anniversary of the mass movement for Soviet Jewish freedom, and the 20th anniversary of the Freedom Sunday Rally for Soviet Jews on the National Mall in Washington, DC. To honor the movement, I am proud to co-sponsor H. Res. 759, a resolution celebrating both of these milestones. We remember these moments to commemorate all of those who struggled and died for their freedom and to celebrate the efforts of advocacy groups that tirelessly campaigned for Soviet Jewry.

Twenty years ago, on December 7, 1987, more than 250,000 people rallied in Washington, DC to support freedom and amnesty for Jews living in the Soviet Union. The human rights campaign resulted from more than two decades of human rights violations and utter lack of freedom for Jews in the Soviet Union. The governmental policy on Soviet Jews violated even the most basic of human rights, including freedom of religion, freedom of movement, and the freedom to study ones culture, language and heritage. Soviet Jews were at risk of arrest, exile to Siberia and harassment for exercising their right to practice their religion or celebrate the Zionist movement. However despite the odds and risks there were many brave Soviet Jews, who worked clandestinely and tirelessly to spread Zionism, and raise Jewish consciousness among Soviet Jewry.

The movement to raise awareness of the Soviet Jewish plight became a global effort in the 1980s due to the work of many American advocacy groups. My heart is warmed by the work of groups that organized protests, petitions, demonstrations, and rallies in United States and all over the world. Through these united efforts, we have witnessed historic progress over the past 20 years, successfully opening the doors for millions of Soviet Jews who had been held as virtual prisoners within their own country. The movement also helped to cement Jewish solidarity, raise charity and unite Jews from all over the world.

However, the struggle for religious freedom continues today in many other countries. Activists labor tirelessly in the United States and abroad to fight anti-Semitism and religious discrimination wherever it exists. It is incumbent upon us to remember the lessons from the movement for tolerance and religious freedom in the Soviet Union as we continue the fight for religious rights around the world. I commend Congressman WAXMAN for this timely and important resolution recognizing this milestone, and I support the ongoing efforts of those promoting religious freedom worldwide.

## PERSONAL EXPLANATION

### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows:

On November 7, 2007, rollcall vote 1059, On Agreeing to the Resolution—H. Res. 801, Providing for consideration of the bill (H.R. 3688) to implement the United States-Peru Trade Promotion Agreement—I would have voted "aye."

## INTRODUCTION OF THE MAKE NO CENTS UNTIL IT MAKES SENSE ACT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. PAUL. Madam Speaker, I am introducing this bill in response to H.R. 3956, which would unconstitutionally delegate the authority to determine the metal content of coins to the Secretary of the Treasury. While I am concerned at the high cost of minting pennies, I am not entirely convinced that the Mint needs to mint as many pennies as it does. Over the past 30 years, over 300 billion pennies have been minted, more than twice as many coins as all other denominations combined. This is over 1,000 pennies for each man, woman, and child in this country.

I find it hard to believe that with this many pennies having been minted, we still have a shortage of pennies. My bill would prohibit the minting of pennies until the Treasury and Federal Reserve certify that there is no surplus of pennies. If there is a surplus of pennies, it makes no sense for the Mint to continue to coin them if each penny costs more than one cent to produce. If there really were a shortage, the onus would be on the Treasury and Federal Reserve to conduct their survey in a timely fashion in order to facilitate further penny production.

In the event of a shortage I would urge my colleagues to consider Mr. ROSKAM's H.R. 4036, which addresses the cost issue by changing the composition of pennies while maintaining the Congressional control and oversight mandated by the Constitution.

## TRIBUTE TO WILLIAM "BERT" LUCAS

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. LATHAM. Madam Speaker, I rise today to recognize William "Bert" Lucas for his thoughtful and compassionate actions which resulted in the saving of two peoples' lives in two separate incidents.

Bert, a postman from Cresco, Iowa, has been employed with the postal service for 13 years. In August 2007, during his regular route in Decorah, Iowa, Bert noticed Edna Prestsater was not out waiting for him like she regularly did. The following day Edna had not picked up her mail, so Bert contacted Edna's granddaughter with his concerns. Edna had fallen the day before and was unable to get up due to several cracked vertebrae. Bert's concern for Edna no doubt saved her life.

Just 3 weeks later, Bert also noticed Orval Tilleraas did not pick up his previous day's mail. Bert swiftly contacted Orval's landlord, who came to check on Orval. Orval was stricken with an illness which caused his kidneys to stop functioning. Doctors said Orval only had a few hours to live had he not received the medical attention he needed.

Bert's alertness and caring demeanor go above and beyond the normal line of duty in this great country of ours. I commend William "Bert" Lucas for his Good Samaritan deeds. I am honored to represent Bert in Congress, and I wish him the best in the future.

## TRIBUTE TO CAPTAIN CLAUDE ALEXANDER

### HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. MORAN of Kansas. Madam Speaker, many of us on Capitol Hill have had the joy of knowing Captain Claude Alexander, but I would argue not enough of us. Too few have come to know this inspiring man, whose life was lived to the fullest, serving others. He lived for his family, his friends, and his country. In his death I hope people will hear his story and feel compelled to sacrifice for others as he did in his life.

A story that starts in my home state of Kansas stretches across the country and across the globe. After graduating from high school in

Ulysses, KS, Claude enlisted in the U.S. Army. His training had only begun when after completing basic training, he found out he had been accepted into the U.S. Military Academy at West Point. Upon graduation, he completed Army Ranger training that proved indispensable during his time in Vietnam.

For his service in the harsh Vietnamese jungle, Captain Alexander was awarded the Purple Heart and the Bronze Star for heroic actions. After his radio man was killed in an ambush, Captain Alexander pressed on to establish a forward communications position. This allowed for an attack helicopter to zero in on the attacking Viet Cong. His actions saved his troops' lives, but he sustained significant injuries, losing his leg and hearing in his left ear.

After sustaining such serious injuries some would give up. Some would say, "I gave my all and that's all I have to give." Not Claude Alexander. He recovered and—despite an artificial leg—he lived an authentic life. After earning a master's degree in international relations from Columbia University, he came to Capitol Hill to work for another great Kansas veteran—Senator Bob Dole. Many issues in Congress are divisive, but it was agricultural issues that brought together Claude and his future wife Denise, who was working on the Senate Committee on Agriculture.

Following his time on Capitol Hill, Captain Alexander went on to a distinguished career representing Ralston Purina Corporation for almost 20 years. In retirement, he volunteered his time with wounded soldiers at Walter Reed, helping them realize they have a promising future even if it means living with a prosthetic. His life was a testament to this truth. He also worked as a consultant and was a member of the Missouri Kansas Forum and the Missouri and Kansas state societies. At state society banquets, Captain Alexander would often invite these wounded heroes to attend and be honored for their sacrifice.

Perhaps it was his prairie roots or growing up in the Wild West, but something lit a fire of passion for life and service in Captain Alexander that burned bright his entire life. This flame has been passed on to many people. He will be greatly missed by those he knew, and his legacy and spirit will be carried on to those who did not. My thoughts and prayers go out to Denise and their children Meg, Philip and Kevin during this time of loss.

## TRIBUTE TO FOUR BRAVE POLICE OFFICERS FROM COLUMBUS, INDIANA

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. PENCE. Madam Speaker, I rise today to honor four brave police officers from Columbus, Indiana: Sgt. Matt Harris, Patrolman J.T. Wright, Patrolman Ben Quesenbery, and a fourth officer who works undercover and must remain unnamed.

On October 11, 2007, these four officers responded to an automobile accident on Indiana 11 between a pickup truck and a sport utility vehicle. They showed extreme valor by rushing to the scene of the accident and, without regard for their own personal safety, freeing the crash victims from the burning vehicles.

The four officers are heroes who should be commended for their acts of courage. They risked their lives in an effort to save the lives of others. While they might say it is simply part of doing their jobs, I would say that they nobly went above and beyond the call of duty in putting the lives of others above their own.

These men have been honored by Governor Mitch Daniels with the Governor's Award for Valor and by Columbus Mayor Fred Armstrong with the City of Columbus Lifesaving Award.

Madam Speaker, through the grace of God, America is blessed to have heroes such as these police officers, and I am privileged today to pay tribute to them for their courage, bravery, and selflessness, which should serve as an example to all Americans.

## IN RECOGNITION OF THE 100TH ANNIVERSARY CELEBRATION OF THE ALABAMA GOVERNOR'S MANSION

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to the 100th anniversary celebration of the Alabama Governor's Mansion.

In 1950, a commission formed by the Alabama State Legislature acquired the home of the late Lt. Gov. Robert Fulwood Ligon from his heirs. The home at 1108 South Perry Street in Montgomery was completed in 1907, and cost the state $100,000 at the time of its purchase. Since January of 1951, this historic Neo-Classical Revival home has housed Alabama's governor after then-Governor Gordon Person and his family moved in on his inauguration day.

On November 12th of this year, Alabama Governor Riley will pay tribute to this historic structure, and host the festivities for this important occasion. Events will include historical lectures, public tours of the grounds, and an open reception.

I am pleased to help recognize this important occasion at the Governor's Mansion, and congratulate its staff on this historic occasion.

## TRIBUTE TO NAVY CHIEF SONAR TECHNICIAN OF SUBMARINES DALE ALAN BARUTH

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. LATHAM. Madam Speaker, I rise to recognize the service of the United States Navy Chief Sonar Technician of Submarines, Dale Alan Baruth, and to express my appreciation for his dedication and commitment to his country on the occasion of his retirement.

For the past 24 years, Chief Baruth has served faithfully and honorably. He enlisted in the U.S. Navy and served on board the Pre-commissioning Unit Alaska and the USS *Alaska* SSBN 732 Blue Crew from July 1985 to June 1990. Later he served at the Naval Oceanography Command Detachment in Bangor, WA, from June 1990 to October 1993 when he was honorably discharged from active service.

In March 1995, Chief Baruth joined the Navy Reserve where he served honorably until his retirement. He primarily served at the Navy Operational Support Center in Sioux Falls, SD, attached to COMDESRON 24 Det A. In November 2001 he was recalled to active duty in support of Operation Noble Eagle/Enduring Freedom and was assigned to the Navy Security Force, National Imagery and Mapping Agency, St. Louis, MO, until December 2002.

I commend Chief Dale Alan Baruth for his many years of loyalty and service to our great Nation. It is an immense honor to represent Chief Baruth in Congress, and I wish him and his family in Estherville, IA, a long, happy and healthy retirement.

## LONG-TERM CARE AWARENESS WEEK

### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. TERRY. Madam Speaker, I rise to recognize November 4–10 as "Long-Term Care Awareness Week." As the baby boomer generation begins to reach retirement age, understanding the realities and benefits of long-term care has never been more important.

Preparing for future costs of health care is something that every American should be doing. Long-term care insurance is one way for Americans to plan for periods of extended disability without burdening their families, going bankrupt, or relying on government assistance.

At least 60 percent of people over age 65 will require some long-term care services at some point in their lives—the personal assistance that enables impaired people to perform daily routines such as eating, bathing, and dressing. This care is expensive, averaging almost $200 per day for nursing home care, nearly $80 per day for assisted living and about $20 per day for home care.

While these costs are astronomical, it is even more stunning how few people realize the true financial impact of requiring long-term care. A 2006 AARP study found that 59 percent of adults who are over 45 overestimate Medicare coverage for long-term care. It is important for people to understand that Medicare does not generally pay for most long-term care services. Therefore, it is important for individuals to start early and plan ahead for long-term care costs as a critical component of their retirement plans.

Various pieces of legislation have been introduced in Congress to encourage the purchase of long-term care insurance, including my own legislation, The Long-Term Care Act (H.R. 3088), which allows individuals to use funds from their IRAs or 401(k) plans tax-free and without penalty to purchase long-term care insurance. The government does have an important role to play in encouraging higher utilization of long-term care insurance.

During Long-Term Care Awareness Week, I would encourage all citizens interested in retirement planning to visit www.longtermcare.gov, where the government hosts a national clearinghouse for long-term care information.

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## HONORING MAJ WILLIAM C. WATSON FOR HIS TIRELESS PATRIOTISM AND UNRELENTING HEROISM

### HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. CLEAVER. Madam Speaker, I rise today in recognition of the valiant services of all peacetime and wartime veterans now residing in the Fifth Congressional District of Missouri which I proudly represent. We find in these bravest of men and women the best of what we all wish to be—generous, compassionate, and dedicated. Yet, too often we forget that in many of our veterans burn the experiences of the worst our world has to offer, the memory of enduring the atrocities of war for our country. These are America's patriots—our true heroes. While each of their stories is uniquely American, it is my privilege to share the story of one Missouri veteran who has the distinction of serving in three of our country's most brutal conflicts.

Twenty-five-year Army veteran MAJ William C. Watson grew up in Marceline, MO. He was recruited by the University of Missouri Football Coach Don Faurot and played in the 1942 Sugar Bowl. While at the University of Missouri, he joined the Army Reserve. Through his ROTC training at the University of Missouri, Major Watson earned the rank of second lieutenant in his infantry unit. Two weeks after the Sugar Bowl, Major Watson found himself in the Army, near the end of World War II. He was stationed in Korea, and upon returning from his tour of duty, Major Watson chose to stay in the Army Reserves. He married Fran, a widow whose first husband was killed in the Philippines during World War II, and settled down as a family man, making a living as a carpenter.

In October 1950, Major Watson received a letter from the United States Army ordering him to report for a physical. He was assigned to Fort Riley, KS, on October 20, 1950, the day Fran and his third child were born. Within 7 short months, on May 15, 1951, he was taken prisoner. He had been engaged in an intense battle against the Chinese. It is reported that the Chinese sent 64,000 troops to attack 3,000 Allied soldiers. For the Chinese, it was a costly battle and has been dubbed the "May Massacre," as the Chinese lost over 48,000 troops. The Chinese turned over their prisoners to the North Koreans, including Major Watson, and for the next 120 days, the once 300-pound soldier was reduced to a mere 180 pounds. The prisoners were forced into starvation and a devastating 900-mile march through the bitter, piercing cold of winter. Major Watson was stronger than most and, when necessary, carried his fellow prisoners on his back to keep them from being summarily executed. While at "Camp 2," our man from Missouri fixed a sawmill for his North Korean captors with the ultimate plan to make bunk beds for his fellow POWs in order that they no longer had to sleep on the cold, dirt floor. He succeeded in making 300-bunk beds and saved many lives in the process. Ultimately, the prisoners were returned to the Chinese, under whose control Major Watson spent the remainder of his 837 days in captivity.

Forever dedicated to our Nation, Major Watson chose to remain in the military after the end of the Korean conflict and was once again deployed, this time to Vietnam. After a year in Vietnam, he returned home and retired from the U.S. Army, only to continue his public service as Mayor of Peculiar, MO, for 8 years. Of the 7,190 U.S. prisoners-of-war, 2,730, or 38 percent died, mostly at the hands of the North Koreans.

So traumatic an experience won Major Watson neither a hero's welcome, nor the respect he deserved upon returning to his station at Ft. Riley, KS. Instead, he was greeted with charges against him of providing comfort to the enemy while a prisoner-of-war, his fate left to a board of inquiry. This insult stemmed from Wisconsin Senator Joseph McCarthy's accusations that the Army was soft on communists. The board of inquiry gave only vague charges of misconduct, claiming that his actions were treasonous because he did not actively resist the enemy, when it was irrational and futile to do so. Major Watson contacted fellow prisoners, who came to his defense. The board of inquiry never gave Major Watson a verdict, leaving him waiting for 6 months to finally let him know that, while there was no ruling as to his case, he was no longer under the restraints of an inquiry.

Of war, World War II GEN Omar Bradley once said, "the world has achieved brilliance without wisdom, power without conscience. Ours is a world of nuclear giants and ethical infants. We know more about war than we know about peace, more about killing than we know about living." Madam Speaker, to grow as a Nation, we must learn the stories of our veterans, such as that of Major Watson. I honor him and all veterans today for their patriotism and heroism. Their sacrifices are the heritages that add to the rich tapestry that is our Nation's history. Please join me in encouraging our Nation to never forget and learn from our veterans' stories. While we continue to fight, our prayers and deepest gratitude are with those who endeavor for the strength and longevity of our American way of life. Our land of freedom and opportunity, democracy and justice, remains just that because of the service men and women like those in Missouri's Fifth District who tirelessly engage in the struggles to end that which threatens our stability. Let us honor the selfless sacrifices of our veterans by striving for peace and diplomacy in all that we do. May God continue to bless MAJ William C. Watson and all of our veterans as they remind us of the price we pay for our liberty and the debt owed to those who gave so much of themselves to protect and ensure the prosperity of our great Nation.

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## INTRODUCTION OF LEGISLATION TO PROVIDE FEDERAL TAX RELIEF TO RECIPIENTS OF DISBURSEMENTS FROM THE HOKIE SPIRIT MEMORIAL FUND

### HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. BOUCHER. Madam Speaker, I am pleased today to join with my colleagues from Virginia, Mr. GOODLATTE, Mr. CANTOR, Mr. SCOTT, and Ms. DRAKE in introducing legislation to exclude from Federal income taxes disbursements from the Hokie Spirit Memorial Fund received by the victims of the tragedy at Virginia Tech. Virginia's Senators are introducing identical legislation in the Senate.

The tragedy at Virginia Tech was of a scale and senselessness which defies explanation. In the days following April 16, 2007, this great tragedy was followed by an even greater outpouring of support for the Virginia Tech community from across the nation. Thousands of individuals and organizations generously contributed sizable donations to assist the victims and their families in their time of need.

The university established the Hokie Spirit Memorial Fund as the vehicle to accept and distribute these donations, and last month Virginia Tech disbursed nearly $7 million from the fund to the families of the deceased victims and to the injured students. It is the families' and university's desire that these funds be exempted from Federal income tax, and this measure takes the entirely appropriate step of providing this exemption.

I look forward to working with my colleagues in the House of Representatives to obtain approval of this measure.

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## TRIBUTE TO DR. OTTO VON HABSBURG ON HIS 95TH BIRTHDAY

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. LANTOS. Madam Speaker, on November 20, Dr. Otto von Habsburg—a man of courage and intellect and a great friend of the United States—will celebrate his 95th birthday. I extend to him on this occasion my very warmest greetings. Although he and I come from the most different Central European backgrounds imaginable, we have become friends over the years and I hold him in the highest regard.

Dr. von Habsburg, who is in every way an extraordinary human being, was born in 1912 into one of Europe's oldest and most distinguished royal families. He is the eldest son of Emperor Charles, the last Emperor of Austria and the last King of Hungary and Bohemia, and his wife, Princess Zita of Bourbon-Parma. Although he has renounced all claims to the Austrian throne, Dr. von Habsburg retains the hereditary titles of Archduke and Crown Prince of Austria and Crown Prince of Hungary and Bohemia.

Madam Speaker, I met Otto von Habsburg shortly after I was elected a Member of the

Congress a quarter century ago. At that time, I was the chairman of the U.S. delegation which met twice a year with a delegation of the European Parliament. At the time Otto was a representative of Germany to the European Parliament, and the Ambassador of Austria brought him to meet me in my office in the Longworth Building. We both felt an immediate bond, and have maintained a cordial relationship ever since.

We have met on numerous occasions in Brussels and Strasbourg, and we have met frequently here in the United States when he has visited our country. His son Gyorgy was married in Budapest in 1997, and my wife Annette and I attended their wedding in the Basilica of St. Stephen. Just a few years ago on his last visit to the United States, I was pleased to welcome and pay tribute to Dr. von Habsburg at a special meeting here in the United States Capitol.

Madam Speaker, although he became Crown Prince of Austria, Hungary and Bohemia when he was just 4 years old when his father became Emperor, and he continues to hold a number of impressive noble titles, what truly distinguishes Otto von Habsburg is not who he was at birth, but who he became in the course of his long and distinguished life.

After growing up as an exile in Switzerland and Spain, the young Otto studied for his Ph.D. in political science at Belgium's famous Catholic University of Louvain. As an astute and principled conservative, he understood early on the true nature of the Nazi movement and became its staunch opponent.

While doing research in Berlin in the early 1930s for his Ph.D. dissertation, Dr. von Habsburg was invited on two separate occasions to meet with Adolf Hitler, who for political reasons, sought to create the appearance of an association between himself and the heir to the Austrian and Hungarian thrones.

"I had the great advantage of having already read Mein Kampf from start to finish and knew what his plans were," Dr. von Habsburg later recalled. "All of this only reinforced my refusal to meet him. On the other hand, it would have been an interesting experience. In fact, this was the only interesting conversation I ever avoided in my life."

In the immediate aftermath of the fall of France to the Nazi armies, Dr. von Habsburg worked with Aristide de Sousa Mendes, the Portuguese consul in Bordeaux, to secure travel papers for an estimated 20,000 Jews and others liable to be persecuted by the Nazis. For his trouble, he was sentenced to death by the Nazis. Fortunately, it was in absentia—Dr. von Habsburg had escaped from Europe in the nick of time and spent the war years here in the United States.

After the war, he returned to Europe, where he became a leader of the Paneuropean Union, served for 20 years as a member of the European Parliament and emerged as a champion of human rights. He was famous for, among many other things, ensuring that there was always an empty chair inside the Parliament building as a symbol of the European nations that were dominated at that time by totalitarian and illiberal ideologies.

Dr. von Habsburg, who is the author of 27 books in 7 languages, is a passionate supporter of freedom and liberty and an unblinking opponent of racism and totalitarianism. I salute him as he celebrates his 95th birthday, and I thank him for all the good that he has done in this world.

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## TRIBUTE TO BHAVANI K.D. KAKANI FOR RECEIVING THE 2007 ARTHRITIS FOUNDATION AWARD

### HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. CRAMER. Madam Speaker, it is with great honor that I rise today to congratulate my friend, Mrs. Bhavani Kakani of Huntsville, Alabama, for receiving the 2007 Arthritis Foundation Humanitarian Award. This award is given annually to a person in the Huntsville community who has displayed exemplary community leadership.

Mrs. Kakani is a distinguished community advocate and civic volunteer who has given countless hours to numerous community and state-wide organizations and boards. In these roles, she has led efforts to raise funds and awareness for health programs across our State, including ending child abuse and neglect, and inspiring self-worth and confidence in young women. In addition, I have worked directly with Mrs. Kakani through her many years of service on the National Children's Advocacy Center's board of directors.

Mrs. Kakani is the cofounder and president of the AshaKiran, a non-profit organization dedicated to educating, empathizing, and empowering foreign born immigrants. Since its founding, AshaKiran has provided multilingual, multicultural, and crisis referral services to numerous individuals in North Alabama.

Madam Speaker, in addition to her remarkable advocacy across the community, she has worked with the Intergraph Corporation, as a registered cytologist technician, and office manager for her husband's medical practice. Mrs. Kakani and her husband, Dr. Rao Kakani, have also raised 3 children.

Madam Speaker, Bhavani Kakani's leadership and her strong dedication to the community should serve as a model for others to follow. On behalf of the people of North Alabama, I congratulate Mrs. Kakani for being named the 2007 Arthritis Foundation Humanitarian Award Winner.

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## IN RECOGNITION OF JAMES KLURFELD

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. ACKERMAN. Madam Speaker, I rise today to pay tribute to James Klurfeld, vice president and editorial page editor of Newsday, who last week retired after nearly 40 years of outstanding and tireless work at the paper.

James Klurfeld was born in 1945 in New York City and is a 1963 graduate of Syosset High School. His illustrious career at Newsday began in 1968, just one year after he graduated from Syracuse University.

Klurfeld's first job at Newsday was as a local reporter, where he covered various news stories on Long Island. But he quickly rose through the ranks at the paper, where his extraordinary reporting propelled him into several key positions. He led Newsday's Albany bureau, and he served as the newspaper's Washington bureau chief between 1980 and 1986. After his exceptional leadership during these stints, Klurfeld was appointed editor of the editorial pages in December 1987.

James Klurfeld's constant pursuit of journalistic excellence has earned him numerous honors and recognitions. He was a member of the Newsday investigative team that won the 1970 Pulitzer Prize for Public Service, as well as the New York State Publisher's Association and Deadline Club award in the same category. The awards were for a 3-year effort that disclosed political corruption in several townships on Long Island. He also won the Sigma Delta Chi National Reporting Award with other members of the Washington bureau in 1982, and he was the recipient of the 1988 American Society of Newspaper Editors Distinguished Writing Award for editorials on the Iran-Contra hearings. In addition, the staff of Newsday's editorial and viewpoints pages won several major awards under his leadership. These included everything from brilliantly written editorials to exceptionally creative cartoons.

Over the years, Klurfeld has become incredibly knowledgeable about local and national issues and is an expert on foreign affairs matters, most notably through his extensive travels around the globe and from his work with the Council on Foreign Relations. To this extent, he has provided Newsday readers with extraordinary insights into politics, national security and international policy through the informative and lively column he has written in the paper each week.

Klurfeld's achievements in the news business have also extended beyond print journalism. For the past 12 years, he has asked the tough questions on The Cutting Edge, a weekly television program on WLNY/TV55 that focuses on Newsday's Sunday editorials, a show in which I have been honored to appear. I was also privileged to be part of some of his many appearances on Long Island's public broadcasting station, WLIW/Channel 21. In addition, he has provided exceptional analysis and commentary on other broadcast outlets including the CW11 in New York City.

James Klurfeld's exit from Newsday is the end of an era for journalism on Long Island, in New York City and across the Nation. We will miss his leadership, his quest for the truth and his shaping of local and national policy debates.

But fortunately, Klurfeld will not be going far. He will remain on Long Island, where he will pass on the craft he has mastered to the next generation of journalists as the interim director of the Center for News Literacy at Stony Brook University's School of Journalism. He will also continue to write his weekly column.

Although we are sad to see him retire as Newsday's editorial page editor, we are comforted to know that many students of journalism will learn the press trade from one of the best to have ever worked in the news business.

I know that Newsday's staff and readers will be forever grateful for all of James Klurfeld's exceptional and memorable contributions, which have made Newsday a stronger newspaper and have helped the Long Island-New York City area become a better place to live and work.

Madam Speaker, I ask all my colleagues in the House of Representatives to join me now in congratulating James Klurfeld for nearly 40 years of outstanding service to Newsday. I am confident that he will prevail in his new endeavor and continue to enjoy success for many more years to come.

## THE LOSS OF NATHAN J. SCHULDHEISS

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. LANGEVIN. Madam Speaker, it is with profound sorrow that I rise to recognize the loss of a brave civilian in Iraq, Nathan J. Schuldheiss, a resident of Newport who served his country with dignity and honor. I join his family and the people of Rhode Island in mourning this great loss.

With a father in the Air Force, Special Agent Schuldheiss grew up traveling across the country. He graduated from La Cueva High School in Albuquerque, NM, received a political science degree from Gonzaga University, and received a law degree from the University of Rhode Island. Schuldheiss, 27, had dreams of one day working for the CIA or FBI and continuing his extensive traveling.

Schuldheiss volunteered his services to become a civilian counterintelligence specialist with the Air Force Office of Special Investigations, assigned to Detachment 204 at Offutt Air Force Base in Nebraska. He had spent 5 months in Iraq with his team seeking out insurgents that might pose a threat to servicemembers in the region. On November 1, Schuldheiss was on his way to interview a group of informants when an improvised explosive device was detonated. Schuldheiss and two other members of his team died of wounds suffered from the blast.

Those that knew Special Agent Schuldheiss remember his sense of humor, his leadership, his loyalty, and his sense of adventure. Most importantly, he had a positive impact on those around him. His loss certainly causes us all to reflect on the bravery demonstrated by our men and women who carry out their obligations in the face of danger. When Special Agent Schuldheiss's Nation called him to duty to preserve freedom, liberty and security, he answered without hesitation. We will remember him as a patriot who made the ultimate sacrifice for his country.

May we keep Special Agent Schuldheiss's loved ones in our thoughts and prayers as they endure this difficult period, especially his father, Jeff; his mother, Sarah Conlon; and his sister, Erin. May his memory live on forever.

We will also continue to hope for the safe and speedy return of all of our troops serving throughout the world.

## FOUR DOMES FOR JIM KLURFELD

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. ISRAEL. Madam Speaker, I rise today to give James Klurfeld four domes as he departs as the editorial page editor of Newsday and becomes a journalism professor at Stony Brook University. As a Member of this House for 7 years, Madam Speaker, I have often found myself in frightening circumstances. I have participated in corkscrew landings in Baghdad; I have been whisked in high-security motorcades through Islamabad; I have discussed energy policy with President Bush. But nothing, Madam Speaker, is more jarring, more intimidating, more perilous than an interview with Jim Klurfeld or waking up on the morning that Newsday publishes its infamous "Dome Ratings" of the Long Island Congressional Delegation.

Let me share with my colleagues an example of Jim Klurfeld's high standards. When I originally ran for this House in 2000, I coveted Newsday's endorsement. For days I prepared for the endorsement interview. In fact, I hadn't had as much "fun" since preparing for my SAT exams in eleventh grade. Finally, I sat down with Jim and his editorial board. One hour and the loss of three pounds of perspiration later, I left. As my campaign manager and I walked through the Newsday parking lot, I asked him: "How do you think it went?" His response: "We should have told Mr. Klurfeld that you're running for Congress, not President."

In fact, Madam Speaker, Jim Klurfeld's expectations were always high, his questions always probing, his depth great. He is a politician's worst nightmare: Unspinnable and always a step ahead.

His departure from Newsday won't exactly let the Members of the Long Island Delegation sleep better at night. We will still stay awake in fear of those notorious domes and dreading those endorsements.

Nor will his departure change the basic premise of the relationship I have with him. I never mind disagreeing with Jim Klurfeld. I just hope never to disappoint him.

I know many of my colleagues in Congress who have known and read Jim Klurfeld wish him well as a journalism professor. He will indeed forge a new generation of excellence in journalism, just as his father set a standard of excellence that Jim put on the pages of Newsday for so many years.

## PERSONAL EXPLANATION

### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 8, 2007*

Mr. ELLISON. Madam Speaker, on November 6, 2007, I inadvertently failed to vote on rollcall No. 1043. Had I voted, I would have voted "aye."

# SENATE—*Friday, November 9, 2007*

The Senate met at 10 a.m., and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, November 9, 2007.*

*To the Senate:*

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. WHITEHOUSE thereupon assumed the Chair as Acting President pro tempore.

## ADJOURNMENT UNTIL 10 A.M., TUESDAY, NOVEMBER 13, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate now stands adjourned until the hour of 10 a.m. on Tuesday, November 13, 2007.

Thereupon, the Senate, at 10 o'clock and 48 seconds a.m., adjourned until Tuesday, November 13, 2007, at 10 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

# HOUSE OF REPRESENTATIVES—*Friday, November 9, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. SALAZAR).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*November 9, 2007.*

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, as veteran to all our stories of heroes and as eternal witness to the human depths of their truths, You have asked the ultimate sacrifice of only some. They, more than any others, have followed in the way of Your self-giving and unconditional love.

Others have been called to serve their brothers and sisters of this Nation, living through the years and beyond in the military. The wearing of the uniform alone bears the respect and honor of our people because of their loyalty to their pledge and faithfulness in caring for each other.

In so doing, sometimes their lives have been abruptly altered, always significantly changed because they have lived and served so closely with each other, to accomplish the task at hand, while always upholding the best values held by these United States.

So this weekend, Lord, we stand with, we march alongside, and we pray for, all the veterans who have served this country. As we thank them and their families for their sacrifices, we solemnly ask that You give us a share in the spirit that has guided and upheld them. May we be so committed, unified, and self-giving in our service, now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McDERMOTT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDERMOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Illinois (Ms. SCHAKOWSKY) come forward and lead the House in the Pledge of Allegiance.

Ms. SCHAKOWSKY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minute speeches per side.

## SAVE AMERICAN DEMOCRACY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, I want to speak directly to my colleagues on both sides of the aisle. The defense authorization conference report today has a section which I think Members need to look at. All of us who are familiar with the 1878, I think it is, Posse Comitatus Act know there was a reason to exclude the military from being involved in civil law enforcement.

I want you to listen to a section that is in this bill today, section 1615. I am going to read part of it. Section 1615 "Requires the Secretary to: (1) Determine the military-unique capabilities needed to be provided by DOD to support civil authorities in an incident of national significance."

I want people to think about this. We have an administration that has repeatedly violated the Constitution, that has taken this country into war based on lies, that is putting us in hock to China to pay for the wars, and that suborns torture and rendition. And now this. We have to be careful, America. We're losing our democracy. It's time for us to save it.

## HONORING JUDGE H. SAMUEL STILWELL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, long-time friend, Judge Sam Stilwell, a true Southern gentleman, recently retired from the South Carolina Court of Appeals after 11 years on the bench. Judge Stilwell's personal integrity and professionalism have earned him a well-deserved reputation as a fine judge and attorney.

Judge Stilwell graduated from the University of South Carolina Law School, served as counsel to the late Senator Strom Thurmond, and was a colleague of mine in the South Carolina State Senate, ably representing Greenville County.

I want to thank his wife Robin and their children and spouses: Rivers and Charlotte, Jason and Amanda, Allison and Bo, and Rob and Charlotte for their years of support. We are all proud that Rob is currently serving with the 218th Brigade Combat Team of the South Carolina Army National Guard in Afghanistan.

South Carolina is grateful for Judge Stilwell's years of dedicated public service to his State and country, and we wish him all the best in his future endeavors.

In conclusion, God bless our troops, and we will never forget September 11th.

## STOP OUTSOURCING SECURITY

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, in case there was any doubt that we need to get rid of private security contractors in Iraq, just look at yesterday's headline story in the Washington Post: "How Blackwater Sniper Fire Felled 3 Iraqi Guards. Witnesses call shooting unprovoked, but State Department cleared its security team after a brief probe."

That shooting took place February 7, and just yesterday we found out about it. Isn't it obvious that the State Department is unable or unwilling to control these armed mercenaries whose reckless behavior fans the flames of hatred against all Americans, including

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

our young troops in harm's way? Isn't it obvious that for-profit companies like Blackwater who are being paid billions of taxpayer dollars have forfeited their right to work in Iraq? Defense Secretary Robert Gates said they are working "at cross purposes to our larger mission in Iraq."

I urge my colleagues to cosponsor the Stop Outsourcing Security Act, H.R. 4102, and begin now to phase out these unaccountable private security contractors before they do any more damage.

## CHILD SOLDIERS IN BURMA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to draw attention to a new report by Human Rights Watch detailing the use of child soldiers in Burma, particularly by the brutal dictatorship there.

Past reports have suggested that there are approximately 70,000 child soldiers in Burma, the largest child soldier army in the world. It is difficult to know the exact number. But we do know that not only does the SPDC regime refuse to allow democracy and engages in ethnic cleansing, it also deliberately, as policy, targets children for military recruitment, training, and battle.

Children are targeted simply walking down the street or waiting for a train. If they don't have their ID cards, so-called "recruiters" tell the children they will be sent to prison or they can join the army If the children try to run away, they are severely punished.

Children are also forced by the SPDC to participate in human rights violations such as burning down villages or shooting villagers on sight, women and children included.

Mr. Speaker, the SPDC dictatorship must go. It is time for democracy in Burma.

## IRAN WAR GAME

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, my concern that the President might launch a military strike against Iran is well known; but my mission here today is not rhetorical. I am here to propose that Members of Congress participate in an Iran war game.

Television could carry the event so the American people can watch it all. We know that the Pentagon has conducted war games to examine the casualties and consequences of a U.S. military strike against Iran. We should, too.

Here are some of the questions that could be answered: Could we use bunker buster bombs? Could a U.S. military strike against Iran result in a wider Middle East war? What provocation would cause the President to provoke such a strike?

A group of retired, high-level CIA agents brought this idea to me. These are patriots whom we trusted with keeping and protecting America's secrets. They and others, including a retired Air Force colonel who conducted war games in the Pentagon, would accurately produce a U.S.-Iran war game just as it is done in the Pentagon. I know because they gave me the plan.

A military strike against Iran would involve life-and-death issues. We need to understand what they would look like. I urge my colleagues and the media to join me in demanding that we publicly conduct a U.S.-Iran war game as soon as possible.

Think what we would have learned if we had done it before Iraq.

## FUND OUR VETERANS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, this is day 40. That is 40 days so far that our veterans have not had the use of the increased funding for their benefits and health care. That is $18.5 million a day not able to be used.

One thing that our veterans asked for is that we pass our bill by October 1. This work has been done for months.

With Veterans Day quickly approaching, the Democratic leadership put our veterans aside to consider billions in bloated domestic spending instead of sending a clean veterans bill to the floor.

I'm standing with our veterans, and I call on all Americans to contact their Representatives to tell the Democrat leadership to send a clean veterans appropriation bill to the President now.

## MAIN STREET OR WALL STREET?

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Get ready. You're going to hear a lot of fuzzy math, obfuscation and general BS here on the floor today; but there has never been a more clear choice between Main Street and Wall Street America.

On one side, tax relief for 22 million American families, 247,000 families in Oregon, 39,000 in my district, relief from the onerous alternative minimum tax.

On the other side, 50,000 millionaires and billionaires who manage private investment funds and exploit a tax loophole to pay a rate of taxes less than that paid by a teacher or a cop walking the beat. The bill would ask those 50,000 millionaire and billionaire investors to pay their fair share so that 22 million middle-income families can get relief from the alternative minimum tax, a tax originally designed to get at the millionaires and billionaires.

There will be gnashing of teeth because the millionaires and billionaires are very generous come campaign time. But you can't dodge this vote; Main Street or Wall Street?

☐ 0915

## HONORING TOMMY WIRES

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, on Monday, America will pay tribute to tens of thousands of military veteran men and women who have bravely served their country and who have fought to protect our freedom.

I mention one resident from Pickens, South Carolina, Mr. Tommy Wires, who served this country for 9 years in the United States Marine Corps. Tommy joined the Marine Corps in 1959. He served two tours in Vietnam and, while serving with the 26th Marines on his second tour in Vietnam, was wounded.

During his service, he remained devoted to his wife and his two sons.

Tommy is a part of those brave soldiers on this coming Veterans Day who deserve recognition for his sacrifice and love for this country.

He is an American patriot, and while he served as a soldier for America, he demonstrated to his friends, his family and his country the true colors of red, white and blue.

Tommy, thank you for your service. We love you. God bless.

## IMPROVE WOMEN'S ACCESS TO HEALTH CARE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today to urge swift action on a measure to improve women's access to health care.

As many of my colleagues are aware, there is a provision in the Deficit Reduction Act which has unfortunately created a situation whereby student health centers and clinics that serve low-income women can no longer access contraceptives at a deeply discounted rate.

Just this week, I was proud to cosponsor a bill introduced by my colleagues JOE CROWLEY and JIM RAMSTAD to correct this inadvertent oversight.

The effects of this Deficit Reduction Act provision are already being felt by women across the country, including college students who are now forced to pay up to 10 times more for birth control pills than they did before.

Unfortunately, there are those who refuse to agree to our proposed correction. So I am standing here today to urge my colleagues to fix this discrepancy that was never intended to exist.

Let's stop the attacks on women's health. Let's guarantee women access to needed health services.

## NOVEMBER 11, 1918

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, when the "War to end all Wars"—World War I—concluded on the 11th hour on the 11th day of the 11th month of 1918, it was called Armistice Day. We now refer to it as Veterans Day to honor those that went to war and those of them that returned from war to the vast American landscape.

When the American doughboys landed in Europe in World War I to a deadlocked bloody trench war where millions had already died, their relentless spirit not only stunned our enemy but it revived and surprised our allies, France and England. The American soldier landed 90 years ago this year, singing George M. Cohan's "Over There," and, as the lyrics say, "They didn't come back till it was over, over there."

America has gone to war many times since World War I, and America's youth has always answered the call to duty, honor, country.

This Sunday, on the 11th day of the 11th month, America should fly the flag, be proud of our glorious heritage and give praise to veterans who went to places they had never seen and fought for peoples they didn't know to spread the doctrine of liberty and freedom.

And that's just the way it is.

## PROVIDING FOR CONSIDERATION OF H.R. 3996, TEMPORARY TAX RELIEF ACT OF 2007

Mr. McGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 809 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 809

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) an amendment in the nature of a substitute, if offered by Representative McCrery of Louisiana or his designee, which shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3996 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

### GENERAL LEAVE

I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 809 provides for consideration of H.R. 3996, the Temporary Tax Relief Act of 2007, under a structured rule. The rule provides 1 hour of debate controlled by the Committee on Ways and Means. The rule makes in order a substitute amendment to be offered by Representative McCRERY of Louisiana or his designee. The amendment is debatable for 1 hour.

Mr. Speaker, I rise in strong support of H.R. 3996, the Temporary Tax Relief Act. I want to commend the distinguished chairman of the Ways and Means Committee, Congressman CHARLIE RANGEL, for his usual great work on this bill.

And I want to say a special thank you to my good friend and colleague and neighbor from Massachusetts, Congressman RICHIE NEAL, who has been a champion on the issue of the alternative minimum tax for a long, long time. RICHIE NEAL has been the canary in the coal mine, talking about the AMT when nobody else was, and he deserves an enormous amount of credit for his work.

Mr. Speaker, we all know that the alternative minimum tax was never designed to hit middle-class families, but that's exactly what will happen unless Congress acts.

In my district alone, the numbers are staggering. In 2005, 13,000 families were hit with the AMT. That number will jump to nearly 83,000 in 2007, a 517 percent increase, unless we do something about it.

These middle-class workers are struggling with enough problems, skyrocketing fuel costs, higher tuition, higher property taxes, higher child care costs. And for years, President Bush and his Republican allies in Congress passed huge tax cuts for the wealthy, while doing very little or nothing to help hardworking middle-class families. That has to stop, and we're going to stop it today.

My Republican friends on the Rules Committee often like to talk about how strong the economy is, how GDP is growing at such a rate. Well, I agree to a certain point, Mr. Speaker. Somebody is getting pretty rich in this economy, but I would point out that it usually isn't the workers, and they're the ones that make this country great. Last year, the average CEO made 364 times what the average worker did. Just 25 years ago, CEOs made only 42 times more.

So yes, the people at the top are having a blast, but we need to do more for the people in the middle and for those struggling to get into the middle.

This bill before us today not only spares these hardworking families from the AMT, but it does so in a fiscally responsible way, and that is at the heart of the argument before us today.

Some of my friends on the other side of the aisle believe that we should patch the AMT without paying for it. They believe that we should simply add the cost on to our national debt, a debt, by the way, that has now reached $9 trillion. That's trillion with a "T."

Of course, this has been their approach for years. The Iraq War? Not paid for. The Bush tax cuts? Not paid for. The Medicare prescription drug benefit? Not paid for.

But, Mr. Speaker, someday, somebody, somewhere is going to have to pay for all of that debt. It's going to be our children and our grandchildren. It's wrong and it's got to stop.

It makes no sense to cut taxes for today's middle-class families just to raise taxes on future middle-class families, but that's exactly the kind of debt tax that my Republican friends would like to enact.

My friends believe that these tax cuts pay for themselves. They believe that the magic money fairy will drop revenue from the sky with rainbows and butterflies. But in the real world, actions have consequences. The Massachusetts families that I am honored to represent have to make tough choices, and Congress has to make some tough choices, too.

These PAYGO rules that Democrats have enacted are tough. This new fiscal discipline isn't easy, but it's the right thing to do. And rescuing tens of thousands of families in my district from the pain of the AMT is also the right thing to do.

I thank my colleagues for their hard work, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend from Massachusetts (Mr. MCGOVERN) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Mr. Speaker, the clock is ticking and time is running out. At the end of the year, many of the important tax provisions that have helped our economy grow will expire. Unless Congress acts and gets a bill to the President that he will sign into law, workers, families and small businesses will face a tax increase this year.

Congress can either accomplish this the easy way, by working together in a bipartisan manner, or it can be done the hard way, by dragging out the process, passing a bill in the House that the Senate won't even consider and the President has threatened to veto, only for the Democrats then to rush a bill to the floor at the last minute that no one has had time to read and that should have been considered in the first place.

I'm disappointed that the Democrat majority has chosen the hard way on this and so many other pieces of legislation this year.

The parts of this bill that prevent tax increases are good, and I support most of them, Mr. Speaker. I support ensuring over 20 million Americans are not caught up in paying the AMT. Over the years, this tax burdens more and more middle-income Americans, clearly an unintended consequence of the original bill.

I support extending the State and local sales tax deduction so that taxpayers in my State of Washington and other States without a State income tax will continue to be able to deduct State sales tax from their Federal tax bill.

I support extending tax incentives to enhance the affordability of higher education, which will help more middle-income students access post-secondary education.

I support extending an important above-the-line deduction to help teachers contain the costs of out-of-pocket classroom expenses like books, supplies and computer equipment.

I support, Mr. Speaker, extending the research and experimentation tax credit in order to allow the United States to remain a global competitor.

And I support keeping taxes low for small businesses.

These are reasonable parts of the bill, and I have supported them in the past, I support them being extended this year, and I support seeing that they become made into permanent law.

However, I cannot support a bill that temporarily stops certain tax increases by permanently raising other taxes. Let me repeat that. I cannot support a bill that temporarily stops certain tax increases by permanently raising other taxes. It's not right and it's not fair. But the Democrat majority is using temporary tax relief as an excuse to permanently raise taxes.

Under this bill, you may get to keep one of your hard-earned dollars in your right-hand pocket, but the Federal Government is right there taking a dollar out of your left-hand pocket year after year. This is the wrong approach.

Unfortunately, if Democrats have their way, every American will face a tax increase sooner or later. If not this year, then next. If not next year, then certainly in 3 years when tax relief enacted by the Republican Congress will expire, tax relief that lowers rates for every single taxpayer in America. If these tax cuts expire, taxpayers will be forced to pay $3.5 trillion more to the Federal Government over 10 years, and the Democrats plan to spend every dime of it on more government spending.

But, Mr. Speaker, don't take just my word for it. Look at the budget the Democrats adopted earlier this year. When Democrats were faced with the choice of how best to balance the Federal budget, they flat out rejected the option of spending less and declared their allegiance to raising taxes. The Democrat budget would impose the largest tax increase in American history.

☐ 0930

Their budget doesn't extend relief from the marriage tax penalty. It doesn't extend the $1,000 child tax credit, it doesn't end the death tax, it doesn't fix the AMT for middle-class families, it doesn't protect the lowest tax rate, and it will force lower-income Americans who today pay no income tax, thanks to the Republicans' tax relief, to start paying taxes again.

The Democrats will call this tax relief bill a tax relief bill. They will deny that they are raising taxes, but the plain hard facts are this bill that this rule would make in order would raise taxes by over $80 billion.

Congress doesn't need to be raising Americans' taxes to pay for Democrat plans to pay for more and higher government spending. Don't raise taxes; reduce spending.

Several of my Republican colleagues that serve on the Ways and Means Committee submitted amendments to the Rules Committee to make this a better bill, a bill that would pass the House on a strong bipartisan basis, pass the Senate and could be signed into law. Amendments to increase the teacher tax credit from $250 to $400, permanently repeal the alternative minimum tax, or AMT, and strike tax increases from the bill that were denied by the Democrat-controlled Rules Committee.

I am especially troubled that an amendment offered by my colleague from Missouri (Mr. HULSHOF) to strike language in the bill that gives special treatment to State legislatures was not made in order. It is difficult to understand why this Democrat bill would allow State legislators to earn tax-free income.

For example, in my State of Washington, the State legislators in Olympia have increased spending by 33 percent since 2005 and raised taxes by $500 million, not exactly behavior that deserves rewarding them with a special Federal tax break.

A Washington Post article on November 6 says: "An official of the nonpartisan congressional Committee on Joint Taxation estimated that the yearly deduction could reach $55,000 for a State lawmaker whose legislature declared enough pro forma days."

Of all the people in America, State legislators are not at the top of my list and probably not at the top of the list for most Americans. But apparently allowing State legislators tax-free income is a top priority of House Democrats.

This provision was slipped into the bill at the last minute, and it only seeks to benefit a few. It will cost American taxpayers an estimated $4 million. It should be removed from this bill.

This is a bad rule that brings a bill to the floor that is bad policy. I urge my colleagues to vote against the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I would like to respond to my colleague from Washington State. He began by saying there is an easy way to do this; there is a way for Washington politicians to do this and that is to provide this relief without paying for it. That is what the Republicans have done while they were in charge here. They have borrowed and spent, borrowed and spent, borrowed and spent; and we have a debt that is in the trillions and trillions of dollars.

The gentleman from Washington says that some people will have to pay more in order to offset this AMT relief package. Well, 50,000 tax returns will be affected, and that is by closing a loophole that, quite frankly, I think, every sensible person believes should be closed.

But here is the return: by impacting those 50,000 tax returns, we are going to protect 23 million middle-class families from being hit by the alternative minimum tax. We will provide 30 million homeowners with property tax relief. We will help 12 million children by expanding the child tax credit. We will benefit 11 million families through the State and local sales tax deduction. We will help 4.5 million families better afford college with a tuition deduction.

We will save 3.4 million teachers money with a deduction for classroom expenses, and we will provide thousands of American troops in combat with tax relief under the earned income tax credit.

So what we are doing here is providing much-needed relief to middle-income families, and we are doing it in a responsible way, and we are not passing the bill onto our kids and our grandkids like they have done for years and years and years.

Mr. Speaker, I yield 3½ minutes to the gentleman from Oregon of the committee on Ways and Means, Mr. BLUMENAUER.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and I couldn't agree with him more. For 12 years, our Republican friends in Congress looked the other way at this looming tax tsunami that was going to engulf every middle-income family in America with two incomes and raising their kids. They watched as the alternative minimum tax enacted in 1969 to deal with less than 200 people who didn't pay any Federal tax at all morphed into a tax which, next year, if we don't pass legislation like this, is going to subject every middle-income family with two earners with children to the alternative minimum tax, penalizing them, not for tax dodges, but for paying their taxes, for investing in retirement and charitable contributions.

We are dealing with this responsibly. Instead of borrowing the money, we are paying for this tax relief. We are doing it, in part, with a tax reform so that people who drive hedge fund managers to work or answer their phones will no longer be paying tax rates twice what the people who are making, not millions, not tens of millions but, in some cases, hundreds of millions of dollars a year.

This is a choice about priorities. My Republican friends for years have chosen to avoid the alternative minimum tax with a wide array of tax breaks. There are a few that they are talking about that we are perfectly willing to work with and extend that deal with the tax needs of working American families. We will extend them without debate, but the more elaborate, the more expensive, the ones that are concentrated for a few are going to be looked at, like carried interest for hedge fund managers.

We are not going to be held hostage to President Bush who used the alternative minimum tax revenues as a way to disguise the true cost of his tax-cut schemes that have helped increase the deficit and are going to be exploding in the years in the future. They had a chance to adjust it, and they didn't. This is a deliberate decision on the part of the Republicans in Congress for the last 12 years to avoid dealing with the consequences of their tax cut proposals.

In fact, they are the ones who scheduled them so they would be expiring at different times over the next few years, in part because the bond markets would have gone crazy if those would have been made permanent at the time and all the revenue lost, so they disguised it. Now they are paying the consequences for their sleight of hand having them go out into the future.

We are going to be looking at each and every one of them: do we have to have tax breaks for Paris Hilton or Warren Buffett that even Warren Buffett doesn't want because he has made billions, in some cases, on money that wasn't taxed in the first place.

This is an opportunity for Congress to start acting responsibly, making some needed tax reform, and to be able to show the American public that we are going to deal with the problems for tens of millions of Americans, and we are not going to continue to do it on the backs of interest that will be paid by our children for decades to come and special preventions for people who frankly should be paying the same tax rates as the rest of us.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to a fellow colleague on the Rules Committee, Mr. SESSIONS from Texas.

Mr. SESSIONS. I appreciate the gentleman from Pasco, Washington, for yielding me the time.

Mr. Speaker, in response to our good friends on the other side, this economy is the greatest economy we have ever had, 130 straight months of economic growth.

I am proud of what we have done. I am proud of what the Republican Party did by cutting taxes. I am proud of what the Republican Party did by making sure this country came back to work. I am proud of the Republican Party for doing the things that President Bush has led us to do.

I know what the Democratic Party is all about. They are all about making sure that we will raise taxes, that we will have more rules and regulations and that we will make sure that we cut off the ability that America has to be competitive with the world. That's what this debate is also about.

I rise with great regret to report to the American people that once again, as I have been forced to do on multiple occasions over the past few months and really during this entire year, to see the Democrat leadership bringing legislation to the House floor that stacks the deck in favor of Big Labor bosses at the American taxpayers' expense to the tune of $2.2 billion, to be exact.

Last night the Democrat Rules Committee voted along party lines to prevent me, a member of the committee, from having the opportunity to raise government revenue while reducing the size of our government by striking a provision unrelated to fixing the AMT. However, it was in the legislation that is before us in the House today.

I find it ironic that as this Congress works to protect American taxpayers from the AMT, a tax that they would pay but were never meant to pay, that the Democrats would include in this bill a provision preventing the IRS from effectively collecting other delinquent taxes, taxes that people were meant to pay but haven't.

In 2004, Congress gave the IRS the ability to utilize the best practices and advantages created by the private sector to address its growing backlog of unpaid debt.

Today, it is estimated that $345 billion of these taxes, unpaid taxes, exist, meaning that every single year the average taxpayer who plays by the rules must pay an average or an extra $2,700 to cover taxes not paid by others.

This new program, which began as a small pilot program that continued to grow and continued to succeed, is estimated to bring in $2.2 billion in the first 10 years alone. Under this agreement, the IRS would get the first 25 cents of every dollar for them to hire new collections professionals, a provision that will have positive compounded effects by helping to bring in even greater amounts of uncollected revenue to the government in the future.

This program, even in its beginning stages and despite numerous attempts by the Democrat majority to kill it before it can succeed, has been a huge success, bringing in over $30 million of uncollected taxes. It has received a 98 percent rating from the IRS for regulatory and procedural accuracy, as well as 100 percent rating for professionalism.

I wish that I could say that I was surprised by the Democrat leadership by allowing politics to triumph over policy or fair procedure. Unfortunately, this is precisely what we have come to expect from the new broken-promises Democrat majority.

I encourage all of my colleagues to vote against this tax increase and this attempt to stack the deck in favor of labor union bosses.

I am opposed to this rule. I am opposed to the underlying legislation.

Mr. McGOVERN. Mr. Speaker, the previous speaker began by saying he is so proud of this economy and it's doing so well. The thing that he may not know is that he thinks it's doing well, but the majority of the American people do not think it's doing well. A recent poll showed that over 70 percent of people in this country think we are going in the wrong direction. Maybe he needs to get out of Washington a little bit more, outside the Beltway, talk to real people and understand the struggle people are going through.

The gentleman also knows that tax bills are traditionally considered under a closed or structured process. Under this rule, the minority has the opportunity to offer a substitute as long as it does not violate any House rules. The Rules Committee made this substitute in order sight unseen and this rule gives the minority an opportunity to amend this bill if they choose.

Again, one of the new rules that we are operating under here in the House is that you have to pay for whatever you do. You can't borrow anymore. You can't run up the natural credit card anymore. You can't burden our kids and grandkids anymore. You have to be responsible.

Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from New York, a member of the Rules Committee, Mr. ARCURI.

□ 0945

Mr. ARCURI. I thank my good friend and colleague from Massachusetts for yielding.

Mr. Speaker, I rise today in strong support of the rule and the Temporary Tax Relief Act of 2007.

I applaud Chairman RANGEL and the House leadership for providing a broad-based tax relief package in a way that promotes fiscal responsibility by complying with pay-as-you-go rules adopted by the House at the beginning of this Congress.

To be honest though, I'm a bit baffled by the comments from some of my colleagues suggesting that they oppose paying for the $50 billion AMT portion of this bill and would rather add it to the national debt, pushing that debt on to our children and our children's children.

Mr. Speaker, it was that sort of fiscal irresponsible behavior that allowed the previous Republican Congresses to erase the budgetary surplus that existed in 1999 and skyrocketed the national debt by more than $1.3 trillion in the course of 6 years.

While I may not agree with 100 percent of all the so-called pay-fors in this bill, I strongly believe that we in Congress must balance our own books just as all taxpayers do with their own finances.

H.R. 3996 contains many important tax cuts for both businesses and individual taxpayers. Far and away, the most important of these would save an estimated 21 million Americans from paying the AMT. In the district I represent in upstate New York, this bill will save over 36,000 people from having to pay higher taxes, nearly 6,000 of whom make less than $75,000 a year and have never had to pay the AMT before. That, Mr. Speaker, is middle-class tax relief.

H.R. 3996 also includes an extension of the research and development tax credit that allows companies a tax credit for a portion of their R&D expenditures. Extending R&D credit is vital to ensuring that America remains on the cutting edge of innovation and keeps our companies competitive.

American companies rely on this credit and upon its continuing to adequately plan their long-term research projects. I support this 1-year extension to provide continuity, and I will continue to work with leaders on the committee and in the body to seek a permanent extension that would eliminate concerns over expirations or lapses.

As I said earlier, I'm not in total agreement with all the revenue raising measures contained in H.R. 3996. I do have some reservations about the so-called "carried interest" provisions, especially as it relates to real estate partnerships. Specifically, I'm concerned that reclassification as income of carried interests paid to managers of real estate partnerships may create a disincentive for general partners to manage partnerships that seek to develop higher risk projects in areas that need development or redevelopment.

In spite of these reservations, I will vote for this rule and H.R. 3996. I will continue to work with my colleagues to address these concerns, and I'm confident that together we can find an appropriate and fiscally responsible way of ensuring that development projects in areas that depend on them will continue to attract necessary investment.

I believe we cannot let the perfect be the enemy of the good. The Temporary Tax Relief Act of 2007 is a good bill that brings much-needed tax relief to both America's middle-class families and our businesses, and I'm especially proud that we are doing it in a fiscally responsible way, following the PAYGO provisions adopted by this House in the same way that every household in America does.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3½ minutes to a member of the Ways and Means Committee and a classmate of mine, Mr. ENGLISH.

Mr. ENGLISH of Pennsylvania. I would like to thank the distinguished Member from Washington.

Mr. Speaker, unfortunately, I have to rise in strong opposition to this rule. I wouldn't normally speak out against a rule, but I think these are unique circumstances and they're highlighted by the comments of one of my colleagues on the other side of the aisle who accused Republicans of holding hostages. That's really an extraordinary statement under the circumstances.

After all, it was House Democrats who conspired to preserve the AMT in 1999. It's House Democrats who had talked broadly about repealing the AMT this year. It is House Democrats that passed a budget that used the revenue from applying the AMT to 23 million mostly middle-class taxpayers. And it is, after all, House Democrats who have come forward today with a placebo that doesn't do what they originally said that they were going to do.

I have offered before the Rules Committee and in the Ways and Means Committee an amendment that would have directly addressed the Democrats' promise. Yesterday, an amendment was offered in the Committee on Rules and dismissed out of hand that, by defeating today's rule, may yet be preserved to fulfill the promise of the Democrats to get rid of the AMT. My amendment would have sunset the AMT by a date certain. It would have fully repealed the individual alternative minimum tax. And any vote against this rule, Mr. Speaker, is a vote against an opportunity to ultimately and permanently eliminate the AMT.

The amendment is very simple. The AMT would be repealed and never seen again after 2018. That's far enough in the future that we should be able to plan around it.

As Congress continues to wrestle with the ridiculous notion of how to pay for eliminating a tax that we never intended, this amendment allows us to set a firm horizon on which the AMT will be eliminated and require that our budgets no longer be built on the quicksand of AMT revenue.

And the amendment is fully PAYGO compliant, so there's no reason not to have allowed this amendment to be debated if the majority is, in fact, serious about ensuring that the AMT is eliminated.

Unfortunately, the bottom line is that the majority, in fact, believes that they need the revenue, and they want to continue to do things like they do in today's bill, which is pass permanent tax increases in order to fund temporary tax relief. If the majority, in fact, believes that it will find a way to repeal the AMT before 2018, then this amendment should be allowable. Nothing in this amendment would prevent the Congress from taking up a plan to get rid of the AMT sooner than 2018.

What this amendment does do, though, is let the taxpayer know that the AMT will be history.

As I said, we missed the chance to do that in 1999 because of the position that the other side took. And this amendment would have given Members of this body an up-or-down vote on whether or not to support the repeal of the AMT.

Perhaps this is a true indication of the majority's intent to take this tax monster, harness it, and put it to work to allow with PAYGO rules that every year we churn the Tax Code to raise taxes ever higher. I think the AMT has got to go and that's why I'm offering this amendment if allowed.

I urge the defeat of the rule.

Mr. McGOVERN. Mr. Speaker, I would just reply to the gentleman that if he has an amendment that is truly compliant with PAYGO, he can offer it as a substitute. That is allowed under the rule.

At this point, Mr. Speaker, I would like to yield 2½ minutes to the gentleman from Vermont (Mr. WELCH), a member of the Rules Committee.

Mr. WELCH of Vermont. One of the ongoing challenges of democracy is to maintain an economy that creates opportunity for everybody, at the low end of the ladder, as well as at the top.

What our Ways and Means Committee has done, in two areas, is recognize that we have seen our economy start skirting so that the wealthy are doing very well, the middle class are falling behind, and the poor are barely hanging on. And in two areas, trade and taxes, the Ways and Means Committee has brought legislation that basically says we're all in it together.

On trade they want to have a policy that shares the benefits. They aren't just concentrated at the top, and that shares the pain. And on taxes, they're asking the question and giving us the opportunity to present a tax policy that respects work as well as capital, that reduces rather than increases our debt, and accepts the reality that one taxpayer's tax preference is often another taxpayer's tax burden.

What is a fact is that the gap between the wealthy and everyone else is widening. We can ignore that or we can acknowledge it. This legislation is middle-class tax relief. It acknowledges that the middle class has been working harder, paying more in taxes, getting less in government services and falling farther behind.

One of the things that pays for this is by going after a glaring loophole. We've heard people talk about the "carried interest." But there's one other provision in here that is long overdue for remedy. It's how a corporation doing financial advising is treated differently than a partnership.

It was a New York Times story, Mr. Speaker, that spoke about Goldman Sachs that did great work, earnings of $3.4 billion in one quarter. They paid $1.1 billion in taxes. They paid the corporate tax rate. Good corporate citizens. A private equity partnership, the Blackstone Group, doing the same work, had revenues of $1.1 billion. They paid $14 million in taxes, or 1.3 percent.

This tax bill says tax fairness requires that those two entities be treated the same, that they pay their fair share before we start asking middle-class working families to pay more.

Mr. HASTINGS of Washington. Mr. Speaker, how much time on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 15 minutes, and the gentleman from Massachusetts has 14 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to a member of the Ways and Means Committee, the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. I thank the gentleman for yielding.

It's Friday. We're about to go home. What have we done this week? Well, we've seen earmarks for golf courses air-dropped into the Defense appropriations conference report. The Woodstock Hippie Museum is now back in play for Federal dollars. Is there any dispute that Congress has earned its 11 percent approval rating.

Today's bridge to nowhere take us to Albany, New York where lawmakers of that State's legislature will enjoy a per diem write-off for days that they are not working in their State capital.

I say to my friend from Washington, imagine if you were an IRS tax compliance officer, probably with an approval rating higher than Congress, and this was the scenario presented to you. A hypothetical State, we'll call it State Y, begins its legislative session in early January and adjourns its legislative calendar at the end of June. Nothing unusual about that. But this particular State legislature extends its session, declares itself to be in session for the remainder of the year, even though no legislative business is conducted. The question before the IRS is, should those lawmakers be entitled to a $150 a day per diem for days that they are not in their State capital?

The IRS ruled, correctly in my view, that they should not be entitled to this special tax break.

Well, notwithstanding that, in this bill, tucked away, is a provision that basically says that this per diem is allowed for all 365 days. And for those of you that are quickly doing the math on the back of your envelope, $150 plus a day equals $55,000 a year. Now, who foots that bill? Taxpayers from Missouri, taxpayers from the State of Washington, taxpayers from Massachusetts.

Now, I will give credit, I see my friend from Oregon is here, who, in committee, voted with us, as well as the gentleman from Texas (Mr. DOGGETT) that this was an inappropriate provision. I applaud the gentlemen for that.

The IRS in its tax policy and priority guidance, in other words, the red flags that the IRS really wanted to take a look at was, in fact, this specific provision. The IRS had raised a red flag. But because of the powerful chairman, I see him on the floor, my good friend from New York, the powerful chairman of the Ways and Means Committee, and the powerful chairman of the Rules Committee, who coincidentally happen to hail from the State in question, instead of a red flag by the IRS, they now have to wave a white flag. And again, taxpayers across the country are on the hook.

I would just say this, and I say this somewhat tongue in cheek.

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When we get to the larger debate about the alternative minimum tax, I think one thing that all of us agree upon, of course, is that with the intent of that tax we have gone far afield. Unfortunately, I suspect we are going to have a lot of finger-pointing and partisanship and Republicans didn't do this and didn't pay attention or whatever. I would simply point out that facts are stubborn things in the fact that in 1969 I think the party in control during that session of Congress creating the tax was then the Democratic majority, and I seem to recall that the Republican Congress sent to a Democratic President a bill that would have completely, finally, permanently repealed the alternative minimum tax; and, unfortunately, the Democratic President vetoed that bill. So I think there is enough blame to go around if that's why you're coming to the floor to assign blame.

But the AMT, as has been pointed out, was originally created by the then-majority to hit about 150-plus wealthy families. This particular provision inserted not an extended, expiring provision, but a brand-new provision, but this brand new provision helps 150 legislators. Of this rifle shot, former chairman of the Ways and Means Committee Rostenkowski would most certainly be proud.

I urge a "no" vote on the rule.

Mr. McGOVERN. Mr. Speaker, before I yield to the next speaker, I just want to respond to something the gentleman said. He questioned whether we did anything of relevance this week. Let me remind him that we did the Defense appropriations bill, which supports our troops. We did the Labor-HHS, which funds, among other things, the National Institutes of Health. We did the Homeowners' Defense bill to deal with natural disasters. There was the Peru Free Trade Agreement. There was the ENDA bill, which ends discrimination against people based on their sexual orientation. We overrode, thankfully, the President's unwarranted veto on WRDA so that we could actually support our infrastructure, which this President and the Republicans in Congress have denied funding for for so many years.

So, Mr. Speaker, I think we had a good week, and I'm proud of what this Democratic Congress is doing.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin, a member of the Ways and Means Committee (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend from Massachusetts for yielding.

And to my good friend from Missouri with whom I serve on the Ways and Means Committee, I would hope that as this process moves forward, we can get together and have an honest discussion of what needs to be offset, what should be extended, and how we are going to provide tax relief to 23 million Americans who would otherwise get caught up in the creeping alternative minimum tax.

And that's why today I rise in support of the rule and the underlying bill, and I commend the chairman of the

Ways and Means Committee, Mr. RANGEL, for helping us bring forward a bill that is not only fiscally sound but morally responsible.

There are some elements of common agreement. We all here agree that we want to stop the AMT from hitting 23 million more Americans, 56,000 in my congressional district alone in Wisconsin. The big difference is we pay for it; they don't. We did, as we promised the American people we would do when we became the majority this year, reinstitute pay-as-you-go budgeting rules, something that was in place in the 1990s that gave us 4 years of budget surpluses. We are paying down the national debt rather than adding to it.

But with the expiration of pay-as-you-go budgeting, we've had the fastest and largest accumulation of national debt in our Nation's history under their watch, under their economic plan: Over 3 trillion new dollars added to the national debt, and by the time this President leaves office, it will be 4 trillion. We went over 9 trillion in accumulated debt this week for the first time in our Nation's history, and there are consequences.

Let's make no mistake about this debate today. This bill will be paid for. The question is, is this generation going to have the moral responsibility to pay for it, or are we going to stick it to our children and grandchildren with more deficit financing? They are borrow and spend; we are pay-as-you-go.

And I don't know how many of my colleagues noticed this week, but the dollar went into a free fall. And the main reason that the dollar went into a free fall is because there was a rumor on the market that the Chinese are going to start unloading their high dollar reserves and start buying euros. And the only tools we could possibly have to counter that was in hoping another Chinese official would step up and say, no, that's not true, it's just a rumor. Fortunately, they did; otherwise the Federal Reserve would have to tighten the money supply to prop up the dollar, and we know the consequences to economic activity if that happens.

This is the economic dilemma that they have put us in by saddling us with huge debt. And they can talk all they want about percentage of GDP, but as long as more deficit is being accumulated, China will remain the number one purchaser of our debt today. And that is wrong for the future economic growth of our Nation, and it's especially wrong for our children.

So the question is, do we adhere to pay-as-you-go budgeting? We can have an honest discussion of what appropriate offsets should be in order to pay for the tax relief for 23 million families. But what shouldn't be on the table and what shouldn't be debated today is more deficit financing, which is the easiest thing to do. I'll be curious to see what type of substitute they want to offer, what their plan is, because it has got to be under pay-as-you-go budgeting. And we will see if there are some areas of common agreement with that. But what shouldn't be debated and what shouldn't be open for consideration is pay-as-you-go budgeting so we don't leave a legacy of debt to our children and grandchildren.

I encourage my colleagues to support the rule and the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 30 seconds to the distinguished ranking member of the Rules Committee.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I was simply hoping to engage with the distinguished majority manager of this measure when I was asking him very politely to yield. And I will say for the record I am always happy to yield to him at any time, and now I have had to rely on Mr. HASTINGS to yield me the time.

I simply wanted to say, as my friend was going through that litany of all these great accomplishments, there is one very glaring error, and we are going to have a chance to vote on that for the 10th time when we have an effort that Mr. HASTINGS will be moving to defeat the previous question, to make sure that we go to conference to have the funds necessary for our Nation's courageous veterans.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5½ minutes to a member of the Ways and Means Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

Mr. Speaker, we're setting a precedent here. This is new policy that we are embarking on here. And let me tell you what this means. We have always in the past done what we call a patch for the AMT. We have always said let's not let the alternative minimum tax hit all these new taxpayers. Let's prevent that tax increase from happening. Well, what is now happening is the majority is saying, instead of having this tax increase, let's have some other tax increase. That's what their PAYGO rule does.

PAYGO does not mean let's live within our means, but let's expand government's growth, let's raise taxes. And 73 percent of all of the pay-fors for the bills that have come to this Congress this year have been paid for with either budget gimmicks or tax increases. That's right. Of all the wish lists of spending that the majority has brought to the floor, 73 percent of those things were either budget gimmicks or tax increases.

This is a tax increase. What this is, is saying you cannot come to the floor of this Congress and prevent this new future tax increase; so we're going to make another tax increase. If you want to stop this tax increase, you've got to raise taxes. You just simply can't stop the tax increase.

Now, why are we doing this? You've got to remember, Mr. Speaker, that the AMT in 1969, when it was written, was to stop 155 multimillionaires from escaping taxes. That was the idea. No one, no one ever intended it to be what it is today. It was a mistake. No one planned the alternative minimum tax to tax 23 million people in the middle class this year. No one said let's tax 30 million people in 3 years, but that's what this does. The majority's budget includes it. The majority's budget plans for it. And more important than that, Mr. Speaker, the majority is saying we may not want the alternative minimum tax, but we want that tax revenue. And that is the dangerous precedent that is being set here.

This chart shows you where the majority is trying to head with taxes in America on families and businesses and entrepreneurs. The blue line shows you our average. For the last 40 years, the Federal Government has had to tax about 18.3 percent of our economy to run the Federal Government. We have had good economic growth. We've been the world's leading economic superpower. We have been the world's superpower. And we have done this by taxing our economy at about 18.3 percent. What the majority is trying to do is take us to an all new high.

There are only three times in our Nation's history where we have ever exceeded taxing our Federal economy by 20 percent. Two of those were during World War II. And the majority wants not only to tax us at 20 percent; they want us to go up to 21 percent and then on up to 24 percent with this tax plan. This is a down payment on the majority's planned and intended and budgeted-for $3.5 trillion tax increase over the next 10 years.

And here is what is wrong with that: not only is it morally wrong to take more and more money out of people's paychecks, by taking more of their freedom and sending it to Washington, but what is really wrong is that it lowers our standard of living. And that is what is at issue here.

For the last 15 years, we have watched Europe go down this dangerous path. If you take a look at the majority's plan to bring us to this ever-higher level of taxation, add the State government, and we are on our way to taxing 35 percent of GDP. That is where the countries of Europe are.

And what did Europe achieve over the last 15 years? Their per capita of GDP, our main measurement of standard of living, is a quarter less than ours. Their standard of living is 25 percent less than the American standard of living. Their unemployment rate averages 9 percent; ours is half that.

So if we want to go down the road of stagnation, of high unemployment, of a lower standard of living, vote for this bill. Put us on this path.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. The gentleman makes a very important point, Mr. Speaker, and that is this incredible irony that this week we have two European leaders, Angel Merkel, who is today meeting with the President of the United States; and 2 days ago, we had Nicolas Sarkozy, the leader of France, both of whom are working very hard to reverse that trend about which my friend has spoken. And we in the United States of America seem to be following, through the actions of this Congress, the route of the old Europe that Merkel and Sarkozy are seeking to reverse.

Mr. RYAN of Wisconsin. That is exactly the point, Mr. Speaker.

At a time when Europe is telling us don't follow us down this path, look at the unemployment, look at the welfare dependency. We have got to get out of this.

We are following them. We're going into the hole they've dug for themselves that they are trying to get out of. That is the majority's plan. That's a dangerous plan. They are saying you can't even bring a bill to the floor unless it raises taxes. That's what PAYGO means. That's wrong. This is the down payment on a $3.5 trillion tax increase on every American income tax payer. That's wrong.

Mr. Speaker, this is a difference between our two parties. This is a difference between our philosophies. We believe the genius of America is the individual, the family, the entrepreneur, not government, not Washington, not elites here trying to spend your hard-earned tax dollars. That is the difference. We believe we should keep government lean and we should keep government doing what it should be doing and not ever growing its role because when we do that, we sap the strength of the American entrepreneur, of our economy.

We need to give our children the gift that our parents gave us, and that is a higher standard of living. And we are at risk of severing that legacy, Mr. Speaker.

Mr. McGOVERN. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, in the litany of accomplishments this week, I neglected to say that we also voted on the Military Construction bill, and we will continue to vote on it until it becomes the law of the land.

And speaking of differences between the two parties, under a Democratic Congress, we are going to give our veterans the biggest single-year increase in health care benefits in the history of the Veterans Administration. That is under a Democratic Congress, not under a Republican Congress.

Mr. Speaker, at this time I would like to yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise today in strong support of the Temporary Tax Relief Act.

This is sound legislation. It will provide millions of hardworking middle-class families with the tax cuts that they need. We all know this bill will protect over 23 million middle-class families from the encroaching alternative minimum tax. In my home State of Connecticut, failing to act on the AMT would mean new taxes on almost 400,000 households including 67,000 in my district.

Along with addressing the AMT, I want to commend Chairman RANGEL for including in the bill a long overdue expansion of the child tax credit. Last year minimum-wage families working full-time were not eligible for the tax credit, excluding almost 7 million children, most of them infants and toddlers.

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Military families, fighting and dying for the United States, were not eligible.

With this bill, we get back to the intent of the child tax credit, providing relief to the working-class families that need it most; 2.9 million additional children will be eligible for the tax credit, and the families of 10 million others will receive larger refunds. We have an opportunity today to provide tax relief to 23 million middle-class families. Let us not fail them today, and let us not fail our children.

This bill represents the values of this Nation and its priorities. I urge my colleagues to vote for the rule and pass this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire as to how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 4½ minutes. The gentleman from Massachusetts has 8½ minutes.

Mr. HASTINGS of Washington. I will reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman.

Mr. Speaker, today we will hear the good features of this legislation, the 4.5 million families that can afford college better because of tuition deductions, teachers who can get deductions for classroom expenses, the extension of the R&D tax credit, the 11 million families who will benefit from sales tax deduction, and of course the central piece of this, the relief from the alternative minimum tax. In fact, in my own district, which is one of the most hardest hit in the country by the alternative minimum tax, 88,000 of my constituents are unfairly caught in the AMT, and they will find relief in this bill.

I would like to address a feature that I am particularly pleased to see in this legislation. Property taxes are applied locally, as we know, and for some years I've tried to get relief at the Federal level for these local taxes, which have grown far ahead of the rate of inflation. Several years ago, in the previous Congress, I introduced legislation that would provide a standard deduction for homeowners who do not itemize their taxes. Now the Ways and Means Committee, under the new leadership of Chairman RANGEL, and with the strong advocacy of Representative EMANUEL, has included in this legislation such a deduction. Now, more than 30 million homeowners who do not currently itemize their tax deductions and yet still pay high property taxes will find relief in this bill. It will be a standard deduction of $350 for those filing individually, $700 for those filing jointly, and it will be available, I repeat, for something like 30 million Americans, including those in New Jersey who pay the highest property taxes in the country.

So, I thank the chairman and the committee for their wisdom in including this legislation. I urge adoption of the rule and the passage of the underlying bill.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. We are hearing the same old tired Republican borrow-and-spend rhetoric. They're all for our middle class tax relief and extension of important tax incentives; they just don't want to pay for it. They would rather borrow from our grandchildren. "Borrow it, you'll like it." That's the misguided approach we've followed for 7 long years under this Bush administration. And look at the mess it has gotten us into: the dollar going down by the day, the specter of inflation and recession occurring at the same time. And now, because of our Democratic commitment to pay-as-you-go government, what we do in this bill is to reduce the revenues coming in by about $76 billion in mostly middle class tax relief over the next 5 years, and then replace those same revenues with another $76 billion.

It's balance. No new debt. And that is the type of fiscal responsibility that is anathema to our Republican colleagues and this administration. The best that they have been able to do is offer us more empty demands to just cut spending to pay for this legislation. President Bush sent his representative from the Treasury Department to our committee on this very bill, and we said, "well, what specific spending cuts do you have to pay for this bill if you think that's the way to do it?" And he scratched his head, and he couldn't think of a single spending cut, nor have our Republican colleagues sought any. Their approach is just more borrow and spend.

Let's be clear about it. Over the last 7 years, no one in this country has spoken louder about fiscal responsibility and cutting spending than President Bush, and no one in this country has done less about it.

Ole Rip Van Bush, he snoozed while the spending soared, and he just borrowed more and more with a happy face toward our children.

Today, we Democrats fulfill our pledge to stop making things worse so we eventually can be able to turn them around. A vote for this bill today is a vote for middle-class tax relief, and it is also a long overdue vote to repudiate this Republican fantasy.

Mr. HASTINGS of Washington. Mr. Speaker, at this time, I yield 1 minute to the distinguished ranking member of the Rules Committee, Mr. DREIER.

Mr. DREIER. Mr. Speaker, what absolute lunacy; paying for a tax that was never intended.

I see my friend from New York. In 1969, when this tax was designed to go after 155 millionaires, was it ever anticipated that 23 million middle-income Americans would be shouldering this burden? Absolutely not. So we're supposed to pay for that? Well, the only thing that calls for paying for it is the budget that the new majority put into place.

Mr. Speaker, the American people sent us here to make laws, not to play games. We know that this is not going to become law. So time and time again, whether it's with our veterans, whether it's with children's health, whether it's with the war in Iraq, and now with our attempt to completely repeal the alternative minimum tax, we see nothing but game playing from our colleagues on the other side of the aisle.

We do face economic challenges in this future, we know that. We've got some serious problems ahead. Ensuring that we keep this economy growing is essential. That's why we need to completely repeal the alternative minimum tax.

Mr. McGOVERN. Mr. Speaker, at this time, it's my honor to yield 2 minutes to the distinguished chairman of the Ways and Means Committee, the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, distinguished members of the Rules Committee, thank you for giving me this opportunity, and thank you for allowing me to follow my friend, Mr. DREIER. I just hope that I don't drink the water on that side of the aisle because it's very difficult for me to follow in the logic.

Let's talk about where we are in complete accord. Whoever thought of this cockamamie idea in 1969 was wrong. And as far as the voters are concerned, you can call yourself Republican or Democrat, who now holds them hostage, but if we don't give them relief, you can bet your life it's going to be the Congress of the United States and this President.

The President realizes we should eliminate this. He hasn't given us a plan, an idea, a thought, just get rid of it. And the Congressional Budget Office says that if we don't get rid of it, that $50 billion will be coming into our budget, we will have $50 billion. Common logic would dictate that if we do get rid of the AMT, which is the right thing to do, that we will lose $50 billion from the budget. What happens at home? What happens with a corporation? What happens with this congressional board of directors if we find with the budget that $50 billion that's missing? One of the things we can do is cut spending, by what? $50 billion. Another thing we could do is say forget about it. We did it before with the tax cut, just borrow the money. Just borrow $50 billion. I guess you can call that repealing. Or we could say the responsible thing to do is raise the additional revenue.

Standing by itself, forgetting the fact that it's a pay-for, who in the world would believe that it's fair for corporations and partnerships to be doing the same work, managing other people's money, being successful, making this great contribution to society, except one group pays 15 percent because they've created the imagination that their work is really capital, when they take no risk, and the others give 35 percent. Fairness dictates this is not a tax increase. This is a closing of a loophole, and you should be proud to participate in that.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, for the past several weeks, my colleagues on the Rules Committee and I have highlighted the need to pass a stand-alone veterans funding bill. Today is our last opportunity to pass a veterans funding bill and get it to the President before Veterans Day.

The veterans funding bill passed this House this summer with over 400 votes and passed the Senate with over 90 votes. A final veterans funding bill is sitting, waiting to be acted on, but Democrat leaders have bent over backwards to prevent Congress from passing the final bill. They have been stalling since September and have ignored the fact that the new spending year began October 1 this year.

Every day the Democrats choose not to act to move this bill forward, our Nations's veterans lose $18.5 billion. Since the fiscal year began 40 days ago, our Nation's veterans are out $740 million. It has now been nearly 150 days since the Veterans funding bill was approved by the House. The Senate passed a similar bill and appointed its conferees 2 months ago. Sadly, the Democratic leadership in the House has refused to name conferees and instead has chosen to put partisanship and politics ahead of ensuring our veterans' needs are met.

Once Democrat leaders appoint conferees, the House can move forward and pass the stand-alone Veterans funding bill. Three weeks ago, Republican Leader BOEHNER took a positive step towards naming House Republican conferees. Now, the Speaker must follow suit.

Therefore, Mr. Speaker, I will be asking my colleagues to vote "no" on the previous question so I can amend the rule to allow the House to immediately act to go to conference with the Senate on H.R. 2642, the MilCon and Veterans Affairs funding bill, and appoint conferees.

By defeating the previous question, the House will send a strong message to our veterans that they will have our commitment to providing them the funding increase they need, deserve and were promised.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to oppose the previous question and the rule.

I yield back the balance of my time.

Mr. McGOVERN. Mr. Speaker, I urge my colleagues to vote "yes" on the previous question, I urge them to vote "yes" on the rule, and I urge them to vote "yes" on the underlying bill.

Thousands of middle-class families in this country deserve relief from the AMT tax, and that's what this underlying bill is all about. In addition, as we provide relief to these middle-class families, we owe it to our kids not to saddle them with the bill, and that's also the purpose of the underlying bill.

Mr. Speaker, I have two kids, a 9-year-old son and a 6-year-old daughter. I don't want to leave them with a future in which they have to pay for all of the mistakes and all of the mismanagement of my generation.

The Republicans want to have it in a way that they can do things and not pay for anything. We have a war in Iraq. It's not paid for. Doesn't bother them in the least. Their prescription for health care is take two tax breaks and call me in the morning. It doesn't bother them in the least that the bill is going to be paid for by our kids and our grandkids. Tax cuts for the rich. Again, put it on the backs of our kids and our grandkids. Mr. Speaker, that is irresponsible.

Our Nation is currently burdened with over $9 trillion of national debt.

The average daily interest accruing on this debt exceeds $1 billion. Each American share of this debt is more than $30,000. We cannot afford to keep taking on this additional debt.

When the Democrats regained control of the Congress, we instituted PAYGO rules, pay as you go. Families in America have to live within their budgets. The United States Congress ought to be able to live within a budget. We need to be fiscally responsible.

So, if you want to give your rich friends a tax cut, then pay for it. If you want to have a war, then pay for it. We need to pay as you go.

Mr. Speaker, this is a good bill. Vote "yes" on the previous question and "yes" on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

### AMENDMENT TO H. RES. 809 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. McGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 809, if ordered, and approval of the Journal.

The vote was taken by electronic device, and there were—yeas 215, nays 185, not voting 32, as follows:

[Roll No. 1077]

YEAS—215

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Kagen
Keller
King (IA)
King (NY)

Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Mahoney (FL)
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—32

Bean
Bishop (UT)
Bonner
Boren
Buyer
Carson
Cleaver
Crenshaw
Cubin
Culberson
Davis, Lincoln
Doolittle
Engel
Everett
Giffords
Gutierrez
Hastert
Hobson
Israel
Jindal
Jones (NC)
Kaptur
LaHood
Lantos
Lungren, Daniel E.
Marchant
McCarthy (NY)
Nunes
Oberstar
Paul
Westmoreland
Young (AK)

□ 1053

Mr. GARRETT of New Jersey changed his vote from "yea" to "nay."

Ms. McCOLLUM of Minnesota and Mr. BAIRD changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 185, not voting 28, as follows:

[Roll No. 1078]

YEAS—220

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Mahoney (FL)
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—28

Ackerman
Bishop (UT)
Bonner
Boren
Buyer
Carson
Crenshaw
Cubin
Culberson
Davis, Lincoln
Everett
Giffords
Hastert
Hobson
Israel
Jindal
Jones (NC)
Kaptur
LaHood
Lantos
Lungren, Daniel E.
Marchant
McCarthy (NY)
Nunes
Oberstar
Paul
Westmoreland
Young (AK)

□ 1105

Messrs. CUMMINGS, BACA, GRIJALVA, ORTIZ, PASTOR, SERRANO, GUTIERREZ, REYES, BECERRA, Mrs. NAPOLITANO, Ms. SOLIS, Ms. VELÁZQUEZ, and Ms. ROYBAL-ALLARD changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3222) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.".

## THE JOURNAL

The SPEAKER pro tempore (Mr. SALAZAR). Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays

175, answered "present" 2, not voting 34, as follows:

[Roll No. 1079]

### YEAS—221

Abercrombie
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Castor
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeGette
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Goodlatte
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herger
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuster
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

### NAYS—175

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
DeFazio
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Hill
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marshall
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

### ANSWERED "PRESENT"—2

Gohmert
Tancredo

### NOT VOTING—34

Ackerman
Bishop (UT)
Bonner
Boren
Buyer
Camp (MI)
Carson
Cleaver
Crenshaw
Cubin
Davis, Lincoln
Everett
Giffords
Grijalva
Hastert
Hinojosa
Hobson
Israel
Jindal
Jones (NC)
LaHood
Lantos
Lungren, Daniel E.
Marchant
McCarthy (NY)
Nunes
Oberstar
Paul
Pickering
Smith (TX)
Stark
Velázquez
Westmoreland
Young (AK)

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

□ 1112

So the Journal was approved.

The result of the vote was announced as above recorded.

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## MOTION TO ADJOURN

Mr. BACA. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion to adjourn offered by the gentleman from California.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BACA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 184, nays 204, not voting 44, as follows:

[Roll No. 1080]

### YEAS—184

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Becerra
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellison
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutierrez
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Honda
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Napolitano
Neugebauer
Ortiz
Pastor
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

### NAYS—204

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Cardoza
Carney
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)

Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOT VOTING—44

Ackerman
Bachmann
Bishop (UT)
Bonner
Boren
Brown, Corrine
Buyer
Capuano
Carnahan
Carson
Crenshaw
Cubin
Davis, Lincoln
Delahunt
Emanuel
Everett
Franks (AZ)
Giffords
Hall (TX)
Hastert
Hinchey
Hobson
Hunter
Israel
Jindal
Johnson, Sam
Jones (NC)
Kilpatrick
LaHood
Lantos
Linder
Lungren, Daniel E.
Marchant
McCarthy (NY)
Myrick
Nunes
Oberstar
Paul
Pearce
Pitts
Renzi
Rothman
Weldon (FL)
Westmoreland

☐ 1135

Mr. VAN HOLLEN, Ms. RICHARDSON, Ms. JACKSON-LEE of Texas, Messrs. FARR, JOHNSON of Georgia, GONZALEZ, Ms. SOLIS, Ms. VELÁZQUEZ, Messrs. GRIJALVA, CUELLAR, REYES and HINOJOSA changed their vote from "yea" to "nay."

Messrs. HOEKSTRA, BILIRAKIS, SAXTON, BURGESS, BARTON of Texas, McCOTTER and Ms. GINNY BROWN-WAITE of Florida changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## COMMUNICATION FROM THE GENERAL COUNSEL OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the General Counsel of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE GENERAL COUNSEL,
*Washington, DC, November 9, 2007.*

Hon. NANCY PELOSI,
*Speaker,*
*House of Representatives.*

DEAR MADAM SPEAKER: I am writing to tender my resignation as General Counsel to the House of Representatives, effective the close of business on November 12, 2007. It has been an honor and a pleasure to serve under three Speakers, including yourself, for the past twelve years. Over that time, I have tried to maintain a nonpartisan office that, both by reputation and in practice, provides thoughtful and effective legal advice and representation to all Members of the House, without regard to political affiliation, and whose highest obligation is to the long-term interests of the House. I believe the other attorneys in the office and I have succeeded in meeting these objectives. We have worked very closely with Members and staffers from both sides of the aisle on many matters, as well as with the House Officers and the many institutional offices in the legislative branch. I expect that the Office of General Counsel will continue to fulfill this role for the House, and that the Office will maintain the respect and trust it has enjoyed all these years.

I would like to recognize and thank the staff of the Office: first, my very good friend and colleague who came with me to the House over twelve years ago—Deputy General Counsel Kerry Kircher, who will continue in that capacity and provide excellent service to the House as he has always done. I would also like to recognize the other attorneys, Assistant Counsels David Plotinsky, Christine Davenport, and John Filamor, who have all been with the Office for a long time and who are well known to and respected by so many Members, Officers and staff of the House. Finally, I would like to recognize our Office Administrator, Czesia Constantine, who has taken care of every aspect of the office's functions, including watching every penny as though it were her own money. Her service, and that of the many evening law students who have worked as full time law clerks for the Office over those years, have made it possible for the attorneys to provide the quality of service for which the Office is known and appreciated.

I will greatly miss the many friends I have made here. I congratulate my successor, Irv Nathan, on his appointment and wish him every success. Thank you again, Madam Speaker, for the opportunity to serve you.

Sincerely,
GERALDINE R. GENNET,
*General Counsel.*

## PERSONAL EXPLANATION

Mr. MEEKS of New York. Mr. Speaker, I just realized that yesterday on H.R. 3093, rollcall No. 1076, I voted "aye." I meant to vote "nay" because as a Democrat, I would never do anything that would inflict harm upon my Hispanic brothers and sisters.

## TEMPORARY TAX RELIEF ACT OF 2007

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 809, I call up the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3996

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE, ETC.**

(a) SHORT TITLE.—This Act may be cited as the "Temporary Tax Relief Act of 2007".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—AMT RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.
Sec. 102. Extension of increased alternative minimum tax exemption amount.

TITLE II—ONE-YEAR EXTENDERS

Subtitle A—Extenders Primarily Affecting Individuals

Sec. 201. Deduction for State and local sales taxes.
Sec. 202. Deduction of qualified tuition and related expenses.
Sec. 203. Treatment of certain dividends of regulated investment companies.
Sec. 204. Parity in the application of certain limits to mental health benefits.
Sec. 205. Qualified conservation contributions.
Sec. 206. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 207. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 208. Election to include combat pay as earned income for purposes of earned income tax credit.
Sec. 209. Modification of mortgage revenue bonds for veterans.
Sec. 210. Distributions from retirement plans to individuals called to active duty.
Sec. 211. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 212. Qualified investment entities.
Sec. 213. Refundable child credit.
Sec. 214. State legislators' travel expenses away from home.

Subtitle B—Extenders Primarily Affecting Businesses

Sec. 221. Research credit.
Sec. 222. Indian employment credit.
Sec. 223. New markets tax credit.
Sec. 224. Railroad track maintenance.
Sec. 225. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.
Sec. 226. Seven-year cost recovery period for motorsports racing track facility.
Sec. 227. Accelerated depreciation for business property on Indian reservation.
Sec. 228. Expensing of environmental remediation costs.

Sec. 229. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 230. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 231. Extension and modification of credit to holders of qualified zone academy bonds.
Sec. 232. Tax incentives for investment in the District of Columbia.
Sec. 233. Extension of economic development credit for American Samoa.
Sec. 234. Enhanced charitable deduction for contributions of food inventory.
Sec. 235. Enhanced charitable deduction for contributions of book inventory to public schools.
Sec. 236. Enhanced deduction for qualified computer contributions.
Sec. 237. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 238. Extension of work opportunity tax credit for Hurricane Katrina employees.

Subtitle C—Other Extenders

Sec. 241. Disclosure for combined employment tax reporting.
Sec. 242. Disclosure of return information to apprise appropriate officials of terrorist activities.
Sec. 243. Disclosure upon request of information relating to terrorist activities.
Sec. 244. Disclosure of return information to carry out income contingent repayment of student loans.
Sec. 245. Authority for undercover operations.
Sec. 246. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
Sec. 247. Disclosure of return information for certain veterans programs.

TITLE III—MORTGAGE FORGIVENESS DEBT RELIEF

Sec. 301. Discharges of indebtedness on principal residence excluded from gross income.
Sec. 302. Long-term extension of deduction for mortgage insurance premiums.
Sec. 303. Alternative tests for qualifying as cooperative housing corporation.
Sec. 304. Gain from sale of principal residence allocated to nonqualified use not excluded from income.

TITLE IV—ADMINISTRATIVE PROVISIONS

Sec. 401. Repeal of authority to enter into private debt collection contracts.
Sec. 402. Delay of application of withholding requirement on certain governmental payments for goods and services.
Sec. 403. Clarification of entitlement of Virgin Islands residents to protections of limitations on assessment and collection of tax.
Sec. 404. Revision of tax rules on expatriation.
Sec. 405. Repeal of suspension of certain penalties and interest.
Sec. 406. Increase in information return penalties.
Sec. 407. Unused merchandise drawback.

## TITLE I—AMT RELIEF

### SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2006) is amended—

(1) by striking "or 2006" and inserting "2006, or 2007", and

(2) by striking "2006" in the heading thereof and inserting "2007".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

### SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking "($62,550 in the case of taxable years beginning in 2006)" in subparagraph (A) and inserting "($66,250 in the case of taxable years beginning in 2007)", and

(2) by striking "($42,500 in the case of taxable years beginning in 2006)" in subparagraph (B) and inserting "($44,350 in the case of taxable years beginning in 2007)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

## TITLE II—ONE-YEAR EXTENDERS

## Subtitle A—Extenders Primarily Affecting Individuals

### SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 203. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

### SEC. 204. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Paragraph (3) of section 9812(f) (relating to application of section) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to benefits for services furnished after December 31, 2007.

### SEC. 205. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

### SEC. 206. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

### SEC. 207. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking "or 2007" and inserting "2007, or 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

### SEC. 208. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

### SEC. 209. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

### SEC. 210. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking "December 31, 2007" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

### SEC. 211. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

### SEC. 212. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

### SEC. 213. REFUNDABLE CHILD CREDIT.

(a) MODIFICATION OF THRESHOLD AMOUNT.—Clause (i) of section 24(d)(1)(B) is amended by inserting "($8,500 in the case of taxable years beginning in 2008)" after "$10,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

### SEC. 214. STATE LEGISLATORS' TRAVEL EXPENSES AWAY FROM HOME.

(a) IN GENERAL.—Paragraph (2) of section 162(h) (relating to legislative days) is amended by adding at the end the following flush sentence: "In the case of taxable years beginning in 2008, a legislature shall be treated for purposes of this paragraph as in session on any day in which it is formally called into session without regard to whether legislation was considered on such day.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

## Subtitle B—Extenders Primarily Affecting Businesses

### SEC. 221. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to qualified clinical testing expenses) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

### SEC. 222. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 223. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking "and 2008" and inserting "2008, and 2009".

### SEC. 224. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

### SEC. 225. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 226. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 227. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 228. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

### SEC. 229. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking "first 2 taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 230. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

### SEC. 231. EXTENSION AND MODIFICATION OF CREDIT TO HOLDERS OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subsection (e) of section 1397E (relating to limitation on amount of bonds designated) is amended by striking "1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, and 2007" and inserting "each of calendar years 1998 through 2008".

(b) MODIFICATION OF ARBITRAGE RULES.—

(1) IN GENERAL.—Subsection (g) of section 1397E (relating to special rules relating to arbitrage) is amended to read as follows:

"(g) SPECIAL RULES RELATING TO ARBITRAGE.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

"(2) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any investment of available project proceeds during the 5-year period described in subsection (f)(1)(A) (including any extension of such period under subsection (f)(2)).

"(3) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any fund which is expected to be used to repay such issue if—

"(A) such fund is funded at a rate not more rapid than equal annual installments,

"(B) such fund is funded in a manner that such fund will not exceed the amount necessary to repay the issue if invested at the maximum rate permitted under subparagraph (C), and

"(C) the yield on such fund is not greater than the discount rate determined under subsection (d)(3) with respect to the issue.".

(2) APPLICATION OF AVAILABLE PROJECT PROCEEDS TO OTHER REQUIREMENTS.—Subsections (d)(1)(A), (d)(2)(A), (f)(1)(A), (f)(1)(B), (f)(1)(C), and (f)(3) of section 1397E are each amended by striking "proceeds" and inserting "available project proceeds"

(3) AVAILABLE PROJECT PROCEEDS DEFINED.—Subsection (i) of section 1397E (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

"(A) the excess of—

"(i) the proceeds from the sale of an issue, over

"(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

"(B) the proceeds from any investment of the excess described in subparagraph (A).".

(c) EFFECTIVE DATE.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2007.

(2) MODIFICATION OF ARBITRAGE RULES.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act.

### SEC. 232. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking "2007" both places it appears and inserting "2008".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking "2007" and inserting "2008".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking "2008" each place it appears and inserting "2009".

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking "2012" and inserting "2013", and

(ii) by striking "2012" in the heading thereof and inserting "2013".

(B) Section 1400B(g)(2) is amended by striking "2012" and inserting "2013".

(C) Section 1400F(d) is amended by striking "2012" and inserting "2013".

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking "2008" and inserting "2009".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

### SEC. 233. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking "first two taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 234. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after December 31, 2007.

### SEC. 235. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) In General.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after December 31, 2007.

### SEC. 236. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) In General.—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

### SEC. 237. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) In General.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Technical Amendment Related to Section 1203 of the Pension Protection Act of 2006.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

"(4) Application of limitation on charitable contributions.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

"(A) the shareholder's pro rata share of such contribution, over

"(B) the shareholder's pro rata share of the adjusted basis of such property.".

(c) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

(2) Technical amendment.—The amendment made by subsection (b)shall take effect as if included in the provision of the Pension Protection Act of 2006 to which it relates.

### SEC. 238. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) In General.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking "2-year" and inserting "3-year".

(b) Effective Date.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

## Subtitle C—Other Extenders

### SEC. 241. DISCLOSURE FOR COMBINED EMPLOYMENT TAX REPORTING.

(a) In General.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to disclosures after December 31, 2007.

### SEC. 242. DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.

(a) In General.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to disclosures after December 31, 2007.

### SEC. 243. DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) In General.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to disclosures after December 31, 2007.

### SEC. 244. DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.

(a) In General.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to requests made after December 31, 2007.

### SEC. 245. AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) In General.—Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "January 1, 2008" each place it appears and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall take effect on January 1, 2008.

### SEC. 246. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) In General.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

### SEC. 247. DISCLOSURE OF RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS.

(a) In General.—The last sentence of paragraph (7) of section 6103(l) is amended by striking "September 30, 2008" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

## TITLE III—MORTGAGE FORGIVENESS DEBT RELIEF

### SEC. 301. DISCHARGES OF INDEBTEDNESS ON PRINCIPAL RESIDENCE EXCLUDED FROM GROSS INCOME.

(a) In General.—Paragraph (1) of section 108(a) is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by inserting after subparagraph (D) the following new subparagraph:

"(E) the indebtedness discharged is qualified principal residence indebtedness.".

(b) Special Rules Relating to Qualified Principal Residence Indebtedness.—Section 108 is amended by adding at the end the following new subsection:

"(h) Special Rules Relating to Qualified Principal Residence Indebtedness.—

"(1) Basis reduction.—The amount excluded from gross income by reason of subsection (a)(1)(E) shall be applied to reduce (but not below zero) the basis of the principal residence of the taxpayer.

"(2) Qualified principal residence indebtedness.—For purposes of this section, the term 'qualified principal residence indebtedness' means acquisition indebtedness (within the meaning of section 163(h)(3)(B), applied by substituting '$2,000,000 ($1,000,000' for '$1,000,000 ($500,000' in clause (ii) thereof) with respect to the principal residence of the taxpayer.

"(3) Exception for certain discharges not related to taxpayer's financial condition.—Subsection (a)(1)(E) shall not apply to the discharge of a loan if the discharge is on account of services performed for the lender or any other factor not directly related to a decline in the value of the residence or to the financial condition of the taxpayer.

"(4) Ordering rule.—If any loan is discharged, in whole or in part, and only a portion of such loan is qualified principal residence indebtedness, subsection (a)(1)(E) shall apply only to so much of the amount discharged as exceeds the amount of the loan (as determined immediately before such discharge) which is not qualified principal residence indebtedness.

"(5) Principal residence.—For purposes of this subsection, the term 'principal residence' has the same meaning as when used in section 121.".

(c) Coordination.—

(1) Subparagraph (A) of section 108(a)(2) is amended by striking "and (D)" and inserting "(D), and (E)".

(2) Paragraph (2) of section 108(a) is amended by adding at the end the following new subparagraph:

"(C) Principal residence exclusion takes precedence over insolvency exclusion unless elected otherwise.—Paragraph (1)(B) shall not apply to a discharge to which paragraph (1)(E) applies unless the taxpayer elects to apply paragraph (1)(B) in lieu of paragraph (1)(E).".

(d) Effective Date.—The amendments made by this section shall apply to discharges of indebtedness on or after January 1, 2007.

### SEC. 302. LONG-TERM EXTENSION OF DEDUCTION FOR MORTGAGE INSURANCE PREMIUMS.

(a) In General.—Subparagraph (E) of section 163(h)(3) (relating to mortgage insurance premiums treated as interest) is amended by striking clauses (iii) and (iv) and inserting the following new clause:

"(iii) Application.—Clause (i) shall not apply with respect to any mortgage insurance contract issued before January 1, 2007, or after December 31, 2014.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to contracts issued after December 31, 2006.

### SEC. 303. ALTERNATIVE TESTS FOR QUALIFYING AS COOPERATIVE HOUSING CORPORATION.

(a) In General.—Subparagraph (D) of section 216(b)(1) (defining cooperative housing corporation) is amended to read as follows:

"(D) meeting 1 or more of the following requirements for the taxable year in which the taxes and interest described in subsection (a) are paid or incurred:

"(i) 80 percent or more of the corporation's gross income for such taxable year is derived from tenant-stockholders.

"(ii) At all times during such taxable year, 80 percent or more of the total square footage of the corporation's property is used or available for use by the tenant-stockholders for residential purposes or purposes ancillary to such residential use.

"(iii) 90 percent or more of the expenditures of the corporation paid or incurred during such taxable year are paid or incurred for the acquisition, construction, management, maintenance, or care of the corporation's property for the benefit of the tenant-stockholders.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

### SEC. 304. GAIN FROM SALE OF PRINCIPAL RESIDENCE ALLOCATED TO NONQUALIFIED USE NOT EXCLUDED FROM INCOME.

(a) IN GENERAL.—Subsection (b) of section 121 (relating to limitations) is amended by adding at the end the following new paragraph:

"(4) EXCLUSION OF GAIN ALLOCATED TO NONQUALIFIED USE.—

"(A) IN GENERAL.—Subsection (a) shall not apply to so much of the gain from the sale or exchange of property as is allocated to periods of nonqualified use.

"(B) GAIN ALLOCATED TO PERIODS OF NONQUALIFIED USE.—For purposes of subparagraph (A), gain shall be allocated to periods of nonqualified use based on the ratio which—

"(i) the aggregate periods of nonqualified use during the period such property was owned by the taxpayer, bears to

"(ii) the period such property was owned by the taxpayer.

"(C) PERIOD OF NONQUALIFIED USE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'period of nonqualified use' means any period (other than the portion of any period preceding January 1, 2008) during which the property is not used as the principal residence of the taxpayer or the taxpayer's spouse or former spouse.

"(ii) EXCEPTIONS.—The term 'period of nonqualified use' does not include—

"(I) any portion of the 5-year period described in subsection (a) which is after the last date that such property is used as the principal residence of the taxpayer or the taxpayer's spouse,

"(II) any period (not to exceed an aggregate period of 10 years) during which the taxpayer or the taxpayer's spouse is serving on qualified official extended duty (as defined in subsection (d)(9)(C)) described in clause (i), (ii), or (iii) of subsection (d)(9)(A), and

"(III) any other period of temporary absence (not to exceed an aggregate period of 2 years) due to change of employment, health conditions, or such other unforeseen circumstances as may be specified by the Secretary.

"(D) COORDINATION WITH RECOGNITION OF GAIN ATTRIBUTABLE TO DEPRECIATION.—For purposes of this paragraph—

"(i) subparagraph (A) shall be applied after the application of subsection (d)(6), and

"(ii) subparagraph (B) shall be applied without regard to any gain to which subsection (d)(6) applies.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges after December 31, 2007.

## TITLE IV—ADMINISTRATIVE PROVISIONS

### SEC. 401. REPEAL OF AUTHORITY TO ENTER INTO PRIVATE DEBT COLLECTION CONTRACTS.

(a) IN GENERAL.—Subchapter A of chapter 64 is amended by striking section 6306.

(b) CONFORMING AMENDMENTS.—

(1) Subchapter B of chapter 76 is amended by striking section 7433A.

(2) Section 7811 is amended by striking subsection (g).

(3) Section 1203 of the Internal Revenue Service Restructuring Act of 1998 is amended by striking subsection (e).

(4) The table of sections for subchapter A of chapter 64 is amended by striking the item relating to section 6306.

(5) The table of sections for subchapter B of chapter 76 is amended by striking the item relating to section 7433A.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTION FOR EXISTING CONTRACTS, ETC.—The amendments made by this section shall not apply to any contract which was entered into before July 18, 2007, and is not renewed or extended on or after such date.

(3) UNAUTHORIZED CONTRACTS AND EXTENSIONS TREATED AS VOID.—Any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986, as in effect before its repeal) which is entered into on or after July 18, 2007, and any extension or renewal on or after such date of any qualified tax collection contract (as so defined) shall be void.

### SEC. 402. DELAY OF APPLICATION OF WITHHOLDING REQUIREMENT ON CERTAIN GOVERNMENTAL PAYMENTS FOR GOODS AND SERVICES.

(a) IN GENERAL.—Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "December 31, 2010" and inserting "December 31, 2011".

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to the withholding requirements of section 3402(t) of the Internal Revenue Code of 1986, including a detailed analysis of—

(1) the problems, if any, which are anticipated in administering and complying with such requirements,

(2) the burdens, if any, that such requirements will place on governments and businesses (taking into account such mechanisms as may be necessary to administer such requirements), and

(3) the application of such requirements to small expenditures for services and goods by governments.

### SEC. 403. CLARIFICATION OF ENTITLEMENT OF VIRGIN ISLANDS RESIDENTS TO PROTECTIONS OF LIMITATIONS ON ASSESSMENT AND COLLECTION OF TAX.

(a) IN GENERAL.—Subsection (c) of section 932 (relating to treatment of Virgin Islands residents) is amended by adding at the end the following new paragraph:

"(5) TREATMENT OF INCOME TAX RETURN FILED WITH VIRGIN ISLANDS.—An income tax return filed with the Virgin Islands by an individual claiming to be described in paragraph (1) for the taxable year shall be treated for purposes of subtitle F in the same manner as if such return were an income tax return filed with the United States for such taxable year. The preceding sentence shall not apply where such return is false or fraudulent with the intent to evade tax or otherwise is a willful attempt in any manner to defeat or evade tax.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after 1986.

### SEC. 404. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

### "SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

"(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

"(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

"(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

"(1) any deferred compensation item (as defined in subsection (d)(4)),

"(2) any specified tax deferred account (as defined in subsection (e)(2)), and

"(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

"(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

"(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

"(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

"(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

"(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

"(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

"(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

"(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

"(A) the payor of such item is—

"(i) a United States person, or

"(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

"(B) the covered expatriate—

"(i) notifies the payor of his status as a covered expatriate, and

"(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

"(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

"(A) any interest in a plan or arrangement described in section 219(g)(5),

"(B) any interest in a foreign pension plan or similar retirement arrangement or program,

"(C) any item of deferred compensation, and

"(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

"(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

"(6) SPECIAL RULES.—

"(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

"(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

"(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

"(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

"(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

"(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

"(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

"(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

"(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

"(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

"(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

"(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

"(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

"(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

"(A) rules similar to the rules of subsection (d)(6) shall apply, and

"(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies.

"(5) APPLICATION.—This subsection shall apply to a nongrantor trust only if the covered expatriate was a beneficiary of the trust on the day before the expatriation date.

"(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

"(1) COVERED EXPATRIATE.—

"(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

"(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

"(i) the individual—

"(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

"(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

"(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

"(2) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes his citizenship, and

"(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(3) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

"(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

"(h) OTHER RULES.—

"(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

"(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

"(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

## "CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2801. Imposition of tax.

**"SEC. 2801. IMPOSITION OF TAX.**

"(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

"(2) the value of such covered gift or bequest.

"(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds $10,000.

"(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) COVERED GIFT OR BEQUEST.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

"(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

"(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

"(3) TRANSFERS IN TRUST.—

"(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

"(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

"(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

"(B) FOREIGN TRUSTS.—

"(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

"(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

"(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

"(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

"CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

"(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.".

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

"An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.".

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting "or 877A" after "section 877(b)" in subsection (a), and

(2) by inserting "or 877A" after "section 877(a)" in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose

expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act, regardless of when the transferor expatriated.

### SEC. 405. REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Section 6404 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.

### SEC. 406. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking "$50" and inserting "$100".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking "$250,000" and inserting "$600,000".

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking "$15" and inserting "$25".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking "$75,000" and inserting "$200,000".

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking "$30" and inserting "$60".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking "$150,000" and inserting "$400,000".

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking "$100,000" in subparagraph (A) and inserting "$250,000",

(2) by striking "$25,000" in subparagraph (B) and inserting "$75,000", and

(3) by striking "$50,000" in subparagraph (C) and inserting "$150,000".

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking "$100" and inserting "$250".

(f) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Subsection (a) of section 6722 is amended by striking "$50" and inserting "$100".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a) and (c)(2)(A) of section 6722 are each amended by striking "$100,000" and inserting "$600,000".

(3) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (1) of section 6722(c) is amended by striking "$100" and inserting "$250".

(g) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking "$50" and inserting "$100", and

(2) by striking "$100,000" and inserting "$600,000".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

### SEC. 407. UNUSED MERCHANDISE DRAWBACK.

(a) IN GENERAL.—Section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) is amended by adding at the end the following: "For purposes of subparagraph (A) of this paragraph, wine of the same color shall be deemed to be commercially interchangeable.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 809, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

## H.R. 3996

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### *SECTION 1. SHORT TITLE, ETC.*

*(a) SHORT TITLE.—This Act may be cited as the "Temporary Tax Relief Act of 2007".*

*(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.*

*(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

*Sec. 1. Short title, etc.*

*TITLE I—AMT RELIEF*

*Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.*
*Sec. 102. Extension of increased alternative minimum tax exemption amount.*
*Sec. 103. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.*

*TITLE II—ADDITIONAL INDIVIDUAL TAX RELIEF*

*Sec. 201. Refundable child credit.*
*Sec. 202. Additional standard deduction for real property taxes for nonitemizers.*

*TITLE III—ONE-YEAR EXTENDERS*

*Subtitle A—Extenders Primarily Affecting Individuals*

*Sec. 301. Deduction for State and local sales taxes.*
*Sec. 302. Deduction of qualified tuition and related expenses.*
*Sec. 303. Treatment of certain dividends of regulated investment companies.*
*Sec. 304. Parity in the application of certain limits to mental health benefits.*
*Sec. 305. Qualified conservation contributions.*
*Sec. 306. Tax-free distributions from individual retirement plans for charitable purposes.*
*Sec. 307. Deduction for certain expenses of elementary and secondary school teachers.*
*Sec. 308. Election to include combat pay as earned income for purposes of earned income tax credit.*
*Sec. 309. Modification of mortgage revenue bonds for veterans.*
*Sec. 310. Distributions from retirement plans to individuals called to active duty.*
*Sec. 311. Stock in RIC for purposes of determining estates of nonresidents not citizens.*
*Sec. 312. Qualified investment entities.*
*Sec. 313. State legislators' travel expenses away from home.*

*Subtitle B—Extenders Primarily Affecting Businesses*

*Sec. 321. Research credit.*
*Sec. 322. Indian employment credit.*
*Sec. 323. New markets tax credit.*
*Sec. 324. Railroad track maintenance.*
*Sec. 325. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.*
*Sec. 326. Seven-year cost recovery period for motorsports racing track facility.*
*Sec. 327. Accelerated depreciation for business property on Indian reservation.*
*Sec. 328. Expensing of environmental remediation costs.*
*Sec. 329. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.*
*Sec. 330. Modification of tax treatment of certain payments to controlling exempt organizations.*
*Sec. 331. Extension and modification of credit to holders of qualified zone academy bonds.*
*Sec. 332. Tax incentives for investment in the District of Columbia.*
*Sec. 333. Extension of economic development credit for American Samoa.*
*Sec. 334. Enhanced charitable deduction for contributions of food inventory.*
*Sec. 335. Enhanced charitable deduction for contributions of book inventory to public schools.*
*Sec. 336. Enhanced deduction for qualified computer contributions.*
*Sec. 337. Basis adjustment to stock of S corporations making charitable contributions of property.*
*Sec. 338. Extension of work opportunity tax credit for Hurricane Katrina employees.*

*Subtitle C—Other Extenders*

*Sec. 341. Disclosure for combined employment tax reporting.*
*Sec. 342. Disclosure of return information to apprise appropriate officials of terrorist activities.*
*Sec. 343. Disclosure upon request of information relating to terrorist activities.*
*Sec. 344. Disclosure of return information to carry out income contingent repayment of student loans.*
*Sec. 345. Authority for undercover operations.*
*Sec. 346. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.*
*Sec. 347. Disclosure of return information for certain veterans programs.*

*TITLE IV—MORTGAGE FORGIVENESS DEBT RELIEF*

*Sec. 401. Discharges of indebtedness on principal residence excluded from gross income.*
*Sec. 402. Long-term extension of deduction for mortgage insurance premiums.*
*Sec. 403. Alternative tests for qualifying as cooperative housing corporation.*
*Sec. 404. Gain from sale of principal residence allocated to nonqualified use not excluded from income.*

*TITLE V—ADMINISTRATIVE PROVISIONS*

*Sec. 501. Repeal of authority to enter into private debt collection contracts.*
*Sec. 502. Delay of application of withholding requirement on certain governmental payments for goods and services.*

Sec. 503. Clarification of entitlement of Virgin Islands residents to protections of limitations on assessment and collection of tax.
Sec. 504. Revision of tax rules on expatriation.
Sec. 505. Repeal of suspension of certain penalties and interest.
Sec. 506. Unused merchandise drawback.

TITLE VI—REVENUE PROVISIONS

Subtitle A—Nonqualified Deferred Compensation From Certain Tax Indifferent Parties

Sec. 601. Nonqualified deferred compensation from certain tax indifferent parties.

Subtitle B—Provisions Related to Certain Investment Partnerships

Sec. 611. Income of partners for performing investment management services treated as ordinary income received for performance of services.
Sec. 612. Indebtedness incurred by a partnership in acquiring securities and commodities not treated as acquisition indebtedness for organizations which are partners with limited liability.
Sec. 613. Application to partnership interests and tax sharing agreements of rule treating certain gain on sales between related persons as ordinary income.

Subtitle C—Other Provisions

Sec. 621. Delay in application of worldwide allocation of interest.
Sec. 622. Broker reporting of customer's basis in securities transactions.
Sec. 623. Modification of penalty for failure to file partnership returns.
Sec. 624. Penalty for failure to file S corporation returns.
Sec. 625. Time for payment of corporate estimated taxes.

## TITLE I—AMT RELIEF

### SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2006) is amended—

(1) by striking "or 2006" and inserting "2006, or 2007", and

(2) by striking "2006" in the heading thereof and inserting "2007".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

### SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking "($62,550 in the case of taxable years beginning in 2006)" in subparagraph (A) and inserting "($66,250 in the case of taxable years beginning in 2007)", and

(2) by striking "($42,500 in the case of taxable years beginning in 2006)" in subparagraph (B) and inserting "($44,350 in the case of taxable years beginning in 2007)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

### SEC. 103. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

"(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

"(B) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year.".

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 of such Code is amended by adding at the end the following new subsection:

"(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

"(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2007 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. No credit shall be allowed under this section with respect to any amount abated under this paragraph.

"(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—Any interest or penalty paid before the date of the enactment of this subsection which would (but for such payment) have been abated under paragraph (1) shall be treated for purposes of this section as an amount of adjusted net minimum tax imposed for the taxable year of the underpayment to which such interest or penalty relates.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2006.

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

## TITLE II—ADDITIONAL INDIVIDUAL TAX RELIEF

### SEC. 201. REFUNDABLE CHILD CREDIT.

(a) MODIFICATION OF THRESHOLD AMOUNT.—Clause (i) of section 24(d)(1)(B) is amended by inserting "($8,500 in the case of taxable years beginning in 2008)" after "$10,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

### SEC. 202. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) in the case of any taxable year beginning in 2008, the real property tax deduction.".

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

"(8) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is so much of the amount of State and local real property taxes (within the meaning of section 164) paid or accrued by the taxpayer during the taxable year which do not exceed $350 ($700 in the case of a joint return).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

## TITLE III—ONE-YEAR EXTENDERS

## Subtitle A—Extenders Primarily Affecting Individuals

### SEC. 301. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 302. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 303. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

### SEC. 304. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Paragraph (3) of section 9812(f) (relating to application of section) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to benefits for services furnished after December 31, 2007.

### SEC. 305. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

### SEC. 306. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

### SEC. 307. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking "or 2007" and inserting "2007, or 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

### SEC. 308. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

### SEC. 309. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) Qualified Mortgage Bonds Used To Finance Residences for Veterans Without Regard to First-Time Homebuyer Requirement.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

### SEC. 310. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) In General.—Clause (iv) of section 72(t)(2)(G) is amended by striking "December 31, 2007" and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

### SEC. 311. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) In General.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

### SEC. 312. QUALIFIED INVESTMENT ENTITIES.

(a) In General.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2008.

### SEC. 313. STATE LEGISLATORS' TRAVEL EXPENSES AWAY FROM HOME.

(a) In General.—Paragraph (2) of section 162(h) (relating to legislative days) is amended by adding at the end the following flush sentence: "In the case of taxable years beginning in 2008, a legislature shall be treated for purposes of this paragraph as in session on any day in which it is formally called into session without regard to whether legislation was considered on such day.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

## Subtitle B—Extenders Primarily Affecting Businesses

### SEC. 321. RESEARCH CREDIT.

(a) In General.—Subparagraph (B) of section 41(h)(1) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Conforming Amendment.—Subparagraph (D) of section 45C(b)(1) (relating to qualified clinical testing expenses) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

### SEC. 322. INDIAN EMPLOYMENT CREDIT.

(a) In General.—Subsection (f) of section 45A (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 323. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking "and 2008" and inserting "2008, and 2009".

### SEC. 324. RAILROAD TRACK MAINTENANCE.

(a) In General.—Subsection (f) of section 45G (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

### SEC. 325. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) In General.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 326. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) In General.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 327. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) In General.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 328. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) In General.—Subsection (h) of section 198 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

### SEC. 329. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) In General.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking "first 2 taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 330. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) In General.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

### SEC. 331. EXTENSION AND MODIFICATION OF CREDIT TO HOLDERS OF QUALIFIED ZONE ACADEMY BONDS.

(a) In General.—Subsection (e) of section 1397E (relating to limitation on amount of bonds designated) is amended by striking "1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, and 2007" and inserting "each of calendar years 1998 through 2008".

(b) Modification of Arbitrage Rules.—

(1) In general.—Subsection (g) of section 1397E (relating to special rules relating to arbitrage) is amended to read as follows:

"(g) Special Rules Relating to Arbitrage.—

"(1) In general.—An issue shall be treated as meeting the requirements of this subsection if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

"(2) Special rule for investments during expenditure period.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any investment of available project proceeds during the 5-year period described in subsection (f)(1)(A) (including any extension of such period under subsection (f)(2)).

"(3) Special rule for reserve funds.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any fund which is expected to be used to repay such issue if—

"(A) such fund is funded at a rate not more rapid than equal annual installments,

"(B) such fund is funded in a manner that such fund will not exceed the amount necessary to repay the issue if invested at the maximum rate permitted under subparagraph (C), and

"(C) the yield on such fund is not greater than the discount rate determined under subsection (d)(3) with respect to the issue.".

(2) Application of available project proceeds to other requirements.—Subsections (d)(1)(A), (d)(2)(A), (f)(1)(A), (f)(1)(B), (f)(1)(C), and (f)(3) of section 1397E are each amended by striking "proceeds" and inserting "available project proceeds".

(3) Available project proceeds defined.—Subsection (i) of section 1397E (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) Available project proceeds.—The term 'available project proceeds' means—

"(A) the excess of—

"(i) the proceeds from the sale of an issue, over

"(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

"(B) the proceeds from any investment of the excess described in subparagraph (A).".

(c) Effective Date.—

(1) Extension.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2007.

(2) Modification of arbitrage rules.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act.

### SEC. 332. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) Designation of Zone.—

(1) In general.—Subsection (f) of section 1400 is amended by striking "2007" both places it appears and inserting "2008".

(2) Effective date.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) Tax-Exempt Economic Development Bonds.—

(1) In general.—Subsection (b) of section 1400A is amended by striking "2007" and inserting "2008".

(2) Effective date.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) Zero Percent Capital Gains Rate.—

(1) In general.—Subsection (b) of section 1400B is amended by striking "2008" each place it appears and inserting "2009".

(2) Conforming amendments.—

(A) Section 1400B(e)(2) is amended—

(i) by striking "2012" and inserting "2013", and *(ii) by striking "2012" in the heading thereof and inserting "2013".*

*(B) Section 1400B(g)(2) is amended by striking "2012" and inserting "2013".*

*(C) Section 1400F(d) is amended by striking "2012" and inserting "2013".*

*(3) EFFECTIVE DATES.—*

*(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.*

*(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.*

*(d) FIRST-TIME HOMEBUYER CREDIT.—*

*(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking "2008" and inserting "2009".*

*(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.*

### SEC. 333. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

*(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—*

*(1) by striking "first two taxable years" and inserting "first 3 taxable years", and*

*(2) by striking "January 1, 2008" and inserting "January 1, 2009".*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.*

### SEC. 334. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

*(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.*

### SEC. 335. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

*(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.*

### SEC. 336. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

*(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.*

### SEC. 337. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

*(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking "December 31, 2007" and inserting "December 31, 2008".*

*(b) TECHNICAL AMENDMENT RELATED TO SECTION 1203 OF THE PENSION PROTECTION ACT OF 2006.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:*

*"(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—*

*"(A) the shareholder's pro rata share of such contribution, over*

*"(B) the shareholder's pro rata share of the adjusted basis of such property.".*

*(c) EFFECTIVE DATE.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.*

*(2) TECHNICAL AMENDMENT.—The amendment made by subsection (b) shall take effect as if included in the provision of the Pension Protection Act of 2006 to which it relates.*

### SEC. 338. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

*(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking "2-year" and inserting "3-year".*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.*

## Subtitle C—Other Extenders

### SEC. 341. DISCLOSURE FOR COMBINED EMPLOYMENT TAX REPORTING.

*(a) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.*

### SEC. 342. DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.

*(a) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.*

### SEC. 343. DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

*(a) IN GENERAL.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.*

### SEC. 344. DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.

*(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after December 31, 2007.*

### SEC. 345. AUTHORITY FOR UNDERCOVER OPERATIONS.

*(a) IN GENERAL.—Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "January 1, 2008" each place it appears and inserting "January 1, 2009".*

*(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.*

### SEC. 346. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

*(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2008" and inserting "January 1, 2009".*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.*

### SEC. 347. DISCLOSURE OF RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS.

*(a) IN GENERAL.—The last sentence of paragraph (7) of section 6103(l) is amended by striking "September 30, 2008" and inserting "December 31, 2008".*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.*

## TITLE IV—MORTGAGE FORGIVENESS DEBT RELIEF

### SEC. 401. DISCHARGES OF INDEBTEDNESS ON PRINCIPAL RESIDENCE EXCLUDED FROM GROSS INCOME.

*(a) IN GENERAL.—Paragraph (1) of section 108(a) is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", 'or", and by inserting after subparagraph (D) the following new subparagraph:*

*"(E) the indebtedness discharged is qualified principal residence indebtedness.".*

*(b) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—Section 108 is amended by adding at the end the following new subsection:*

*"(h) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—*

*"(1) BASIS REDUCTION.—The amount excluded from gross income by reason of subsection (a)(1)(E) shall be applied to reduce (but not below zero) the basis of the principal residence of the taxpayer.*

*"(2) QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—For purposes of this section, the term 'qualified principal residence indebtedness' means acquisition indebtedness (within the meaning of section 163(h)(3)(B), applied by substituting '$2,000,000 ($1,000,000' for '$1,000,000 ($500,000' in clause (ii) thereof) with respect to the principal residence of the taxpayer.*

*"(3) EXCEPTION FOR CERTAIN DISCHARGES NOT RELATED TO TAXPAYER'S FINANCIAL CONDITION.—Subsection (a)(1)(E) shall not apply to the discharge of a loan if the discharge is on account of services performed for the lender or any other factor not directly related to a decline in the value of the residence or to the financial condition of the taxpayer.*

*"(4) ORDERING RULE.—If any loan is discharged, in whole or in part, and only a portion of such loan is qualified principal residence indebtedness, subsection (a)(1)(E) shall apply only to so much of the amount discharged as exceeds the amount of the loan (as determined immediately before such discharge) which is not qualified principal residence indebtedness.*

*"(5) PRINCIPAL RESIDENCE.—For purposes of this subsection, the term 'principal residence' has the same meaning as when used in section 121.".*

*(c) COORDINATION.—*

*(1) Subparagraph (A) of section 108(a)(2) is amended by striking "and (D)" and inserting "(D), and (E)".*

*(2) Paragraph (2) of section 108(a) is amended by adding at the end the following new subparagraph:*

*"(C) PRINCIPAL RESIDENCE EXCLUSION TAKES PRECEDENCE OVER INSOLVENCY EXCLUSION UNLESS ELECTED OTHERWISE.—Paragraph (1)(B) shall not apply to a discharge to which paragraph (1)(E) applies unless the taxpayer elects to apply paragraph (1)(B) in lieu of paragraph (1)(E).".*

*(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness on or after January 1, 2007.*

### SEC. 402. LONG-TERM EXTENSION OF DEDUCTION FOR MORTGAGE INSURANCE PREMIUMS.

(a) IN GENERAL.—Subparagraph (E) of section 163(h)(3) (relating to mortgage insurance premiums treated as interest) is amended by striking clauses (iii) and (iv) and inserting the following new clause:

"(iii) APPLICATION.—Clause (i) shall not apply with respect to any mortgage insurance contract issued before January 1, 2007, or after December 31, 2014.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contracts issued after December 31, 2006.

### SEC. 403. ALTERNATIVE TESTS FOR QUALIFYING AS COOPERATIVE HOUSING CORPORATION.

(a) IN GENERAL.—Subparagraph (D) of section 216(b)(1) (defining cooperative housing corporation) is amended to read as follows:

"(D) meeting 1 or more of the following requirements for the taxable year in which the taxes and interest described in subsection (a) are paid or incurred:

"(i) 80 percent or more of the corporation's gross income for such taxable year is derived from tenant-stockholders.

"(ii) At all times during such taxable year, 80 percent or more of the total square footage of the corporation's property is used or available for use by the tenant-stockholders for residential purposes or purposes ancillary to such residential use.

"(iii) 90 percent or more of the expenditures of the corporation paid or incurred during such taxable year are paid or incurred for the acquisition, construction, management, maintenance, or care of the corporation's property for the benefit of the tenant-stockholders.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

### SEC. 404. GAIN FROM SALE OF PRINCIPAL RESIDENCE ALLOCATED TO NONQUALIFIED USE NOT EXCLUDED FROM INCOME.

(a) IN GENERAL.—Subsection (b) of section 121 (relating to limitations) is amended by adding at the end the following new paragraph:

"(4) EXCLUSION OF GAIN ALLOCATED TO NONQUALIFIED USE.—

"(A) IN GENERAL.—Subsection (a) shall not apply to so much of the gain from the sale or exchange of property as is allocated to periods of nonqualified use.

"(B) GAIN ALLOCATED TO PERIODS OF NONQUALIFIED USE.—For purposes of subparagraph (A), gain shall be allocated to periods of nonqualified use based on the ratio which—

"(i) the aggregate periods of nonqualified use during the period such property was owned by the taxpayer, bears to

"(ii) the period such property was owned by the taxpayer.

"(C) PERIOD OF NONQUALIFIED USE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'period of nonqualified use' means any period (other than the portion of any period preceding January 1, 2008) during which the property is not used as the principal residence of the taxpayer or the taxpayer's spouse or former spouse.

"(ii) EXCEPTIONS.—The term 'period of nonqualified use' does not include—

"(I) any portion of the 5-year period described in subsection (a) which is after the last date that such property is used as the principal residence of the taxpayer or the taxpayer's spouse,

"(II) any period (not to exceed an aggregate period of 10 years) during which the taxpayer or the taxpayer's spouse is serving on qualified official extended duty (as defined in subsection (d)(9)(C)) described in clause (i), (ii), or (iii) of subsection (d)(9)(A), and

"(III) any other period of temporary absence (not to exceed an aggregate period of 2 years) due to change of employment, health conditions, or such other unforeseen circumstances as may be specified by the Secretary.

"(D) COORDINATION WITH RECOGNITION OF GAIN ATTRIBUTABLE TO DEPRECIATION.—For purposes of this paragraph—

"(i) subparagraph (A) shall be applied after the application of subsection (d)(6), and

"(ii) subparagraph (B) shall be applied without regard to any gain to which subsection (d)(6) applies.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges after December 31, 2007.

## TITLE V—ADMINISTRATIVE PROVISIONS

### SEC. 501. REPEAL OF AUTHORITY TO ENTER INTO PRIVATE DEBT COLLECTION CONTRACTS.

(a) IN GENERAL.—Subchapter A of chapter 64 is amended by striking section 6306.

(b) CONFORMING AMENDMENTS.—

(1) Subchapter B of chapter 76 is amended by striking section 7433A.

(2) Section 7811 is amended by striking subsection (g).

(3) Section 1203 of the Internal Revenue Service Restructuring Act of 1998 is amended by striking subsection (e).

(4) The table of sections for subchapter A of chapter 64 is amended by striking the item relating to section 6306.

(5) The table of sections for subchapter B of chapter 76 is amended by striking the item relating to section 7433A.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTION FOR EXISTING CONTRACTS, ETC.—The amendments made by this section shall not apply to any contract which was entered into before July 18, 2007, and is not renewed or extended on or after such date.

(3) UNAUTHORIZED CONTRACTS AND EXTENSIONS TREATED AS VOID.—Any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986, as in effect before its repeal) which is entered into on or after July 18, 2007, and any extension or renewal on or after such date of any qualified tax collection contract (as so defined) shall be void.

### SEC. 502. DELAY OF APPLICATION OF WITHHOLDING REQUIREMENT ON CERTAIN GOVERNMENTAL PAYMENTS FOR GOODS AND SERVICES.

(a) IN GENERAL.—Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "December 31, 2010" and inserting "December 31, 2011".

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to the withholding requirements of section 3402(t) of the Internal Revenue Code of 1986, including a detailed analysis of—

(1) the problems, if any, which are anticipated in administering and complying with such requirements,

(2) the burdens, if any, that such requirements will place on governments and businesses (taking into account such mechanisms as may be necessary to administer such requirements), and

(3) the application of such requirements to small expenditures for services and goods by governments.

### SEC. 503. CLARIFICATION OF ENTITLEMENT OF VIRGIN ISLANDS RESIDENTS TO PROTECTIONS OF LIMITATIONS ON ASSESSMENT AND COLLECTION OF TAX.

(a) IN GENERAL.—Subsection (c) of section 932 (relating to treatment of Virgin Islands residents) is amended by adding at the end the following new paragraph:

"(5) TREATMENT OF INCOME TAX RETURN FILED WITH VIRGIN ISLANDS.—An income tax return filed with the Virgin Islands by an individual claiming to be described in paragraph (1) for the taxable year shall be treated for purposes of subtitle F in the same manner as if such return were an income tax return filed with the United States for such taxable year. The preceding sentence shall not apply where such return is false or fraudulent with the intent to evade tax or otherwise is a willful attempt in any manner to defeat or evade tax.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after 1986.

### SEC. 504. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

### "SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in *whole or in part, until such other date as the Secretary may prescribe).*

*"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.*

*"(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).*

*"(4) SECURITY.—*

*"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.*

*"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—*

*"(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or*

*"(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.*

*"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.*

*"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.*

*"(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.*

*"(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—*

*"(1) any deferred compensation item (as defined in subsection (d)(4)),*

*"(2) any specified tax deferred account (as defined in subsection (e)(2)), and*

*"(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).*

*"(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—*

*"(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—*

*"(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.*

*"(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.*

*"(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—*

*"(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and*

*"(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,*

*"(B) no early distribution tax shall apply by reason of such treatment, and*

*"(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.*

*"(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—*

*"(A) the payor of such item is—*

*"(i) a United States person, or*

*"(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and*

*"(B) the covered expatriate—*

*"(i) notifies the payor of his status as a covered expatriate, and*

*"(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.*

*"(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—*

*"(A) any interest in a plan or arrangement described in section 219(g)(5),*

*"(B) any interest in a foreign pension plan or similar retirement arrangement or program,*

*"(C) any item of deferred compensation, and*

*"(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.*

*"(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.*

*"(6) SPECIAL RULES.—*

*"(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.*

*"(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.*

*"(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.*

*"(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—*

*"(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—*

*"(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,*

*"(B) no early distribution tax shall apply by reason of such treatment, and*

*"(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.*

*"(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).*

*"(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—*

*"(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—*

*"(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and*

*"(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.*

*"(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.*

*"(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.*

*"(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—*

*"(A) rules similar to the rules of subsection (d)(6) shall apply, and*

*"(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies.*

*"(5) APPLICATION.—This subsection shall apply to a nongrantor trust only if the covered expatriate was a beneficiary of the trust on the day before the expatriation date.*

*"(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—*

*"(1) COVERED EXPATRIATE.—*

*"(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).*

*"(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—*

*"(i) the individual—*

*"(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and*

*"(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or*

*"(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and*

*"(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.*

*"(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as*

a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

"(2) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes his citizenship, and

"(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(3) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

"(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

"(h) OTHER RULES.—

"(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

"(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

"(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

### "CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2801. Imposition of tax.

**"SEC. 2801. IMPOSITION OF TAX.**

"(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

"(2) the value of such covered gift or bequest.

"(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds $10,000.

"(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) COVERED GIFT OR BEQUEST.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

"(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

"(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

"(3) TRANSFERS IN TRUST.—

"(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

"(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

"(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

"(B) FOREIGN TRUSTS.—

"(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

"(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

"(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

"(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

"CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

"(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.".

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

"An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.".

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting "or 877A" after "section 877(b)" in subsection (a), and

(2) by inserting "or 877A" after "section 877(a)" in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

*(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act, regardless of when the transferor expatriated.*

### ***SEC. 505. REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.***

*(a) IN GENERAL.—Section 6404 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.*

### ***SEC. 506. UNUSED MERCHANDISE DRAWBACK.***

*(a) IN GENERAL.—Section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) is amended by adding at the end the following: “For purposes of subparagraph (A) of this paragraph, wine of the same color having a price variation not to exceed 50 percent between the imported wine and the exported wine shall be deemed to be commercially interchangeable.”.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to claims filed for drawback under section 313(j)(2) of the Tariff Act of 1930 on or after the date of the enactment of this Act.*

## ***TITLE VI—REVENUE PROVISIONS***

### ***Subtitle A—Nonqualified Deferred Compensation From Certain Tax Indifferent Parties***

### ***SEC. 601. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.***

*(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 (relating to taxable year for which items of gross income included) is amended by inserting after section 457 the following new section:*

### ***“SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.***

*“(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be taken into account for purposes of this chapter when there is no substantial risk of forfeiture of the rights to such compensation.*

*“(b) NONQUALIFIED ENTITY.—For purposes of this section, the term ‘nonqualified entity’ means—*

*“(1) any foreign corporation unless substantially all of such income is—*

*“(A) effectively connected with the conduct of a trade or business in the United States, or*

*“(B) subject to a comprehensive foreign income tax, and*

*“(2) any partnership unless substantially all of such income is allocated to persons other than—*

*“(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and*

*“(B) organizations which are exempt from tax under this title.*

*“(c) ASCERTAINABILITY OF AMOUNTS OF COMPENSATION.—*

*“(1) IN GENERAL.—If the amount of any compensation is not ascertainable at the time that such compensation is otherwise to be taken into account under subsection (a)—*

*“(A) such amount shall be so taken into account when ascertainable, and*

*“(B) the tax imposed under this chapter for the taxable year in which such compensation is taken into account under subparagraph (A) shall be increased by the sum of—*

*“(i) the amount of interest determined under paragraph (2), and*

*“(ii) an amount equal to 20 percent of the amount of such compensation.*

*“(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.*

*“(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—*

*“(1) SUBSTANTIAL RISK OF FORFEITURE.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.*

*“(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term ‘comprehensive foreign income tax’ means, with respect to any foreign person, the income tax of a foreign country if—*

*“(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or*

*“(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.*

*Such term shall not include any tax unless such tax includes rules for the deductibility of deferred compensation which are similar to the rules of this title.*

*“(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—The term ‘nonqualified deferred compensation plan’ has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.*

*“(4) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.*

*“(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.”.*

*(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking “and” at the end of subparagraph (S), by striking the period at the end of subparagraph (T) and inserting “, and”, and by adding at the end the following new subparagraph:*

*“(U) section 457A(c)(1)(B) (relating to ascertainability of amounts of compensation).”.*

*(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:*

*“Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.”.*

*(d) EFFECTIVE DATE.—*

*(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2007.*

*(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2008, to the extent such amount is not includible in gross income in a taxable year beginning before 2017, such amounts shall be includible in gross income in the later of—*

*(A) the last taxable year beginning before 2017, or*

*(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).*

*(3) ACCELERATED PAYMENTS.—No later than 60 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2007, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.*

### ***Subtitle B—Provisions Related to Certain Investment Partnerships***

### ***SEC. 611. INCOME OF PARTNERS FOR PERFORMING INVESTMENT MANAGEMENT SERVICES TREATED AS ORDINARY INCOME RECEIVED FOR PERFORMANCE OF SERVICES.***

*(a) IN GENERAL.—Part I of subchapter K of chapter 1 is amended by adding at the end the following new section:*

### ***“SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIP.***

*“(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—*

*“(1) IN GENERAL.—Notwithstanding section 702(b)—*

*“(A) any net income with respect to such interest for any partnership taxable year shall be treated as ordinary income for the performance of services, and*

*“(B) any net loss with respect to such interest for such year, to the extent not disallowed under paragraph (2) for such year, shall be treated as an ordinary loss.*

*“(2) TREATMENT OF LOSSES.—*

*“(A) LIMITATION.—Any net loss with respect to such interest shall be allowed for any partnership taxable year only to the extent that such loss does not exceed the excess (if any) of—*

*“(i) the aggregate net income with respect to such interest for all prior partnership taxable years, over*

*“(ii) the aggregate net loss with respect to such interest not disallowed under this subparagraph for all prior partnership taxable years.*

*“(B) CARRYFORWARD.—Any net loss for any partnership taxable year which is not allowed by reason of subparagraph (A) shall be treated as an item of loss with respect to such partnership interest for the succeeding partnership taxable year.*

*“(C) BASIS ADJUSTMENT.—No adjustment to the basis of a partnership interest shall be made on account of any net loss which is not allowed by reason of subparagraph (A).*

*“(D) EXCEPTION FOR BASIS ATTRIBUTABLE TO PURCHASE OF A PARTNERSHIP INTEREST.—In the case of an investment services partnership interest acquired by purchase, paragraph (1)(B) shall not apply to so much of any net loss with respect to such interest for any taxable year as does not exceed the excess of—*

*“(i) the basis of such interest immediately after such purchase, over*

*“(ii) the aggregate net loss with respect to such interest to which paragraph (1)(B) did not apply by reason of this subparagraph for all prior taxable years.*

*Any net loss to which paragraph (1)(B) does not apply by reason of this subparagraph shall not be taken into account under subparagraph (A).*

*“(E) PRIOR PARTNERSHIP YEARS.—Any reference in this paragraph to prior partnership*

*taxable years shall only include prior partnership taxable years to which this section applies.*

*"(3) NET INCOME AND LOSS.—For purposes of this section—*

*"(A) NET INCOME.—The term 'net income' means, with respect to any investment services partnership interest, for any partnership taxable year, the excess (if any) of—*

*"(i) all items of income and gain taken into account by the holder of such interest under section 702 with respect to such interest for such year, over*

*"(ii) all items of deduction and loss so taken into account.*

*"(B) NET LOSS.—The term 'net loss' means with respect to such interest for such year, the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).*

*"(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—*

*"(1) GAIN.—Any gain on the disposition of an investment services partnership interest shall be treated as ordinary income for the performance of services.*

*"(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—*

*"(A) the aggregate net income with respect to such interest for all partnership taxable years, over*

*"(B) the aggregate net loss with respect to such interest allowed under subsection (a)(2) for all partnership taxable years.*

*"(3) DISPOSITION OF PORTION OF INTEREST.—In the case of any disposition of an investment services partnership interest, the amount of net loss which otherwise would have (but for subsection (a)(2)(C)) applied to reduce the basis of such interest shall be disregarded for purposes of this section for all succeeding partnership taxable years.*

*"(4) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—In the case of any distribution of appreciated property by a partnership with respect to any investment services partnership interest, gain shall be recognized by the partnership in the same manner as if the partnership sold such property at fair market value at the time of the distribution. For purposes of this paragraph, the term 'appreciated property' means any property with respect to which gain would be determined if sold as described in the preceding sentence.*

*"(5) APPLICATION OF SECTION 751.—In applying section 751(a), an investment services partnership interest shall be treated as an inventory item.*

*"(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—*

*"(1) IN GENERAL.—The term 'investment services partnership interest' means any interest in a partnership which is held by any person if such person provides (directly or indirectly) a substantial quantity of any of the following services with respect to the assets of the partnership in the conduct of the trade or business of providing such services:*

*"(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.*

*"(B) Managing, acquiring, or disposing of any specified asset.*

*"(C) Arranging financing with respect to acquiring specified assets.*

*"(D) Any activity in support of any service described in subparagraphs (A) through (C).*

*For purposes of this paragraph, the term 'specified asset' means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate, commodities (as defined in section 475(e)(2)), or options or derivative contracts with respect to securities (as so defined), real estate, or commodities (as so defined).*

*"(2) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—*

*"(A) IN GENERAL.—If—*

*"(i) a portion of an investment services partnership interest is acquired on account of a contribution of invested capital, and*

*"(ii) the partnership makes a reasonable allocation of partnership items between the portion of the distributive share that is with respect to invested capital and the portion of such distributive share that is not with respect to invested capital,*

*then subsection (a) shall not apply to the portion of the distributive share that is with respect to invested capital. An allocation will not be treated as reasonable for purposes of this subparagraph if such allocation would result in the partnership allocating a greater portion of income to invested capital than any other partner not providing services would have been allocated with respect to the same amount of invested capital.*

*"(B) SPECIAL RULE FOR DISPOSITIONS.—In any case to which subparagraph (A) applies, subsection (b) shall not apply to any gain or loss allocable to invested capital. The portion of any gain or loss attributable to invested capital is the proportion of such gain or loss which is based on the distributive share of gain or loss that would have been allocable to invested capital under subparagraph (A) if the partnership sold all of its assets immediately before the disposition.*

*"(C) INVESTED CAPITAL.—For purposes of this paragraph, the term 'invested capital' means, the fair market value at the time of contribution of any money or other property contributed to the partnership.*

*"(D) TREATMENT OF CERTAIN LOANS.—*

*"(i) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS INVESTED CAPITAL OF SERVICE PROVIDING PARTNERS.—For purposes of this paragraph, an investment services partnership interest shall not be treated as acquired on account of a contribution of invested capital to the extent that such capital is attributable to the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any partner or the partnership.*

*"(ii) LOANS FROM NONSERVICE PROVIDING PARTNERS TO THE PARTNERSHIP TREATED AS INVESTED CAPITAL.—For purposes of this paragraph, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services to the partnership shall be treated as invested capital of such partner and amounts of income and loss treated as allocable to invested capital shall be adjusted accordingly.*

*"(d) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—*

*"(1) IN GENERAL.—If—*

*"(A) a person performs (directly or indirectly) investment management services for any entity,*

*"(B) such person holds a disqualified interest with respect to such entity, and*

*"(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,*

*any income or gain with respect to such interest shall be treated as ordinary income for the performance of services. Rules similar to the rules of subsection (c)(2) shall apply where such interest was acquired on account of invested capital in such entity.*

*"(2) DEFINITIONS.—For purposes of this subsection—*

*"(A) DISQUALIFIED INTEREST.—The term 'disqualified interest' means, with respect to any entity—*

*"(i) any interest in such entity other than indebtedness,*

*"(ii) convertible or contingent debt of such entity,*

*"(iii) any option or other right to acquire property described in clause (i) or (ii), and*

*"(iv) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.*

*Such term shall not include a partnership interest and shall not include stock in a taxable corporation.*

*"(B) TAXABLE CORPORATION.—The term 'taxable corporation' means—*

*"(i) a domestic C corporation, or*

*"(ii) a foreign corporation subject to a comprehensive foreign income tax (as defined in section 457A(d)(4)).*

*"(C) INVESTMENT MANAGEMENT SERVICES.—The term 'investment management services' means a substantial quantity of any of the services described in subsection (c)(1) which are provided in the conduct of the trade or business of providing such services.*

*"(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this section, including regulations to—*

*"(1) prevent the avoidance of the purposes of this section, and*

*"(2) coordinate this section with the other provisions of this subchapter.*

*"(f) CROSS REFERENCE.—For 40 percent no fault penalty on certain underpayments due to the avoidance of this section, see section 6662.".*

*(b) APPLICATION TO REAL ESTATE INVESTMENT TRUSTS.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:*

*"(8) EXCEPTION FROM RECHARACTERIZATION OF INCOME FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS.—*

*"(A) IN GENERAL.—Paragraphs (2), (3), and (4) shall be applied without regard to section 710 (relating to special rules for partners providing investment management services to partnership).*

*"(B) SPECIAL RULE FOR PARTNERSHIPS OWNED BY REITS.—Section 7704 shall be applied without regard to section 710 in the case of a partnership which meets each of the following requirements:*

*"(i) Such partnership is treated as publicly traded under section 7704 solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.*

*"(ii) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).*

*"(iii) Such partnership meets the requirements of paragraphs (2), (3), and (4) (applied without regard to section 710).".*

*(c) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—*

*(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:*

*"(6) The application of subsection (d) of section 710 or the regulations prescribed under section 710(e) to prevent the avoidance of the purposes of section 710.".*

*(2) AMOUNT OF PENALTY.—*

*(A) IN GENERAL.—Section 6662 is amended by adding at the end the following new subsection:*

*"(i) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(6), subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.".*

*(B) CONFORMING AMENDMENTS.—Subparagraph (B) of section 6662A(e)(2) is amended—*

*(i) by striking "section 6662(h)" and inserting "subsection (h) or (i) of section 6662", and*

*(ii) by striking "GROSS VALUATION MISSTATEMENT PENALTY" in the heading and inserting "CERTAIN INCREASED UNDERPAYMENT PENALTIES".*

*(3) REASONABLE CAUSE EXCEPTION NOT APPLICABLE.—Subsection (c) of section 6664 is amended—*

*(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,*

*(B) by striking "paragraph (2)" in paragraph (4), as so redesignated, and inserting "paragraph (3)", and*

*(C) by inserting after paragraph (1) the following new paragraph:*

*"(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment to which this section applies by reason of subsection (b)(6).".*

*(d) CONFORMING AMENDMENTS.—*

*(1) Subsection (d) of section 731 is amended by inserting "section 710(b)(4) (relating to distributions of partnership property)," before "section 736".*

*(2) Section 741 is amended by inserting "or section 710 (relating to special rules for partners providing investment management services to partnership)" before the period at the end.*

*(3) Paragraph (13) of section 1402(a) is amended—*

*(A) by striking "other than guaranteed" and inserting "other than—*

*"(A) guaranteed",*

*(B) by striking the semi-colon at the end and inserting ", and", and*

*(C) by adding at the end the following new subparagraph:*

*"(B) any income treated as ordinary income under section 710 received by an individual who provides investment management services (as defined in section 710(d)(2));".*

*(4) Paragraph (12) of section 211(a) of the Social Security Act is amended—*

*(A) by striking "other than guaranteed" and inserting "other than—*

*"(A) guaranteed",*

*(B) by striking the semi-colon at the end and inserting ", and", and*

*(C) by adding at the end the following new subparagraph:*

*"(B) any income treated as ordinary income under section 710 of the Internal Revenue Code of 1986 received by an individual who provides investment management services (as defined in section 710(d)(2) of such Code);".*

*(5) The table of sections for part I of subchapter K of chapter 1 is amended by adding at the end the following new item:*

*"Sec. 710. Special rules for partners providing investment management services to partnership.".*

*(e) EFFECTIVE DATE.—*

*(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after November 1, 2007.*

*(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes November 1, 2007, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.*

*(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—Section 710(b) of the Internal Revenue Code of 1986 (as added by this section) shall apply to dispositions and distributions after November 1, 2007.*

*(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(d) of such Code (as added by this section) shall take effect on November 1, 2007.*

*(5) PUBLICLY TRADED PARTNERSHIPS.—For purposes of applying section 7704, the amendments made by this section shall apply to taxable years beginning after December 31, 2009.*

### *SEC. 612. INDEBTEDNESS INCURRED BY A PARTNERSHIP IN ACQUIRING SECURITIES AND COMMODITIES NOT TREATED AS ACQUISITION INDEBTEDNESS FOR ORGANIZATIONS WHICH ARE PARTNERS WITH LIMITED LIABILITY.*

*(a) IN GENERAL.—Subsection (c) of section 514 (relating to acquisition indebtedness) is amended by adding at the end the following new paragraph:*

*"(10) SECURITIES AND COMMODITIES ACQUIRED BY PARTNERSHIPS IN WHICH AN ORGANIZATION IS A PARTNER WITH LIMITED LIABILITY.—*

*"(A) IN GENERAL.—In the case of any organization which is a partner with limited liability in a partnership, the term 'acquisition indebtedness' does not, for purposes of this section, include indebtedness incurred or continued by such partnership in purchasing or carrying any qualified security or commodity.*

*"(B) QUALIFIED SECURITY OR COMMODITY.—For purposes of this paragraph, the term 'qualified security or commodity' means any security (as defined in section 475(c)(2) without regard to the last sentence thereof), any commodity (as defined in section 475(e)(2)), or any option or derivative contract with respect to such a security or commodity.*

*"(C) APPLICATION TO TIERED PARTNERSHIPS AND OTHER PASS-THRU ENTITIES.—Rules similar to the rules of subparagraph (A) shall apply in the case of tiered partnerships and other pass-thru entities.*

*"(D) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations to prevent the abuse of this paragraph.".*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.*

### *SEC. 613. APPLICATION TO PARTNERSHIP INTERESTS AND TAX SHARING AGREEMENTS OF RULE TREATING CERTAIN GAIN ON SALES BETWEEN RELATED PERSONS AS ORDINARY INCOME.*

*(a) PARTNERSHIP INTERESTS.—Subsection (a) of section 1239 is amended to read as follows:*

*"(a) TREATMENT OF GAIN AS ORDINARY INCOME.—In the case of a sale or exchange of property, directly or indirectly, between related persons, any gain recognized to the transferor shall be treated as ordinary income if—*

*"(1) such property is, in the hands of the transferee, of a character which is subject to the allowance for depreciation provided in section 167, or*

*"(2) such property is an interest in a partnership, but only to the extent of gain attributable to unrealized appreciation in property which is of a character subject to the allowance for depreciation provided in section 167.".*

*(b) TAX SHARING AGREEMENTS.—Section 1239 (relating to gain from sale of depreciable property between certain related taxpayers) is amended by adding at the end the following new subsection:*

*"(f) APPLICATION TO TAX SHARING AGREEMENTS.—*

*"(1) IN GENERAL.—If there is a tax sharing agreement with respect to any sale or exchange, the transferee and the transferor shall be treated as related persons for purposes of this section.*

*"(2) TAX SHARING AGREEMENT.—For purposes of this subsection, the term 'tax sharing agreement' means any agreement which provides for the payment to the transferor of any amount which is determined by reference to any portion of the tax benefit realized by the transferee with respect to the depreciation (or amortization) of the property transferred.".*

*(c) EFFECTIVE DATE.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to sales and exchanges after the date of the enactment of this Act.*

*(2) EXCEPTION FOR BINDING CONTRACTS.—The amendment made by subsection (b) shall not apply to any sale or exchange pursuant to a written binding contract which includes a tax sharing agreement and which is in effect on November 1, 2007, and not modified thereafter in any material respect.*

## *Subtitle C—Other Provisions*

### *SEC. 621. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.*

*(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking "December 31, 2008" and inserting "December 31, 2017".*

*(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.*

### *SEC. 622. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.*

*(a) IN GENERAL.—*

*(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 (relating to returns of brokers) is amended by adding at the end the following new subsection:*

*"(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS.—*

*"(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).*

*"(2) ADDITIONAL INFORMATION REQUIRED.—*

*"(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).*

*"(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—*

*"(i) IN GENERAL.—The customer's adjusted basis shall be determined—*

*"(I) in the case of any stock (other than any stock in an open-end fund), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred,*

*"(II) in the case of any stock in an open-end fund acquired before January 1, 2011, in accordance with any acceptable method under section 1012 with respect to the account in which such interest is held,*

*"(III) in the case of any stock in an open-end fund acquired after December 31, 2010, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such interest is held, and*

*"(IV) in any other case, under the method for making such determination under section 1012.*

*"(ii) EXCEPTION FOR WASH SALES.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the same account with respect to identical securities.*

*"(3) COVERED SECURITY.—For purposes of this subsection—*

*"(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—*

*"(i) was acquired through a transaction in the account in which such security is held, or*

*"(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.*

*"(B) SPECIFIED SECURITY.—The term 'specified security' means—*

*"(i) any share of stock in a corporation,*

*"(ii) any note, bond, debenture, or other evidence of indebtedness,*

*"(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and*

*"(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.*

*"(C) APPLICABLE DATE.—The term 'applicable date' means—*

*"(i) January 1, 2009, in the case of any specified security which is stock in a corporation, and*

*"(ii) January 1, 2011, or such later date determined by the Secretary in the case of any other specified security.*

*"(4) OPEN-END FUND.—For purposes of this subsection, the term 'open-end fund' means a regulated investment company (as defined in section 851) which is offering for sale or has outstanding any redeemable security of which it is the issuer and the shares of which are not traded on an established securities exchange.".*

*(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:*

*"(h) APPLICATION TO OPTIONS ON COVERED SECURITIES.—*

*"(1) EXERCISE OF OPTION.—For purposes of this section, in the case of any exercise of an option on a covered security where the taxpayer is the grantor of the option and the option was acquired in the same account as the covered security, the amount received for the grant of an option on a covered security shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be. A similar rule shall apply in the case of the exercise of an option where the taxpayer is not the grantor of the option.*

*"(2) LAPSE OR CLOSING TRANSACTION.—For purposes of this section, in the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a covered security where the taxpayer is the grantor of the option, this section shall apply as if the premium received for such option were gross proceeds received on the date of the lapse or closing transaction, and the cost (if any) of the closing transaction shall be taken into account as adjusted basis. A similar rule shall apply in the case of a lapse or closing transaction where the taxpayer is not the grantor of the option.*

*"(3) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2011.*

*"(4) COVERED SECURITY.—For purposes of this subsection, the term 'covered security' shall have the meaning given such term in subsection (g)(3).".*

*(3) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—*

*(A) IN GENERAL.—Subsection (b) of section 6045 is amended by striking "January 31" and inserting "February 15".*

*(B) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—*

*(i) by striking "at such time and", and*

*(ii) by inserting after "other item." the following new sentence: "The written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year during which such payment was made.".*

*(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following: "In the case of a consolidated reporting statement (as defined in regulations) with respect to any account which includes the statement required by this subsection, any statement which would otherwise be required to be furnished on or before January 31 under section 6042(c), 6049(c)(2)(A), or 6050N(b) with respect to any item in such account shall instead be required to be furnished on or before February 15 if furnished as part of such consolidated reporting statement.".*

*(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES ON ACCOUNT BY ACCOUNT METHOD.—Section 1012 (relating to basis of property–cost) is amended—*

*(1) by striking "The basis of property" and inserting the following:*

*"(a) IN GENERAL.—The basis of property",*

*(2) by striking "The cost of real property" and inserting the following:*

*"(b) SPECIAL RULE FOR APPORTIONED REAL ESTATE TAXES.—The cost of real property", and*

*(3) by adding at the end the following new subsection:*

*"(c) DETERMINATIONS BY ACCOUNT.—*

*"(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.*

*"(2) APPLICATION TO OPEN-END FUNDS.—*

*"(A) IN GENERAL.—Except as provided in subparagraph (B), any stock in an open-end fund acquired before January 1, 2009, shall be treated as a separate account from any such stock acquired on or after such date.*

*"(B) ELECTION BY OPEN-END FUND FOR TREATMENT AS SINGLE ACCOUNT.—If an open-end fund elects (at such time and in such form and manner as the Secretary may prescribe) to have this subparagraph apply with respect to one or more of its stockholders—*

*"(i) subparagraph (A) shall not apply with respect to any stock in such fund held by such stockholders, and*

*"(ii) all stock in such fund which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.*

*"(3) DEFINITIONS.—For purposes of this section, the terms 'specified security', 'applicable date', and 'open-end fund' shall have the meaning given such terms in section 6045(g).".*

*(c) INFORMATION BY TRANSFERORS TO AID BROKERS.—*

*(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:*

***"SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.***

*"(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).*

*"(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—*

*"(1) any broker (as defined in section 6045(c)(1)), and*

*"(2) any other person as provided by the Secretary in regulations.*

*"(c) TIME FOR FURNISHING STATEMENT.—Any statement required by subsection (a) shall be furnished not later than the earlier of—*

*"(1) 45 days after the date of the transfer described in subsection (a), or*

*"(2) January 15 of the year following the calendar year during which such transfer occurred.".*

*(2) ASSESSABLE PENALTIES.—Paragraph (2) of section 6724(d) (defining payee statement) is amended by redesignating subparagraphs (I) through (CC) as subparagraphs (J) through (DD), respectively, and by inserting after subparagraph (H) the following new subparagraph:*

*"(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers).".*

*(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:*

*"Sec. 6045A. Information required in connection with transfers of covered securities to brokers.".*

*(d) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—*

*(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986, as amended by subsection (b), is amended by inserting after section 6045A the following new section:*

***"SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.***

*"(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—*

*"(1) a description of any organizational action which affects the basis of such specified security of such issuer,*

*"(2) the quantitative effect on the basis of such specified security resulting from such action, and*

*"(3) such other information as the Secretary may prescribe.*

*"(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—*

*"(1) 45 days after the date of the action described in subsection (a), or*

*"(2) January 31 of the year following the calendar year during which such action occurred.*

*"(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—*

*"(1) the name, address, and phone number of the information contact of the person required to make such return,*

*"(2) the information required to be shown on such return with respect to such security, and*

*"(3) such other information as the Secretary may prescribe.*

*The written statement required under the preceding sentence shall be furnished to the holder on or before January 31 of the year following the calendar year during which the action described in subsection (a) occurred.*

*"(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as*

*defined in section 6045(g)(3)(C) with respect to such security.*

*"(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—*

*"(1) the name, address, phone number, and email address of the information contact of such person, and*

*"(2) the information described in paragraphs (1), (2), and (3) of subsection (a).".*

*(2) ASSESSABLE PENALTIES.—*

*(A) Subparagraph (B) of section 6724(d)(1) of such Code (defining information return) is amended by redesignating clauses (iv) through (xix) as clauses (v) through (xx), respectively, and by inserting after clause (iii) the following new clause:*

*"(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),".*

*(B) Paragraph (2) of section 6724(d) of such Code (defining payee statement), as amended by subsection (c)(2), is amended by redesignating subparagraphs (J) through (DD) as subparagraphs (K) through (EE), respectively, and by inserting after subparagraph (I) the following new subparagraph:*

*"(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities).".*

*(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:*

*"Sec. 6045B. Returns relating to actions affecting basis of specified securities.".*

*(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.*

***SEC. 623. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.***

*Section 6698 is amended by adding at the end the following new subsection:*

*"(e) MODIFICATIONS.—In the case of any return required to be filed after the date of the enactment of this subsection—*

*"(1) the dollar amount in effect under subsection (b)(1) shall be increased by $25, and*

*"(2) the limitation on the number of months taken into account under subsection (a) shall not be less than 12 months.".*

***SEC. 624. PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.***

*(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:*

***"SEC. 6699A. FAILURE TO FILE S CORPORATION RETURN.***

*"(a) GENERAL RULE.—In addition to the penalty imposed by section 7203 (relating to willful failure to file return, supply information, or pay tax), if any S corporation required to file a return under section 6037 for any taxable year—*

*"(1) fails to file such return at the time prescribed therefor (determined with regard to any extension of time for filing), or*

*"(2) files a return which fails to show the information required under section 6037,*

*such S corporation shall be liable for a penalty determined under subsection (b) for each month (or fraction thereof) during which such failure continues (but not to exceed 12 months), unless it is shown that such failure is due to reasonable cause.*

*"(b) AMOUNT PER MONTH.—For purposes of subsection (a), the amount determined under this subsection for any month is the product of—*

*"(1) $25, multiplied by*

*"(2) the number of persons who were shareholders in the S corporation during any part of the taxable year.*

*"(c) ASSESSMENT OF PENALTY.—The penalty imposed by subsection (a) shall be assessed against the S corporation.*

*"(d) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).".*

*(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by adding at the end the following new item:*

*"Sec. 6699A. Failure to file S corporation return.".*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.*

***SEC. 625. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.***

*Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "115 percent" and inserting "181 percent".*

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider an amendment in the nature of a substitute if offered by the gentleman from Louisiana (Mr. McCRERY) or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided by the proponent and an opponent.

The gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. McCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and my colleagues, I hope that this could be considered the National Lobbyist Day for the middle class, because, certainly, this is what we are trying to do.

Let's talk about the issues that we agree on. The alternative minimum tax was a bad idea when it got started in 1969; it's a worse idea now. If the House and Senate and President fail these taxpayers that are being held hostage for a tax that everyone knows is unfair and inequitable and should never have existed, then it would not be a Republican or Democratic issue; it would be that this country let them down. In doing so, we would have violated the trust that we hope that people would have in the tax system. At the end of the day we are committed to eliminate this tax.

My good friend Mr. McCRERY and I had agreed early on that the only way you can tackle such a big fiscal problem is through tax reform. So it's clear that we can't do that this year; and so if we do nothing, 23 million hardworking people would be hit with this unfair tax, and we are committed that it's not going to happen. We can talk about that, but I don't think it's necessary.

As far as the extenders are concerned, I really think they speak for themselves. Mr. McCRERY and I wish we had enough time to really study each and every one of them as well as other parts of the Code to see whether or not it serves any economic function, but time is not our friend, and so we agreed that we would extend these expiring provisions and review them when we have more time next year. So that's not an issue.

The issue has to be how do you pay for it. This is where we are going to have some major fiscal and political problems. Why? Because the Congressional Budget Office would say that if we did nothing and this unfair tax was not changed, that we would raise $50 billion. That means that even though they may think and hope that we don't do this, they haven't scored that we have to recognize that $50 billion is not going to be there and we, abiding by what we think is fiscally sound provisions in PAYGO, have to recognize that if we do the right thing, we'll be $50 billion short.

What are our options? One, to cut spending by $50 billion. Well, theoretically it may be an option, but politically it's not.

The second thing we could do is raise the revenue. Very interesting, because the major part of the debate if we had time would be if you saw the most outrageous abuse of the tax system where someone was getting preferential treatment and that the only reaction would be how could that happen, and you wanted to close it, take my word for it, to the person that you are closing, what they call an incentive will be considered by them as a tax increase.

Even Secretary Paulson, who wants us to dramatically reduce the corporate rate of taxes, I can't wait to hear how he intends to pay for it, because I know he is going to be talking about unfair advantages that's in the Code, and some Democrat is going to call it a tax increase if he closes the loopholes.

It's really a semantic thing; it's a political thing. But I suggest to you that even if we were not looking at this as a revenue raiser, and you take a look at what we are using, how could you possibly call it a tax increase when we are trying to bring some degree of equity to the system?

It's simple: when people are doing their job, and, I might add, a very good job, in managing other people's money, in creating jobs, in making the economy more prosperous, and making hundreds of millions and billions of dollars because they have earned it the hard way, creative fiscal management.

☐ 1145

And they pay 35 percent in taxes because it's their income, the same way you sell a house, it's your income. You have a law case and they give it to you, it's your income and you pay 35 percent income.

Now, we would like to believe that capital gains taxes means that you're special people, you actually are investing capital. My God, you're taking risks, and so we're going to give you a lower tax rate of 15 percent. But if you find someone who would say that, well, I'm not taking risk but I'm a partnership, and I really think that the way they're paying me, even though it's the same as the competitors are being paid, I have decided that this has been a return on a capital investment. Why shouldn't all of the debate today be on the turning point? When two people are doing the same thing equally as well, and really, being rewarded in a very generous way, why should one group be treated differently than the other group? And if you want to call it a tax increase and bringing equity and fairness to the system and making the field even as it relates to the Tax Code, let's talk about this, because I'll bring some arguments and statements for the people doing the same job and paying 35 percent interest, and they're just as creative, just as good, and they ain't thinking about leaving the business. And so that ends the argument, except for the ones that I'm anxious to hear from my dear friends on the other side of the aisle, because they're not just saying that they're going to stick with their buddies with carried interest. They're saying that we really don't have to deal with this at all. And once I'm convinced that they're right, I'm going to try to do this at home, and that is, we expected $50 billion. You're going to have to live without the $50 billion, but you don't have to cut your expenses by $50 billion, nor do you have to raise the revenue for $50 billion. As a matter of fact, you don't have to do anything. Act like it never happened.

This is not a tax cut. This is preventing a tax increase, so therefore, the money that you expected, the $50 billion, you shouldn't have.

Now, on our side of the aisle, we spell that B-O-R-R-O-W-I-N-G, "borrowing." I know that word is so distasteful to you, but where I got it from was Chairman Greenspan. He said, I supported the Bush tax cuts, but I wanted them to really cut spending. And what did they do? B-O-R-R-O-W-I-N-G.

Well, you may not like the word, but at the end of the day, every Congressman's going to tell you, if you expected $50 billion, you thought it was unfair to tax people that, you removed the burden, you've got to do one of three things: pay for it, cut spending, or borrow the money. You've decided to find words to make it more comfortable to borrow the money. And I'm anxious to hear that, because if it works for you, I'm going to try to convince my leadership to have it work for us, because pay-as-you-go may be fiscally sound, but I have so many problems with infrastructure, so many problems with health, so many problems with education, that if I can find a way as great as you have, it may work for all of us. But I really don't think that that is going to fly. The American people deserve help.

I reserve the balance of the time as I anxiously await to hear the minority explain why this is not borrowing.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to direct their remarks to the Chair.

Mr. McCRERY. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, my good friend, the distinguished chairman of the Ways and Means Committee, Mr. RANGEL, makes a number of points in support of the PAYGO rule, which forms the basis of the requirement in this bill to raise taxes on one set of taxpayers in order to prevent a tax increase on another set of taxpayers. I just want to talk about why this rule, I believe, has been treated in a way that nobody who ever came up with the idea of PAYGO meant for it to be treated.

If we were to go out on the street, Mr. Speaker, and pull aside an average person on the street and say, we're thinking about instituting in Congress a PAYGO rule. And what that means is, if we cut taxes somewhere, we have to pay for that by increasing taxes somewhere else or decreasing spending somewhere else.

Okay. That sounds reasonable.

Well, it also means that if we increase spending in some program, or if we create a new spending program, we either have to decrease spending somewhere else or raise taxes to pay for that increased spending.

Oh, well, yeah, that sounds reasonable.

But, then if you tell that person, and, oh, by the way, we're going to assume that we have more revenue next year, and that revenue is going to be produced by this set of taxpayers. They're not paying it now, but we're going to assume that next year they will pay it. And in order to relieve them of that assumption that they're going to pay for in taxes, we're going to increase taxes on this group of taxpayers over here. How's that sound?

The average person, Mr. Speaker, I would submit, would say that doesn't make much sense. And it doesn't make much sense. In fact, Mr. Speaker, it puts this House and this Congress in a fiscal straitjacket with respect to tax policy and fiscal policy.

Now, the chairman has said himself, this AMT thing is crazy. It was never meant to apply to middle-class taxpayers. It was a mistake. Well, why don't we just admit the mistake and get rid of it? If it was our mistake, let's correct the mistake by getting rid of it. We never meant to collect this level of revenues that are anticipated in the CBO baseline.

I don't want to talk about the CBO baseline because folks in America don't understand the CBO baseline. But that's the genesis of all this tax raising that the majority is about to undertake here. And we ought to stop it today. This is the first step.

I feel like the little boy in Holland sticking his thumb in the dike. If I'm not here today to stick my thumb in the dike and stop this bill from passing and expose the flaws of this PAYGO system, we're going to have a torrent, a flood of tax increases over the next 10 years.

In fact, the CBO, with the assistance of the Joint Tax Committee, has determined that if this PAYGO rule that governs this bill today stays in place, we're going to increase taxes on the American people over the next 10 years $3.5 trillion.

Mr. Speaker, that is the largest tax increase in either nominal terms or real terms in the history of this country. Now, is that what the Democratic majority wants for this country?

Do they want to take a chance on increasing taxes to that extent on the American people at a time when we have a housing crisis, when the dollar's value is dropping? I hope not.

Today is the day we expose this very flawed and dangerous PAYGO policy by defeating this bill today, Mr. Speaker.

Mr. Speaker, although I cannot support this bill, I strongly support extension of the AMT patch and most of the provisions of current law extended in this bill. Congress should protect the 19 million Americans who are at risk of paying the AMT this year. Congress should also extend individual and business tax incentives important to the Nation's economy.

Unfortunately, at its core, this bill is not about the AMT or extenders. It is about the elevation of form over substance and the decision of the Congress to bind itself to the mast of Paygo, wherever it may lead.

While there may be valid reasons to apply the principles of Paygo to spending changes, we think the calculus is far different in the case of tax policy.

As we amply documented during the Ways and Means mark-up of this bill, the majority's budget assumes that the Federal Government will generate revenue from allowing the AMT to continue to plague taxpayers and from allowing the 2001 and 2003 tax cuts to sunset. These budget assumptions will have the effect of raising taxes on the Americans people by $3.5 trillion over the next decade. Paygo forces Congress to decide whether to let those tax increases take place or replace them with other tax hikes.

It is true that under the current iteration of Paygo, tax cuts could be "paid for" by spending cuts, but we have seen no appetite of the current majority for such as sensible approach. For bills both small and large, the Ways and Means Committee has become an ATM for other committees, spitting out tax increases of whatever shape or size is deemed necessary to meet the new majority's appetite for additional spending. Indeed, this House has already passed over $100 billion in tax increases this year alone.

What Paygo has become, as embodied in this bill, is far more breathtaking. Here, it is being invoked as a reason for Congress to raise taxes in order to prevent a tax increase.

Let me say that again, the majority has created a rule under which Congress must raise taxes in order to prevent a tax increase. Let me give an example utilizing the context of this bill.

If Congress does not enact this legislation, Americans will pay about $70 billion more in taxes next year. If we pass this bill, Americans will pay about $70 billion more in taxes next year. What's wrong with this picture? Either way it's a tax increase.

And let us keep in mind that this bill imposes mostly permanent tax increases to pay for temporary tax cuts. Even if this bill passes, we will be back here again next year struggling to find another $70-plus billion in tax increases to "rent" one more year of expiring provisions.

Unfortunately, this is just a baby step. Under the next President, we seem likely to face large tax increases in order to "prevent" a tax increase on families with children, tax increases on marriage, marginal tax rate increases, or tax increases on estates. And that's before we are asked to enact other tax increases to pay for new tax incentives or new spending programs.

Raising taxes to prevent a tax increase shows the danger of turning a bumper sticker into a budget rule.

According to estimates the Congressional Budget Office and the Joint Tax Committee, Federal revenues in fiscal year 2007 totaled about 18.6 percent of our economy, well above the historical average of 18.2 percent.

The Joint Tax Committee estimates that over the next decade if we continue to operate in this Paygo straitjacket, revenues will reach 20.1 percent of GDP in 2017, a level seen only once since 1962. Think about it—this bill is the first step in endorsing what will be, in both nominal and real terms, the largest tax increase in the history of the United States.

We may well pass this bill today, but what happens next is anyone's guess. The Senate has given us strong and repeated signals that they intend to reject offsets to pay for an AMT patch and the administration has issued a veto threat. This all suggests we will spend more days debating this issue, even as the continued delay threatens to make the coming tax filing season chaotic.

As the Secretary of the Treasury warned us last month, "enactment of a patch in mid-to-late December could delay issuance of approximately $75 billion in refunds to some 50 million taxpayers who are likely to file their returns before March 31, 2008." That would be on top of the confusion it will cause taxpayers and the added costs the Federal Government will pay to print new forms and provide assistance to perplexed taxpayers.

Simply put, we should stop this charade and recognize that we need to promptly pass a patch and extenders package that the Senate can pass and that the President can sign. If we fail to do so today, the cost of delay and inaction on the AMT patch will continue to mount.

I urge defeat of the bill so that the Ways and Means Committee can promptly put together a package that has a chance of making it to the President.

I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, at this time I ask unanimous consent that I be allowed to yield the balance of my time to the chairman of the committee that has really drafted most of this legislation, Congressman NEAL of Massachusetts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts will control the remainder of the time.

Mr. NEAL of Massachusetts. Mr. Speaker, one of the things I'm going to do today after listening to my friend, Mr. MCCRERY, is to go back to my office and call Citigroup, that holds my mortgage, and I'm going to apply that logic when I tell them that I'm no longer going to bother paying the principal, because I just want to forget about the bill; that the bill is just gone. And I expect them to say to me, we're going to use the logic that Congress uses when it comes to paying the Nation's bills.

I'm in full support of this legislation, and I think we need to stand up to theology today and address it with fact. Without the extension of these important tax provisions, there's going to be a real impact back home. Ninety-four thousand Massachusetts teachers who took the deduction for out-of-pocket classroom supplies totaling $23 million in expenditures, they're going to lose that deduction.

Without this bill, 121,000 Massachusetts families who took the tuition deduction for higher education costs, totaling $317 million in expenditures, they're going to lose their incentive for higher learning.

If we don't pass this bill, 1,000 businesses in Massachusetts that took the research and development tax credit totaling $10 million, they're going to lose this credit.

We have to pass that bill so that 192 low-income military families in Massachusetts who claimed the earned income tax credit while in the combat zone, totaling $2 million in earnings, are going to keep that credit.

And further, Massachusetts school districts which receive $6.5 million in bond authority for school construction, they're going to lose their assistance without this bill.

And let me speak briefly to the issue of AMT. For a decade and more, I've been at this issue. The Republicans have said to me time and again, you're absolutely right in what you're trying to do. We're quibbling over the solution today. But there's a reality, and the reality is that if we don't do this, 125,684 taxpayers subject to AMT in Massachusetts will increase to, listen to this number, 770,336 people for the 2007 tax year. This means in my district alone 7,000 families to 67,612 will begin to pay AMT if we don't undertake this action today. And half of those 60,000 paying AMT this year will earn between 100 and $200,000. And another third will earn between 75 and $100,000.

This legislation is middle-class tax relief. These are the people that need our help.

I reserve the balance of my time.

Mr. MCCRERY. Mr. Speaker, I yield 2½ minutes to the distinguished minority whip, Mr. BLUNT of Missouri.

Mr. BLUNT. I thank the gentleman for yielding, I thank you, Mr. Speaker, for the time, and I thank the gentleman for the comments that he's already made.

I certainly agree with the chairman of the committee that in 1969, certainly a long time before I came to Congress, and there are a few Members here who were here then. I think the chairman was here. He said this was a bad idea. It was a bad idea in 1969. It was a bad idea in 1993 when the alternative minimum tax was made worse. It was a really bad decision in 1999 when the Congress voted to eliminate the alternative minimum tax and a Presidential veto prevented that from happening. This is an unfair tax. Everything that's been said about this tax today by both sides I believe is accurate.

□ 1200

Now 23 million more taxpayers are on the edge of this unfair tax and we are figuring out how to tax more people to somehow equal out this unfairness. I think it's clear that a significant majority of this Congress knew last year that we wouldn't have wanted this to happen. But for some reason we still apparently wanted to commit to spend the money that would occur if it did happen.

So we are taking money we don't have today, this $50 billion or $70 billion, I think I am hearing two different numbers here, money we don't have today and assuming that we have got to replace it tomorrow to have not stepped backwards. This is money we did not collect this year. But we are saying we have to have this. This is what I see as a real twisted application of the PAYGO rule.

We are now spending also time we don't have on this issue because our friends on the other side of the building have said they're not going to let the major tax increase here be part of a final solution. So once again we are spending a day we don't have when we could be spending a day doing things like passing the military construction, military families, veterans bill that somehow got lost this week. It got pulled out of a bill by the Senate. We went ahead and passed the Labor-Health and Human Services bill and went to conference on two other appropriations bills, but we chose not to go to conference on the one that would help veterans and help military families and pass that bill today. Instead, we're passing a bill today and I guarantee you we will be back on this floor with a different solution that the Senate and the President will accept and doing this work at a time when this work matters.

I urge my colleagues to vote against this bill. Let's get on with the work of not letting these 23 million new taxpayers be affected, but let's get this done rather than make another effort to just give a speech about how we can raise more taxes.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 15 seconds to the chairman of the Ways and Means Committee, Mr. RANGEL.

Mr. RANGEL. Mr. Speaker, I just hope that the minority leader recognizes that we in the House have a constitutional responsibility to either raise the revenue, notwithstanding what the other body may or may not do, and that should never inhibit us from doing what we consider is the right thing to do, because constitutionally we are right.

Mr. NEAL of Massachusetts. Mr. Speaker, at this time I would like to yield 1½ minutes to the gentleman from California (Mr. STARK).

Mr. STARK. I thank the distinguished chairman of the Revenue Subcommittee for yielding.

Mr. Speaker, I would like to speak just to a couple of things, a couple of errors. First of all, I heard from the other side that today was a getaway day. Now, I think of a getaway day as a day to get home to see our constituents. Not, when you say "getaway," how much unfairness in the Tax Code can you get away with? That's not what today's about.

I commend the chairman for putting forth legislation that will prevent millions of Americans from paying higher taxes. I want to talk specifically about one small part and that's carried interest. Half of the $50 billion that we are raising is coming from people who should not be getting away with a tax loophole. That's not raising taxes. That's just taking these people who are collecting carried interest deductions or switching to capital gains. It's a scam. They should be paying their fair share of taxes like all Americans.

If you look at all of these "left-wing loonies," George Mankiw at Harvard, who was President Bush's chairman of Council of Economic Advisers; Mr. Buffett, the Blackstone Group; Michael Graetz, all of them say it's wrong to let carried interest be taxed at the capital gains rate so that the capital gains of $650 million is the average annual income of the top 20. That's 5.5 million bucks a month. Why should they only pay 15 percent? And the answer is they shouldn't. They should pay 35 percent, and this bill will get us a long way towards fairness.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), member of the Ways and Means Committee.

Mr. HERGER. Mr. Speaker, Congress needs to keep the alternative minimum tax from reaching out and ensnaring an additional 19 million new taxpayers, saddling them with an additional $2,000 tax bill.

I have long voted to limit the reach of the AMT. In my Northern California congressional district, 54,000 people will pay the AMT in 2007 if Congress fails to act. But today's bill is in the wrong direction. Tragically, this legislation institutes permanent tax increases to pay for extending temporary tax relief.

The AMT was originally intended to reach 155 of our country's wealthiest Americans who were not paying taxes and compel them to pay at least some level of taxes, but that original intent never included dipping down into the middle class. The AMT now collects taxes it was never intended to collect. It would be absurd to "pay for" extending this temporary fix for another year.

Even worse, today's bill sends a clear signal to American families and individuals that the Democrats plan to allow the tax relief of the last 6 years disappear, raising taxes by trillions of dollars on millions of taxpayers. This includes marriage penalty relief, the higher child tax credit, and lower rates on investment income.

The House should reject this Democrat pro-tax increase approach to patching the alternative minimum tax.

Mr. NEAL of Massachusetts. Mr. Speaker, at this time I would like to yield 1 minute to the gentleman from Massachusetts, the chairman of the Financial Services Committee, who has done a terrific job in that short tenure (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, everybody wants to deal with the problem of the AMT, but only some of us are prepared to deal with it responsibly and realistically, namely, by an alternative revenue source.

You look at the taxes that are being reduced here and the offsetting taxes that are being raised, and it is the most extraordinary piece of tax fairness I have ever seen.

The one argument is that we can't afford that fairness because if we raise taxes to the normal level that people pay on income on the wealthiest people in the history of the world that they will stop doing what they do. Now, I do not criticize these people. I think they perform a useful economic function. But they are the wealthiest people in the country and in the history of the world on the whole. The notion that they have to pay somewhat more tax up to the level that most of us pay on income, they will somehow go on an economic strike and stop doing these things is badly flawed.

They are not engaging in this activity as a favor to us so that they can quit if we offend them. They are doing it because it's a way for them to make money, as they have a right to do. They'll still be making enough money to keep doing it.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the distinguished ranking member on the Health Subcommittee of the Ways and Means Committee, Mr. CAMP.

Mr. CAMP of Michigan. I thank the distinguished ranking member for yielding.

Mr. Speaker, the so-called Tax Relief Act before us today gives us little to celebrate. In addition to the normal extension of Republican tax cuts, this bill includes an unprecedented amount of Democrat tax increases on the American public. Worse yet, this bill permanently raises taxes to the tune of $70 billion, all to collect taxes the Federal Government was never intended to get.

Let me repeat that point: this bill raises taxes to generate revenues the Federal Government was never intended to get.

The differences between our parties couldn't be clearer than on this bill. Republicans cut taxes while Democrats raise taxes. Facts are facts; and with this bill, the majority is permanently increasing taxes on Americans and setting the stage for the largest tax increase in history.

I support extending tax provisions like the R & D tax credit, the teacher tax deduction for classroom supplies, and incentives for conservation easements. After all, those are bills I have long supported. I also support shielding over 20 million middle-income Americans from the alternative minimum tax, better described as the mandatory minimum tax. But this is simply the wrong way to do it. Fortunately, the Senate knows and the President knows that. This bill will not pass the Senate and the President will not sign it. I hope my friends on both sides of the aisle will realize this bill is a flawed bill and should be rejected.

This is not the time to be raising taxes. Reject this legislation, and let us vote on a bill that really protects taxpayers from higher taxes.

Mr. NEAL of Massachusetts. Mr. Speaker, the Bush administration has been there for 7 years, and they have not proposed once the elimination of the alternative minimum tax. In including next year's budget projections, they include the numbers from the alternative minimum tax for revenue.

Mr. Speaker, at this time I would like to yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding.

Mr. Speaker, I find this debate absolutely incredible. If you pull it up on the Treasury Department's own Web site, the national debt of our Nation this past week went over $9 trillion.

And the bright dividing line between the parties in the debate today is that our friends on the minority side want to drive that debt even deeper and that our friends on the majority side say enough additional debt for our children.

We either find a way to pay for this AMT fix or 23 million people get a tax increase or we pass the debt on to the children. Now, I am glad about the bipartisan agreement that we should do something to stop the 23 million from getting the AMT tax hit. But we cannot just run that credit card balance even higher, just lay this debt onto our kids.

It's time we face the music and we begin paying for the costs that we are incurring. We have got to put this budget in order, and we need to start with this bill.

Mr. McCRERY. Mr. Speaker, I yield 1 minute to the gentleman from Texas, the distinguished ranking member of the Social Security Subcommittee (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to oppose the permanent tax hike to pay for a 1-year extension of current law.

The alternative minimum tax is a taxing machine, put into law 40 years ago by a Democrat Congress to tax 155 of the wealthiest families in America.

The AMT patch before the House today will prevent a tax increase on families who make just over $66,000 a year. These aren't the superwealthy. In fact, in my congressional district, a family of four making $66,000 a year is considered a moderate income. Apparently, the Democrats in the House consider the rest of my constituents superwealthy.

Even this paltry relief will be offset with permanent tax increases. The tax increase on real estate partnerships is among the most destructive taxes that could be devised. At a time when most of us in the Congress are concerned about the real estate market, our colleagues who vote for this bill today are waging an attack on free enterprise.

We must vote "no" on this huge tax increase.

Mr. NEAL of Massachusetts. Mr. Speaker, I ask unanimous consent to enter into the RECORD a colloquy between myself and Mr. WATT.

The SPEAKER pro tempore. Colloquys may not be entered into the RECORD by unanimous consent; they must be spoken.

Mr. NEAL of Massachusetts. Then I will ask the gentleman from North Carolina to remain here and perhaps we can do it face to face.

Mr. Speaker, at this time I would like to yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation.

Our colleague ARTUR DAVIS on the committee, in direct inquiry, in talking and eliciting a response, said the following: 138 million Americans will be filing taxes. Under 50,000, under 50,000 of them, will be filing with carried interest. And you know what? They are going to make, I believe, $936 billion. With this act that we are passing today, we are going to impact 23 million people, many of whom are going to be earning as little as $40,000.

☐ 1215

Now, here's the deal, the people who earned $936 billion, next year, God forbid, they are going to be making $934 billion. Makes you tremble.

Your party has become part of the Save the Schwarzman Seven instead of looking out for the interests of our people.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the Select Revenue Measures Subcommittee, in which some of this bill was developed, Mr. ENGLISH.

Mr. ENGLISH of Pennsylvania. I thank the gentleman.

As chairman of the Zero AMT Caucus, I rise to strongly oppose this wrongheaded measure, which instead of offering a prescription for tax relief or tax reform, which they promised at the beginning of the year, it is a placebo that imposes a permanent tax increase in exchange for the false promise of temporary tax relief.

This legislation, as the other side has said, is all about hostages and brinkmanship. Their budget was built on the quicksand of AMT revenues that assumed the revenue from taxing 23 million people under the AMT. Now we have to raise taxes to protect them. They are using this crisis as a locomotive to drive higher taxes.

But those aren't the only hostages, Mr. Speaker. Other taxpayers are being held hostage to delay. Already, this is the longest Congress has gone into the year without dealing with the AMT's reach ever. The IRS and Treasury have indicated that this delay will, at best, cause massive chaos and confusion in the upcoming filing season, but at worst, it is the likely scenario, since this bill was put forward dead on arrival with the Senate and the House, 50 million taxpayers could find their refunds delayed by many weeks.

But that isn't the only hostage. The extenders are being held hostage. Everyone who utilizes the extender deductions on State and local taxes, the tuition deduction, expenses for school teachers, combat pay under the EITC, mortgage bonds for veterans, companies that use the R&D tax credit or certain charitable contributions, these extenders are going to be delayed if it is tied to this dead-on-arrival bill.

Mr. Speaker, this bill does nothing to deal with what they said was their top priority, which is reforming or getting rid of the AMT. It's bad tax policy. It's a large tax increase no matter how they dress it up. And it's a tax increase coming at a time of economic slowdown. Just say "no."

Mr. NEAL of Massachusetts. Mr. Speaker, I was with the ranking member of the Rules Committee yesterday, and he said that everything was fine, the economy was doing great.

### GENERAL LEAVE

Mr. NEAL of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3996.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. NEAL of Massachusetts. Mr. Speaker, at this time, I would like to recognize the gentleman from Illinois (Mr. EMANUEL) for 1 minute.

Mr. EMANUEL. Mr. Speaker, President Kennedy once said, "to govern is to choose." Both parties are presenting different choices: Republicans, another decade of debt and tax breaks for the well off; Democrats, an end to the red ink and middle-class tax cuts.

The Republican Congress and President Bush ran up $4 trillion of new debt in the shortest period of time in American history. All the while, economic insecurity is at an all-time high for the middle class, incomes are stagnating, and homes are losing their value. Since 2000, the cost of health insurance has risen 80 percent, college costs up 44 percent, prices at the pump up 89 percent.

Democrats promised to bring tax fairness to the Tax Code, and we promised to help every American secure the pillars of a middle-class life, raising a family, buying a home, paying for college, and saving for retirement. Today we have a chance to make good on our promises.

This bill protects 23 million families from the AMT, gives 30 million homeowners the ability to deduct property taxes, helps 12 million children with a larger tax credit, and provides 4.5 million families help to pay for rising college costs, all without adding a penny to President Bush's $9 trillion debt.

The choice is clear and the choice is simple.

Mr. McCRERY. Mr. Speaker, at this time, I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. I thank the gentleman from Louisiana.

Mr. Speaker, I listened very carefully to the chairman of the Ways and Means

Committee, as he opened up, on what we agreed on and maybe what we disagreed on, and I have listened to a number of speakers. First of all, on the Ways and Means Committee members before me, I want to be associated with the observations and comments that they've brought to the floor today.

We opened this year, as the ranking member of the subcommittee, Mr. ENGLISH, mentioned, with hope and optimism that we were going to repeal AMT; not reform it, not push it around, not raise taxes on it, but repeal it. As time ticked on, we had hearings, and hope faded. Hope then got cloudy, then hope wasn't real.

As we're sitting here in November, the Secretary of Treasury has responded to my letter and letters written by Mr. McCRERY and Mr. GRASSLEY, and in that, answering the fact that we have missed some dates, missing one right now on November 6, that the IRS is going to print the 1040 forms, and next week, on November 16, they're going to print all the other forms. Now, I take that a little personal because last year, the 1-year patch, without a tax increase, was passed on an initiative that I introduced and was put into a bill in May, May of last year, without a tax increase. And you know what? This body passed it 414–4; didn't have tax increases, didn't have a lot of gimmicks, just got the job done.

I want to remind my colleagues on the other side of the aisle, you're not just touching 23 million Americans by this delay in the failure and the shortcoming of getting an agreement between the two bodies and the White House; you're making it about 49 million, because the letter also said, from the Secretary, that others are impacted by this needless delay.

Now, I don't mind having a constitutional message about our prerogative in the House to initiate anything we want in Ways and Means relative to taxes, but there comes a time, even for a new majority of the other side, to understand when pragmatism sets in, that we didn't get a permanent fix, we didn't even get a repeal, we didn't even get a 1-year patch, however you wanted it. What we got is, today, a failed approach.

And to the new Members who have never served in this body before on either side of the aisle, you're going to hear "tax gap," "tax fairness," "tax equity." I promise you that results right here in this bill as a tax increase.

Vote "no" on this bill, and let's get the work done before we go home for Thanksgiving.

Mr. NEAL of Massachusetts. Let me quickly decipher what my friend the gentleman from New York said. He said, "Let's borrow the money."

I yield 1 minute to Mrs. TUBBS JONES, the gentlewoman from Ohio, former District Attorney.

Mrs. JONES of Ohio. I thank my chairman for giving me this opportunity to be heard.

You know, my friend from New York, I tried to feel what he was saying to me. And it was emotional and everything, but it did not speak to the issue that we're talking about.

I went to law school, and I wanted to be a civil rights lawyer. I thought that if I was a great civil rights lawyer, I could really help the people of America, the people that live in my community. But I should have been a tax lawyer, because had I been a tax lawyer, then I would have better understood how I could help middle-class families by fixing the AMT. If I had been a tax lawyer, I would have understood how I could help people purchase homes and get a benefit from it. Had I been a tax lawyer, I would have understood how fairness operates in the United States of America through the Tax Code, because by the Tax Code, poor people might have a chance, working people might have a chance.

I say to my colleagues today, vote for this, vote for this bill. It may not be all that we wanted. And if you think about it, if we hadn't spent so many trillions of dollars in Iraq, maybe there would be a pay-for in this legislation.

Mr. Speaker, I am pleased to see that today, the House is taking up tax relief for the 23 million Americans who otherwise would be saddled with the onerous alternative minimum tax. In addition, we are also providing relief for 7.4 million low-income workers by increasing the Earned Income Tax Credit.

Families across America will this weekend sit down at the dinner table take an accounting of their personal finances and balance their checkbook. The Government is charged with balancing the checkbook of the United States. While I enthusiastically support the efforts of private equity and hedge fund managers, I am very aware that service income is just that and should be taxed that way—at ordinary income rates. It is the responsible thing to do because we must not mortgage our future by continuing to borrow from foreign countries such as China.

We are also, Mr. Speaker, enabling more than 6.5 million working families to use the refundable Child Tax Credit. This is allowing more families to remove themselves from the depths of poverty. This legislation is helping Americans help themselves. It is okay to ask people to pull themselves up by their bootstraps, but if they don't have boots, we are asking too much. H.R. 3996, the Temporary Tax Relief Act is sound legislation, progressive tax policy and the right direction for America.

When a member of Congress hails from one of the poorest congressional districts in America as I do, there is a special responsibility to ensure that the interests of constituents are being addressed. That is why I am pleased to see that while we are pursuing a patch for the AMT, we are also increasing the Earned Income Tax Credit for an additional 7.4 million low-income workers.

The alternative minimum tax is an important issue for the American middle class taxpayer who does not get to take advantage of sophisticated tax planning and legal loopholes in the tax code. It is time that we addressed this issue once and for all to relieve the American taxpayer from the agony and pain that arise from having to figure out their taxes twice in order to come up with their tax liability.

It is particularly ironic that a tax that was meant for a few wealthy individuals has become the bane of existence for millions of American taxpayers, who could be affected. Indeed the AMT has become a menace. Over 7,000 hardworking Ohioans in my district had the grim task of filing a return with AMT implications in the 2005 tax year. Those are families with children, healthcare costs, unemployment issues, housing costs and the other money matters with which American taxpayers must cope. Relief is due.

We should consider alternatives to this alternative that might include a complete repeal. Relief is due. "Taxes are what we pay to live in civilized society," but dealing with the AMT has become a bit uncivil.

On the one hand we have people that have to live paycheck-to-paycheck and on the other hand we have partners in partnerships, whether they be real estate or private equity who sippeth from the public trough. I am cognizant that many of these partners work diligently to bring companies to market and to grease the wheels of capitalism from which we all benefit, from East Cleveland to East L.A. to East Harlem. As I mentioned after the introduction of Representative LEVIN's H.R. 2834, we must applaud the efforts of American capitalists and the strides that they make in fostering growth in our economy and, the global economy to wit. Yet we must also tax compensation income as compensation income and capital gains thusly.

We must also be mindful of the effect that our tax policy has on potential reinvestment in low-income and minority communities. It is important to note that women and minorities are often the last to the table and just when they are getting ready to participate in the large-scale "financial festival" that is private equity and hedge funds, etc, the rules appear to be changing. It is incumbent upon members of the aforementioned parties that fair and equitable tax policy should not be confused with the opening up of capital markets and the extension of new opportunity.

The tenets of sound tax policy begin with the notions of equity, efficiency and simplicity. Relying on that traditional framework I am sure that we have come to a rational consensus.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the distinguished member of the Ways and Means Committee, Mr. BRADY from Texas.

Mr. BRADY of Texas. Mr. Speaker, make no mistake, there are good things in this bill.

I think it's important that we address the AMT. It was created in 1969 by a Democrat Congress for the wealthy. Now it's affecting our teachers and our firefighters and just average families.

There is a State and local sales tax deduction in this bill, very important for families because sales taxes really add up fast. But these tax increases are troubling and risky. Like AMT, there are unintended consequences that will damage our economy.

We are launching an assault on the real estate and housing industry, increasing taxes on second homes and leveling a potentially devastating tax increase on real estate partnerships.

Now, these real estate partnerships, there are a lot of them. People say, oh, it's just corporations. There are 1.1 million partnerships who have done nothing wrong in America but build apartments in our communities, shopping centers, office buildings and industrial parks. This tax is seen as the most potentially devastating tax on them since 1986, which launched massive loan defaults and foreclosures. These are traditional real estate partnerships.

And people say, well, we are aiming at Wall Street. Well, they are aiming at Wall Street, but they're going to hit Main Street America, and the result is lower property values, fewer construction jobs, and risky lending in real estate partnerships who have done nothing wrong.

And finally, this bill levies a $2 billion tax increase on families who have scrimped their whole lives to get a second home. These are not wealthy people. The average income is about $82,000 for those who buy a second time. And 40 percent, four out of 10 sales last year were second home buyers, people who scrimped on their first home so they might have a cabin or a place by a lake or something for their family to retire to. These higher taxes are going to damage their investments. They're going to lower property values. It's going to hurt every community across this country that relies upon these second homes. Whether you're at the lakes, the river, or out in the parks, these tax increases are dangerous.

Mr. NEAL of Massachusetts. There shouldn't be any confusion, Mr. Speaker, this bill cuts taxes for tens of millions of people.

At this time, I yield 1 minute to the gentleman from Washington State (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I just want to say what the real issue here is. The Republicans are willing to say that 50,000 rich fat cats are more important than 21 million middle-class folks in this country.

Now, the people they're defending are people who have an adjusted gross income of $1 million, or more, who knows, and those folks are paying a 15 percent tax rate. That means they have to pay $150,000 in taxes. Oh, my God, they have to get by on $850,000. What we're saying is, let's tax them like the fireman who pays 30 percent. Thirty percent of $1 million is $300,000. Those poor people, they'll only have $700,000 to get by on. That's what it's about, folks.

Congress has an opportunity to demonstrate real leadership today by supporting a visionary proposal put forward by Ways and Means Chairman CHARLES RANGEL of New York.

First, we're going to help millions of middle class Americans by passing the tax extenders that are included in this legislation; without them, 23 million Americans would be harmed by a tax provision called AMT that was never intended to affect and hurt the middle class.

As part of the extensions in the bill, I included a provision that will extend the deduction for payment of local sales tax. Yes, people in my State of Washington will benefit, but so will taxpayers in the eight other States where there is no State income tax.

I am pleased that Mr. BRADY joined me in this important matter. It is another sign that we have produced legislation that is bi-partisan.

This is only a 1-year extension, but I think we will have an opportunity to make it permanent when the House begins considering tax reform, and the visionary proposal put forward by Chairman RANGEL.

Fact is, we are restoring fiscal discipline and so even good proposals that rightly benefit people cannot be fully implemented all at once because of the need to find ways to actually pay for what we propose to spend or return. And that may be the most important point of all.

Chairman RANGEL has produced an honest proposal based on dollars and sense.

What's different today, Mr. Speaker, is that this House has decided to pay for this tax relief.

We are going to save middle America from the alternative minimum tax, and do so by closing the big tax loopholes that billionaires have been driving their Hummers through.

On Wednesday, the Department of the Treasury informed the Nation that we are 9 trillion dollars in debt. Last month President Bush signed the fifth debt-limit increase since the beginning of his term.

He talks about being a fiscal conservative but his Republican Congress emptied your wallets and borrowed astronomical sums of money on credit.

As a result of this fiscal mismanagement, the dollar is on the brink of collapse and the Chinese are suggesting they'd prefer to hold debt in Euros instead of the greenback. It's not just the credit markets on Wall Street that are in trouble. Our public credit market is in jeopardy, too.

So what does the Bush Administration and his rubber-stampers in the minority suggest? They want to extend these tax cuts, but borrow the money to pay for them.

That's not the kind of leadership America needs. I urge support of this bill.

Mr. MCCRERY. Mr. Speaker, may I inquire as to the time remaining for each side.

The SPEAKER pro tempore. The gentleman from Louisiana has 11 minutes remaining. The gentleman from Massachusetts has 9½ minutes remaining.

Mr. MCCRERY. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the Budget Committee and a member of the Ways and Means Committee, Mr. RYAN from Wisconsin.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

You know, I want to clear up a couple of facts. The other side has been saying this provides tax relief, reducing taxes for 10 million, millions of people. No, it's not. People's taxes are not going to go down. If this bill passes, 23 million people will not see lower taxes next year. They may not see a tax increase.

This is not about cutting people's taxes. This does not provide tax relief. This prevents tax increases on some and raises taxes on others. So let's be very clear here; what the majority is trying to do and what their new rules do is they say, if you want to bring a bill to the floor to address the alternative minimum tax, you better raise taxes, because that's the only legislation we'll accept.

What the majority is doing is they're saying, by not raising taxes on people, we're giving them a tax cut. Holy cow. That is new logic. We are simply saying, let's not raise taxes. That's it. Period. End of story.

This tax law was never meant to be. It was never designed to tax all of these people. We all agree on this. And so I find it kind of puzzling that we're bringing this bill to the floor, which we know will not pass law. The other body won't even bring it up for a vote, so it just shows how bound and determined the majority is to raise taxes, how bound and determined they are to put on this new glide path of going to taxing our economy, our society, our workers, our families more than we have in the history of our country.

☐ 1230

They are saying, we don't like the alternative minimum tax, but we want those tax revenues. So instead of taxing people this way, we are going to tax people that way and get all this new money into the Federal Government.

Mr. Speaker, the problem in Washington is not revenues; the problem is spending. Both sides could do a better job on spending. I freely admit that. Let's focus on controlling spending and not raise taxes.

Mr. NEAL of Massachusetts. Mr. Speaker, we appreciate that epiphany, that after 6 years of a Republican Congress and a Republican President, they are blaming spending on the Democratic Party.

Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER), a thoughtful member of the Ways and Means Committee.

Mr. BLUMENAUER. Mr. Speaker, my Republican friends are shocked, shocked that a tax that they have ignored for 7 years is suddenly going to come into effect. Mr. NEAL, Mr. RANGEL, and others on our side of the aisle have been claiming this for years. Instead of specious tax cuts for a few, let's deal with the real meaningful problem: they ignored it. The red line that my friend Mr. RYAN had on his chart is the red line that is assumed by the Republican administration to justify their budget.

This proposal is not a tax increase. Over the next 10 years there will be exactly the same amount of money collected by the Federal Government. What is different is that there are three provisions that most Americans would say are modest technical provisions, including adjustments to carried interest rates. In exchange for that we will protect 23 million middle-class families from paying the AMT; provide 30 million homeowners with property tax relief; help 12 million children, by expanding the child tax credit; benefit 11 million families through the State and local tax deduction. That is the difference and that is why you should vote for it.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman's enthusiasm for his point of view doesn't make his point of view correct. In fact, Republicans time and time again protected taxpayers, middle-class taxpayers, from the application of the AMT. That is why there's a patch in place today; that is why last year those 21 million taxpayers didn't pay the AMT. In 1999, I would tell the Speaker to inform the gentleman, the Republican Congress repealed the AMT and, unfortunately, President Clinton vetoed that repeal. So I would take issue with the gentleman's characterization of the Republican Congress's actions with respect to this issue.

At this time, Mr. Speaker, I yield 2 minutes to the distinguished member of the Ways and Means Committee, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I rise in opposition to the Democrats' approach to try and patch the AMT, on several grounds. First of all, I want to associate myself with the remarks of the gentleman from Wisconsin to the application of the Democrats' PAYGO rule because it has turned into "we cannot do anything in this body without raising taxes." Someone has likened this approach to tax hikes on speed dial, and I heartily agree.

But I also rise in opposition because I believe that this particular bill in the context of the larger bill being proposed by the chairman of the Ways and Means Committee is nothing but a job-killer. One of the statements made by my colleague on the other side of the aisle was that somehow this tax hike targets only some of the wealthiest individuals in the world. You know, that is probably what the Congress said back in 1969 when they were passing the AMT: We only want to tax the wealthy.

But when you look at it, this provision, the provision of carried interest impacts not just those famed partnerships in the money centers of this country but it impacts the real estate partnerships, the "mom and pop" investment partnerships across this country that, frankly, fuel seven out of ten jobs across America. Where in the world do we think these small businesses are going to come up with the money to pay these taxes? They are going to come up with the money by not creating new jobs; they are going to come up with the money by not offering health benefits to their employees. Let's face it, money does not come out of thin air.

The next allegation is no one is going to stop investing in this economy, no one is going on economic strike if we raise the price of investment in this country. Well, have you looked at what is going on in our financial markets today? Look at the announcement from China, shifting $1.4 trillion of their reserves out of the U.S. dollar. Have you looked at the fact that people are not investing in housing any more, the subprime mortgage crunch?

Mr. Speaker, I would say it is an understatement to say that this is a job-killer.

Mr. NEAL of Massachusetts. Mr. Speaker, 94,000 teachers in Virginia are going to benefit from this proposal today and 133,000 families are going to take advantage of the college tuition deduction in the State of Virginia.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. PASCRELL), a member of the Ways and Means Committee.

Mr. PASCRELL. Mr. Speaker, I want to associate my words with the gentleman, my good friend from Wisconsin, also. You say "tomato," he says "tomato." You call it tax relief; you call it tax cut. You make the choice. You think that the Bush administration and their congressional allies would be in support of this measure. Instead, Republicans are hysterically crying because this bill asks private equity managers to pay the same rate in taxes as most folks in this room. Why should the richest of all Americans pay only 15 percent in taxes when a doctor or lawyer pays 35 percent? Why should the kings of Wall Street only pay 15 percent on their contingency fees when most teachers and police officers pay 25 and 30 percent?

I have heard repeatedly in this debate that private equity managers are involved in a risky business so they should be rewarded with the lowest tax rates around. But the risk they carry is on other peoples' money, not their own. When you want to talk about risk, how about the firefighter that rushes into a burning building? Are Republican priorities so skewed that they will spend all their time and effort ensuring that financiers pay less in taxes than first responders? No way.

It is another day, and another example of prudent, sound, fiscally responsible legislation from the Democratic majority. Unfortunately, it's also another day of cheap rhetoric and skewed facts from the Republican side of the aisle. Indeed, the debate today says a great deal about the misplaced priorities and values of the other side.

Democrats are bringing to the floor a bill that will prevent the Alternative Minimum Tax from hitting 23 million taxpayers this year while also upholding our commitment to fiscal responsibility by complying with Pay-Go rules. You'd think that the Bush Administration and their congressional allies would be in support of such a measure. But no. Instead, Republicans are hysterically crying because this bill asks private equity managers to pay the same rate in taxes as everyone else.

Why should the richest of all Americans pay only 15 percent in taxes when a doctor or lawyer pays 35 percent? Why should the Kings of Wall Street only pay 15 percent on their contingency fees when most teachers and police officers pay 25 to 30 percent?

I've heard repeatedly in this debate that private equity managers are involved in a risky business, so they should be rewarded with the lowest tax rates around. But the risk they carry is on other people's money—not their own.

And you want to talk about risk? How about the firefighter that rushes into a burning building? Are Republican priorities so skewed that they'll spend all their time and effort ensuring that financiers pay less in taxes than first responders?

This legislation is wise and it is fair. It will give tax relief to 23 million hard working Americans while ensuring fairness in the tax code. And if it wasn't for the campaign contributions from Wall Street this bill would pass unanimously.

Mr. McCRERY. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, this bill is very cleverly entitled the Temporary Tax Relief Act of 2007. But there's no tax relief here; no tax relief at all. All they do is for one year postpone a huge automatic tax increase on some people and they combine that with a $76 billion tax increase on others. So maybe the "temporary" is accurate, the "tax relief" is not. All they are doing is rearranging the deck chairs on the Titanic tax ship. That is what this bill is all about. AMT ought to stand for "automatic major taxation."

When I hear my Democratic friends decry it, they have had opportunity to get rid of this bill in the past, and perhaps there are some freshmen here, if they haven't had an opportunity, I would invite them to cosponsor the Taxpayer Choice Act, which would permanently repeal this huge automatic tax increase.

But, wait, our Democrat friends say, well, you have got to have something that is revenue-neutral. Well, guess what? Fully repealing the AMT is revenue-neutral. It is revenue-neutral to the taxpayer, the one who counts; not revenue-neutral to the Federal Government, but revenue-neutral to the hard-working taxpayer, the teacher, the fireman, the person who's trying to send their kid to college, pay for their mortgage payment. And you take that away. That is wrong. Vote this bill down.

Mr. NEAL of Massachusetts. Mr. Speaker, 284,000 teachers in the State of Texas will benefit from the proposal that is before us today.

Mr. Speaker, I yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY), another member of the Ways and Means Committee.

Ms. BERKLEY. Mr. Speaker, I rise today in support of this bill that provides tax relief to parents and teachers, college students, homeowners and to millions of other middle-income Americans. If this legislation is not passed, more than 128,000 Nevada taxpayers will be slammed by the alternative minimum tax. This includes more than 30,000 people in my district alone.

I believe the alternative minimum tax should be eliminated, but this bill provides a necessary temporary solution to protect over 20 million Americans who will be hit by the AMT in 2007. Nevada residents will benefit from the extension of the deduction for State and local sales taxes contained in this bill. For homeowners, this bill extends the tax deduction for private mortgage insurance, and it provides relief to those who lose the roof over their heads by eliminating the foreclosure tax.

This bill ensures that more hardworking parents will be able to benefit from the child tax credit. But, most important, the tax relief in this bill is fully offset and will not add a single dollar to the national debt.

Mr. MCCRERY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, earlier we heard from the other side of the aisle that President Kennedy once said: "To govern is to choose." Well, so it is, and we have seen how the Democrat majority of this House has decided to choose when it comes to the issue of tax and spend. They always choose tax.

In the very opening comments from the Democrat chairman of the Ways and Means Committee, he said that one of the options they could have considered was cutting spending in the United States Government for once, but they immediately dismissed that, saying that that was simply politically undoable for the Democrat Caucus.

So instead what they do they do? They raise taxes. Their proposal, they say, is to tax the rich. But really what they are saying is try to rob Peter to pay Paul and then go and try to convince Paul that Peter is paying and convince Peter that Paul is paying. But the American taxpayer knows that all of middle-class America will be paying for this tax increase.

This tax increase, a $76 billion tax increase over 10 years, follows a litany of other tax increases. I was on the floor last night and I went through about a dozen Democrat bills which, combined, totaled about $110 billion in tax increases on top of the largest tax increase in their budget. Vote "no" on this.

Mr. NEAL of Massachusetts. Mr. Speaker, 619 businesses in the State of New Jersey will take advantage of the research and development tax credit.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland (Mr. VAN HOLLEN), a member of the Ways and Means Committee.

Mr. VAN HOLLEN. Mr. Speaker, this bill provides tax relief to more than 24 million American families and corrects a huge inequity where many people have been forced to pay taxes on phantom income, income they never earned. Today, we gather to fix two big problems left behind by the Republican Congress under President Bush. One is a huge middle-class tax increase that they left hanging over the heads of the American people, a tsunami, that if we don't act today, will crash down on 124 million American taxpayers.

The Republican Congress under President Bush could have addressed this problem. They chose not to. It just was not a priority for them. They instead spent their time providing tax increases that went to the very wealthiest Americans and left the rest of the country holding the bag of $9 trillion debt, a debt that costs the American taxpayer $3,300 each year to pay the service on that debt, the debt that they ran up.

Mr. Speaker, today we can pass tax relief in a fiscally responsible manner. Let's get it done.

Mr. MCCRERY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Speaker, let's look at what this bill does. It basically leaves the alternative minimum tax the same as it is now. That is not a tax cut. But to "pay" for leaving some taxpayers' taxes alone, they are going to raise other people's taxes. Now, I'm sure that in a moment the gentleman from Massachusetts will give some number of taxpayers in California he says will benefit from this. Those taxpayers will benefit from having their taxes the same as they are now. What the gentleman will not say is the number of taxpayers in California whose taxes will be increased by this bill, and there will be many. So some people's taxes stay the same and others go up.

Mr. Speaker, this bill is a straight-up, direct, unadulterated tax increase. It will not be the last straight-up tax increase brought to you by this Congress.

Mr. NEAL of Massachusetts. Once again, what the gentleman said is we should borrow the money.

Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. DAVIS), a distinguished member of the Ways and Means Committee.

Mr. DAVIS of Alabama. Mr. Speaker, my colleague from California and my friend from Texas are right, this bill is not burden-free. This is who bears the burden: 36,000 to 50,000 individuals who took a deduction for carried interest, less than two-hundredths of a percent of the taxpaying population, and what was their combined income in the last year? Mr. Speaker, it was $935 billion. That is who will bear the burden.

When Mr. VAN HOLLEN and I came to the Congress, here's who bore the burden every time they brought tax bills to the floor: college students who were pushed into paying higher loans, families on Medicaid who were pushed into paying higher premiums, people who were pushed into having their benefits taken away when they need them, and soldiers who lost the earned income tax credit for some of their families.

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Under this majority, the people who bear the burden when we have to make difficult choices will not be the people who are working and sustaining this country day in and day out. Yes, someone will bear the burden; a very, small narrow category of the super-rich.

Mr. MCCRERY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. I thank the gentleman for yielding. It is great, because in other countries, sometimes opposition candidates get put under house arrest. Here in this great institution we have the debate in plain view. And as has been mentioned repeatedly, there is just a clear distinction on how to solve this problem.

Personally, I think I speak for many, the AMT is a problem, and it is a problem for 52,000 people living in Staten Island and Brooklyn, many of whom, by the way, are small business owners, are those firemen and police officers and teachers who are working sometimes two, three and four jobs to put food on the table. We should abolish it. Abolish it once and for all, as has been suggested.

Put simply, this is a wolf in sheep's clothing. We know what it will do. This is the first installment on what will be the largest tax increase in American history. My concern is more than just being an American citizen here. My equal concern is what will it do to New York's economy.

People talk about how we are going to pay for firefighters and police officers. We know that this bill will punish investment, punish capital, kill jobs that in large part go to fund the salaries of those firefighters and police officers and teachers who do a great job every day. It is a clear distinction, a clear disagreement on where we are going. Kill this bill.

Mr. NEAL of Massachusetts. Mr. Speaker, there are 1,462 businesses in the State of New York who will take advantage of the research and development tax credit that we extend today.

Mr. Speaker, with that, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, this debate must be somewhat confusing for the American public. First of all, almost every one of us stands and says that we want the alternative minimum tax fixed. We want it fixed because of the presumption of the alternative minimum tax, which I support and which I will not vote to repeal unless we pay for it. I want you to know that I speak as the father of three daughters, as the grandfather of three grandchildren, and as the great-grandfather of one great-granddaughter. I have listened to this debate. I am going to speak about this debate, and I am going to refer to history. My friend Mr. RYAN knows what I am going to say because I have said it before, but I believe the American people need to know this.

Let me place it in context. I have served in this body for 26 years. During that time, Republican Presidents have served for 18 of those years. A Democratic President, President Clinton, served for 8 of those years. During the Presidencies of President Reagan, President George Bush and the present President Bush, we have accumulated deficits in America of $4.1 trillion of deficit spending.

Now, there is only one person in America who can stop spending in its tracks. Just one. Not me, not anybody on this floor. We need 217 other people to do that with us. But one person can stop spending in its tracks. And in the 26 years that I have been in the Congress of the United States, no President has had a veto of a spending bill that spent too much overridden. Not one.

This President has vetoed no spending bills under Republican Congresses. Not one. No matter how much they spent. And, by the way, ladies and gentlemen of this House, they spent at twice the rate of growth that the Democrats under President Clinton spent.

Now, Republicans were in charge of Congress, but they were in charge of everything during the first 6 years of this century. Everything. House, Senate, Presidency.

My friend made the observation that neither side had done too well. I would suggest my side has done a lot better. Because under my side in those 8 years of the Clinton administration, we had a $62.9 billion net surplus after 8 years, and we didn't have to raise the national debt one time in the last 4 years after we got the deficits created under the Reagan administration and the first Bush administration down, from a $292 billion operating deficit when we took over to surpluses during the last 4 years, and a straight line of reduction every one of the first 4 years of the Clinton administration.

Why? Because we Democrats believe in spend and pay. You simply believe in spend and borrow. You believe that it is a politically wise policy to pursue that "don't tax the voters, tax the children." Tax the children. Delay the ramifications of spending until tomorrow and tomorrow and tomorrow, when the children will have to pay the bill, because, after all, they are not voting.

I have heard a lot of wringing of hands about PAYGO. I know you are all waiting to hear me read a quote, so I will read it to you. "With the other body unable to pass even a budget this year," that was referring to a Republican Senate, by the way, "we were obviously unable to reach an agreement on legislation to extend PAYGO and other budget rules. It is my hope that this can be done next year as part of a normal budget process. I would close by reminding our colleagues and Members that the PAYGO rule contributed to taming of deficits over the past seven years, and it is my hope that a successor to PAYGO can be developed and coupled with caps on discretionary appropriations." That quote, of course, comes from Jim Nussle.

As a matter of fact, President Bush's administration also said that they were for PAYGO, until they found out that PAYGO applied to cutting revenues. And because they didn't want to stop buying, I say to my friends on the Republican side of the aisle, and you knew that you would be constrained in buying if PAYGO applied to your tax cuts, which I supported for the middle-class but not for the skewing of taxes that I saw in your proposals, that you would have to stop spending, because you couldn't pay for it. So you jettisoned PAYGO, a premise that was overwhelmingly adopted by Republicans and I voted for in the 1997 Budget Act, because I believe in balancing our budget.

I have served in legislative bodies for almost 40 years, and I have found people who like to vote for spending but don't like to vote for paying. It takes no courage whatsoever, I tell my friends, to take my credit card out of my pocket and put it in there, sign the little slip and think I will never have to pay for it, because, by the way, I will be dead and gone by then and my children will have to pay the debt. That has been referred to by Mr. Portman as an immoral policy, Rob Portman, the former Director of the OMB, a former member of the Ways and Means Committee.

Mr. Speaker, I rise in very, very strong support in favor of this tax cut for millions of Americans. Will there be an offset? There will be. And, as I said, I will not vote to fix the AMT unless we pay for it. Because if we fix the AMT without paying for it, what we will say to people like STENY HOYER and every Member of this House, maybe we have a conflict of interest, because every Member of this House is going to be affected by this if we don't repeal the AMT, for those of us at this income level.

So maybe we have a conflict of interest. Maybe we want to save ourselves a little money, but we don't want to pay for it, because raising revenues takes political courage. There is no courage whatsoever in plunging our country into debt, spending and not paying. It is, as Rob Portman said, an immoral policy, lacking in courage and lacking in fiscal responsibility.

My friends, we need to pass this bill and give millions of Americans a tax cut and ensure that millions of Americans will not get a tax increase. PAYGO is a policy that demands responsibility.

Many of you voted for the bankruptcy bill, as I did. I was criticized by some because we thought that individuals ought to exercise fiscal responsibility in the managing of their finances. I think corporately as a government we ought to do the same.

Mr. Speaker, let no one be mistaken. This is precisely what this legislation offered by Chairman RANGEL was designed to do, give a tax cut to millions of Americans and preclude millions of Americans from paying more, and asking other Americans to pay their fair share so those at the bottom of the rung don't have to pay more to defend our country, to educate our children, to keep our families healthy.

Mr. Speaker, this tax cut will provide 30 million homeowners with property tax relief. It will help 12 million children by expanding the child tax credit. It will help 4.5 million families better afford college with tuition deductions. It will save 3.4 million teachers money with deductions for classroom expenses.

My wife was a teacher. She died 10½ years ago. She was one of the best people that I have ever met in my life, if not the best. Every year, we would spend a couple of hundred dollars, and we could afford it, maybe even a little more than that, to make sure that her kids in her classroom had things that they needed but were not provided. We are going to give teachers a tax cut to do that. Our children will be served and our teachers will be served.

In short, this bill will extend tax credits and deductions that will benefit a wide array of Americans and the American economy. And, yes, this legislation helps to restore tax fairness and once again demonstrates that this Democratic majority is committed to fiscal responsibility.

Let me restate that figure: 18 years of Republican Presidents, $4.1 trillion of deficit spending. Under Bill Clinton, 8 years, $62.9 billion net surplus. No indebtedness. No indebtedness in the last 4 years.

We are now over $9 trillion in debt. This administration has gone from $5.7 trillion to over $9 trillion. Republicans were in control of everything, and spending escalated at twice the rate it did when Bill Clinton was President.

My friends, this bill is a fair bill. This bill is responsible. This bill gives tax cuts to millions of Americans and asks some few Americans to pay their fair share. Vote for this bill. It is good for America, it is good for our people, it is the right, and as Rob Portman said, the moral thing to do.

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Mr. McCRERY. Mr. Speaker, I yield myself 1 minute.

There has been a lot said here on the floor today and a lot of it is one person or one party's spin on the facts or on history. The distinguished majority leader put his spin on history. I would just like to point out to the House that for the last 6 years of the Clinton administration, which was bragged about so by the majority leader, there was a Republican-controlled Congress. Under the Constitution, the Congress controls the purse strings of the country and develops fiscal policy. And under our fiscal policy, we balanced the budget and created a surplus.

Then when President Bush came into office, he inherited a recession, a short-lived recession, admittedly, but still a recession. And then we had 9/11 which was a shock to the economy and then we had war. Every time in this Nation's history that we have had either a recession or a war, we have had a deficit. This time is no different. But, under our policies, we are producing this year 18.6 percent of GDP for Federal revenues and that is above the historic average. Why do we need more, Mr. Speaker? This bill would add to that. We don't need to.

Mr. NEAL of Massachusetts. Mr. Speaker, we are not surprised that the Wall Street Journal reported 3 weeks ago that the American people, with a two-thirds majority, give Bill Clinton high marks for his Presidency.

With that, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I stand in strong support of this most important piece of legislation. This is the most important piece of legislation to stimulate our economy in this entire session.

What we have before us in this House today is a choice: Will you stand with the few, as my friends on the right are doing? Will you stand with the few multibillionaires who are not paying their fair share while the rest of America is paying a 35 percent rate on their income? Will you stand over there on that side with multibillionaires who are paying just 15 percent? Will you stand with 30 million American families who will get property tax relief? Or will you stand with those who have not, who are hiding behind capital gains, when they know very well that they are not putting capital in. That's why we have capital gains at 15 percent. But these fund managers are not. They are being compensated for ordinary income. Why should they be different than the housewife and the fireman?

Make the right choice today. Stand with America and let's vote for this bill.

Mr. McCRERY. Mr. Speaker, to close the debate for our side, I recognize for the remaining time the gentleman from Ohio (Mr. BOEHNER), the distinguished minority leader.

Mr. BOEHNER. Let me thank my colleague from Louisiana for yielding.

Let me say with all the gratitude I have, I love the chairman of the Ways and Means Committee. He knows I do. I think he and the gentleman from Louisiana, the ranking Republican on the committee, do a marvelous job together. But as much as I love our chairman, there is one thing about his chairmanship that we have a big disagreement over, and that is the issue of raising taxes.

So far this year we have had $100 billion of new tax increases that have been passed by this House. Thankfully, none of them have become law. And, hopefully, none of them will become law. This is $81 billion in another tax increase. This is a warmup for the $3.5 trillion tax increase that is coming that was introduced this last week. And so, Mr. RANGEL, as much as I love you and think the world of you, when it comes to the issue of taxes, I am opposed.

I came to Washington because I thought government was too big, it spent too much, and took too much out of the pockets of the American people. So I don't vote for tax increases. I think it is wrong. If you look at what has happened in our economy over the last 4 years, think about this: we cut tax rates in 2001, we cut tax rates in 2003. And what has happened in the last 4 years, Federal revenues, total revenues to the Federal Government have increased at over 10 percent per year in each of the last 4 years. As a matter of fact, it is over 11 percent in each of the last 4 years. This year we expect Federal revenues to rise another 7 or 8 percent.

So anybody who believes that we have a revenue problem I think is mistaken. We have a spending problem, and we will not stand up and take on the spending challenges that we have. We all know we have to step up and do it, we just can't quite find the courage to get it done.

What is even more irritating about the bill that is on the floor today is that it is a temporary tax patch to prevent a tax increase from going into effect for 1 year, paid for by a permanent tax increase. I am sure that the chairman of the committee would rather not do it this way, but that's what this bill does. All we are doing again is putting a permanent tax increase into law.

Now this law and this bill that we are debating is never going to become law. It is never going to become law because the Senate has made it pretty clear they are not going to do this bill this way. They are not going to have this tax increase in this bill. The White House has made it clear that they are not going to sign a bill that raises taxes.

So here we are playing political games once again and running out the clock. Running out the clock on whom? Running out the clock on the IRS and running out the clock on those 50 million Americans who are going to get a refund next year because, as we all know, this bill will probably not be done until Christmas. And the confusion that is going to reign next January, February, and March as people are trying to fill out their taxes, not knowing whether the alternative minimum tax is going to apply to them, is going to be confusion enough.

And it gets worse because what is going to happen is that the refunds that Americans, 50 million of them, are going to expect, are going to show up 2 or 3 months later than what they expect. And at a time when our economy is slowing and people are trying to hold onto their homes, a delay in their refund is going to put a real crimp on American families.

Now why are we having this big disagreement? This whole issue of PAYGO, how is it that we are going to extend the current tax rates, the current tax system for another year, and yet we have to have an $81 billion tax increase to pay for it?

The tax system we have today is going to be the same tax system we have next year, and yet we have to find some way under these crazy rules to pay for it.

Now, this is nothing more than a tax increase. For those who believe bigger government and higher taxes and believe government is the answer to virtually everything, I can understand why you want to raise taxes. But I don't believe the American people want their taxes increased.

At the end of the day what I am really confused about is if the Senate is not going to have this tax increase, and the White House is not going to sign it and it is not going to become law, why do you want to take your Members and walk them out on this plank only so it can be sawed off behind them? I wouldn't do that to my Members; I would hope you wouldn't do it to your Members.

American middle-class families are already under the gun. They are paying higher energy costs and higher health care costs, higher gasoline prices at a time when their incomes are not rising. The last thing they need is another tax increase from Washington, DC.

I would hope my colleagues would join me in voting "no" on this bill, making it clear to the American people that we understand the pain that they are dealing with and we should be here to help them, not to hurt them with higher taxes.

Mr. NEAL of Massachusetts. Mr. Speaker, we hold the same regard for the distinguished minority leader on this side that they hold for Chairman RANGEL, as well. But the difference is essentially this: the Republican Party once again proposes to borrow the money to pay for tax relief. We intend to pay for tax relief.

With that, it is an honor for me to recognize the gentlewoman from California, the distinguished Speaker of the House, Ms. PELOSI, for the balance of my time.

Ms. PELOSI. I thank the gentleman for his leadership on the Ways and Means Committee. I commend the distinguished chairman of the Ways and Means Committee, and respect the leadership also of the distinguished ranking member of that committee.

Thank you, Mr. RANGEL, for your leadership in bringing this important legislation to the floor. It enables us as Members of Congress to plant a flag for fiscal responsibility, to plant a flag for the middle class in our country, and to plant a flag for competitiveness, to keep America number one.

Mr. Speaker, this legislation is important because it provides long overdue middle-class tax relief, preventing a tax increase that will fall upon the middle class come this next year. The bill is about tax fairness; it is about fiscal responsibility; and, again, it is about keeping America competitive.

When we talk about fiscal responsibility, unfortunately, it always seems necessary, after listening to my Republican colleagues, to set the record straight.

The Democratic Party is the party of fiscal responsibility. When President Clinton was President, his four final budgets were in surplus. He left office with our budget on a trajectory of $5.6 trillion in surplus. Sadly, the Bush administration reversed that taking us to over $3 trillion in deficit, a swing. Now we are at a swing of about $10 trillion, a swing that is greater than anyone has ever seen in history in terms of fiscal irresponsibility.

And what did the Congressional Budget Office under the Republican leadership say was the leading cause for that? Tax cuts for the wealthy. Don't blame it on the war; don't blame it on anything other than what it really was: tax cuts for the wealthy.

And so today we see a change. Tax cuts for the wealthy under the Bush administration and a Republican Congress paid for by the middle class. Today we reverse that: tax cuts for the middle class, paid for by the wealthiest people in our country.

And as we give this tax break, who is getting it? Think of it, 23 million middle-class families are protected from higher taxes due to the alternative minimum tax. Thirty million homeowners will receive property tax relief. Twelve million children will benefit from the expanded child tax credit, and 4.5 million families will get help affording college education. This is in addition to our earlier investment of the largest expansion of college affordability since the GI Bill in 1944. Thousands of our men and women in uniform will receive tax relief under the earned income tax credit. They were prohibited from qualifying for that because our Republican colleagues would not disregard combat pay in that consideration.

So fiscal responsibility, tax cuts for the middle class, and competitiveness for our country. This weekend as we go into observing Veterans Day, we all know the great debt of gratitude we owe our veterans for their service to our country, their sacrifice, their patriotism and the sacrifices they and their families are willing to make.

What veterans have done over the generations is to protect our democracy. Essential to the success of a democracy, though, is a thriving middle class, in our country and in countries throughout the world, a thriving middle class. And this legislation is in furtherance of supporting that middle class and therefore supporting our democracy.

In keeping with our pay-as-you-go rules with no new deficit spending, this legislation will ensure that our children will not inherit a legacy of debt. In terms of competitiveness, this legislation extends the R&D tax credit and new markets tax credits, among other things; but I mention those 2 because they are directly related to our Innovation Agenda, our commitment to competitiveness to keep America number one.

So, again: Fiscal responsibility, favoring the middle class, keeping America competitive and number one. Democrats are committed to putting middle-class families first. The choice is simple: Tax relief for millions of middle-class families or protecting tax loopholes, the Wall Street loophole, that allows a privileged few to pay a lower rate than America's teachers, firefighters, nurses, doctors, police, and our men and women in uniform fighting in Iraq and Afghanistan. It is about the people who are the backbone of America.

The choice is a simple one. Today we Democrats say join us in voting in favor of America's middle class.

I urge the passage of this legislation and again commend the distinguished chairman and distinguished Chair of the subcommittee, Mr. NEAL, for their leadership.

I am proud of the courage that my colleagues have shown to protect our middle class and to do so in a fiscally sound way and in a way that, again, keeps America competitive, honoring the service of our men and women in uniform, to build a future worthy of their sacrifice.

Mr. LANGEVIN. Mr. Speaker, I rise today to voice my strong support for the Temporary Tax Relief Act, H.R. 3996. This comprehensive legislation will provide fiscally responsible tax relief for hard-working, middle-class Americans, help stimulate our Nation's small businesses and provide financial support to public servants nationwide.

The Temporary Tax Relief Act represents a new direction in tax policy that will offer assistance to thousands of Rhode Island middle-class families. I am particularly pleased that this legislation includes a 1-year patch to keep millions of hard-working, middle-class Americans outside the ever-widening net of the alternative minimum tax, AMT. Congress first enacted the AMT in 1969 to ensure that 155 wealthy taxpayers paid their fair share of the Federal income tax, but because they neglected to index the tax for inflation, it has since become outdated and unfair. If left unfixed, this year over 23 million Americans—and 75,000 Rhode Islanders—will be forced to pay nearly $2,000 in additional taxes.

The bill before us will also expand the refundable child tax credit by reducing the minimum income eligibility level from $11,000 to $8,500, thereby allowing more Rhode Island families to take advantage of this important credit. In addition, this legislation will help stem the rising cost of higher education by extending the above-the-line tax deduction for qualified education expenses up to $4,000. H.R. 3996 also provides much-needed tax relief to homeowners who do not itemize their deductions by permitting married couples to deduct up to $500, and single taxpayers to deduct up to $250, in property taxes, in addition to their standard deductions.

It's not just middle-class taxpayers who will reap the benefits of this bill. The Temporary Tax Relief Act contains a number of provisions that will help stimulate our Nation's small businesses, including a 1-year extension of the Research and Development, R&D, tax credit, which will keep American companies competitive and spur businesses to invest in the future and create jobs. Also included is a provision that will grant small businesses a tax incentive for committing to invest in local community development.

Finally, H.R. 3996 directs well-deserved financial assistance to our Nation's public servants. Under this legislation, more than 3 million teachers will be able to deduct out-of-pocket expenses, including books and other school supplies, for their classrooms.

I am also proud to support a provision to provide tax relief for thousands of American troops in combat under the Earned Income Tax Credit.

Perhaps most importantly, this measure is fully paid for and will not add a penny to our national debt. We made a commitment to the

American people to abide by pay-as-you-go rules so that our children and grandchildren will not bear the cost of the decisions we make. Today we reaffirm our commitment to fiscal responsibility, while maintaining our promise to helping middle-class families and small businesses nationwide. I would like to thank Chairman RANGEL for his leadership in crafting a balanced, responsible and urgently needed bill, and I urge my colleagues to join me in supporting this important legislation.

Mr. CONYERS. Mr. Speaker, the middle class is the economic backbone of America. But they are increasingly under pressure due to rising costs in housing, healthcare, and education. To make matters worse, the Alternative Minimum Tax, AMT, will reach a significant percentage of them this coming fiscal year. The Congress needs to act. Today, we will vote on H.R. 3996, the Temporary Tax Relief Act of 2007, which would ensure that no additional taxpayers pay the AMT this year while also extending popular tax credits and deductions that expire at the end of the year.

The Congress created the AMT in 1969 to ensure that the wealthiest were not finding loopholes in the tax code and thus avoiding paying any taxes at all. However, because the AMT was not adjusted for inflation and the tax itself has significantly grown in recent years, it will affect a large percentage of the middle class. Unless the bill is enacted, 23 million middle income Americans, who were never intended to be subjected to this tax, will be taxed at a higher rate than before.

I am pleased to support my friend, Representative CHARLES RANGEL, who wrote this revenue neutral bill. H.R. 3996 will extend and expand many popular tax credits and deductions such as the mortgage insurance deduction, the child tax credit, small business investment write-offs, a deduction for teachers who use their own money to buy classroom materials, and the additional property tax deduction, which will benefit at least 30 million Americans. Furthermore, it will exclude phantom income deduction from discharged home mortgages, and will also prevent the Internal Revenue Service from entering into private debt collection contracts.

Of course, any large tax reform necessarily entails some hard choices. Recent economic growth has been enjoyed disproportionately by the top one percent of Americans, who also continue to benefit from loopholes in the tax code. This bill will take a step towards ensuring that the wealthy pay their fair share by increasing taxes on private equity managers, who actually pay lower taxes on carried interest, and on multinational corporations who offshore their businesses for the express purpose of tax avoidance.

It is simply unfair for 23 million hard-working middle income Americans to pay additional taxes while many wealthy private equity and hedge fund managers enjoy a much lower rate of taxation. H.R. 3996, restores America's tradition of progressive taxation. What we are doing here today is a fair and reasonable tax increase on the highest income earners in the country, who can easily afford it, to benefit millions of working families.

Ms. HIRONO. Mr. Speaker, I rise in strong support of H.R. 3996, the Temporary Tax Relief Act.

This bill will provide 23 million American middle-class families—including more than 90,000 families in Hawai'i—with tax relief totaling $50 billion. Without this legislation, these families will end up paying higher taxes under the alternative minimum tax, AMT.

Our middle-class families are struggling with higher health care costs, higher college costs, higher energy costs and higher housing costs and, basically, have not been helped by the 7 years of the Bush administration. Passing this bill will provide some welcome relief for our middle class.

This legislation is important in promoting fairness and justice in the tax system. Why should the richest of the rich avoid among us paying their fair share in taxes? Today with this bill we are saying that individuals who earn millions of dollars on Wall Street should pay their fair share in taxes so that hard-working middle-class Americans including teachers, police officers and firefighters, won't have to pay more than their fair share.

The bottom line is, without this bill, 23 million families will have a tax increase. With this bill, they will be spared from paying more under the AMT.

I am proud that the Democratic majority is supporting our middle-class families with this tax relief, and I urge my colleagues to support this legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, given that American Samoa's private-sector economy is more than 80 percent open dependent either directly or indirectly on the U.S. tuna processing and fishing industries, I rise in support of H.R. 3996 which includes a provision to extend IRS 30A tax credits to American Samoa.

While I asked for a 10-year extension of our tax credits, I understand that all tax extenders included in this bill received the same extension of 1-year only. Chairman RANGEL has also promised to continuing to work with me on a more permanent solution for American Samoa once our local canneries agree on what incentives work best for them.

It is unfortunate that StarKist and Chicken of the Sea could not reach agreement in a timely manner regarding whether or not 30A is the best option for them to remain and invest in American Samoa. Earlier this year, both canneries agreed that 30A was the way forward. By mid-year, our canneries were at odds.

Our canneries have also been unable to provide Chairman RANGEL with a clear indication of whether or not they will stay in American Samoa if they are provided with tax credits. During last Congress, our canneries also failed to provide Chairman THOMAS of the Ways and Means Committee with assurances of their commitment to American Samoa.

Regardless, I still support 30A tax credits for American Samoa, and especially for our tuna fishing and processing industries. I also support opening up 30A for new investors, too, and I will continue to work with Chairman RANGEL to make this, or a similar initiative happen.

In the interim, I appreciate Chairman RANGEL's support in extending tax credits for American Samoa for an additional year while our canneries go back to the drawing board in an effort to reach agreement.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support of H.R. 3996, the Temporary Tax Relief Act of 2007. This bill will bring relief to tens of millions of hardworking American families, including nearly 100,000 in my district alone.

It makes responsible, sensible changes to the tax code to make it more efficient and more equitable, changes that are sound both morally and economically. Most importantly, H.R. 3996 will be the first tax relief bill of this millennium that did not increase the deficit.

This bill would lower the tax burden on 95 percent of the people affected by it—which is about as close to perfect as we're able to get with the tax code. I'd like to commend Chairman RANGEL and his staff for their work on this excellent bill, which I am proud to support today.

Mr. Speaker, we are at something of an impasse. The President's budget assumes the revenue next year from a vast expansion of the AMT, and the President has offered no alternative to either eliminate the AMT or patch it, likely in recognition of the immense cost to the treasury. Yet nearly everyone agrees that we must pass some form of AMT relief this year and that we must do it soon. The Congressional Budget Office and Joint Committee on Taxation have spelled out specifically what the cost of a one-year AMT patch would be. It cannot, whatever tooth fairies we might wish to believe in, be accomplished for free.

What we seem to disagree on is how to reconcile these two truths. We don't have many choices, Mr. Speaker, and other Members are correct in pointing out that many of them are difficult. The consequences of choosing wrong, however, are far too drastic for us to avoid confronting the problem head on.

If we are to pass an AMT "patch," we can do one of three things: we can cut benefits in Social Security and Medicare to comply with Pay-Go, we can raise additional revenue to comply with Pay-Go, or we can waive Pay-Go and continue financing tax cuts by increasing the federal deficit and the national debt. That is, we can just irresponsibly pass the buck to our children and grandchildren.

Mr. Speaker, I do not think it would be possible for me to oppose waiving Pay-Go in sufficiently strong terms. As the gentleman from Massachusetts, Mr. CAPUANO, told us yesterday, this Administration has increased U.S. government debt by an average of $15,644.93 per second since they took office.

Pretending that sexual activity among teenagers does not exist will not reduce the number of new sexually transmitted infections; it will not reduce the number of teenage girls who become pregnant; and it will not reduce the number of abortions performed every year.

I want to thank Chairman OBEY for including language in this Conference Report to ensure that programs will not be funded that are medically inaccurate. I hope that in the future, we can continue to work together to ensure that our children receive high quality, science-based, age-appropriate sex education that is medically sound and free from ideological or religious bias. Despite my concerns about this program, Mr. Speaker, I am proud to support this important bill and urge my colleagues to do the same, so that we can get needed funds to these critical programs as soon as possible.

Mr. SPRATT. Mr. Speaker, three times in recent months, officials of the Bush administration have come before our committee, and when asked about the AMT and its impact on middle-income Americans, for whom it was never intended, they have insisted that they could fix the AMT with changes in the tax code, such that there would be no change in revenues.

In February 2006, Josh Bolten was the Director of OMB. He told the Budget Committee that the AMT could be "corrected in the context of overall revenue-neutral tax reform."

In February 2007, Rob Portman was the Director of OMB. He told the Budget Committee that "our budget assumes that we will have a revenue-neutral correction to the AMT."

Rob Portman was followed by Hank Paulson, Secretary of the Treasury, and he said essentially the same thing.

The difference between these officials and Chairman RANGEL is that CHARLIE RANGEL has delivered. Mr. RANGEL has put a revenue-neutral bill on the table, and to boot, extended a few popular tax concessions about to expire, such as the R & E tax credit, while adding few new ones, such as the exclusion of gains on the foreclosure of taxpayers' homes.

Mr. RANGEL and his committee deserve credit for bringing this bill to the floor, and for preventing the AMT from coming down on 23 million taxpayers, mostly middle-income; and they deserve credit also for sticking to the pay-go principles that we have steadfastly applied for the last 9 to 10 months.

Our Republican colleagues ask why we have to fix the AMT in way that is compliant with our pay-go rule. If you really need an answer to that question, consider these facts: The Bush administration inherited a $236 billion surplus and by the year 2004, turned it into a $413 billion deficit. As a result, the national debt of the United States reached $9 trillion last week. $3.2 trillion of that debt has been incurred on the watch of this administration, and by the time it leaves office, the total debt accumulated will hit $4 trillion.

That's why we apply pay-go and require offsets: it's one way to slow down the build-up of debt while working off enormous deficits.

So, this bill is fiscally responsible, and fair for two reasons: it brings tax relief to middle-income Americans, and it does not pass the tab on to our children and grandchildren as a mountain of debt.

So, vote responsibly. Vote Rangel.

Mr. POMEROY. Mr. Speaker, I rise today to support this responsible tax relief package.

The bill before us today:

protects 23 million middle-class tax payers from the Alternative Minimum Tax, including nearly 35,000 North Dakotans.

provides tax relief for millions more American families who want a better life for their families by putting more money in their pockets, and

protects future generations from tax increases by not adding to our national debt.

The president and my colleagues across the aisle say we should not have to pay for this package of tax relief. They are still acting as though they're living in a mythical Alice in Wonderland—in an America where borrowing $9 trillion in debt and running record budget deficits for years doesn't matter.

But deficits and debt do matter because every dollar we borrow places a "debt tax" on future generations who will have to pay for the decisions we make today. At $9 trillion, each of our children will be responsible for paying $30,000 of that debt, and that is before interest gets added on.

We crossed that 9 trillion dollar mark in the amount of outstanding public debt owed by this Treasury just earlier this week.

We saw that anxiety over that level of debt can have a short-term impact in the markets on Wednesday when a low level Chinese official suggested that the government may slow purchasing Treasury bonds. In reaction, the dollar fell sharply and the stock market plummeted by 361 points. That is one day.

A huge persistent debt has greater cost for the economy. So, the moral issue today is passing a fiscally responsible bill that protects future generations by not asking them to finance current tax cuts. Each day the average daily interest payment on the debt adds more than $1 billion to the tab we leave behind.

My colleagues across the aisle would rather we pay for today's tax relief—tomorrow. Would that leave the cost to our children, who might just end up having to repay the Chinese holders of U.S. Treasury Notes with EUROs?

I try to teach my two kids important values. Among those values is teaching them that things worth doing are worth paying for.

That same core principle is behind PAYGO. Not paying for this important tax relief signals high disregard for this basic principle that we teach our kids and that motivated Congress to reinstate PAYGO rules.

With the massive fiscal challenges the Nation faces in coming decades, it is irresponsible to foist the cost of tax relief today on future taxpayers. Today, this Congress again should face up to that challenge and pay the cost now.

Reverse years of failed Republican policies that have mortgaged our grandchildren's future with additional foreign-owned debt.

Let's set an example for our kids—we do not let them eat dessert before they eat all their vegetables. Congress should not rush to dessert either.

I urge my colleagues to responsibly pay for middle-class tax relief.

I also want to express my appreciation to Chairman RANGEL of several important provisions in H.R. 3996 that provide millions of American families tax relief and business in our rural communities.

The bill helps 4.5 million taxpayers to meet the cost of paying for their children to get the ticket to a better future—a college education. We extend the tax deduction for the cost of college tuition for another year.

Also this bill extends for one year the current-law provision that allows taxpayers over age 70 and a half to make tax-free distributions from their individual retirement accounts (IRAs) for gifts to charities. In the few short months when senior citizens could use these Charitable IRA rollovers to donate nearly $112 million to help the work of worthy charities it is important that this tool for giving, mostly in small amounts of a few thousand dollars or less, remains available to taxpayers.

The bill extends for one year an important tax credit that allows: short line railroads that serve many of our rural communities to upgrade the track on these important links that get our products to the marketplace.

Unfortunately, fiscal constraint embodied in H.R. 3996 only allowed us to consider extending these expiring tax provisions generally in their current form. We were not able to make these important tax provisions permanent and make needed improvements.

For example, the Public Good IRA Rollover Act (H.R. 1419), which I introduced and which has 90 cosponsors, would broaden the charitable IRA rollover to allow younger retirees to get a lifetime income and provided for charities and to allow distributions to donor-advised funds and would strengthen other aspects of the present-law provision.

I remain committed to the enactment of these improvements and would urge my colleagues to work with me in that regard.

I urge my colleagues to pass this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3996, the Temporary Tax Relief Act of 2007, introduced by my distinguished colleague from New York, Representative CHARLES RANGEL. I would like to thank Chairman RANGEL for his extraordinary leadership on the Ways and Means Committee and for introducing this important legislation that promotes tax fairness and fiscal responsibility, a new fiscal direction that the American people have demanded and deserve.

Mr. Speaker, the Bush administration has not done an adequate job in allocating this country's resources. However, this Congress remains committed to providing a fiscal new direction for the American people. This important legislation will protect some 23 million Americans from the Alternative Minimum Tax and will extend tax credits to those who need it most, our Nation's students, teachers, children and homeowners. The Alternative Minimum Tax is currently riddled with loopholes, and this legislation is a fiscally responsible alternative to the practice of borrowing tens of billions of dollars each year, in which the GOP has engaged. It closes the legislative loophole that has allowed a privileged few exceptions at the expense of other Americans.

As Chair of the Congressional Children's Caucus, I particularly welcome this legislation for the assistance it will provide to our Nation's children. Today's bill will increase eligibility for the child tax credit, consequently helping an additional 12 million children in low-income families. This bill will lower the eligibility threshold in 2008 to $8,500. The National Women's Law Center recently released a statement detailing the organization's sincere support for this legislation, commenting that "For a single mother working fulltime in a minimum wage job, the bill would mean a difference between a child tax credit of just $35 and a credit of $568." We must work to ensure that all of our Nation's children are provided for, and I feel this legislation is an important step toward reaching this crucial goal.

In addition, Mr. Speaker, this legislation will benefit our Nation's teachers and students. It will help 3.4 million teachers by allowing them to save money through deductions for classroom expenses. It will further ensure that the future leaders of America will receive the education they deserve, by helping 4.5 million families afford college through tuition deductions. It will help our Nation's families by providing 30 million homeowners with property tax relief and benefit approximately 11 million families through State and local sales tax reduction. Mr. Speaker, these benefits cannot be ignored and this legislation would help those who truly deserve it.

Furthermore, this fiscally-responsible bill will not cost American taxpayers any additional money. The Alternate Minimum Tax was established in 1969, and it has since then been used to exempt an exceptionally wealthy few from paying their share of this Nation's taxes. Instead of costing America additional funds to mend this antiquated tax, or borrowing heavily and exponentially increasing the national debt as my Republican colleagues have done, this legislation seeks to restore tax fairness. Instead of merely circumscribing the problem and providing a "quick fix," this legislation will close tax loopholes that have persisted in allowing an extremely wealthy privileged few to pay a lower tax rate on their income than the billions of hard-working Americans who are just trying to get by. This legislation protects our future generations by not asking them to pay for the proposed tax cuts.

This legislation goes beyond simply ensuring that future generations will not be forced to finance tax reductions today. This legislation will actually help the American economy grow. It will extend the R&D tax credit to promote innovation and high-paying jobs that make America one the world's leaders in innovation and technological progress. It will also ensure long-term economic growth by adhering to the "pay-as-you-go" budget rules that helped produce the record budget surpluses and robust economy of the 1990s by mandating no new deficit spending.

Mr. Speaker, the American people elected this Congress because they wanted to see a new direction and a meaningful change. This legislation does precisely that and helps the most deserving American people while causing our economy to grow and breaking our reliance on deficit spending. It will ease the burden felt by millions of middle-class families, through tax cuts, while helping our economy grow without increasing the national debt. The benefits of the Temporary Tax Relief Act will be felt immediately by the 23 million middle-class families, who will be saved from paying higher taxes in April. It also closes unfair tax loopholes, requiring Wall Street millionaires to pay their share of taxes.

I strongly urge my colleagues to join me in supporting this extremely important legislation.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this bill because of the urgent need to protect middle-income families from a massive tax increase that will hit them if we do not act to adjust the Alternative Minimum Tax, or AMT.

In technical terms, the bill would extend for one year AMT relief for nonrefundable personal credits and increase the AMT exemption amount to $66,250 for joint filers and $44,350 for individuals.

In real-world terms, that means it will prevent a tax increase for more than 302,600 Colorado households that otherwise would be required to pay more in Federal income tax when returns are due next year.

In addition, it will let taxpayers who do not itemize deductions take advantage of an additional standard deduction of up to $700 (for couples who file jointly) for State and local real property taxes—something that will greatly help many thousands of Coloradans affected by those property taxes. And it also will increase the eligibility for the refundable child tax credit.

Further, the bill will extend many important tax-law provisions scheduled to expire this year.

These include an extension of the deductibility of certain tuition and related expenses, which helps many to gain an education, and an extension of the ability of teachers to deduct the money they spend from their own pockets for supplies used in their classrooms.

The bill will help our men and women in uniform and our veterans in several ways, including extension of the ability of those receiving combat pay to count it for purposes of the earned income credit; extension of the special rules that help veterans qualify for State-operated, tax-exempt mortgage revenue bond programs for access to low-interest mortgages; and the extension of rules that allow reservists called to active duty to make penalty-free withdrawals from their retirement plans if they need to do so.

Other important provisions will allow people to continue to make charitable contributions from their individual retirement accounts, IRAs, without incurring tax penalties and will allow Colorado ranchers and other landowners to benefit from favorable tax treatment of their actions to protect open space through conservation easements.

The bill also will delay implementation of a requirement, passed when our friends on the other side of the aisle were in the majority, that requires local governments (and others) to assume the burden of withholding part of the money going to those under contract to provide goods and services. This requirement is strongly opposed by county commissioners and other local officials across Colorado as well as by many companies that build roads or do other work under contracts with our State and local governments.

In addition, the bill includes provisions to directly address the problems facing many people affected by the problems besetting the housing market. One of these is a permanent repeal of the current law's requirement that people pay income tax on the phantom "income" they supposedly receive when they are no longer required to pay on a mortgage because they have lost their homes to foreclosure or they are able to work out arrangements to avoid that result. Another will extend through 2014 the current ability of people to deduct the part of their mortgage payment that pays for mortgage insurance.

The bill also extends provisions that encourage research and development activities that are crucial to our country's economic future. It will allow restaurants and other small businesses to continue to take advantage of a realistic write-off period for improvements to their facilities. And it will retain the current law that encourages restaurants and other companies to donate unused food from their inventories to help feed people who need that assistance.

Mr. Speaker, all these are good provisions, and the bill overall is properly focused on tax relief for middle class families—a goal I strongly support.

But I do have some reservations about how the bill seeks to provide that relief without making our Federal deficit worse.

The bill's authors propose to pay for these provisions with a change in the current law that gives a substantial tax break to some investment fund managers by letting them treat part of their overall compensation as if were a capital gain on an investment. Another is a change to delay further a provision currently scheduled to take in effect next year regarding the rules for allocating certain expenses of companies that operate overseas. And a third is a change in the rules about taxation of deferred compensation.

Since this bill was introduced, there has been considerable debate about these provisions. I am not convinced that these provisions are the best or only way to offset the revenue costs of providing a temporary fix to the AMT—but the bill's opponents have suggested no alternative except to cut unspecified amounts of spending in unspecified parts of the budget or to further add to the "debt tax" that has already been imposed on our children (and their children) by the irresponsible policies of the last seven years.

The Senate will have to consider the legislation further, and if it makes changes a conference will have to resolve differences between their version and the bill now before us. So, it is possible that these provisions will be revised.

Mr. Speaker, I must note that I do not believe that it is wise to include in this bill, designed to address the AMT problem and to extend expiring tax-law provisions, such an unrelated matter as a restriction on Internal Revenue Service (IRS) audits of individuals living in the Virgin Islands. I think that if that issue is to be addressed, it should be done separately, perhaps in connection with a review of how IRS audits are conducted in Colorado and other locations as well. I will not oppose the legislation before us on that ground alone, but I think we do a disservice to the public debate on AMT reform by attempting to attach such a provision, and in any event I am not convinced it is wise to interfere with the IRS auditing process.

But, finally, the bottom line is that today we have the opportunity to provide tax relief to hundreds of thousands of middle-class families in Colorado. I think that is something I think the House can and should do without delay, and that is why I am voting for this bill.

Mr. BACA. Mr. Speaker, I ask for unanimous consent to revise and extend my remarks.

I rise today to voice my strong support for H.R. 3996, the Temporary Tax Relief Act.

This bill provides much needed tax relief to 23 million middle class families across the Nation, including over 20,000 families in my own Congressional district.

Families in California and throughout the United States have seen the cost of health care, gasoline and a college education soar—while at the same time their homes have lost value.

They deserve a helping hand. This legislation protects them from being hit by the Alternative Minimum Tax.

The bill also gives tax relief to working families by providing 30 million homeowners with property tax relief, and expanding the child tax credit for 12 million children.

Instead of tax breaks for the wealthiest few, Democrats are restoring fiscal sanity and giving the hard-working men and women of America the relief they deserve.

I urge my colleagues to cast a vote for economic fairness and equality, and to support H.R. 3996.

Mr. VAN HOLLEN. Mr. Speaker, this bill provides tax relief for more than 24 million middle-income families. It also corrects a huge inequity where many people were forced to pay taxes on phantom income—income they never had.

Today, we must fix two big messes the Republican leadership left behind when they were voted out last November. One is the huge middle class tax increase the Republicans left hanging over millions of unsuspecting Americans. This Republican tax tsunami will crash down on top of 24 million Americans if we don't take action today.

The Republicans could have stopped this middle class tax hit on their watch. Instead, for 6 years with President Bush, they spent their time and energy giving tax cuts to the very wealthiest Americans. On their watch, the wealthiest 1 percent of Americans got more than half the Bush tax cuts. That was their priority, and they left the rest of the American taxpayers holding the bag of a mushrooming national debt—a $9 trillion debt that costs every taxpayer $3,300 per year. That is the debt tax American taxpayers are paying to service the debt President Bush and the Republicans have run up on our national credit card.

Today, Republicans are proposing to increase the debt tax—to make Americans pay more in the end. Once again, they are willing to require our children to pay more debt tax in order to protect special shelters for about 50,000 of the wealthiest Americans.

Let's provide middle class Americans with tax relief in a fiscally responsible way. Let's pass this bill.

Mr. GOODLATTE. Mr. Speaker, our current tax system has spiraled out of control. Today's tax code is unfair, discourages savings and investment, and is impossibly complex. There is no part of the tax code that demonstrates this more than the Alternative Minimum Tax (AMT). The AMT is a nefarious policy enacted to prevent a small number of wealthy taxpayers from using legitimate deductions to reduce their taxes, and thus taxing them at a higher rate. However, the AMT was never indexed to inflation, and without reform, it threatens to ensnarl middle class taxpayers.

When the AMT was first created, it affected fewer than 20,000 taxpayers. Today it affects 4.2 million, and this number could rise. Without action by Congress, 20 million more taxpayers would be forced to pay on average $3,000 more in taxes, this year alone. In my district this egregious tax would engulf more than 55,000 taxpayers.

Congress must find a permanent solution to this offensive tax; in fact, a solution is long overdue. However, what we are presented with today is not a permanent solution or even a solution. This ill-conceived legislation puts in place permanent tax increases, on some of the driving forces of our economy, to pay for a temporary patch to the AMT.

It is wrong for AMT relief to be subject to Pay-Go rules. The AMT was never intended to affect this many people and is working as a massive tax increase each year. The $50.6 billion that could be paid, without relief, because of the ever encroaching AMT was never intended to be collected. Yet, this bill seeks to collect this $50.6 billion in new taxes, and it collects it by raising taxes on investors in our economy. For Democrats the AMT simply serves their purpose of bait and switch on the American taxpayer.

The permanent tax increases in this bill include job-killing tax hikes on entrepreneurs and risk-takers who invest and create jobs for working families. While these tax increases were written in a way to seemingly affect only wealthy hedge fund executives, much like the ill-conceived AMT, these tax increases would reach much further. The taxes would affect real estate, venture capital, private equity, and retail. Penalizing these industries with higher taxes will dampen investment, constrict money needed for small-business ventures, and cost American jobs. While these taxes are egregious on their own, they are even more egregious in that they would be permanent while the relief they provide is temporary.

It was a mistake on the part of Congress to not index the original AMT to inflation. It is a mistake that Congress must fix in order to prevent the AMT from engulfing millions of more taxpayers. We must work to find a permanent solution to this nefarious tax. I urge my colleagues to reject this ill-conceived plan, and let's work together to find a real solution for the American people.

Mr. KAGEN. Mr. Speaker, whose side are we on? The Hard Working people in northeast Wisconsin want to know.

This measure is not difficult to understand—someone has to pay the bills, and democrats believe in paying-as-we-go, and we do want to pass off our bills to the next generation.

The democratic leadership of the house has promised to keep their word to the American people by remaining fiscally responsible and socially progressive.

All of us should play by the same rules, and that means everyone should pay their fair share, including hedge fund managers—who have managed to pass the buck to the middle class time and time again.

Enough is enough. Let's just tell it like it is.

This bill cuts taxes for the middle class: property tax relief for Wisconsin homeowners; tax deductions of $4,000 for college tuition; helps small businesses by continuing the tax credits for research and development.

People in northeast Wisconsin need to hear that this bill will benefit 62,000 households who would otherwise if fall into the AMT tax trap.

This bill delivers. It finally gives the American middle class a tax cut.

My friends, whose side are you on?

I urge you to join me by standing up for taxpayers in the middle class, not only in Wisconsin, but across America.

It is time we deliver tax cuts to the little guys.

Ms. WOOLSEY. Mr. Speaker, it's clear that the Alternative Minimum Tax, AMT, needs to be fixed. Year after year, we play this game of "chicken" with the end of the year, leaving millions of hard working American families fearful that they will be captured in a tax that was never meant to touch them. The good news is that the difference between this year's AMT patch and the ones that we did under the previous majority is that this time we are actually going to pay for it.

In my district alone, H.R. 3996 will save over 59,000 taxpayers from being subject to the AMT and it's my hope that this will be a first step to a responsible solution to permanently fixing this tax policy.

Also included in this bill is an extension and expansion of the Child Tax Credit, CTC, refund-ability. With economic disparity at its highest level since the Great Depression, expansion of this tax credit will help low-income families raise their children and help them get ahead. Finally, we are addressing the growing problem of the increasing gap between the wealthiest and the rest of America through a more equitable tax code. Thank you to Chairman RANGEL and Chairman NEAL for all of their hard work on this bill, closing loopholes, extending essential tax credits, and balancing the tax code.

Ms. SCHWARTZ. Mr. Speaker, I want to thank Chairman RANGEL for his leadership on this bill, and I rise today in support of tax relief for hard-working American families.

This Congress is committed to moving our country in a new direction. We recognize that families across this country are struggling with everyday living expenses, and with this bill we are going to help millions of Americans get tax relief.

Our work will protect 23 million Americans—including over 60,000 of my constituents—from the unexpected and difficult cost of the Alternative Minimum Tax.

The Alternative Minimum Tax, the AMT, was originally intended to ensure that the very wealthiest taxpayers pay their fair share of taxes. But the AMT is increasingly being paid by middle-income families, and in fact, next year tens of millions of these hard-working taxpayers will be engulfed by the AMT if this Congress does not act.

This bill provides tens of millions of middle-income homeowners with immediate property tax relief.

It expands the child tax deduction, helping millions of families.

And it ensures that parents, who often work tirelessly to send their children to college, will get tax deductions for college tuition.

This middle-class tax relief is based on the principle of tax fairness. And it is paid for. Unlike tax efforts under the Republican Congress, our bill will not add to the national debt. It will not leave debt to be paid for by our children and grandchildren. It will not add to the debt that weakens the dollar and undermines our economy.

The Democratic majority is unambiguous. We are committed to fiscal responsibility, to paying as we go, to making the tough decisions required to refocus national priorities, and to giving middle-income families the break they deserve.

A vote for this bill is a vote for tax relief and tax fairness. It is a vote for economic growth. And it is a vote for honest budgeting.

Mr. Speaker—our constituents didn't send us here to make easy decisions—they sent us here to make responsible ones.

And today, the Democratic majority will make the responsible decision of providing tax relief to millions of working families.

Mr. LEVIN. Mr. Speaker, this legislation reflects the priorities of the new majority in Congress: middle-class tax relief, fiscal discipline, and tax equity.

Income inequality is dramatically increasing in our country. Between 2004 and 2005, the average annual income of the top 1 percent increased by $120,000, while the average income for all the other 90 percent of households increased by just $550.

In the face of this, we need to be able to look our constituents in the eye and tell them we are working to make the Tax Code fair and equitable.

The principle in taxing private investment fund managers or "carried interest" is basic.

If you are investing your own money, you should receive the capital gains tax rate; if you are providing the service of managing other people's money, you should pay the ordinary income tax rate.

Some argue that fund managers deserve capital gains treatment to align their interests with investors or because "carried interest" is risky. Many other forms of compensation are risky, and they are taxed at the ordinary income tax rate. When a company gives its CEO stock options, he or she pays ordinary income tax rates when they exercise those options. Real estate agents only make money if they actually sell a house. Authors receive a portion of their book's profits. Waiters get tips based on the quality of the service they provide. All of these people pay ordinary income tax rates on their compensation.

Estimates are that there is currently around $130 billion in carried interest at stake. Investment managers currently take home $110 billion and when we close the tax advantage, they will take home $85 billion—a pretty significant reward for their services.

A fund manager's paying a more appropriate tax rate will not curtail economic activity, innovation, or real estate development. Since investors are not affected, there is no reason to believe that the amount of capital available for investments in real estate development or start-up companies would be reduced.

This bill has the right priorities: It brings tax relief to tens of millions of middle-class families, it's paid for, and it makes our Tax Code more equitable. I urge my colleagues to support it.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 3996, the Temporary Tax Relief Act of 2007. As a member of the Ways and Means Committee, I am proud to have helped craft this very important tax bill that will give much needed relief to millions of American taxpayers.

Unfortunately, over the last several years we have seen tax bills pushed through Congress and signed by the President under the guise of "relief' for the middle class and the poorest in the country. I think many in this chamber have now come to recognize that many of these measures presented as tax relief for the middle class were in fact more tax breaks for the richest in society. Today we finally have before us a bill that will give real relief to millions of taxpayers, many of whom are hard-working middle-class families.

Specifically, H.R. 3996 provides for a 1-year patch for the Alternative Minimum Tax, AMT. The AMT was developed in the 1970s to ensure that America's wealthiest could not take advantage of the tax code in a way that would allow them to avoid paying taxes altogether. The AMT was not indexed for inflation, however, and without this legislation it will reach into the pocketbooks of middle-class families it was never intended to hit. In my district alone, the AMT could affect 50,000 additional western Wisconsin families this year, many of whom have no idea they face a tax increase. Without this legislation, it is estimated that the AMT will hit an additional 437,000 taxpayers in Wisconsin and 23 million nationally. It is hard for me to think of something more important than protecting 23 million Americans from a tax that was never intended for them.

Additionally, this bill extends several popular expiring tax provisions. In particular, the bill will provide property tax relief for 30 million Americans, help for more than 12 million children through an expanded child tax credit, tax relief for more than 11 million families through state and local sales tax deduction, help for more than 4.5 million families to cover the cost of education through the tuition deduction, and relief for more than 3.5 million teachers who will be reimbursed for out-of-pocket expenses for their classrooms.

Finally, and most importantly, this bill is fully offset and complies with pay-go rules that the Democratic majority restored at the beginning of this Congress. The tax benefits provided are fully paid for by closing loopholes and eliminating narrowly-targeted tax breaks for corporations. These changes establish fairness in the tax code and show that we can provide tax relief without sending the debt on to our children. After 6 years of fiscal recklessness—deficit-financed tax cuts for the wealthy and out-of-control government spending—this bill sets a precedent of fiscally responsible tax reform.

Again, Mr. Speaker, I am happy to support this sensible and fair tax bill before us today. Protecting millions of taxpayers from being caught by the AMT is of the utmost importance. I urge my colleagues to support H.R. 3996.

Mr. MORAN of Virginia. Mr. Speaker, this bill will bring relief to tens of millions of hard-working American families, including nearly 100,000 in my district alone.

It makes the tax code more efficient and more equitable, changes that are sound both morally and economically. Most importantly, H.R. 3996 will be the first tax relief bill of this millennium that did not increase the deficit.

This will would lower the tax burden on 95 percent of the people affected by it—which is about as close to perfect as we're able to get with the tax code. I'd like to commend Chairman RANGEL and Mr. NEAL and their staff for their work on this excellent bill, which I am proud to support today.

Mr. Speaker, the President's budget assumes the revenue next year from a vast expansion of the AMT, and the President has offered no alternative to either eliminate the AMT or patch it, likely in recognition of the immense cost to the Treasury. Yet nearly everyone agrees that we must pass some form of AMT relief this year, and that we must do it soon. The Congressional Budget Office and Joint Committee on Taxation have spelled out specifically what the cost of a 1-year AMT patch would be. It cannot be accomplished for free.

If we are to pass an AMT "patch," we can do one of three things: we can cut benefits in Social Security and Medicare to comply with PAYGO, we can raise additional revenue to comply with PAYGO, or we can waive PAYGO as the Republican party has done for the last 7 years and continue financing tax cuts by increasing the Federal deficit and the national debt. That is, we can continue to irresponsibly pass the buck to our children and grandchildren.

Mr. Speaker, as the gentleman from Massachusetts, Mr. CAPUANO, told us yesterday, this administration has increased U.S. Government debt by an average of $15,644.93 per second since they took office.

This money does not exist merely on paper; it is real money, which we are borrowing from countries whose interests are contrary to our own, countries like China that have accumulated sovereign wealth funds at alarming rates over the past 6 years. And we are leaving this legacy of fiscal wreckage to our children, and our children's children, mortgaging away their future at a rate of more than $15,000 per second.

Since 2001, China's accumulation of foreign reserves, mostly U.S. dollars, have increased from $46.6 billion to $1.066 trillion—that is, every new dollar we borrow makes us ever more dependent on China—which has profoundly different strategic aims than we do.

The idea that we should not pay for this AMT fix is unconscionable. The idea that we should sacrifice the futures of our children and our grandchildren in order to have our cake and eat it too, to continue giving enormous tax preferences to the richest of the rich in this country is morally bankrupt and fiscally unsound.

Mr. Speaker, even if we accept that there should be a distinction between the taxation of labor and capital income, income received as payment for the service of investing other people's money is not capital income under even the loosest of possible understandings. The idea that a hedge fund manager earning $500 million a year should be taxed at a lower rate than his secretary, who earns $40,000 a year is preposterous in both moral and economic terms and should embarrass us all.

This bill is about making a choice between what is right and what is easy. I applaud Chairman RANGEL for standing firm in the face of overwhelming pressure to do the easy thing, for demanding that we pass a bill which is true to our principles. We were not elected to make easy choices—we were elected to do right by our constituents, their children, and their children's children. I am proud to support this bill today, and I urge my colleagues to do the same.

Mr. DINGELL. Mr. Speaker, I rise to support the Temporary Tax Relief Act, a much-needed piece of legislation that will provide relief to millions of working families across the country.

The tax bill before us is a far cry from the irresponsible tax cuts my Republican colleagues have supported in the past. While their tax plan permitted hundreds of wealthy

Americans to construct new wings for their summer homes and add new sports cars to their garages, our tax plan provides financial relief to millions of working-class Americans. The alternative minimum tax was never meant to harm the hard-working middle-class families of America, but unfortunately, years of wage inflation and economic change have placed an enormous burden on the shoulders of these families. While my Republican colleagues have spent the past decade providing the wealthiest Americans with new yachts, these middle-class families have been crying out for help, a cry that this Congress will finally address here today.

Without this legislation, 23 million working-class families will be subjugated to the Alternative Minimum Tax. My colleagues have made a proposal that will not only provide relief to these Americans, but will do it in a responsible manner. Unlike the reckless tax cuts that were brazenly supported by the President, this tax proposal will not burden our children and grandchildren with debt. This tax bill is completely revenue-neutral.

I urge my colleagues to stand before the American people and demonstrate where this Congress' priorities lie. Are we fighting for a handful of wealthy millionaires while the middle-class families languish with an incredible tax burden? Or are we with 23 million hard-working American families across the country, including more than 61,000 in Michigan's 15th Congressional District? I urge my colleagues to support the middle-class families and support this bill.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H.R. 3996, the Temporary Tax Relief Act of 2007.

The Temporary Tax Relief Act will provide immediate tax relief for working families by preventing 23 million middle class families from paying higher taxes this April. Without this legislation, these 23 million families will be subjected to the alternative minimum tax, including almost 111,000 of my constituents.

When the AMT was enacted, it was meant to ensure the wealthiest among us paid their fair share of a tax that was never designed to hit the pocketbooks of middle-class families. While this is only a temporary fix, I want to be clear that I hope we can move forward in the near future to provide a long-term solution to this problem. I am proud that Chairman RANGEL has brought this fix to the floor today while still adhering to the pay-as-you-go promise this Democratic controlled Congress has promised the American people.

While fixing the AMT is of outmost importance, we cannot afford to mortgage our children's and grandchildren's future to pay for this tax relief. Our country is currently burdened with over $9 trillion of national debt, each American's share at nearly $30,000.

We simply cannot afford to keep adding to this. In addition to the AMT fix, this bill would increase the eligibility for the refundable child tax credit, it extends research and development tax credits to promote innovative and high-paying jobs, and we are providing tax relief to millions of homeowners suffering from the current subprime mortgage crisis.

One concern that I do have with this legislation is the potential that the change to the taxation of "carried interest" may have the unintended consequence of capturing certain real estate partnerships.

We should not treat capital gains in real estate partnerships as ordinary income. These partnerships invest their own capital and should continue to be taxed at the capital gains rate.

I have joined a group of my colleagues asking for report language to clarify this issue and I hope that this concern will be addressed before final implementation of this legislation.

Mr. Speaker, the Democrats in Congress are providing common sense tax relief for middle class American families and we are doing it in a fiscally responsible way. I urge this bill's adoption.

Mr. HERGER. Mr. Speaker, although I have serious concerns with the underlying bill, H.R. 3996, there are several provisions of this bill that extend necessary business and individual tax relief set to expire this year.

One provision in H.R. 3996 would extend important tax relief for individuals who choose to make distributions from their Individual Retirement Accounts, IRAs, to charities. Charitable IRA rollovers greatly help the work of worthy charities, and it is important that this tool for giving remains available to taxpayers. I have introduced stand-alone legislation with Congressman EARL POMEROY of North Dakota, which has 90 cosponsors that would broaden the charitable IRA rollover rule to allow distributions to donor-advised funds and would strengthen other aspects of the present-law provision. I remain committed to the enactment of the improvements included in the Public Good IRA Rollover Act, H.R. 1419, that would work to encourage billions in new giving to those who need it most.

This legislation also includes a provision that extends the Research and Development Tax Credit for an additional year. Firms in California already conduct nearly one-quarter of all our Nation's R&D activities by dollar value, making this credit critical to California's leadership in high tech innovation. I am a strong supporter of this provision, and am a cosponsor of stand alone legislation that would make important improvements in the R&D credit and extend it permanently, H.R. 2138.

H.R. 3996 also includes a 1-year delay of the 3 percent withholding burden on contractors that work with governments, which is scheduled to take effect starting in 2011. Earlier this year I introduced legislation with Representative KENDRICK MEEK of Florida that would do away with this added withholding requirement before it starts. Together, we have worked to inform other representatives about the potentially damaging effects of this new cost of doing business with governments, and our legislation has attracted over 230 cosponsors, H.R. 1023.

Despite my opposition to the overarching legislation, I sincerely hope members of both parties can continue to work in a bipartisan fashion—as we have done on these three issues to-date. It is important that we move ahead with this important individual and business tax relief through legislation members from both parties can support, and not in the context of controversial new tax increases on the American people.

Mr. WATT. Mr. Speaker, I rise in strong support of H.R. 3996, which will address one of the most unfair provisions in the tax code that imposes an alternative minimum tax on so many of my constituents to whom it was never intended to apply. To some of my constituents, including the retired couple that lives across the street from me, this is among the most critical issues they face.

There is one specific tax provision being extended in this bill that I want to address specifically, the extension of the New Markets Tax Credit, NMTC, program. This tax program is critical to the revitalization of struggling communities and census tracts in our country that are in critical need of help.

There is one critical problem with the NMTC program that needs to be addressed. The Financial Services Committee's Oversight and Investigations Subcommittee, which I chair, held a hearing on October 30 entitled "Preserving and Expanding Minority Banks," to review unique challenges facing minority- and women-owned financial institutions. A real concern revealed at this hearing was that minority-owned financial institutions have not been receiving allocations of credits under the NMTC program. Over the life of the program, only six minority banks have received allocations under the NMTC program and in the last round of allocations, of 61 recipients, only one minority bank was awarded new markets tax credits. This represented just $120 million of a total of $3.9 billion in tax credits awarded.

I believe that facilitating greater access to the NMTC program for minority and women-owned financial institutions will improve the program and help ensure the revitalization of low-income urban and rural areas. I appreciate the agreement of Chairman RANGEL and Subcommittee Chairman NEAL to work with me, and perhaps to have a joint hearing with our Financial Services Subcommittee, to explore effective ways to increase participation in the NMTC program for minority- and women-owned financial institutions.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I am proud to support the Temporary Tax Relief Act (H.R. 3996), and I would like to congratulate Chairman RANGEL and Speaker PELOSI for putting families first. This bill is necessary, fair and fiscally responsible. H.R. 3996 reverses the trend of tax breaks for the wealthy and instead gives a well deserved break to hard working middle class Americans.

The AMT was originally designed to ensure that very wealthy individuals did not use loopholes and deductions to avoid paying much or all of their taxes, and for many years it did just that. However, since the AMT was not indexed for inflation, a problem ignored by past Congresses, it now threatens to ensnare 23 million middle-class families. We must act now to prevent this unintended burden on hard-working Americans.

Additionally, several tax benefits for research and development, veterans, college students, and families will be extended by this legislation. These are important provisions of the tax code that, if allowed to expire, would cause millions of American families and businesses to be hit with an unexpectedly high bill from the IRS this year.

Unlike recent Congresses, we in the 110th Congress have made a commitment to pay-as-you-go spending principles. We are all best served by a tax code that is fair, simple and based on the ability to pay, and fixing the tax code for the middle class will mean lessened collections by the IRS. That is why this legislation pays for these tax benefits for middle class Americans by closing loopholes for a few wealthy individuals, such as those who pay less tax on the bonuses they receive for managing multi-million dollar hedge funds than most Americans pay on their hard-earned income.

This legislation also fixes a flaw in the tax code that places an undue burden on families facing foreclosure. Due to this flaw, the outstanding debt owed on a foreclosed home is counted as income for tax purposes. The individuals affected by this never see this 'income' and are clearly not in any position to pay taxes on additional tens of thousands of dollars. This bill will prevent this on-paper income from forcing American families to pay taxes on their misfortune.

I urge my colleagues to support this much needed and fully paid-for tax break for middle class America.

☐ 1315

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 809, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCRERY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 216, nays 193, not voting 24, as follows:

[Roll No. 1081]

YEAS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matsui
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Mahoney (FL)
Manzullo
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Bishop (UT)
Boren
Buyer
Carson
Crenshaw
Cubin
Davis, Lincoln
Everett
Giffords
Hastert
Hobson
Israel
Jindal
Jones (NC)
LaHood
Lantos
Lungren, Daniel E.
Marchant
McCarthy (NY)
McCollum (MN)
Nunes
Oberstar
Paul
Westmoreland

☐ 1344

Mr. BUCHANAN changed his vote from "yea" to "nay."

Ms. WATERS changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. NUNES. Mr. Speaker, on the legislative day of Friday, November 9, 2007, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted:

Rollcall 1077—"nay"; rollcall 1078—"nay"; rollcall 1079—"nay"; rollcall 1080—"yea"; rollcall 1081—"nay."

## CONFERENCE REPORT ON H.R. 1429, IMPROVING HEAD START FOR SCHOOL READINESS ACT OF 2007

Mr. KILDEE (during consideration of H.R. 3996) submitted the following conference report and statement on the bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes:

CONFERENCE REPORT (H. REPT. 110–439)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1429), to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

### *SECTION 1. SHORT TITLE.*

*(a) SHORT TITLE.—This Act may be cited as the "Improving Head Start for School Readiness Act of 2007".*

*(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:*

*Sec. 1. Short title.*
*Sec. 2. Statement of purpose.*
*Sec. 3. Definitions.*
*Sec. 4. Financial assistance for Head Start programs.*
*Sec. 5. Authorization of appropriations.*
*Sec. 6. Allotment of funds; limitations on assistance.*
*Sec. 7. Designation of Head Start agencies.*
*Sec. 8. Standards; monitoring of Head Start agencies and programs.*
*Sec. 9. Powers and functions of Head Start agencies.*
*Sec. 10. Head start transition and alignment with K–12 education.*
*Sec. 11. Early childhood education, coordination, and improvement.*
*Sec. 12. Submission of plans.*
*Sec. 13. Administrative requirements and standards.*
*Sec. 14. Participation in Head Start programs.*
*Sec. 15. Early Head Start programs.*
*Sec. 16. Appeals, notice, and hearing.*
*Sec. 17. Records and audits.*
*Sec. 18. Technical assistance and training.*
*Sec. 19. Staff qualifications and development.*
*Sec. 20. Research, demonstrations, and evaluation.*
*Sec. 21. Reports.*
*Sec. 22. Comparability of wages.*
*Sec. 23. Limitation with respect to certain unlawful activities.*
*Sec. 24. Political activities.*
*Sec. 25. Parental consent requirement for health services.*
*Sec. 26. Centers of Excellence in Early Childhood.*
*Sec. 27. General provisions.*
*Sec. 28. Compliance with Improper Payments Information Act of 2002.*
*Sec. 29. References in other Acts.*

### *SEC. 2. STATEMENT OF PURPOSE.*

*Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:*

### *"SEC. 636. STATEMENT OF PURPOSE.*

*"It is the purpose of this subchapter to promote the school readiness of low-income children by enhancing their cognitive, social, and emotional development—*

*"(1) in a learning environment that supports children's growth in language, literacy, mathematics, science, social and emotional functioning, creative arts, physical skills, and approaches to learning; and*

*"(2) through the provision to low-income children and their families of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.".*

### *SEC. 3. DEFINITIONS.*

*(a) IN GENERAL.—Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—*

*(1) in paragraph (2), by inserting "(including a community-based organization, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801))" after "nonprofit";*

*(2) in paragraph (3)(C), by inserting ", and financial literacy." after "self-sufficiency";*

*(3) in paragraph (12), by striking "migrant and seasonal Head Start program" and inserting "migrant or seasonal Head Start program";*

*(4) by striking paragraph (17) and inserting the following:*

*"(17) The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands. The term includes the Republic of Palau for fiscal years 2008 and 2009, and (if the legislation described in section 640(a)(2)(B)(v) has not been enacted by September 30, 2009) for fiscal years 2010 through 2012."; and*

*(5) by adding at the end the following:*

*"(18) The term 'deficiency' means—*

*"(A) a systemic or substantial material failure of an agency in an area of performance that the Secretary determines involves—*

*"(i) a threat to the health, safety, or civil rights of children or staff;*

*"(ii) a denial to parents of the exercise of their full roles and responsibilities related to program operations;*

*"(iii) a failure to comply with standards related to early childhood development and health services, family and community partnerships, or program design and management;*

*"(iv) the misuse of funds received under this subchapter;*

*"(v) loss of legal status (as determined by the Secretary) or financial viability, loss of permits, debarment from receiving Federal grants or contracts, or the improper use of Federal funds; or*

*"(vi) failure to meet any other Federal or State requirement that the agency has shown an unwillingness or inability to correct, after notice from the Secretary, within the period specified;*

*"(B) systemic or material failure of the governing body of an agency to fully exercise its legal and fiduciary responsibilities; or*

*"(C) an unresolved area of noncompliance.*

*"(19) The term 'homeless children' has the meaning given the term 'homeless children and youths' in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).*

*"(20) The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).*

*"(21) The term 'interrater reliability' means the extent to which 2 or more independent raters or observers consistently obtain the same result when using the same assessment tool.*

*"(22) The term 'limited English proficient', used with respect to a child, means a child—*

*"(A)(i) who was not born in the United States or whose native language is a language other than English;*

*"(ii)(I) who is a Native American (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), an Alaska Native, or a native resident of an outlying area (as defined in such section 9101); and*

*"(II) who comes from an environment where a language other than English has had a significant impact on the child's level of English language proficiency; or*

*"(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and*

*"(B) whose difficulties in speaking or understanding the English language may be sufficient to deny such child—*

*"(i) the ability to successfully achieve in a classroom in which the language of instruction is English; or*

*"(ii) the opportunity to participate fully in society.*

*"(23) The term 'principles of scientific research' means principles of research that—*

*"(A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;*

*"(B) present findings and make claims that are appropriate to and supported by methods that have been employed; and*

*"(C) include, as appropriate to the research being conducted—*

*"(i) use of systematic, empirical methods that draw on observation or experiment;*

*"(ii) use of data analyses that are adequate to support the general findings;*

*"(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;*

*"(iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random assignment experiments;*

*"(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;*

*"(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and*

*"(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.*

*"(24) The term 'professional development' means high-quality activities that will improve the knowledge and skills of Head Start teachers and staff, as relevant to their roles and functions, in program administration and the provision of services and instruction, as appropriate, in a manner that improves service delivery to enrolled children and their families, including activities that—*

*"(A) are part of a sustained effort to improve overall program quality and outcomes for enrolled children and their families;*

*"(B) are developed or selected with extensive participation of administrators and teachers from Head Start programs;*

*"(C) are developmentally appropriate for the children being served;*

*"(D) include instruction in ways that Head Start teachers and staff may work more effectively with parents, as appropriate;*

*"(E) are designed to give Head Start teachers and staff the knowledge and skills to provide instruction and appropriate support services to children of diverse backgrounds, as appropriate;*

*"(F) may include a 1-day or short-term workshop or conference, if the workshop or conference is consistent with the goals in the professional development plan described in section 648A(f) and will be delivered by an institution of higher education or other entity, with expertise in delivering training in early childhood development, training in family support, and other assistance designed to improve the delivery of Head Start services; and*

*"(G) in the case of teachers, assist teachers with—*

*"(i) the acquisition of the content knowledge and teaching strategies needed to provide effective instruction and other school readiness services regarding early language and literacy, early mathematics, early science, cognitive skills, approaches to learning, creative arts, physical health and development, and social and emotional development linked to school readiness;*

*"(ii) meeting the requirements in paragraphs (1) and (2) of section 648A(a), as appropriate;*

*"(iii) improving classroom management skills, as appropriate;*

*"(iv) advancing their understanding of effective instructional strategies that are—*

*"(I) based on scientifically valid research; and*

*"(II) aligned with—*

*"(aa) the Head Start Child Outcomes Framework developed by the Secretary and, as appropriate, State early learning standards; and*

*"(bb) curricula, ongoing assessments, and other instruction and services, designed to help meet the standards described in section 641A(a)(1);*

"(v) acquiring the knowledge and skills to provide instruction and appropriate language and support services to increase the English language skills of limited English proficient children, as appropriate; or

"(vi) methods of teaching children with disabilities, as appropriate.

"(25) The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

"(26) The term 'unresolved area of noncompliance' means failure to correct a noncompliance item within 120 days, or within such additional time (if any) as is authorized by the Secretary, after receiving from the Secretary notice of such noncompliance item, pursuant to section 641A(c).".

(b) REDESIGNATION AND REORDERING OF DEFINITIONS.—Section 637 of such Act is amended—

(1) by redesignating paragraphs (1) through (23) as paragraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), (12), (16), (17), (18), (19), (22), (24), (25), (2), (11), (13), (14), (15), (20), (21), (23), and (26), respectively; and

(2) so that paragraphs (1) through (26), as so redesignated in paragraph (1), appear in numerical order.

### SEC. 4. FINANCIAL ASSISTANCE FOR HEAD START PROGRAMS.

Section 638 of the Head Start Act (42 U.S.C. 9833) is amended by inserting "for a period of 5 years" after "provide financial assistance to such agency".

### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

### "SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subchapter (other than section 657B) $7,350,000,000 for fiscal year 2008, $7,650,000,000 for fiscal year 2009, $7,995,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 and 2012.".

### SEC. 6. ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE.

(a) ALLOTMENT OF FUNDS.—Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended to read as follows:

"(a)(1) Using the sums appropriated pursuant to section 639 for a fiscal year, the Secretary shall allocate such sums in accordance with paragraphs (2) through (5).

"(2)(A) The Secretary shall determine an amount for each fiscal year for each State that is equal to the amount received through base grants for the prior fiscal year by the Head Start agencies (including Early Head Start agencies) in the State that are not described in clause (ii) or (iii) of subparagraph (B).

"(B) The Secretary shall reserve for each fiscal year such sums as are necessary—

"(i) to provide each amount determined for a State under subparagraph (A) to the Head Start agencies (including Early Head Start agencies) in the State that are not described in clause (ii) or (iii), by allotting to each agency described in this clause an amount equal to that agency's base grant for the prior fiscal year;

"(ii) to provide an amount for the Indian Head Start programs that is equal to the amount provided for base grants for such programs under this subchapter for the prior fiscal year, by allotting to each Head Start agency (including each Early Head Start agency) administering an Indian Head Start program an amount equal to that agency's base grant for the prior fiscal year;

"(iii) to provide an amount for the migrant and seasonal Head Start programs, on a nationwide basis, that is equal to the amount provided nationwide for base grants for such programs under this subchapter for the prior fiscal year, by allotting to each Head Start agency administering a migrant or seasonal Head Start program an amount equal to that agency's base grant for the prior fiscal year;

"(iv) to provide an amount for each of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States (for Head Start agencies (including Early Head Start agencies) in the jurisdiction) that is equal to the amount provided for base grants for such jurisdiction under this subchapter for the prior fiscal year, by allotting to each agency described in this clause an amount equal to that agency's base grant for the prior fiscal year;

"(v) to provide an amount for the Republic of Palau (for Head Start agencies (including Early Head Start agencies) in the jurisdiction) for each of fiscal years 2008 and 2009, and (if legislation approving a new agreement regarding United States assistance for the Republic of Palau has not been enacted by September 30, 2009) for each of fiscal years 2010 through 2012, that is equal to the amount provided for base grants for such jurisdiction under this subchapter for the prior fiscal year, by allotting to each agency described in this clause an amount equal to that agency's base grant for the prior fiscal year; and

"(vi) to provide an amount for a collaboration grant under section 642B(a) for each State, for the Indian Head Start programs, and for the migrant and seasonal Head Start programs, in the same amount as the corresponding collaboration grant provided under this subchapter for fiscal year 2007.

"(C)(i) The Secretary shall reserve for each fiscal year an amount that is not less than 2.5 percent and not more than 3 percent of the sums appropriated pursuant to section 639 for that fiscal year, to fund training and technical assistance activities, from which reserved amount—

"(I) the Secretary shall set aside a portion, but not less than 20 percent, to be used to fund training and technical assistance activities for Early Head Start programs, in accordance with section 645A(g)(2); and

"(II) the Secretary shall set aside a portion, equal to the rest of the reserved amount, to fund training and technical assistance activities for other Head Start programs, in accordance with section 648, of which portion—

"(aa) not less than 50 percent shall be made available to Head Start agencies to use directly, which may include at their discretion the establishment of local or regional agreements with community experts, institutions of higher education, or private consultants, to make program improvements identified by such agencies, by carrying out the training and technical assistance activities described in section 648(d);

"(bb) not less than 25 percent shall be available to the Secretary to support a State-based training and technical assistance system, or a national system, described in section 648(e) for supporting program quality; and

"(cc) the remainder of the portion set aside under this subclause shall be available to the Secretary to assist Head Start agencies in meeting and exceeding the standards described in section 641A(a)(1) by carrying out activities described in subsections (a), (b), (c), (f), and (g) of section 648, including helping Head Start programs address weaknesses identified by monitoring activities conducted by the Secretary under section 641A(c), except that not less than $3,000,000 of the remainder shall be made available to carry out activities described in section 648(a)(3)(B)(ii).

"(ii) In determining the portion set aside under clause (i)(I) and the amount reserved under this subparagraph, the Secretary shall consider the number of Early Head Start programs newly funded for that fiscal year.

"(D) The Secretary shall reserve not more than $20,000,000 to fund research, demonstration, and evaluation activities under section 649, of which not more than $7,000,000 for each of fiscal years 2008 through 2012 shall be available to carry out impact studies under section 649(g).

"(E) The Secretary shall reserve not more than $42,000,000 for discretionary payments by the Secretary, including payments for all costs (other than compensation of Federal employees) for activities carried out under subsection (c) or (e) of section 641A.

"(F) If the sums appropriated under section 639 are not sufficient to provide the amounts required to be reserved under subparagraphs (B) through (E), the amounts shall be reduced proportionately.

"(G) Nothing in this section shall be construed to deny the Secretary the authority, consistent with sections 641, 641A, and 646 to terminate, suspend, or reduce funding to a Head Start agency.

"(3)(A) From any amount remaining for a fiscal year after the Secretary carries out paragraph (2) (referred to in this paragraph as the 'remaining amount'), the Secretary shall—

"(i) subject to clause (ii)—

"(I) provide a cost of living increase for each Head Start agency (including each Early Head Start agency) funded under this subchapter for that fiscal year, to maintain the level of services provided during the prior year; and

"(II) subject to subparagraph (B), provide $10,000,000 for Indian Head Start programs (including Early Head Start programs), and $10,000,000 for migrant and seasonal Head Start programs, to increase enrollment in the programs involved;

"(ii) subject to clause (iii), if the remaining amount is not sufficient to carry out clause (i)—

"(I) for each of fiscal years 2008, 2009, and 2010—

"(aa) subject to subparagraph (B), provide 5 percent of that amount for Indian Head Start programs (including Early Head Start programs), and 5 percent of that amount for migrant and seasonal Head Start programs, to increase enrollment in the programs involved; and

"(bb) use 90 percent of that amount to provide, for each Head Start agency (including each Early Head Start agency) funded as described in clause (i)(I), the same percentage (but not less than 50 percent) of the cost of living increase described in clause (i); and

"(II) for fiscal year 2011 and each subsequent fiscal year—

"(aa) provide, for each Head Start agency (including each Early Head Start agency) funded as described in clause (i)(I), the cost of living increase described in clause (i); and

"(bb) subject to subparagraph (B), with any portion of the remaining amount that is not used under item (aa), provide equal amounts for Indian Head Start programs (including Early Head Start programs), and for migrant and seasonal Head Start programs, to increase enrollment in the programs involved; and

"(iii) if the remaining amount is not sufficient to carry out clause (ii) for the fiscal year involved, use that amount to provide, for each Head Start agency (including each Early Head Start agency) funded as described in clause (i)(I), the same percentage of the cost of living increase described in clause (i).

"(B)(i) Notwithstanding any other provision of this paragraph, the Indian Head Start programs shall not receive more than a total cumulative amount of $50,000,000 for all fiscal years, and the migrant and seasonal Head Start programs shall not receive more than a total cumulative amount of $50,000,000 for all fiscal years, *under clause (i)(II), and subclauses (I)(aa) and (II)(bb) of clause (ii), of subparagraph (A) (referred to in this subsection as the 'special expansion provisions'), to increase enrollment in the programs involved.*

*“(ii)(I) Funds that are appropriated under section 639 for a fiscal year, and made available to Indian Head Start programs or migrant or seasonal Head Start programs under the special expansion provisions, shall remain available until the end of the following fiscal year.*

*“(II) For purposes of subclause (I)—*

*“(aa) if no portion is reallocated under clause (iii), those funds shall remain available to the programs involved; or*

*“(bb) if a portion is reallocated under clause (iii), the portion shall remain available to the recipients of the portion.*

*“(iii) Of the funds made available as described in clause (ii), the Secretary shall reallocate the portion that the Secretary determines is unobligated 18 months after the funds are made available. The Secretary shall add that portion to the balance described in paragraph (4), and reallocate the portion in accordance with paragraph (4), for the following fiscal year referred to in clause (ii).*

*“(4)(A) Except as provided in subparagraph (B), from any amount remaining for a fiscal year after the Secretary carries out paragraphs (2) and (3) (referred to in this paragraph as the 'balance'), the Secretary shall—*

*“(i) reserve 40 percent to carry out subparagraph (C) and paragraph (5);*

*“(ii) reserve 45 percent to carry out subparagraph (D); and*

*“(iii) reserve 15 percent (which shall remain available through the end of fiscal year 2012) to provide funds for carrying out section 642B(b)(2).*

*“(B)(i) Under the circumstances described in clause (ii), from the balance, the Secretary shall—*

*“(I) reserve 45 percent to carry out subparagraph (C) and paragraph (5); and*

*“(II) reserve 55 percent to carry out subparagraph (D).*

*“(ii) The Secretary shall make the reservations described in clause (i) for a fiscal year if—*

*“(I) the total cumulative amount reserved under subparagraph (A)(iii) for all preceding fiscal years equals $100,000,000; or*

*“(II) in the 2-year period preceding such fiscal year, funds were reserved under subparagraph (A)(iii) in an amount that totals not less than $15,000,000 and the Secretary received no approvable applications for such funds.*

*“(iii) The total cumulative amount reserved under subparagraph (A)(iii) for all fiscal years may not be greater than $100,000,000.*

*“(C) The Secretary shall fund the quality improvement activities described in paragraph (5) using the amount reserved under subparagraph (A)(i) or subparagraph (B)(i)(I), as appropriate, of which—*

*“(i) a portion that is less than 10 percent may be reserved by the Secretary to provide funding to Head Start agencies (including Early Head Start agencies) that demonstrate the greatest need for additional funding for such activities, as determined by the Secretary; and*

*“(ii) a portion that is not less than 90 percent shall be reserved by the Secretary to allot, to each Head Start agency (including each Early Head Start agency), an amount that bears the same ratio to such portion as the number of enrolled children served by the agency involved bears to the number of enrolled children served by all the Head Start agencies (including Early Head Start agencies), except that the Secretary shall account for the additional costs of serving children in Early Head Start programs and may consider whether an agency is providing a full-day program or whether an agency is providing a full-year program.*

*“(D) The Secretary shall fund expansion of Head Start programs (including Early Head Start programs) using the amount reserved under subparagraph (A)(ii) or subparagraph (B)(i)(II), as appropriate, of which the Secretary shall—*

*“(i) use 0.2 percent for Head Start programs funded under clause (iv) or (v) of paragraph (2)(B) (other than Early Head Start programs);*

*“(ii) for any fiscal year after the last fiscal year for which Indian Head Start programs receive funds under the special expansion provisions, use 3 percent for Head Start programs funded under paragraph (2)(B)(ii) (other than Early Head Start programs), except that the Secretary may increase that percentage if the Secretary determines that the results of the study conducted under section 649(k) indicate that the percentage should be increased;*

*“(iii) for any fiscal year after the last fiscal year for which migrant or seasonal Head Start programs receive funds under the special expansion provisions, use 4.5 percent for Head Start programs funded under paragraph (2)(B)(iii) (other than Early Head Start programs), except that the Secretary may increase that percentage if the Secretary determines that the results of the study conducted under section 649(l) indicate that the percentage should be increased; and*

*“(iv) from the remainder of the reserved amount—*

*“(I) use 50 percent for Head Start programs funded under paragraph (2)(B)(i) (other than Early Head Start programs), of which—*

*“(aa) the covered percentage shall be allocated among the States serving less than 60 percent (as determined by the Secretary) of children who are 3 or 4 years of age from families whose income is below the poverty line, by allocating to each of those States an amount that bears the same relationship to that covered percentage as the number of children who are less than 5 years of age from families whose income is below the poverty line (referred to in this subclause as 'young low-income children') in that State bears to the number of young low-income children in all those States; and*

*“(bb) the remainder shall be allocated proportionately among the States on the basis of the number of young low-income children; and*

*“(II) use 50 percent for Early Head Start programs.*

*“(E) In this paragraph, the term 'covered percentage' means—*

*“(i) for fiscal year 2008, 30 percent;*

*“(ii) for fiscal year 2009, 40 percent;*

*“(iii) for fiscal year 2010, 50 percent;*

*“(iv) for fiscal year 2011, 55 percent; and*

*“(v) for fiscal year 2012, 55 percent.*

*“(5)(A) Not less than 50 percent of the amount reserved under subparagraph (A)(i) or subparagraph (B)(i)(I), as appropriate, of paragraph (4) to carry out quality improvement activities under paragraph (4)(C) and this paragraph shall be used to improve the compensation (including benefits) of educational personnel, family service workers, and child counselors, as described in sections 644(a) and 653, in the manner determined by the Head Start agencies (including Early Head Start agencies) involved, to—*

*“(i) ensure that compensation is adequate to attract and retain qualified staff for the programs involved in order to enhance program quality;*

*“(ii) improve staff qualifications and assist with the implementation of career development programs for staff that support ongoing improvement of their skills and expertise; and*

*“(iii) provide education and professional development to enable teachers to be fully competent to meet the professional standards established under section 648A(a)(1), including—*

*“(I) providing assistance to complete postsecondary course work;*

*“(II) improving the qualifications and skills of educational personnel to become certified and licensed as bilingual education teachers, or as teachers of English as a second language; and*

*“(III) improving the qualifications and skills of educational personnel to teach and provide services to children with disabilities.*

*“(B) Any remaining funds from the reserved amount described in subparagraph (A) shall be used to carry out any of the following activities:*

*“(i) Supporting staff training, child counseling, and other services, necessary to address the challenges of children from immigrant, refugee, and asylee families, homeless children, children in foster care, limited English proficient children, children of migrant or seasonal farmworker families, children from families in crisis, children referred to Head Start programs (including Early Head Start programs) by child welfare agencies, and children who are exposed to chronic violence or substance abuse.*

*“(ii) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and other individuals with disabilities.*

*“(iii) Employing additional qualified classroom staff to reduce the child-to-teacher ratio in the classroom and additional qualified family service workers to reduce the family-to-staff ratio for those workers.*

*“(iv) Ensuring that Head Start programs have qualified staff that promote the language skills and literacy growth of children and that provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.*

*“(v) Increasing hours of program operation, including—*

*“(I) conversion of part-day programs to full-working-day programs; and*

*“(II) increasing the number of weeks of operation in a calendar year.*

*“(vi) Improving communitywide strategic planning and needs assessments for Head Start programs and collaboration efforts for such programs, including outreach to children described in clause (i).*

*“(vii) Transporting children in Head Start programs safely, except that not more than 10 percent of funds made available to carry out this paragraph may be used for such purposes.*

*“(viii) Improving the compensation and benefits of staff of Head Start agencies, in order to improve the quality of Head Start programs.*

*“(6) No sums appropriated under this subchapter may be combined with funds appropriated under any provision other than this subchapter if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such sums appropriated under this subchapter are separately identified in such grant or payment and are used for the purposes of this subchapter.*

*“(7) In this subsection:*

*“(A) The term 'base grant', used with respect to a fiscal year, means the amount of permanent ongoing funding (other than funding described in sections 645A(g)(2)(A)(i) and paragraph (2)(C)(i)(II)(aa)) provided to a Head Start agency (including an Early Head Start agency) under this subchapter for that fiscal year.*

*“(B) The term 'cost-of-living increase', used with respect to an agency for a fiscal year, means an increase in the funding for that agency, based on the percentage change in the Consumer Price Index for All Urban Consumers (issued by the Bureau of Labor Statistics) for the prior fiscal year, calculated on the amount of the base grant for that agency for the prior fiscal year.*

*“(C) For the purposes of this subsection, the term 'State' does not include Guam, American*

*Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.''.*

*(b) Minimum Enrollment Requirement for Children With Disabilities.—Section 640(d) of the Head Start Act (42 U.S.C. 9835(d)) is amended to read as follows:*

*''(d)(1) The Secretary shall establish policies and procedures to assure that, for fiscal year 2009 and thereafter, not less than 10 percent of the total number of children actually enrolled by each Head Start agency and each delegate agency will be children with disabilities who are determined to be eligible for special education and related services, or early intervention services, as appropriate, as determined under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), by the State or local agency providing services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.).*

*''(2) Such policies and procedures shall ensure the provision of early intervening services, such as educational and behavioral services and supports, to meet the needs of children with disabilities, prior to an eligibility determination under the Individuals with Disabilities Education Act.*

*''(3) Such policies and procedures shall require Head Start agencies to provide timely referral to and collaborate with the State or local agency providing services under section 619 or part C of the Individuals with Disabilities Education Act to ensure the provision of special education and related services and early intervention services, and the coordination of programmatic efforts, to meet the special needs of such children.*

*''(4) The Secretary shall establish policies and procedures to provide Head Start agencies with waivers of the requirements of paragraph (1) for not more than 3 years. Such policies and procedures shall require Head Start agencies, in order to receive such waivers, to provide evidence demonstrating that the Head Start agencies are making reasonable efforts on an annual basis to comply with the requirements of that paragraph.*

*''(5) Nothing in this subsection shall be construed to limit or create a right to a free appropriate public education under the Individuals with Disabilities Education Act.''.*

*(c) Service Delivery Models.—Section 640(f) of the Head Start Act (42 U.S.C. 9835(f)) is amended—*

*(1) by striking ''(f) The'' and inserting ''(f)(1) Not later than 1 year after the date of enactment of the Improving Head Start for School Readiness Act of 2007, the'';*

*(2) by striking ''needs.'' and inserting ''needs, including models that leverage the capacity and capabilities of the delivery system of early childhood education and development services or programs.''; and*

*(3) by adding at the end the following:*

*''(2) In establishing the procedures the Secretary shall establish procedures to provide for—*

*''(A) the conversion of part-day programs to full-working-day programs or part-day slots to full-working-day slots; and*

*''(B) serving additional infants and toddlers pursuant to section 645(a)(5).''.*

*(d) Additional Funds.—Section 640(g) of the Head Start Act (42 U.S.C. 9835(g)) is amended—*

*(1) by striking paragraphs (1), (3), and (4);*

*(2) in paragraph (2)—*

*(A) in the matter preceding subparagraph (A), by striking '', in allocating funds to an applicant within a State, from amounts allotted to a State pursuant to subsection (a)(4),'';*

*(B) in subparagraph (A), by striking ''performance standards'' and inserting ''standards described in section 641A(a)(1)'';*

*(C) by striking subparagraph (C) and inserting the following:*

*''(C) the extent to which the applicant has undertaken a communitywide strategic planning and needs assessment involving other entities, including community organizations, and Federal, State, and local public agencies (including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii))), that provide services to children and families, such as—*

*''(i) family support services;*

*''(ii) child abuse prevention services;*

*''(iii) protective services;*

*''(iv) foster care;*

*''(v) services for families in whose homes English is not the language customarily spoken;*

*''(vi) services for children with disabilities; and*

*''(vii) services for homeless children;'';*

*(D) in subparagraph (D)—*

*(i) by striking ''family and community needs assessment'' and inserting ''family needs assessment and communitywide strategic planning and needs assessment'';*

*(ii) by striking ''reflects'' and inserting ''reflect''; and*

*(iii) by striking ''other local'' and inserting ''the State and local'';*

*(E) by striking subparagraph (E) and inserting the following:*

*''(E) the number of eligible children, as described in clause (i) or (ii) of section 645(a)(1)(B), in each community who are not participating in a Head Start program or any other publicly funded early childhood education and development program;'';*

*(F) by striking subparagraphs (G) and (H) and inserting the following:*

*''(G) the extent to which the applicant proposes to foster partnerships with other service providers in a manner that will leverage the existing delivery systems of such services and enhance the resource capacity of the applicant; and*

*''(H) the extent to which the applicant, in providing services, successfully coordinated activities with the local educational agency serving the community involved (including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii))), and with schools in which children participating in such applicant's program will enroll following such program, with respect to such services and the education services provided by such local educational agency.'';*

*(3) by redesignating paragraph (2) as paragraph (1); and*

*(4) by adding at the end the following:*

*''(2) Notwithstanding paragraph (1), in using funds made available for expansion under subsection (a)(4)(D), the Secretary shall first allocate the funds to qualified applicants proposing to use such funds to serve children from families with incomes below the poverty line. Agencies that receive such funds are subject to the eligibility and enrollment requirements under section 645(a)(1).*

*''(3)(A) In the event that the amount appropriated to carry out the program under this subchapter for a fiscal year does not exceed the amount appropriated for the prior fiscal year, or is not sufficient to maintain services comparable to the services provided under this subchapter during the prior fiscal year, a Head Start agency may negotiate with the Secretary a reduced funded enrollment level without a reduction in the amount of the grant received by the agency under this subchapter, if such agency can reasonably demonstrate that such reduced funded enrollment level is necessary to maintain the quality of services.*

*''(B) In accordance with this paragraph, the Secretary shall set up a process for Head Start agencies to negotiate the reduced funded enrollment levels referred to in subparagraph (A) for the fiscal year involved.*

*''(C) In the event described in subparagraph (A), the Secretary shall be required to notify Head Start agencies of their ability to negotiate the reduced funded enrollment levels if such an agency can reasonably demonstrate that such reduced funded enrollment level is necessary to maintain the quality of services.''.*

*(e) Vehicle Safety Requirements.—Section 640(i) of the Head Start Act (42 U.S.C. 9835(i)) is amended by adding at the end the following: ''The regulations shall also establish requirements to ensure the appropriate supervision of, and appropriate background checks for, individuals with whom the agencies contract to transport those children.''.*

*(f) Migrant and Seasonal Head Start Programs.—Section 640(l) of the Head Start Act (42 U.S.C. 9835(l)) is amended—*

*(1) in paragraph (1)—*

*(A) by striking ''With funds'' and all that follows through ''programs,'' and inserting ''With funds made available under this subchapter to expand migrant and seasonal Head Start programs,''; and*

*(B) by striking ''children of migrant and seasonal farmworker families'' and inserting ''children of migrant or seasonal farmworker families'';*

*(2) in paragraph (2)—*

*(A) by striking ''For'' and all that follows through ''in determining'' and inserting ''In determining'';*

*(B) by striking ''children of migrant farmworkers'' and inserting ''children of migrant farmworker families'';*

*(C) by striking ''under such subsection'' and inserting ''under this subchapter'';*

*(D) by striking ''children of seasonal farmworkers'' each place it appears and inserting ''children of seasonal farmworker families''; and*

*(E) by striking ''children of such farmworkers'' and inserting ''children of such farmworker families''; and*

*(3) by striking paragraph (3) and inserting the following:*

*''(3) In carrying out this subchapter, the Secretary shall continue the administrative arrangement at the national level for meeting the needs of Indian children and children of migrant and seasonal farmworker families and shall ensure—*

*''(A) the provision of training and technical assistance by staff with knowledge of and experience in working with such populations; and*

*''(B) the appointment of a national Indian Head Start collaboration director and a national migrant and seasonal Head Start collaboration director.*

*''(4)(A) For the purposes of paragraph (3), the Secretary shall conduct an annual consultation in each affected Head Start region, with tribal governments operating Head Start (including Early Head Start) programs.*

*''(B) The consultations shall be for the purpose of better meeting the needs of Indian, including Alaska Native, children and their families, in accordance with this subchapter, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations.*

*''(C) The Secretary shall publish a notification of the consultations in the Federal Register before conducting the consultations.*

*''(D) The Secretary shall ensure that a detailed report of each consultation shall be prepared and made available, within 90 days after the consultation, to all tribal governments receiving funds under this subchapter.''.*

(g) ENROLLMENT OF HOMELESS CHILDREN; RULE OF CONSTRUCTION; MATERIALS.—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end the following:

"(m) The Secretary shall issue rules to establish policies and procedures to remove barriers to the enrollment and participation of homeless children in Head Start programs. Such rules shall require Head Start agencies—

"(1) to implement policies and procedures to ensure that homeless children, along with children from other special populations, are identified and prioritized for enrollment;

"(2) to allow families of homeless children to apply to, enroll in, and attend Head Start programs while required documents, such as proof of residency, immunization and other medical records, birth certificates, and other documents, are obtained within a reasonable time frame; and

"(3) to coordinate individual Head Start programs with efforts to implement subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

"(n) Nothing in this subchapter shall be construed to require a State to establish a publicly funded program of early childhood education and development, or to require any child to participate in such a publicly funded program, including a State-funded preschool program, or to participate in any initial screening before participating in a publicly funded program of early childhood education and development, except as provided under sections 612(a)(3) and 635(a)(5) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(3), 1435(a)(5)).

"(o) All curricula funded under this subchapter shall be based on scientifically valid research, and be age and developmentally appropriate. The curricula shall reflect all areas of child development and learning and be aligned with the Head Start Child Outcomes Framework. Parents shall have the opportunity to examine any such curricula or instructional materials funded under this subchapter.".

**SEC. 7. DESIGNATION OF HEAD START AGENCIES.**

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended to read as follows:

**"SEC. 641. DESIGNATION OF HEAD START AGENCIES.**

"(a) AUTHORITY TO DESIGNATE.—

"(1) IN GENERAL.—The Secretary is authorized to designate as a Head Start agency any local public or private nonprofit agency, including community-based and faith-based organizations, or for-profit agency, within a community, pursuant to the requirements of this section.

"(2) INTERIM POLICY.—Notwithstanding paragraph (1), until such time as the Secretary develops and implements the system for designation renewal under this section, the Secretary is authorized to designate as a Head Start agency, any local public or private nonprofit agency, including community-based and faith-based organizations, or for-profit agency, within a community, in the manner and process utilized by the Secretary prior to the enactment of the Improving Head Start for School Readiness Act of 2007.

"(b) APPLICATION FOR DESIGNATION RENEWAL.—To be considered for designation renewal, an entity shall submit an application to the Secretary, at such time and in such manner as the Secretary may require.

"(c) SYSTEM FOR DESIGNATION RENEWAL.—

"(1) IN GENERAL.—The Secretary shall develop a system for designation renewal that integrates the recommendations of the expert panel convened under paragraph (2) to determine if a Head Start agency is delivering a high-quality and comprehensive Head Start program that meets the educational, health, nutritional, and social needs of the children and families it serves, and meets program and financial management requirements and standards described in section 641A(a)(1), based on—

"(A) annual budget and fiscal management data;

"(B) program reviews conducted under section 641A(c);

"(C) annual audits required under section 647;

"(D) classroom quality as measured under section 641A(c)(2)(F); and

"(E) Program Information Reports.

"(2) EXPERT PANEL.—Not later than 3 months after the date of enactment of the Improving Head Start for School Readiness Act of 2007, the Secretary shall convene an expert panel of 7 members to make recommendations to the Secretary on the development of a transparent, reliable, and valid system for designation renewal.

"(3) COMPOSITION OF EXPERT PANEL.—The Secretary, in convening such panel, shall appoint the following:

"(A)(i) One member, who has demonstrated competency, as evidenced by training, expertise, and experience, in early childhood program accreditation.

"(ii) One member, who has demonstrated competency (as so evidenced) in research on early childhood development.

"(iii) One member, who has demonstrated competency (as so evidenced) in governance and finance of nonprofit organizations.

"(iv) One member, who has demonstrated competency (as so evidenced) in delivery of services to populations of children with special needs and their families.

"(v) One member, who has demonstrated competency (as so evidenced) in assessment and evaluation of programs serving young children.

"(B) An employee from the Office of Head Start.

"(C) An executive director of a Head Start agency.

"(4) EXPERT PANEL REPORT.—Within 9 months after being convened by the Secretary, the expert panel shall issue a report to the Secretary that provides recommendations on a proposed system for designation renewal that takes into account the criteria in subparagraphs (A) through (E) of paragraph (1) to evaluate whether a Head Start agency is fulfilling its mission to deliver a high-quality and comprehensive Head Start program, including adequately meeting its governance, legal, and financial management requirements.

"(5) PUBLIC COMMENT AND CONSIDERATION.—Not later than 3 months after receiving the report described in paragraph (4), the Secretary shall publish a notice describing a proposed system for designation renewal in the Federal Register, including a proposal for the transition to such system, providing at least 90 days for public comment. The Secretary shall review and consider public comments prior to finalizing the system for designation renewal described in this subsection.

"(6) DESIGNATION RENEWAL SYSTEM.—Not later than 12 months after publishing a notice describing the proposed system under paragraph (5), the Secretary shall implement the system for designation renewal and use that system to determine—

"(A) whether a Head Start grantee is successfully delivering a high-quality and comprehensive Head Start program; and

"(B) whether the grantee has any unresolved deficiencies found during the last triennial review under section 641A(c).

"(7) IMPLEMENTATION OF THE DESIGNATION RENEWAL SYSTEM.—

"(A) IN GENERAL.—A grantee who is determined under such system—

"(i) to be delivering a high-quality and comprehensive Head Start program shall be designated (consistent with section 643) as a Head Start agency for the period of 5 years described in section 638;

"(ii) to not be delivering a high-quality and comprehensive Head Start program shall be subject to an open competition as described in subsection (d); and

"(iii) in the case of an Indian Head Start agency, to not be delivering a high-quality and comprehensive Head Start program shall (notwithstanding clause (ii)) be subject to the requirements of subparagraph (B).

"(B) TRIBAL GOVERNMENT CONSULTATION AND REEVALUATION.—On making a determination described in subparagraph (A)(iii), the Secretary shall engage in government-to-government consultation with the appropriate tribal government or governments for the purpose of establishing a plan to improve the quality of Head Start programs operated by the Indian Head Start agency. Such plan shall be established and implemented within 6 months after the Secretary's determination. Not more than 6 months after the implementation of that plan, the Secretary shall reevaluate the performance of the Indian Head Start agency. If the Indian Head Start agency is still not delivering a high-quality and comprehensive Head Start program, the Secretary shall conduct an open competition as described in subsection (d), subject to the limitations described in subsection (e).

"(8) TRANSPARENCY, RELIABILITY, AND VALIDITY.—The Secretary shall ensure the system for designation renewal is fair, consistent, and transparent and is applied in a manner that renews designations, in a timely manner, grantees as Head Start agencies for periods of 5 years if such grantees are delivering high-quality and comprehensive Head Start programs. The Secretary shall periodically evaluate whether the criteria of the system are being applied in a manner that is transparent, reliable, and valid.

"(9) TRANSITION.—

"(A) IN GENERAL.—Each Head Start agency shall be reviewed under the system for designation renewal described in paragraph (6), not later than 3 years after the implementation of such system.

"(B) LIMITATION.—A Head Start agency shall not be subject to the requirements of the system for designation renewal prior to 18 months after the date of enactment of the Improving Head Start for School Readiness Act of 2007.

"(C) SCHEDULE.—The Secretary shall establish and implement a schedule for reviewing each Head Start agency under the system for designation renewal described in paragraph (6), consistent with subparagraphs (A) and (B).

"(10) REPORTS TO CONGRESS.—The Secretary shall—

"(A) make available to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the report described in paragraph (4);

"(B) concurrently with publishing a notice in the Federal Register as described in paragraph (5), provide a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate that provides a detailed description of the proposed system described in paragraph (5), including a clear rationale for any differences between the proposed system and the recommendations of the expert panel, if any such differences exist; and

"(C) prior to implementing the system for designation renewal, provide a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

"(i) summarizing the public comment on the proposed system and the Secretary's response to such comment; and

"(ii) describing the final system for designation renewal and the plans for implementation of such system.

"(d) DESIGNATION WHEN NO ENTITY IS RENEWED.—

"(1) IN GENERAL.—If no entity in a community is determined to be successfully delivering a high-quality and comprehensive Head Start program, as specified in subsection (c), the Secretary shall, after conducting an open competition, designate for a 5-year period a Head Start agency from among qualified applicants in such community.

"(2) CONSIDERATIONS FOR DESIGNATION.—In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

"(A) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

"(B) the plan of such applicant to provide comprehensive health, educational, nutritional, social, and other services needed to aid participating children in attaining their full potential, and to prepare children to succeed in school;

"(C) the plan of such applicant to attract and retain qualified staff capable of delivering, including implementing, a high-quality and comprehensive program, including the ability to carry out a research based curriculum aligned with the Head Start Child Outcomes Framework and, as appropriate, State early learning standards;

"(D) the ability of such applicant to maintain child-to-teacher ratios and family service worker caseloads that reflect best practices and are tied to high-quality service delivery;

"(E) the capacity of such applicant to serve eligible children with—

"(i) curricula that are based on scientifically valid research, that are developmentally appropriate, and that promote the school readiness of children participating in the program involved; and

"(ii) teaching practices that are based, as appropriate, on scientifically valid research, that are developmentally appropriate, and that promote the school readiness of children participating in the program involved;

"(F) the plan of such applicant to meet standards described in section 641A(a)(1), with particular attention to the standards described in subparagraphs (A) and (B) of such section;

"(G) the proposed budget of the applicant and plan of such applicant to maintain strong fiscal controls and cost-effective fiscal management;

"(H) the plan of such applicant to coordinate and collaborate with other public or private entities providing early childhood education and development programs and services for young children in the community involved, including—

"(i) programs implementing grant agreements under the Early Reading First and Even Start programs under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.);

"(ii) other preschool programs under title I of that Act (20 U.S.C. 6301 et seq.);

"(iii) programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

"(iv) State prekindergarten programs;

"(v) child care programs;

"(vi) the educational programs that the children in the Head Start program involved will enter at the age of compulsory school attendance; and

"(vii) local entities, such as a public or school library, for—

"(I) conducting reading readiness programs;

"(II) developing innovative programs to excite children about the world of books, including providing fresh books in the Head Start classroom;

"(III) assisting in literacy training for Head Start teachers; or

"(IV) supporting parents and other caregivers in literacy efforts;

"(I) the plan of such applicant to coordinate the Head Start program that the applicant proposes to carry out, with public and private entities that are willing to commit resources to assist the Head Start program in meeting its program needs;

"(J) the plan of such applicant—

"(i) to facilitate the involvement of parents (including grandparents and kinship caregivers, as appropriate) of children participating in the proposed Head Start program, in activities (at home and, if practicable, at the location of the Head Start program) designed to help such parents become full partners in the education of their children;

"(ii) to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level, including transportation assistance, as appropriate;

"(iii) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), public and school libraries, and entities carrying out family support programs) to such parents—

"(I) family literacy services; and

"(II) parenting skills training;

"(iv) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), if needed, including information on the effect of drug exposure on infants and fetal alcohol syndrome;

"(v) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

"(I) training in basic child development (including cognitive, social, and emotional development);

"(II) assistance in developing literacy and communication skills;

"(III) opportunities to share experiences with other parents (including parent-mentor relationships);

"(IV) regular in-home visitation;

"(V) health services, including information on maternal depression; or

"(VI) any other activity designed to help such parents become full partners in the education of their children;

"(vi) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents (including foster parents, grandparents, and kinship caregivers, where applicable), in a manner and language that such parents can understand, to the extent practicable, about the benefits of parent involvement and about the activities described in this subparagraph in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities); and

"(vii) to extend outreach to fathers (including father figures), in appropriate cases, in order to strengthen the role of those fathers in families, in the education of young children, and in the Head Start program, by working directly with the fathers through activities such as—

"(I) in appropriate cases, including the fathers in home visits and providing opportunities for direct father-child interactions; and

"(II) targeting increased male participation in the conduct of the program;

"(K) the plan of such applicant to meet the needs of limited English proficient children and their families, including procedures to identify such children, plans to provide trained personnel, and plans to provide services to assist the children in making progress toward the acquisition of the English language, while making meaningful progress in attaining the knowledge, skills, abilities, and development described in section 641A(a)(1)(B);

"(L) the plan of such applicant to meet the diverse needs of the population served;

"(M) the plan of such applicant who chooses to assist younger siblings of children who will participate in the Head Start program to obtain health services from other sources;

"(N) the plan of such applicant to meet the needs of children with disabilities, including procedures to identify such children, procedures for referral of such children for evaluation to State or local agencies providing services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.), and plans for collaboration with those State or local agencies;

"(O) the plan of such applicant to meet the needs of homeless children, including transportation needs, and the needs of children in foster care; and

"(P) other factors related to the requirements of this subchapter.

"(3) PRIORITY.—In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to applicants that have demonstrated capacity in providing effective, comprehensive, and well-coordinated early childhood education and development services and programs to children and their families.

"(e) PROHIBITION AGAINST NON-INDIAN HEAD START AGENCY RECEIVING A GRANT FOR AN INDIAN HEAD START PROGRAM.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, except as provided in paragraph (2), under no condition may a non-Indian Head Start agency receive a grant to carry out an Indian Head Start program.

"(2) EXCEPTION.—In a community in which there is no Indian Head Start agency available for designation to carry out an Indian Head Start program, a non-Indian Head Start agency may receive a grant to carry out an Indian Head Start program but only until such time as an Indian Head Start agency in such community becomes available and is designated pursuant to this section.

"(f) INTERIM PROVIDER.—If no agency in a community is designated under subsection (d), and there is no qualified applicant in the community, the Secretary shall designate a qualified agency to carry out the Head Start program in the community on an interim basis until a qualified applicant from the community is designated under subsection (d).

"(g) PARENT AND COMMUNITY PARTICIPATION.—The Secretary shall require that the practice of significantly involving parents and community residents in the area affected by the program involved, in the selection of Head Start agencies, be continued.

"(h) COMMUNITY.—For purposes of this subchapter, a community may be a city, county, or multicity or multicounty unit within a State, an Indian reservation (including Indians in any off-reservation area designated by an appropriate tribal government in consultation with the Secretary), or a neighborhood or other area (irrespective of boundaries or political subdivisions) that provides a suitable organizational base and possesses the commonality of interest needed to operate a Head Start program.".

**SEC. 8. STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.**

Section 641A of the Head Start Act (42 U.S.C. 9836a) is amended to read as follows:

**"SEC. 641A. STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.**

"(a) STANDARDS.—

"(1) CONTENT OF STANDARDS.—The Secretary shall modify, as necessary, program performance standards by regulation applicable to Head Start agencies and programs under this subchapter, including—

"(A) performance standards with respect to services required to be provided, including *health, parental involvement, nutritional, and social services, transition activities described in section 642A, and other services;*

*"(B) scientifically based and developmentally appropriate education performance standards related to school readiness that are based on the Head Start Child Outcomes Framework to ensure that the children participating in the program, at a minimum, develop and demonstrate—*

*"(i) language knowledge and skills, including oral language and listening comprehension;*

*"(ii) literacy knowledge and skills, including phonological awareness, print awareness and skills, and alphabetic knowledge;*

*"(iii) mathematics knowledge and skills;*

*"(iv) science knowledge and skills;*

*"(v) cognitive abilities related to academic achievement and child development;*

*"(vi) approaches to learning related to child development and early learning;*

*"(vii) social and emotional development related to early learning, school success, and social problemsolving;*

*"(viii) abilities in creative arts;*

*"(ix) physical development; and*

*"(x) in the case of limited English proficient children, progress toward acquisition of the English language while making meaningful progress in attaining the knowledge, skills, abilities, and development described in clauses (i) through (ix), including progress made through the use of culturally and linguistically appropriate instructional services;*

*"(C) administrative and financial management standards;*

*"(D) standards relating to the condition and location of facilities (including indoor air quality assessment standards, where appropriate) for such agencies, and programs, including regulations that require that the facilities used by Head Start agencies (including Early Head Start agencies and any delegate agencies) for regularly scheduled center-based and combination program option classroom activities—*

*"(i) shall meet or exceed State and local requirements concerning licensing for such facilities; and*

*"(ii) shall be accessible by State and local authorities for purposes of monitoring and ensuring compliance, unless State or local laws prohibit such access; and*

*"(E) such other standards as the Secretary finds to be appropriate.*

*"(2) CONSIDERATIONS REGARDING STANDARDS.—In developing any modifications to standards required under paragraph (1), the Secretary shall—*

*"(A) consult with experts in the fields of child development, early childhood education, child health care, family services (including linguistically and culturally appropriate services to non-English speaking children and their families), administration, and financial management, and with persons with experience in the operation of Head Start programs;*

*"(B) take into consideration—*

*"(i) past experience with use of the standards in effect under this subchapter on the date of enactment of the Improving Head Start for School Readiness Act of 2007;*

*"(ii) changes over the period since October 27, 1998, in the circumstances and problems typically facing children and families served by Head Start agencies;*

*"(iii) recommendations from the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences, consistent with section 649(j);*

*"(iv) developments concerning research-based practices with respect to early childhood education and development, children with disabilities, homeless children, children in foster care, and family services, and best practices with respect to program administration and financial management;*

*"(v) projected needs of an expanding Head Start program;*

*"(vi) guidelines and standards that promote child health services and physical development, including participation in outdoor activity that supports children's motor development and overall health and nutrition;*

*"(vii) changes in the characteristics of the population of children who are eligible to participate in Head Start programs, including country of origin, language background, and family structure of such children, and changes in the population and number of such children who are in foster care or are homeless children;*

*"(viii) mechanisms to ensure that children participating in Head Start programs make a successful transition to the schools that the children will be attending;*

*"(ix) the need for Head Start agencies to maintain regular communications with parents, including conducting periodic meetings to discuss the progress of individual children in Head Start programs; and*

*"(x) the unique challenges faced by individual programs, including those programs that are seasonal or short term and those programs that serve rural populations;*

*"(C)(i) review and revise as necessary the standards in effect under this subsection; and*

*"(ii) ensure that any such revisions in the standards will not result in the elimination of or any reduction in quality, scope, or types of health, educational, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on the date of enactment of the Improving Head Start for School Readiness Act of 2007; and*

*"(D) consult with Indian tribes, including Alaska Natives, experts in Indian, including Alaska Native, early childhood education and development,-linguists, and the National Indian Head Start Directors Association on the review and promulgation of standards under paragraph (1) (including standards for language acquisition and school readiness).*

*"(3) STANDARDS RELATING TO OBLIGATIONS TO DELEGATE AGENCIES.—In developing any modifications to standards under paragraph (1), the Secretary shall describe the obligations of a Head Start agency to a delegate agency to which the Head Start agency has delegated responsibility for providing services under this subchapter.*

*"(b) MEASURES.—*

*"(1) IN GENERAL.—The Secretary, in consultation with representatives of Head Start agencies and with experts in the fields of early childhood education and development, family services, and program management, shall use the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences and other relevant research to inform, revise, and provide guidance to Head Start agencies for utilizing, scientifically based measures that support, as appropriate—*

*"(A) classroom instructional practices;*

*"(B) identification of children with special needs;*

*"(C) program evaluation; and*

*"(D) administrative and financial management practices.*

*"(2) CHARACTERISTICS OF MEASURES.—The measures under this subsection shall—*

*"(A) be developmentally, linguistically, and culturally appropriate for the population served;*

*"(B) be reviewed periodically, based on advances in the science of early childhood development;*

*"(C) be consistent with relevant, nationally recognized professional and technical standards related to the assessment of young children;*

*"(D) be valid and reliable in the language in which they are administered;*

*"(E) be administered by staff with appropriate training for such administration;*

*"(F) provide for appropriate accommodations for children with disabilities and children who are limited English proficient;*

*"(G) be high-quality research-based measures that have been demonstrated to assist with the purposes for which they were devised; and*

*"(H) be adaptable, as appropriate, for use in the self-assessment of Head Start agencies, including in the evaluation of administrative and financial management practices.*

*"(3) USE OF MEASURES; LIMITATIONS ON USE.—*

*"(A) USE.—The measures shall be designed, as appropriate, for the purpose of—*

*"(i) helping to develop the skills, knowledge, abilities, and development described in subsection (a)(1)(B) of children participating in Head Start programs, with an emphasis on measuring skills that scientifically valid research has demonstrated are related to children's school readiness and later success in school;*

*"(ii) improving classroom practices, including reviewing children's strengths and weaknesses and individualizing instruction to better meet the needs of the children involved;*

*"(iii) identifying the special needs of children; and*

*"(iv) improving overall program performance in order to help programs identify problem areas that may require additional training and technical assistance resources.*

*"(B) LIMITATIONS.—Such measures shall not be used to exclude children from Head Start programs.*

*"(4) CONFIDENTIALITY.—*

*"(A) IN GENERAL.—The Secretary, through regulation, shall ensure the confidentiality of any personally identifiable data, information, and records collected or maintained under this subchapter by the Secretary and any Head Start agency. Such regulations shall provide the policies, protections, and rights equivalent to those provided to a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).*

*"(B) PROHIBITION ON NATIONWIDE DATABASE.—Nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable data, information, or records on children resulting from the use of measures under this subsection.*

*"(5) SPECIAL RULE.—*

*"(A) PROHIBITION.—The use of assessment items and data on any assessment authorized under this subchapter by any agent of the Federal Government is prohibited for the purposes of—*

*"(i) ranking, comparing, or otherwise evaluating individual children for purposes other than research, training, or technical assistance; and*

*"(ii) providing rewards or sanctions for individual children or teachers.*

*"(B) RESULTS.—The Secretary shall not use the results of a single assessment as the sole method for assessing program effectiveness or making agency funding determinations at the national, regional, or local level under this subchapter.*

*"(c) MONITORING OF LOCAL AGENCIES AND PROGRAMS.—*

*"(1) IN GENERAL.—To determine whether Head Start agencies meet standards described in subsection (a)(1) established under this subchapter with respect to program, administrative, financial management, and other requirements, and in order to help the programs identify areas for improvement and areas of strength as part of their ongoing self-assessment process, the Secretary shall conduct the following reviews of Head Start agencies, including the Head Start programs operated by such agencies:*

*"(A) A full review, including the use of a risk-based assessment approach, of each such agency at least once during each 3-year period.*

*"(B) A review of each newly designated Head Start agency immediately after the completion of the first year such agency carries out a Head Start program.*

*"(C) Followup reviews, including—*

*"(i) return visits to Head Start agencies with 1 or more findings of deficiencies, not later than 6 months after the Secretary provides notification of such findings, or not later than 12 months after such notification if the Secretary determines that additional time is necessary for an agency to address such a deficiency prior to the review; and*

*"(ii) a review of Head Start agencies with significant areas of noncompliance.*

*"(D) Other reviews, including unannounced site inspections of Head Start centers, as appropriate.*

*"(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—*

*"(A) are conducted by review teams that—*

*"(i) include individuals who are knowledgeable about Head Start programs and, to the maximum extent practicable, individuals who are knowledgeable about—*

*"(I) other early childhood education and development programs, personnel management, financial accountability, and systems development and monitoring; and*

*"(II) the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities, homeless children, children in foster care, and limited English proficient children) and their families;*

*"(ii) include, to the maximum extent practicable, current or former employees of the Department of Health and Human Services who are knowledgeable about Head Start programs; and*

*"(iii) shall receive periodic training to ensure quality and consistency across reviews;*

*"(B) include as part of the reviews, a review and assessment of program strengths and areas in need of improvement;*

*"(C) include as part of the reviews, a review and assessment of whether programs have adequately addressed population and community needs (including those of limited English proficient children and children of migrant or seasonal farmworker families);*

*"(D) include as part of the reviews, an assessment of the extent to which the programs address the communitywide strategic planning and needs assessment described in section 640(g)(1)(C);*

*"(E) include information on the innovative and effective efforts of the Head Start agencies to collaborate with the entities providing early childhood and development services or programs in the community and any barriers to such collaboration that the agencies encounter;*

*"(F) include as part of the reviews, a valid and reliable research-based observational instrument, implemented by qualified individuals with demonstrated reliability, that assesses classroom quality, including assessing multiple dimensions of teacher-child interactions that are linked to positive child development and later achievement;*

*"(G) are conducted in a manner that evaluates program performance, quality, and overall operations with consistency and objectivity, are based on a transparent and reliable system of review, and are conducted in a manner that includes periodic interrater reliability checks, to ensure quality and consistency, across and within regions, of the reviews and of noncompliance and deficiency determinations;*

*"(H) in the case of reviews of Early Head Start agencies and programs, are conducted by a review team that includes individuals who are knowledgeable about the development of infants and toddlers;*

*"(I) include as part of the reviews a protocol for fiscal management that shall be used to assess compliance with program requirements for—*

*"(i) using Federal funds appropriately;*

*"(ii) using Federal funds specifically to purchase property (consistent with section 644(f)) and to compensate personnel;*

*"(iii) securing and using qualified financial officer support; and*

*"(iv) reporting financial information and implementing appropriate internal controls to safeguard Federal funds;*

*"(J) include as part of the reviews of the programs, a review and assessment of whether the programs are in conformity with the eligibility requirements under section 645(a)(1), including regulations promulgated under such section and whether the programs have met the requirements for the outreach and enrollment policies and procedures, and selection criteria, in such section, for the participation of children in programs assisted under this subchapter;*

*"(K) include as part of the reviews, a review and assessment of whether agencies have adequately addressed the needs of children with disabilities, including whether the agencies involved have met the 10 percent minimum enrollment requirement specified in section 640(d) and whether the agencies have made sufficient efforts to collaborate with State and local agencies providing services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.); and*

*"(L) include as part of the reviews, a review and assessment of child outcomes and performance as they relate to agency-determined school readiness goals described in subsection (g)(2), consistent with subsection (b)(5).*

*"(3) STANDARDS RELATING TO OBLIGATIONS TO DELEGATE AGENCIES.—In conducting a review described in paragraph (1)(A) of a Head Start agency, the Secretary shall determine whether the agency complies with the obligations described in subsection (a)(3). The Secretary shall consider such compliance in determining whether to renew financial assistance to the Head Start agency under this subchapter.*

*"(4) USE OF REVIEW FINDINGS.—The findings of a review described in paragraph (1) of a Head Start agency shall, at a minimum—*

*"(A) be presented to the agency in a timely, transparent, and uniform manner that conveys information of program strengths and weaknesses and assists with program improvement; and*

*"(B) be used by the agency to inform the development and implementation of its plan for training and technical assistance.*

*"(d) EVALUATIONS AND CORRECTIVE ACTION FOR DELEGATE AGENCIES.—*

*"(1) PROCEDURES.—Each Head Start agency shall establish, subject to paragraph (4), procedures relating to its delegate agencies, including—*

*"(A) procedures for evaluating delegate agencies;*

*"(B) procedures for defunding delegate agencies; and*

*"(C) procedures for a delegate agency to appeal a defunding decision.*

*"(2) EVALUATION.—Each Head Start agency—*

*"(A) shall evaluate its delegate agencies using the procedures established under this subsection; and*

*"(B) shall inform the delegate agencies of the deficiencies identified through the evaluation that are required to be corrected.*

*"(3) REMEDIES TO ENSURE CORRECTIVE ACTIONS.—In the event that the Head Start agency identifies a deficiency for a delegate agency through the evaluation, the Head Start agency shall take action, which may include—*

*"(A) initiating procedures to terminate the designation of the agency unless the agency corrects the deficiency;*

*"(B) conducting monthly monitoring visits to such delegate agency until all deficiencies are corrected or the Head Start agency decides to defund such delegate agency; and*

*"(C) releasing funds to such delegate agency—*

*"(i) only as reimbursements except that, upon receiving a request from the delegate agency accompanied by assurances satisfactory to the Head Start agency that the funds will be appropriately safeguarded, the Head Start agency shall provide to the delegate agency a working capital advance in an amount sufficient to cover the estimated expenses involved during an agreed upon disbursing cycle; and*

*"(ii) only if there is continuity of services.*

*"(4) TERMINATION.—The Head Start agency may not terminate a delegate agency's contract or reduce a delegate agency's service area without showing cause or demonstrating the cost-effectiveness of such a decision.*

*"(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the powers, duties, or functions of the Secretary with respect to Head Start agencies or delegate agencies that receive financial assistance under this subchapter.*

*"(e) CORRECTIVE ACTION FOR HEAD START AGENCIES.—*

*"(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to this subchapter fails to meet the standards described in subsection (a)(1) or fails to address the communitywide strategic planning and needs assessment, the Secretary shall—*

*"(A) inform the agency of the deficiencies that shall be corrected and identify the assistance to be provided consistent with paragraph (3);*

*"(B) with respect to each identified deficiency, require the agency—*

*"(i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;*

*"(ii) to correct the deficiency not later than 90 days after the identification of the deficiency if the Secretary finds, in the discretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or*

*"(iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency), to comply with the requirements of paragraph (2) concerning a quality improvement plan; and*

*"(C) initiate proceedings to terminate the designation of the agency unless the agency corrects the deficiency.*

*"(2) QUALITY IMPROVEMENT PLAN.—*

*"(A) AGENCY AND PROGRAM RESPONSIBILITIES.—To retain a designation as a Head Start agency under this subchapter, or in the case of a Head Start program to continue to receive funds from such agency, a Head Start agency that is the subject of a determination described in paragraph (1), or a Head Start program that is determined to have a deficiency under subsection (d)(2) (excluding an agency required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—*

*"(i) develop in a timely manner, a quality improvement plan that shall be subject to the approval of the Secretary, or in the case of a program, the sponsoring agency, and that shall specify—*

*"(I) the deficiencies to be corrected;*

*"(II) the actions to be taken to correct such deficiencies; and*

*"(III) the timetable for accomplishment of the corrective actions specified; and*

*"(ii) correct each deficiency identified, not later than the date for correction of such deficiency specified in such plan (which shall not be later than 1 year after the date the agency or Head Start program that is determined to have a deficiency received notice of the determination and of the specific deficiency to be corrected).*

*"(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.*

*"(C) AGENCY RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start program a proposed quality improvement plan pursuant to subparagraph (A), the Head Start agency involved shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.*

*"(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary shall provide training and technical assistance to Head Start agencies and programs with respect to the development or implementation of such quality improvement plans to the extent the Secretary finds such provision to be feasible and appropriate given available funding and other statutory responsibilities.*

*"(f) SUMMARIES OF MONITORING OUTCOMES.—*

*"(1) IN GENERAL.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (e), during such fiscal year.*

*"(2) REPORT AVAILABILITY.—Such report shall be made widely available to—*

*"(A) parents with children receiving assistance under this subchapter—*

*"(i) in an understandable and uniform format; and*

*"(ii) to the extent practicable, in a language that the parents understand; and*

*"(B) the public through means such as—*

*"(i) distribution through public agencies; and*

*"(ii) posting such information on the Internet.*

*"(3) REPORT INFORMATION.—Such report shall contain detailed data—*

*"(A) on compliance with specific standards and measures; and*

*"(B) sufficient to allow Head Start agencies to use such data to improve the quality of their programs.*

*"(g) SELF-ASSESSMENTS.—*

*"(1) IN GENERAL.—Not less frequently than once each program year, with the consultation and participation of policy councils and, as applicable, policy committees and, as appropriate, other community members, each Head Start agency, and each delegate agency, that receives financial assistance under this subchapter shall conduct a comprehensive self-assessment of its effectiveness and progress in meeting program goals and objectives and in implementing and complying with standards described in subsection (a)(1).*

*"(2) GOALS, REPORTS, AND IMPROVEMENT PLANS.—*

*"(A) GOALS.—An agency conducting a self-assessment shall establish agency-determined program goals for improving the school readiness of children participating in a program under this subchapter, including school readiness goals that are aligned with the Head Start Child Outcomes Framework, State early learning standards as appropriate, and requirements and expectations of the schools the children will be attending.*

*"(B) IMPROVEMENT PLAN.—The agency shall develop, and submit to the Secretary a report containing, an improvement plan approved by the governing body of the agency to strengthen any areas identified in the self-assessment as weaknesses or in need of improvement.*

*"(3) ONGOING MONITORING.—Each Head Start agency (including each Early Head Start agency) and each delegate agency shall establish and implement procedures for the ongoing monitoring of their respective programs, to ensure that the operations of the programs work toward meeting program goals and objectives and standards described in subsection (a)(1).*

*"(h) REDUCTION OF GRANTS AND REDISTRIBUTION OF FUNDS IN CASES OF UNDERENROLLMENT.—*

*"(1) DEFINITIONS.—In this subsection:*

*"(A) ACTUAL ENROLLMENT.—The term 'actual enrollment' means, with respect to the program of a Head Start agency, the actual number of children enrolled in such program and reported by the agency (as required in paragraph (2)) in a given month.*

*"(B) BASE GRANT.—The term 'base grant' has the meaning given the term in section 640(a)(7).*

*"(C) FUNDED ENROLLMENT.—The term 'funded enrollment' means, with respect to the program of a Head Start agency in a fiscal year, the number of children that the agency is funded to serve through a grant for the program during such fiscal year, as indicated in the grant agreement.*

*"(2) ENROLLMENT REPORTING REQUIREMENT.—Each entity carrying out a Head Start program shall report on a monthly basis to the Secretary and the relevant Head Start agency—*

*"(A) the actual enrollment in such program; and*

*"(B) if such actual enrollment is less than the funded enrollment, any apparent reason for such enrollment shortfall.*

*"(3) SECRETARIAL REVIEW AND PLAN.—The Secretary shall—*

*"(A) on a semiannual basis, determine which Head Start agencies are operating with an actual enrollment that is less than the funded enrollment based on not less than 4 consecutive months of data;*

*"(B) for each such Head Start agency operating a program with an actual enrollment that is less than its funded enrollment, as determined under subparagraph (A), develop, in collaboration with such agency, a plan and timetable for reducing or eliminating underenrollment taking into consideration—*

*"(i) the quality and extent of the outreach, recruitment, and communitywide strategic planning and needs assessment conducted by such agency;*

*"(ii) changing demographics, mobility of populations, and the identification of new underserved low-income populations;*

*"(iii) facilities-related issues that may impact enrollment;*

*"(iv) the ability to provide full-working-day programs, where needed, through funds made available under this subchapter or through collaboration with entities carrying out other early childhood education and development programs, or programs with other funding sources (where available);*

*"(v) the availability and use by families of other early childhood education and development options in the community served; and*

*"(vi) agency management procedures that may impact enrollment; and*

*"(C) provide timely and ongoing technical assistance to each agency described in subparagraph (B) for the purpose of assisting the Head Start agency to implement the plan described in such subparagraph.*

*"(4) IMPLEMENTATION.—Upon receipt of the technical assistance described in paragraph (3)(C), a Head Start agency shall immediately implement the plan described in paragraph (3)(B). The Secretary shall, where determined appropriate, continue to provide technical assistance to such agency.*

*"(5) SECRETARIAL REVIEW AND ADJUSTMENT FOR CHRONIC UNDERENROLLMENT.—*

*"(A) IN GENERAL.—If, after receiving technical assistance and developing and implementing the plan as described in paragraphs (3) and (4) for 12 months, a Head Start agency is operating a program with an actual enrollment that is less than 97 percent of its funded enrollment, the Secretary may—*

*"(i) designate such agency as chronically underenrolled; and*

*"(ii) recapture, withhold, or reduce the base grant for the program by a percentage equal to the percentage difference between funded enrollment and actual enrollment for the program for the most recent year for which the agency is determined to be underenrolled under paragraph (3)(A).*

*"(B) WAIVER OR LIMITATION OF REDUCTIONS.—The Secretary may, as appropriate, waive or reduce the percentage recapturing, withholding, or reduction otherwise required by subparagraph (A), if, after the implementation of the plan described in paragraph (3)(B), the Secretary finds that—*

*"(i) the causes of the enrollment shortfall, or a portion of the shortfall, are related to the agency's serving significant numbers of highly mobile children, or are other significant causes as determined by the Secretary;*

*"(ii) the shortfall can reasonably be expected to be temporary; or*

*"(iii) the number of slots allotted to the agency is small enough that underenrollment does not create a significant shortfall.*

*"(6) REDISTRIBUTION OF FUNDS.—*

*"(A) IN GENERAL.—Funds held by the Secretary as a result of recapturing, withholding, or reducing a base grant in a fiscal year shall be redistributed by the end of the following fiscal year as follows:*

*"(i) INDIAN HEAD START PROGRAMS.—If such funds are derived from an Indian Head Start program, then such funds shall be redistributed to increase enrollment by the end of the following fiscal year in 1 or more Indian Head Start programs.*

*"(ii) MIGRANT AND SEASONAL HEAD START PROGRAMS.—If such funds are derived from a migrant or seasonal Head Start program, then such funds shall be redistributed to increase enrollment by the end of the following fiscal year in 1 or more programs of the type from which such funds are derived.*

*"(iii) EARLY HEAD START PROGRAMS.—If such funds are derived from an Early Head Start program in a State, then such funds shall be redistributed to increase enrollment by the end of the following fiscal year in 1 or more Early Head Start programs in that State. If such funds are derived from an Indian Early Head Start program, then such funds shall be redistributed to increase enrollment by the end of the following fiscal year in 1 or more Indian Early Head Start programs.*

*"(iv) OTHER HEAD START PROGRAMS.—If such funds are derived from a Head Start program in a State (excluding programs described in clauses (i) through (iii)), then such funds shall be redistributed to increase enrollment by the end of the following fiscal year in 1 or more Head Start programs (excluding programs described in clauses (i) through (iii)) that are carried out in such State.*

*"(B) ADJUSTMENT TO FUNDED ENROLLMENT.—The Secretary shall adjust as necessary the requirements relating to funded enrollment indicated in the grant agreement of a Head Start agency receiving redistributed funds under this paragraph.".*

### *SEC. 9. POWERS AND FUNCTIONS OF HEAD START AGENCIES.*

*Section 642 of the Head Start Act (42 U.S.C. 9837) is amended to read as follows:*

### *"SEC. 642. POWERS AND FUNCTIONS OF HEAD START AGENCIES.*

*"(a) AUTHORITY.—To be designated as a Head Start agency under this subchapter, an agency shall have authority under its charter or applicable law to receive and administer funds under this subchapter, funds and contributions from private or local public sources that may be used in support of a Head Start program, and funds under any Federal or State assistance program pursuant to which a public or private nonprofit or for-profit agency (as the case may be) organized in accordance with this subchapter, could act as grantee, contractor, or sponsor of projects appropriate for inclusion in a Head Start program. Such an agency shall also be empowered to transfer funds so received, and to delegate powers to other agencies, subject to the powers of its governing board and its overall program responsibilities. The power to transfer funds and delegate powers shall include the power to make transfers and delegations covering component projects in all cases where this will contribute to efficiency and effectiveness or otherwise further program objectives.*

*"(b) FAMILY AND COMMUNITY INVOLVEMENT; FAMILY SERVICES.—To be so designated, a Head Start agency shall, at a minimum, do all the following to involve and serve families and communities:*

*"(1) Provide for the regular and direct participation of parents and community residents in the implementation of the Head Start program, including decisions that influence the character of such program, consistent with paragraphs (2)(D) and (3)(C) of subsection (c).*

*"(2) Seek the involvement of parents, community residents, and local business in the design and implementation of the program.*

*"(3) Establish effective procedures—*

*"(A) to facilitate and seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children; and*

*"(B) to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level, including transportation assistance as appropriate.*

*"(4) Offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), public and school libraries, and entities carrying out family support programs) to such parents—*

*"(A) family literacy services; and*

*"(B) parenting skills training.*

*"(5) Offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), if needed, including information on the effect of drug exposure on infants and fetal alcohol syndrome.*

*"(6) At the option of such agency, offer (directly or through referral to local entities) to such parents—*

*"(A) training in basic child development (including cognitive, social, and emotional development);*

*"(B) assistance in developing literacy and communication skills;*

*"(C) opportunities to share experiences with other parents (including parent-mentor relationships);*

*"(D) health services, including information on maternal depression;*

*"(E) regular in-home visitation; or*

*"(F) any other activity designed to help such parents become full partners in the education of their children.*

*"(7) Provide, with respect to each participating family, a family needs assessment that includes consultation with such parents (including foster parents, grandparents, and kinship caregivers, where applicable), in a manner and language that such parents can understand (to the extent practicable), about the benefits of parent involvement and about the activities described in this subsection in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities).*

*"(8) Consider providing services to assist younger siblings of children participating in its Head Start program to obtain health services from other sources.*

*"(9) Perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers.*

*"(10)(A) Inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support.*

*"(B) Refer eligible parents to the child support offices of State and local governments.*

*"(11) Provide to parents of limited English proficient children outreach and information, in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand.*

*"(12) Provide technical and other support needed to enable parents and community residents to secure, on their own behalf, available assistance from public and private sources.*

*"(13) Promote the continued involvement of the parents (including foster parents, grandparents, and kinship caregivers, as appropriate) of children that participate in Head Start programs in the education of their children upon transition of their children to school, by working with the local educational agency—*

*"(A) to provide training to the parents—*

*"(i) to inform the parents about their rights and responsibilities concerning the education of their children; and*

*"(ii) to enable the parents—*

*"(I) to understand and work with schools in order to communicate with teachers and other school personnel;*

*"(II) to support the schoolwork of their children; and*

*"(III) to participate as appropriate in decisions relating to the education of their children; and*

*"(B) to take other actions, as appropriate and feasible, to support the active involvement of the parents with schools, school personnel, and school-related organizations.*

*"(14) Establish effective procedures for timely referral of children with disabilities to the State or local agency providing services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.), and collaboration with that agency, consistent with section 640(d)(3).*

*"(15) Establish effective procedures for providing necessary early intervening services to children with disabilities prior to an eligibility determination by the State or local agency responsible for providing services under section 619 or part C of such Act, consistent with section 640(d)(2).*

*"(16) At the option of the Head Start agency, partner with an institution of higher education and a nonprofit organization to provide college students with the opportunity to serve as mentors or reading partners for Head Start participants.*

*"(c) PROGRAM GOVERNANCE.—Upon receiving designation as a Head Start agency, the agency shall establish and maintain a formal structure for program governance, for the oversight of quality services for Head Start children and families and for making decisions related to program design and implementation. Such structure shall include the following:*

*"(1) GOVERNING BODY.—*

*"(A) IN GENERAL.—The governing body shall have legal and fiscal responsibility for the Head Start agency.*

*"(B) COMPOSITION.—The governing body shall be composed as follows:*

*"(i) Not less than 1 member shall have a background and expertise in fiscal management or accounting.*

*"(ii) Not less than 1 member shall have a background and expertise in early childhood education and development.*

*"(iii) Not less than 1 member shall be a licensed attorney familiar with issues that come before the governing body.*

*"(iv) Additional members shall—*

*"(I) reflect the community to be served and include parents of children who are currently, or were formerly, enrolled in Head Start programs; and*

*"(II) are selected for their expertise in education, business administration, or community affairs.*

*"(v) Exceptions shall be made to the requirements of clauses (i) through (iv) for members of a governing body when those members oversee a public entity and are selected to their positions with the public entity by public election or political appointment.*

*"(vi) If a person described in clause (i), (ii), or (iii) is not available to serve as a member of the governing body, the governing body shall use a consultant, or an other individual with relevant expertise, with the qualifications described in that clause, who shall work directly with the governing body.*

*"(C) CONFLICT OF INTEREST.—Members of the governing body shall—*

*"(i) not have a financial conflict of interest with the Head Start agency (including any delegate agency);*

*"(ii) not receive compensation for serving on the governing body or for providing services to the Head Start agency;*

*"(iii) not be employed, nor shall members of their immediate family be employed, by the Head Start agency (including any delegate agency); and*

*"(iv) operate as an entity independent of staff employed by the Head Start agency.*

*"(D) EXCEPTION.—If an individual holds a position as a result of public election or political appointment, and such position carries with it a concurrent appointment to serve as a member of a Head Start agency governing body, and such individual has any conflict of interest described in clause (ii) or (iii) of subparagraph (C)—*

*"(i) such individual shall not be prohibited from serving on such body and the Head Start agency shall report such conflict to the Secretary; and*

*"(ii) if the position held as a result of public election or political appointment provides compensation, such individual shall not be prohibited from receiving such compensation.*

*"(E) RESPONSIBILITIES.—The governing body shall—*

*"(i) have legal and fiscal responsibility for administering and overseeing programs under this subchapter, including the safeguarding of Federal funds;*

*"(ii) adopt practices that assure active, independent, and informed governance of the Head Start agency, including practices consistent with subsection (d)(1), and fully participate in the development, planning, and evaluation of the Head Start programs involved;*

*"(iii) be responsible for ensuring compliance with Federal laws (including regulations) and applicable State, tribal, and local laws (including regulations); and*

*"(iv) be responsible for other activities, including—*

*"(I) selecting delegate agencies and the service areas for such agencies;*

*"(II) establishing procedures and criteria for recruitment, selection, and enrollment of children;*

*"(III) reviewing all applications for funding and amendments to applications for funding for programs under this subchapter;*

*"(IV) establishing procedures and guidelines for accessing and collecting information described in subsection (d)(2);*

*"(V) reviewing and approving all major policies of the agency, including—*

*"(aa) the annual self-assessment and financial audit;*

*"(bb) such agency's progress in carrying out the programmatic and fiscal provisions in such agency's grant application, including implementation of corrective actions; and*

*"(cc) personnel policies of such agencies regarding the hiring, evaluation, termination, and compensation of agency employees;*

*"(VI) developing procedures for how members of the policy council are selected, consistent with paragraph (2)(B);*

*"(VII) approving financial management, accounting, and reporting policies, and compliance with laws and regulations related to financial statements, including the—*

*"(aa) approval of all major financial expenditures of the agency;*

*"(bb) annual approval of the operating budget of the agency;*

*"(cc) selection (except when a financial auditor is assigned by the State under State law or is assigned under local law) of independent financial auditors who shall report all critical accounting policies and practices to the governing body; and*

*"(dd) monitoring of the agency's actions to correct any audit findings and of other action necessary to comply with applicable laws (including regulations) governing financial statement and accounting practices;*

*"(VIII) reviewing results from monitoring conducted under section 641A(c), including appropriate followup activities;*

*"(IX) approving personnel policies and procedures, including policies and procedures regarding the hiring, evaluation, compensation, and termination of the Executive Director, Head Start Director, Director of Human Resources, Chief Fiscal Officer, and any other person in an equivalent position with the agency;*

*"(X) establishing, adopting, and periodically updating written standards of conduct that establish standards and formal procedures for disclosing, addressing, and resolving—*

*"(aa) any conflict of interest, and any appearance of a conflict of interest, by members of the governing body, officers and employees of the Head Start agency, and consultants and agents who provide services or furnish goods to the Head Start agency; and*

*"(bb) complaints, including investigations, when appropriate; and*

*"(XI) to the extent practicable and appropriate, at the discretion of the governing body, establishing advisory committees to oversee key responsibilities related to program governance and improvement of the Head Start program involved.*

*"(2) POLICY COUNCIL.—*

*"(A) IN GENERAL.—Consistent with paragraph (1)(E), each Head Start agency shall have a policy council responsible for the direction of the Head Start program, including program design and operation, and long- and short-term planning goals and objectives, taking into account the annual communitywide strategic planning and needs assessment and self-assessment.*

*"(B) COMPOSITION AND SELECTION.—*

*"(i) The policy council shall be elected by the parents of children who are currently enrolled in the Head Start program of the Head Start agency.*

*"(ii) The policy council shall be composed of—*

*"(I) parents of children who are currently enrolled in the Head Start program of the Head Start agency (including any delegate agency), who shall constitute a majority of the members of the policy council; and*

*"(II) members at large of the community served by the Head Start agency (including any delegate agency), who may include parents of children who were formerly enrolled in the Head Start program of the agency.*

*"(C) CONFLICT OF INTEREST.—Members of the policy council shall—*

*"(i) not have a conflict of interest with the Head Start agency (including any delegate agency); and*

*"(ii) not receive compensation for serving on the policy council or for providing services to the Head Start agency.*

*"(D) RESPONSIBILITIES.—The policy council shall approve and submit to the governing body decisions about each of the following activities:*

*"(i) Activities to support the active involvement of parents in supporting program operations, including policies to ensure that the Head Start agency is responsive to community and parent needs.*

*"(ii) Program recruitment, selection, and enrollment priorities.*

*"(iii) Applications for funding and amendments to applications for funding for programs under this subchapter, prior to submission of applications described in this clause.*

*"(iv) Budget planning for program expenditures, including policies for reimbursement and participation in policy council activities.*

*"(v) Bylaws for the operation of the policy council.*

*"(vi) Program personnel policies and decisions regarding the employment of program staff, consistent with paragraph (1)(E)(iv)(IX), including standards of conduct for program staff, contractors, and volunteers and criteria for the employment and dismissal of program staff.*

*"(vii) Developing procedures for how members of the policy council of the Head Start agency will be elected.*

*"(viii) Recommendations on the selection of delegate agencies and the service areas for such agencies.*

*"(3) POLICY COMMITTEES.—Each delegate agency shall create a policy committee, which shall—*

*"(A) be elected and composed of members, consistent with paragraph (2)(B) (with respect to delegate agencies);*

*"(B) follow procedures to prohibit conflict of interest, consistent with clauses (i) and (ii) of paragraph (2)(C) (with respect to delegate agencies); and*

*"(C) be responsible for approval and submission of decisions about activities as they relate to the delegate agency, consistent with paragraph (2)(D) (with respect to delegate agencies).*

*"(d) PROGRAM GOVERNANCE ADMINISTRATION.—*

*"(1) IMPASSE POLICIES.—The Secretary shall develop policies, procedures, and guidance for Head Start agencies concerning—*

*"(A) the resolution of internal disputes, including any impasse in the governance of Head Start programs; and*

*"(B) the facilitation of meaningful consultation and collaboration about decisions of the governing body and policy council.*

*"(2) CONDUCT OF RESPONSIBILITIES.—Each Head Start agency shall ensure the sharing of accurate and regular information for use by the governing body and the policy council, about program planning, policies, and Head Start agency operations, including—*

*"(A) monthly financial statements, including credit card expenditures;*

*"(B) monthly program information summaries;*

*"(C) program enrollment reports, including attendance reports for children whose care is partially subsidized by another public agency;*

*"(D) monthly reports of meals and snacks provided through programs of the Department of Agriculture;*

*"(E) the financial audit;*

*"(F) the annual self-assessment, including any findings related to such assessment;*

*"(G) the communitywide strategic planning and needs assessment of the Head Start agency, including any applicable updates;*

*"(H) communication and guidance from the Secretary; and*

*"(I) the program information reports.*

*"(3) TRAINING AND TECHNICAL ASSISTANCE.—Appropriate training and technical assistance shall be provided to the members of the governing body and the policy council to ensure that the members understand the information the members receive and can effectively oversee and participate in the programs of the Head Start agency.*

*"(e) COLLABORATION AND COORDINATION.—To be so designated, a Head Start agency shall collaborate and coordinate with public and private entities, to the maximum extent practicable, to improve the availability and quality of services to Head Start children and families, including carrying out the following activities:*

*"(1) Conduct outreach to schools in which children participating in the Head Start program will enroll following the program, local educational agencies, the local business community, community-based organizations, faith-based organizations, museums, and libraries to generate support and leverage the resources of the entire local community in order to improve school readiness.*

*"(2)(A) In communities where both a public prekindergarten program and a Head Start program operate, collaborate and coordinate activities with the local educational agency or other public agency responsible for the operation of the prekindergarten program and providers of prekindergarten, including outreach activities to identify eligible children.*

*"(B) With the permission of the parents of children enrolled in the Head Start program, regularly communicate with the schools in which the children will enroll following the program, to—*

*"(i) share information about such children;*

*"(ii) collaborate with the teachers in such schools regarding professional development and instructional strategies, as appropriate; and*

*"(iii) ensure a smooth transition to school for such children.*

*"(3) Coordinate activities and collaborate with programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), the agencies responsible for administering section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) and parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.), programs under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.), and other entities providing early childhood education and development programs or services, serving the children and families served by the Head Start agency.*

*"(4) Take steps to coordinate activities with the local educational agency serving the community involved and with schools in which children participating in the Head Start program will enroll following the program, including—*

*"(A) collaborating on the shared use of transportation and facilities, in appropriate cases;*

*"(B) collaborating to reduce the duplication and enhance the efficiency of services while increasing the program participation of underserved populations of eligible children; and*

*"(C) exchanging information on the provision of noneducational services to such children.*

*"(5) Enter into a memorandum of understanding, not later than 1 year after the date of enactment of the Improving Head Start for School Readiness Act of 2007, with the appropriate local entity responsible for managing publicly funded preschool programs in the service area of the Head Start agency, that shall—*

*"(A)(i) provide for a review of each of the activities described in clause (ii); and*

*"(ii) include plans to coordinate, as appropriate, activities regarding—*

*"(I) educational activities, curricular objectives, and instruction;*

*"(II) public information dissemination and access to programs for families contacting the Head Start program or any of the preschool programs;*

*"(III) selection priorities for eligible children to be served by programs;*

*"(IV) service areas;*

*"(V) staff training, including opportunities for joint staff training on topics such as academic content standards, instructional methods, curricula, and social and emotional development;*

*"(VI) program technical assistance;*

*"(VII) provision of additional services to meet the needs of working parents, as applicable;*

*"(VIII) communications and parent outreach for smooth transitions to kindergarten as required in paragraphs (3) and (6) of section 642A(a);*

*"(IX) provision and use of facilities, transportation, and other program elements; and*

*"(X) other elements mutually agreed to by the parties to such memorandum;*

*"(B) be submitted to the Secretary and the State Director of Head Start Collaboration not later than 30 days after the parties enter into such memorandum, except that—*

*"(i) where there is an absence of publicly funded preschool programs in the service area of a Head Start agency, this paragraph shall not apply; or*

*"(ii) where the appropriate local entity responsible for managing the publicly funded preschool programs is unable or unwilling to enter into such a memorandum, this paragraph shall not apply and the Head Start agency shall inform the Secretary and the State Director of Head Start Collaboration of such inability or unwillingness; and*

*"(C) be revised periodically and renewed biennially by the parties to such memorandum, in alignment with the beginning of the school year.*

*"(f) QUALITY STANDARDS, CURRICULA, AND ASSESSMENT.—To be so designated, each Head Start agency shall—*

*"(1) take steps to ensure, to the maximum extent practicable, that children maintain the developmental and educational gains achieved in Head Start programs and build upon such gains in further schooling;*

*"(2) establish a program with the standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;*

*"(3) implement a research-based early childhood curriculum that—*

*"(A) promotes young children's school readiness in the areas of language and cognitive development, early reading and mathematics skills, socio-emotional development, physical development, and approaches to learning;*

*"(B) is based on scientifically valid research and has standardized training procedures and curriculum materials to support implementation;*

*"(C) is comprehensive and linked to ongoing assessment, with developmental and learning goals and measurable objectives;*

*"(D) is focused on improving the learning environment, teaching practices, family involvement, and child outcomes across all areas of development; and*

*"(E) is aligned with the Head Start Child Outcomes Framework developed by the Secretary and, as appropriate, State early learning standards;*

*"(4) implement effective interventions and support services that help promote the school readiness of children participating in the program;*

*"(5) use research-based assessment methods that reflect the characteristics described in section 641A(b)(2) in order to support the educational instruction and school readiness of children in the program;*

*"(6) use research-based developmental screening tools that have been demonstrated to be standardized, reliable, valid, and accurate for the child being assessed, to the maximum extent practicable, for the purpose of meeting the relevant standards described in section 641A(a)(1);*

*"(7) adopt, in consultation with experts in child development and with classroom teachers, an evaluation to assess whether classroom teachers have mastered the functions discussed in section 648A(a)(1);*

*"(8) use the information provided from the assessment conducted under section 641A(c)(2)(F) to inform professional development plans, as appropriate, that lead to improved teacher effectiveness;*

*"(9) establish goals and measurable objectives for the provision of health, educational, nutritional, and social services provided under this subchapter and related to the program mission and to promote school readiness; and*

*"(10) develop procedures for identifying children who are limited English proficient, and informing the parents of such children about the instructional services used to help children make progress towards acquiring the knowledge and skills described in section 641A(a)(1)(B) and acquisition of the English language.*

*"(g) FUNDED ENROLLMENT; WAITING LIST.—Each Head Start agency shall enroll 100 percent of its funded enrollment and maintain an active waiting list at all times with ongoing outreach to the community and activities to identify underserved populations.*

*"(h) TECHNICAL ASSISTANCE AND TRAINING PLAN.—In order to receive funds under this subchapter, a Head Start agency shall develop an annual technical assistance and training plan. Such plan shall be based on the agency's self-assessment, the communitywide strategic planning and needs assessment, the needs of parents and children to be served by such agency, and the results of the reviews conducted under section 641A(c).*

*"(i) FINANCIAL MANAGEMENT.—In order to receive funds under this subchapter, a Head Start agency shall document strong fiscal controls, including the employment of well-qualified fiscal staff with a history of successful management of a public or private organization.".*

### ***SEC. 10. HEAD START TRANSITION AND ALIGNMENT WITH K–12 EDUCATION.***

*Section 642A of the Head Start Act (42 U.S.C. 9837a) is amended to read as follows:*

### ***"SEC. 642A. HEAD START TRANSITION AND ALIGNMENT WITH K–12 EDUCATION.***

*"(a) IN GENERAL.—Each Head Start agency shall take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program to promote continuity of services and effective transitions, including—*

*"(1) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;*

*"(2) establishing ongoing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and health staff) to facilitate coordination of programs;*

*"(3) establishing ongoing communications between the Head Start agency and local educational agency for developing continuity of developmentally appropriate curricular objectives (which for the purpose of the Head Start program shall be aligned with the Head Start Child Outcomes Framework and, as appropriate, State early learning standards) and for shared expectations for children's learning and development as the children transition to school;*

*"(4) organizing and participating in joint training, including transition-related training for school staff and Head Start staff;*

*"(5) establishing comprehensive transition policies and procedures that support children transitioning to school, including by engaging the local educational agency in the establishment of such policies;*

*"(6) conducting outreach to parents and elementary school (such as kindergarten) teachers to discuss the educational, developmental, and other needs of individual children;*

*"(7) helping parents of limited English proficient children understand—*

*"(A) the instructional and other services provided by the school in which such child will enroll after participation in Head Start; and*

*"(B) as appropriate, the information provided to parents of limited English proficient children under section 3302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7012);*

*"(8) developing and implementing a family outreach and support program, in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and family outreach and support efforts under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), taking into consideration the language needs of parents of limited English proficient children;*

*"(9) assisting families, administrators, and teachers in enhancing educational and developmental continuity and continuity of parental involvement in activities between Head Start services and elementary school classes;*

*"(10) linking the services provided in such Head Start program with educational services, including services relating to language, literacy, and numeracy, provided by such local educational agency;*

*"(11) helping parents (including grandparents and kinship caregivers, as appropriate) to understand the importance of parental involvement in a child's academic success while teaching them strategies for maintaining parental involvement as their child moves from Head Start to elementary school;*

*"(12) helping parents understand the instructional and other services provided by the school in which their child will enroll after participation in the Head Start program;*

*"(13) developing and implementing a system to increase program participation of underserved populations of eligible children; and*

*"(14) coordinating activities and collaborating to ensure that curricula used in the Head Start program are aligned with—*

*"(A) the Head Start Child Outcomes Framework, as developed by the Secretary; and*

"(B) State early learning standards, as appropriate, with regard to cognitive, social, emotional, and physical competencies that children entering kindergarten are expected to demonstrate.

"(b) CONSTRUCTION.—In this section, a reference to a Head Start agency, or its program, services, facility, or personnel, shall not be construed to be a reference to an Early Head Start agency, or its program, services, facility, or personnel.

"(c) DISSEMINATION AND TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Secretary of Education, shall—

"(1) disseminate to Head Start agencies information on effective policies and activities relating to the transition of children from Head Start programs to public schools; and

"(2) provide technical assistance to such agencies to promote and assist such agencies to adopt and implement such effective policies and activities.".

### **SEC. 11. EARLY CHILDHOOD EDUCATION, COORDINATION, AND IMPROVEMENT.**

(a) HEAD START COLLABORATION.—The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 642A the following:

### "HEAD START COLLABORATION; STATE EARLY EDUCATION AND CARE

"SEC. 642B. (a)(1) From amounts made available under section 640(a)(2)(B)(vi), the Secretary shall award the collaboration grants described in paragraphs (2), (3), and (4).

"(2)(A) The Secretary shall award, upon submission of a written request, a collaboration grant to each State and to each national administrative office serving Indian Head Start programs and migrant or seasonal Head Start programs to facilitate collaboration among Head Start agencies (including Early Head Start agencies) and entities that carry out activities designed to benefit low-income children from birth to school entry, and their families. The national administrative offices shall use the funds made available through the grants to carry out the authorities and responsibilities described in subparagraph (B) and paragraphs (3) and (4), as appropriate.

"(B) Grants described in subparagraph (A) shall be used to—

"(i) assist Head Start agencies to collaborate with entities involved in State and local planning processes to better meet the needs of low-income children from birth to school entry, and their families;

"(ii) assist Head Start agencies to coordinate activities with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and entities providing resource and referral services in the State, to make full-working-day and full calendar year services available to children;

"(iii) promote alignment of curricula used in Head Start programs and continuity of services with the Head Start Child Outcomes Framework and, as appropriate, State early learning standards;

"(iv) promote better linkages between Head Start agencies and other child and family agencies, including agencies that provide health, mental health, or family services, or other child or family supportive services, such as services provided under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.); and

"(v) carry out the activities of the State Director of Head Start Collaboration authorized in paragraph (4).

"(3) In order to improve coordination and delivery of early childhood education and development to children in the State, a State that receives a collaboration grant under paragraph (2) shall—

"(A) appoint or designate an individual to serve as, or carry out the responsibilities of, the State Director of Head Start Collaboration;

"(B) ensure that the State Director of Head Start Collaboration holds a position with sufficient authority and access to ensure that the collaboration described in paragraph (2) is effective and involves a range of State agencies; and

"(C) involve the State Head Start Association in the selection of the Director and involve the Association in determinations relating to the ongoing direction of the collaboration office involved.

"(4) The State Director of Head Start Collaboration shall—

"(A) not later than 1 year after the State receives a collaboration grant under paragraph (2), conduct an assessment that—

"(i) addresses the needs of Head Start agencies in the State with respect to collaboration, coordination and alignment of services, and alignment of curricula and assessments used in Head Start programs with the Head Start Child Outcomes Framework and, as appropriate, State early learning standards;

"(ii) shall be updated on an annual basis; and

"(iii) shall be made available to the general public within the State;

"(B) develop a strategic plan that is based on the assessment described in subparagraph (A) that will—

"(i) enhance collaboration and coordination of Head Start services by Head Start agencies with other entities providing early childhood education and development (such as child care or services offered by museums), health care, mental health care, welfare, child protective services, education and community service activities, family literacy services, reading readiness programs (including such programs offered by public and school libraries), services relating to children with disabilities, other early childhood education and development for limited English proficient children and homeless children, and services provided for children in foster care and children referred to Head Start programs by child welfare agencies, including agencies and State officials responsible for services described in this clause;

"(ii) assist Head Start agencies to develop a plan for the provision of full working-day, full calendar year services for children enrolled in Head Start programs who need such services;

"(iii) assist Head Start agencies to align curricula and assessments used in Head Start programs with the Head Start Child Outcomes Framework and, as appropriate, State early learning standards; and

"(iv) enable Head Start agencies to better access professional development opportunities for Head Start staff, such as by working with Head Start agencies to enable the agencies to meet the degree requirements described in section 648A(a)(2)(A), including providing distance learning opportunities for Head Start staff, where needed to make higher education more accessible to Head Start staff; and

"(v) enable the Head Start agencies to better conduct outreach to eligible families;

"(C) promote partnerships between Head Start agencies, State and local governments, and the private sector to help ensure that children from low-income families, who are in Head Start programs or are preschool age, are receiving comprehensive services to prepare the children for elementary school;

"(D) consult with the chief State school officer, local educational agencies, and providers of early childhood education and development, at both the State and local levels;

"(E) promote partnerships between Head Start agencies, schools, law enforcement, relevant community-based organizations, and substance abuse and mental health treatment agencies to strengthen family and community environments and to reduce the impact on child development of substance abuse, child abuse, domestic violence, and other high-risk behaviors that compromise healthy development;

"(F) promote partnerships between Head Start agencies and other organizations in order to enhance Head Start program quality, including partnerships to promote inclusion of more books in Head Start classrooms;

"(G) identify other resources and organizations (both public and private) for the provision of in-kind services to Head Start agencies in the State; and

"(H) serve on the State Advisory Council in order to assist the efforts of Head Start agencies to engage in effective coordination and collaboration.".

(b) STATE EARLY EDUCATION AND CARE.—Section 642B of the Head Start Act, as added by subsection (a), is amended by adding at the end the following:

"(b)(1)(A) The Governor of the State shall—

"(i) designate or establish a council to serve as the State Advisory Council on Early Childhood Education and Care for children from birth to school entry (in this subchapter referred to as the 'State Advisory Council'); and

"(ii) designate an individual to coordinate activities of the State Advisory Council, as described in subparagraph (D)(i).

"(B) The Governor may designate an existing entity in the State to serve as the State Advisory Council, and shall appoint representatives to the State Advisory Council at the Governor's discretion. In designating an existing entity, the Governor shall take steps to ensure that its membership includes, to the extent possible, representatives consistent with subparagraph (C).

"(C) Members of the State Advisory Council shall include, to the maximum extent possible—

"(i) a representative of the State agency responsible for child care;

"(ii) a representative of the State educational agency;

"(iii) a representative of local educational agencies;

"(iv) a representative of institutions of higher education in the State;

"(v) a representative of local providers of early childhood education and development services;

"(vi) a representative from Head Start agencies located in the State, including migrant and seasonal Head Start programs and Indian Head Start programs;

"(vii) the State Director of Head Start Collaboration;

"(viii) a representative of the State agency responsible for programs under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

"(ix) a representative of the State agency responsible for health or mental health care; and

"(x) representatives of other entities determined to be relevant by the Governor of the State.

"(D)(i) The State Advisory Council shall, in addition to any responsibilities assigned to the Council by the Governor of the State—

"(I) conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to school entry, including an assessment of the availability of high-quality pre-kindergarten services for low-income children in the State;

"(II) identify opportunities for, and barriers to, collaboration and coordination among Federally-funded and State-funded child development, child care, and early childhood education programs and services, including collaboration and coordination among State agencies responsible for administering such programs;

*"(III) develop recommendations for increasing the overall participation of children in existing Federal, State, and local child care and early childhood education programs, including outreach to underrepresented and special populations;*

*"(IV) develop recommendations regarding the establishment of a unified data collection system for public early childhood education and development programs and services throughout the State;*

*"(V) develop recommendations regarding statewide professional development and career advancement plans for early childhood educators in the State;*

*"(VI) assess the capacity and effectiveness of 2- and 4-year public and private institutions of higher education in the State toward supporting the development of early childhood educators, including the extent to which such institutions have in place articulation agreements, professional development and career advancement plans, and practice or internships for students to spend time in a Head Start or prekindergarten program; and*

*"(VII) make recommendations for improvements in State early learning standards and undertake efforts to develop high-quality comprehensive early learning standards, as appropriate.*

*"(ii) The State Advisory Council shall hold public hearings and provide an opportunity for public comment on the activities described in clause (i). The State Advisory Council shall submit a statewide strategic report addressing the activities described in clause (i) to the State Director of Head Start Collaboration and the Governor of the State.*

*"(iii) After submission of a statewide strategic report under clause (ii), the State Advisory Council shall meet periodically to review any implementation of the recommendations in such report and any changes in State and local needs.*

*"(2)(A) The Secretary shall use the portion reserved under section 640(a)(4)(A)(iii) to award, on a competitive basis, one-time startup grants of not less than $500,000 to eligible States to enable such States to pay for the Federal share of developing and implementing a plan pursuant to the responsibilities included under paragraph (1)(D)(i). A State that receives funds under this paragraph shall use such funds to facilitate the development or enhancement of high-quality systems of early childhood education and care designed to improve school preparedness through one or more of the following activities—*

*"(i) promoting school preparedness of children from birth through school entry, including activities to encourage families and caregivers to engage in highly interactive, developmentally and age-appropriate activities to improve children's early social, emotional, and cognitive development, support the transition of young children to school, and foster parental and family involvement in the early education of young children;*

*"(ii) supporting professional development, recruitment, and retention initiatives for early childhood educators;*

*"(iii) enhancing existing early childhood education and development programs and services (in existence on the date on which the grant involved is awarded), including quality improvement activities authorized under the Child Care and Development Block Grant Act of 1990; and*

*"(iv) carrying out other activities consistent with the State's plan and application, pursuant to subparagraph (B).*

*"(B) To be eligible to receive a grant under this paragraph, a State shall prepare and submit to the Secretary a plan and application, for a 3-year period, at such time, in such manner, and containing such information as the Secretary shall require, including—*

*"(i) the statewide strategic report described in paragraph (1)(D)(ii), including a description of the State Advisory Council's responsibilities under paragraph (1)(D)(i);*

*"(ii) a description, for each fiscal year, of how the State will make effective use of funds available under this paragraph, with funds described in subparagraph (C), to create an early childhood education and care system, by developing or enhancing programs and activities consistent with the statewide strategic report described in paragraph (1)(D)(i);*

*"(iii) a description of the State early learning standards and the State's goals for increasing the number of children entering kindergarten ready to learn;*

*"(iv) information identifying the agency or joint interagency office, and individual, designated to carry out the activities under this paragraph, which may be the individual designated under paragraph (1)(A)(ii); and*

*"(v) a description of how the State plans to sustain activities under this paragraph beyond the grant period.*

*"(C) The Federal share of the cost of activities proposed to be conducted under subparagraph (A) shall be 30 percent, and the State shall provide the non-Federal share.*

*"(D) Funds made available under this paragraph shall be used to supplement, and not supplant, other Federal, State, and local funds expended to carry out activities related to early childhood education and care in the State.*

*"(E) Not later than 18 months after the date a State receives a grant under this paragraph, the State shall submit an interim report to the Secretary. A State that receives a grant under this paragraph shall submit a final report to the Secretary at the end of the grant period. Each report shall include—*

*"(i) a description of the activities and services carried out under the grant, including the outcomes of such activities and services in meeting the needs described in the periodic needs assessment and statewide strategic report;*

*"(ii) information about how the State used such funds to meet the goals of this subsection through activities to develop or enhance high-quality systems of early childhood education and care, increase effectiveness of delivery systems and use of funds, and enhance existing programs and services;*

*"(iii) information regarding the remaining needs described in the periodic statewide needs assessment and statewide strategic report that have not yet been addressed by the State; and*

*"(iv) any other information that the Secretary may require.*

*"(F) Nothing in this subsection shall be construed to provide the State Advisory Council with authority to modify, supersede, or negate the requirements of this subchapter.".*

### *SEC. 12. SUBMISSION OF PLANS.*

*Section 643 of the Head Start Act (42 U.S.C. 9838) is amended by adding at the end the following: "This section shall not apply to contracts, agreements, grants, loans, or other assistance for Indian Head Start programs or migrant or seasonal Head Start programs."*

### *SEC. 13. ADMINISTRATIVE REQUIREMENTS AND STANDARDS.*

*Section 644 of the Head Start Act (42 U.S.C. 9839) is amended—*

*(1) by striking subsection (a) and inserting the following:*

*"(a)(1) Each Head Start agency shall observe standards of organization, management, and administration that will ensure, so far as reasonably possible, that all program activities are conducted in a manner consistent with the purposes of this subchapter and the objective of providing assistance effectively, efficiently, and free of any taint of partisan political bias or personal or family favoritism. Each such agency shall establish or adopt rules to carry out this section, which shall include rules to assure full staff accountability in matters governed by law, regulations, or agency policy. Each agency shall also provide for reasonable public access to information, including public hearings at the request of appropriate community groups and reasonable public access to books and records of the agency or other agencies engaged in program activities or operations involving the use of authority or funds for which it is responsible.*

*"(2) Each Head Start agency shall make available to the public a report published at least once in each fiscal year that discloses the following information from the most recently concluded fiscal year, except that reporting such information shall not reveal personally identifiable information about an individual child or parent:*

*"(A) The total amount of public and private funds received and the amount from each source.*

*"(B) An explanation of budgetary expenditures and proposed budget for the fiscal year.*

*"(C) The total number of children and families served, the average monthly enrollment (as a percentage of funded enrollment), and the percentage of eligible children served.*

*"(D) The results of the most recent review by the Secretary and the financial audit.*

*"(E) The percentage of enrolled children that received medical and dental exams.*

*"(F) Information about parent involvement activities.*

*"(G) The agency's efforts to prepare children for kindergarten.*

*"(H) Any other information required by the Secretary.*

*"(3) Each such agency shall adopt for itself and other agencies using funds or exercising authority for which it is responsible, rules designed to—*

*"(A) establish specific standards governing salaries, salary increases, travel and per diem allowances, and other employee benefits;*

*"(B) assure that only persons capable of discharging their duties with competence and integrity are employed and that employees are promoted or advanced under impartial procedures calculated to improve agency performance and effectiveness;*

*"(C) guard against personal or financial conflicts of interest; and*

*"(D) define employee duties in an appropriate manner that will in any case preclude employees from participating, in connection with the performance of their duties, in any form of picketing, protest, or other direct action that is in violation of law."; and*

*(2) in subsection (f)—*

*(A) in paragraph (2)—*

*(i) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively; and*

*(ii) by inserting before subparagraph (B), as redesignated by clause (i), the following:*

*"(A) a description of the efforts by the agency to coordinate or collaborate with other providers in the community to seek assistance, including financial assistance, prior to the use of funds under this section;"; and*

*(B) in paragraph (3), by striking ", from the amount reserved under section 640(a)(2)(A),".*

### *SEC. 14. PARTICIPATION IN HEAD START PROGRAMS.*

*Section 645 of the Head Start Act (42 U.S.C. 9840) is amended—*

*(1) in subsection (a)—*

*(A) by striking paragraph (1) and inserting the following:*

*"(a)(1)(A) The Secretary shall by regulation prescribe eligibility for the participation of persons in Head Start programs assisted under this subchapter.*

*"(B) Except as provided in paragraph (2), such regulation shall provide—*

*"(i) that children from low-income families shall be eligible for participation in programs assisted under this subchapter if their families' incomes are below the poverty line, or if their families are eligible or, in the absence of child care, would potentially be eligible for public assistance;*

*"(ii) that homeless children shall be deemed to be eligible for such participation;*

*"(iii) that programs assisted under this subchapter may include—*

*"(I) to a reasonable extent (but not to exceed 10 percent of participants), participation of children in the area served who would benefit from such programs but who are not eligible under clause (i) or (ii); and*

*"(II) from the area served, an additional 35 percent of participants who are not eligible under clause (i) or (ii) and whose families have incomes below 130 percent of the poverty line, if—*

*"(aa) the Head Start agency involved establishes and implements outreach and enrollment policies and procedures that ensure such agency is meeting the needs of children eligible under clause (i) or (ii) (or subclause (I) if the child involved has a disability) prior to meeting the needs of children eligible under this subclause; and*

*"(bb) in prioritizing the selection of children to be served, the Head Start agency establishes criteria that provide that the agency will serve children eligible under clause (i) or (ii) prior to serving the children eligible under this subclause;*

*"(iv) that any Head Start agency serving children eligible under clause (iii)(II) shall report annually to the Secretary information on—*

*"(I) how such agency is meeting the needs of children eligible under clause (i) or (ii), in the area served, including local demographic data on families of children eligible under clause (i) or (ii);*

*"(II) the outreach and enrollment policies and procedures established by the agency that ensure the agency is meeting the needs of children eligible under clause (i) or (ii) (or clause (iii)(I) if the child involved has a disability) prior to meeting the needs of children eligible under clause (iii)(II);*

*"(III) the efforts, including outreach efforts (that are appropriate to the community involved), of such agency to be fully enrolled with children eligible under clause (i) or (ii);*

*"(IV) the policies, procedures, and selection criteria such agency is implementing to serve eligible children, consistent with clause (iii)(II);*

*"(V) the agency's enrollment level, and enrollment level over the fiscal year prior to the fiscal year in which the report is submitted;*

*"(VI) the number of children served by the agency, disaggregated by whether such children are eligible under clause (i), clause (ii), clause (iii)(I), or clause (iii)(II); and*

*"(VII) the eligibility criteria category of the children on the agency's waiting list;*

*"(v) that a child who has been determined to meet the eligibility criteria described in this subparagraph and who is participating in a Head Start program in a program year shall be considered to continue to meet the eligibility criteria through the end of the succeeding program year.*

*"(C) In determining, for purposes of this paragraph, whether a child who has applied for enrollment in a Head Start program meets the eligibility criteria, an entity may consider evidence of family income during the 12 months preceding the month in which the application is submitted, or during the calendar year preceding the calendar year in which the application is submitted, whichever more accurately reflects the needs of the family at the time of application."; and*

*(B) by adding at the end the following:*

*"(3)(A) In this paragraph:*

*"(i) The term 'dependent' has the meaning given the term in paragraphs (2)(A) and (4)(A)(i) of section 401(a) of title 37, United States Code.*

*"(ii) The terms 'member' and 'uniformed services' have the meanings given the terms in paragraphs (23) and (3), respectively, of section 101 of title 37, United States Code.*

*"(B) The following amounts of pay and allowance of a member of the uniformed services shall not be considered to be income for purposes of determining the eligibility of a dependent of such member for programs funded under this subchapter:*

*"(i) The amount of any special pay payable under section 310 of title 37, United States Code, relating to duty subject to hostile fire or imminent danger.*

*"(ii) The amount of basic allowance payable under section 403 of such title, including any such amount that is provided on behalf of the member for housing that is acquired or constructed under the alternative authority for the acquisition and improvement of military housing under subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law.*

*"(4) After demonstrating a need through a communitywide strategic planning and needs assessment, a Head Start agency may apply to the Secretary to convert part-day sessions, particularly consecutive part-day sessions, into full-working-day sessions.*

*"(5)(A) Upon written request and pursuant to the requirements of this paragraph, a Head Start agency may use funds that were awarded under this subchapter to serve children age 3 to compulsory school age, in order to serve infants and toddlers if the agency submits an application to the Secretary containing, as specified in rules issued by the Secretary, all of the following information:*

*"(i) The amount of such funds that are proposed to be used in accordance with section 645A(b).*

*"(ii) A communitywide strategic planning and needs assessment demonstrating how the use of such funds would best meet the needs of the community.*

*"(iii) A description of how the needs of pregnant women, and of infants and toddlers, will be addressed in accordance with section 645A(b), and with regulations prescribed by the Secretary pursuant to section 641A in areas including the agency's approach to child development and provision of health services, approach to family and community partnerships, and approach to program design and management.*

*"(iv) A description of how the needs of eligible children will be met in the community.*

*"(v) Assurances that the agency will participate in technical assistance activities (including planning, start-up site visits, and national training activities) in the same manner as recipients of grants under section 645A.*

*"(vi) Evidence that the agency meets the same eligibility criteria as recipients of grants under section 645A.*

*"(B) An application that satisfies the requirements specified in subparagraph (A) shall be approved by the Secretary unless the Secretary finds that—*

*"(i) the agency lacks adequate capacity and capability to carry out an effective Early Head Start program; or*

*"(ii) the information provided under subparagraph (A) is inadequate.*

*"(C) In approving such applications, the Secretary shall take into account the costs of serving persons under section 645A.*

*"(D) Any Head Start agency with an application approved under subparagraph (B) shall be considered to be an Early Head Start agency and shall be subject to the same rules, regulations, and conditions as apply to recipients of grants under section 645A, with respect to activities carried out under this paragraph.";*

*(2) in the first sentence of subsection (c), by striking "(age 3 to compulsory school attendance)"; and*

*(3) in subsection (d)—*

*(A) by striking paragraph (3); and*

*(B) by adding at the end the following:*

*"(3) Notwithstanding any other provision of this Act, an Indian tribe or tribes that operates both an Early Head Start program under section 645A and a Head Start program may, at its discretion, at any time during the grant period involved, reallocate funds between the Early Head Start program and the Head Start program in order to address fluctuations in client populations, including pregnant women and children from birth to compulsory school age. The reallocation of such funds between programs by an Indian tribe or tribes during a year shall not serve as the basis for the Secretary to reduce a base grant (as defined in section 640(a)(7)) for either program in succeeding years.".*

***SEC. 15. EARLY HEAD START PROGRAMS.***

*Section 645A of the Head Start Act (42 U.S.C. 9840a) is amended—*

*(1) by striking the section heading and inserting the following:*

***"SEC. 645A. EARLY HEAD START PROGRAMS.";***

*(2) in subsection (a) by striking "The Secretary" and all that follows through "for programs" and inserting "The Secretary shall make grants to entities (referred to in this subchapter as 'Early Head Start agencies') in accordance with this section for programs (referred to in this subchapter as 'Early Head Start programs')";*

*(3) in subsection (b)—*

*(A) by striking paragraph (4) and inserting the following:*

*"(4) provide services to parents to support their role as parents (including parenting skills training and training in basic child development) and services to help the families move toward self-sufficiency (including educational and employment services, as appropriate);";*

*(B) by striking paragraph (5) and inserting the following:*

*"(5) coordinate services with services provided by programs in the State (including home-based services) and programs in the community (including programs for infants and toddlers with disabilities and programs for homeless infants and toddlers) to ensure a comprehensive array of services (such as health and mental health services and family support services);";*

*(C) by redesignating paragraphs (6), (7), (8), and (9), as paragraphs (7), (10), (11), and (12), respectively;*

*(D) by inserting after paragraph (5) the following:*

*"(6) ensure that children with documented behavioral problems, including problems involving behavior related to prior or existing trauma, receive appropriate screening and referral;";*

*(E) by inserting after paragraph (7), as redesignated by subparagraph (C), the following:*

*"(8) develop and implement a systematic procedure for transitioning children and parents from an Early Head Start program to a Head Start program or other local early childhood education and development program;*

*"(9) establish channels of communication between staff of the Early Head Start program, and staff of a Head Start program or other local providers of early childhood education and development programs, to facilitate the coordination of programs;"; and*

*(F) by striking paragraph (11), as redesignated by subparagraph (C), and inserting the following:*

"(11) ensure formal linkages with providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), with the State interagency coordinating council, as established in part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and with the agency responsible for administering section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a);";

(4) in subsection (c), by striking "income criteria specified for families in section 645(a)(1)" and inserting "eligibility criteria specified in section 645(a)(1), including the criteria specified in section 645(a)(1)(B)(ii)";

(5) in subsection (d), by striking paragraphs (1) and (2) and inserting the following:

"(1) entities operating Head Start programs under this subchapter;

"(2) entities operating Indian Head Start programs or migrant or seasonal Head Start programs; and

"(3) other public entities, and nonprofit or for-profit private entities, including community-based and faith-based organizations, capable of providing child and family services that meet the standards for participation in programs under this subchapter and meet such other appropriate requirements relating to the activities under this section as the Secretary may establish.";

(6) in subsection (e), by striking "From" and all that follows through "under this subsection" and inserting "The Secretary shall award grants under this section";

(7) by striking subsection (g) and inserting the following:

"(g) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

"(1) REQUIREMENT.—In order to ensure the successful operation of programs assisted under this section, the Secretary shall use funds made available under section 640(a)(2)(E) to monitor the operation of such programs, and funds made available under section 640(a)(2)(C)(i)(I) to provide training and technical assistance tailored to the particular needs of such programs, consistent with section 640(c).

"(2) TRAINING AND TECHNICAL ASSISTANCE.—

"(A) ACTIVITIES.—Of the portion set aside under section 640(a)(2)(C)(i)(I)—

"(i) not less than 50 percent shall be made available to Early Head Start agencies to use directly, which may include, at their discretion, the establishment of local or regional agreements with community experts, institutions of higher education, or private consultants, for training and technical assistance activities in order to make program improvements identified by such agencies;

"(ii) not less than 25 percent shall be available to the Secretary to support a State-based training and technical assistance system, or a national system, described in section 648(e), including infant and toddler specialists, to support Early Head Start agencies, consistent with subparagraph (B); and

"(iii) the remainder of such amount shall be made available to the Secretary to assist Early Head Start agencies in meeting and exceeding the standards described in section 641A(a)(1) (directly, or through grants, contracts, or other agreements or arrangements with an entity with demonstrated expertise relating to infants, toddlers, and families) by—

"(I) providing ongoing training and technical assistance to Early Head Start agencies, including developing training and technical assistance materials and resources to support program development and improvement and best practices in providing services to children and families served by Early Head Start programs;

"(II) supporting a national network of infant and toddler specialists designed to improve the quality of Early Head Start programs;

"(III) providing ongoing training and technical assistance on Early Head Start program development and improvement for regional staff charged with monitoring and overseeing the administration of the program carried out under this section; and

"(IV) if funds remain after the activities described in subclauses (I), (II), and (III) are carried out, carry out 1 or more of the following activities:

"(aa) Providing support and program planning and implementation assistance for new Early Head Start agencies, including for agencies who want to use funds as described in section 645(a)(5) to serve infants and toddlers.

"(bb) Creating special training and technical assistance initiatives targeted to serving high-risk populations, such as children in the child welfare system and homeless children.

"(cc) Providing professional development designed to increase program participation for underserved populations of eligible children.

"(B) CONTRACTS.—For the purposes of supporting a State-based system, as described in subparagraph (A)(ii), that will meet the needs of Early Head Start agencies and provide high-quality, sustained, and intensive training and technical assistance on programming for infants and toddlers to Early Head Start agencies, and in order to help such agencies meet or exceed the standards described in section 641A(a)(1), the Secretary shall—

"(i) use funds reserved under subparagraph (A)(ii) in combination with funds reserved under section 640(a)(2)(C)(i)(II)(bb) to ensure the contracts described in section 648(e)(1) provide for a minimum of 1 full-time specialist with demonstrated expertise in the development of infants and toddlers; and

"(ii) ensure that such contracts and the services provided in the contracts are integrated with and augment the contracts awarded and services provided under section 648(e);"; and

(8) by adding at the end the following:

"(h) CENTER-BASED STAFF.—The Secretary shall—

"(1) ensure that, not later than September 30, 2010, all teachers providing direct services to children and families participating in Early Head Start programs located in Early Head Start centers, have a minimum of a child development associate credential, and have been trained (or have equivalent coursework) in early childhood development; and

"(2) establish staff qualification goals to ensure that not later than September 30, 2012, all such teachers have been trained (or have equivalent coursework) in early childhood development with a focus on infant and toddler development.

"(i) STAFF QUALIFICATIONS AND DEVELOPMENT.—

"(1) HOME VISITOR STAFF STANDARDS.—In order to further enhance the quality of home visiting services provided to families of children participating in home-based, center-based, or combination program options under this subchapter, the Secretary shall establish standards for training, qualifications, and the conduct of home visits for home visitor staff in Early Head Start programs.

"(2) CONTENTS OF STANDARDS.—The standards for training, qualifications, and the conduct of home visits shall include content related to—

"(A) structured child-focused home visiting that promotes parents' ability to support the child's cognitive, social, emotional, and physical development;

"(B) effective strengths-based parent education, including methods to encourage parents as their child's first teachers;

"(C) early childhood development with respect to children from birth through age 3;

"(D) methods to help parents promote emergent literacy in their children from birth through age 3, including use of research-based strategies to support the development of literacy and language skills for children who are limited English proficient;

"(E) ascertaining what health and developmental services the family receives and working with providers of these services to eliminate gaps in service by offering annual health, vision, hearing, and developmental screening for children from birth to entry into kindergarten, when needed;

"(F) strategies for helping families coping with crisis; and

"(G) the relationship of health and well-being of pregnant women to prenatal and early child development.".

### SEC. 16. APPEALS, NOTICE, AND HEARING.

Section 646(a) of the Head Start Act (42 U.S.C. 9841(a)) is amended—

(1) in the matter preceding paragraph (1); by striking "procedures to assure that";

(2) in paragraphs (1) and (2), by inserting "procedures to assure that" after the paragraph designation;

(3) by striking paragraphs (3) and (4) and inserting the following:

"(3) procedures to assure that financial assistance under this subchapter may be terminated or reduced, and an application for refunding may be denied, after the recipient has been afforded reasonable notice and opportunity for a full and fair hearing, including—

"(A) a right to file a notice of appeal of a decision not later than 30 days after notice of the decision from the Secretary; and

"(B) access to a full and fair hearing of the appeal, not later than 120 days after receipt by the Secretary of the notice of appeal;

"(4) procedures (including mediation procedures) are developed and published, to be used in order to—

"(A) resolve in a timely manner conflicts potentially leading to an adverse action between—

"(i) recipients of financial assistance under this subchapter; and

"(ii) delegate agencies, or policy councils of Head Start agencies;

"(B) avoid the need for an administrative hearing on an adverse action; and

"(C) prohibit a Head Start agency from expending financial assistance awarded under this subchapter for the purpose of paying legal fees, or other costs incurred, pursuant to an appeal under paragraph (3);

"(5) procedures to assure that the Secretary may suspend financial assistance to a recipient under this subchapter—

"(A) except as provided in subparagraph (B), for not more than 30 days; or

"(B) in the case of a recipient under this subchapter that has multiple and recurring deficiencies for 180 days or more and has not made substantial and significant progress toward meeting the goals of the grantee's quality improvement plan or eliminating all deficiencies identified by the Secretary, during the hearing of an appeal described in paragraph (3), for any amount of time; and

"(6) procedures to assure that in cases where a Head Start agency prevails in a decision under paragraph (4), the Secretary may determine and provide a reimbursement to the Head Start agency for fees deemed reasonable and customary.".

### SEC. 17. RECORDS AND AUDITS.

Section 647 of the Head Start Act (42 U.S.C. 9842) is amended by adding at the end the following:

"(c) Each recipient of financial assistance under this subchapter shall—

"(1) maintain, and annually submit to the Secretary, a complete accounting of the recipient's administrative expenses (including a detailed statement identifying the amount of financial assistance provided under this subchapter used to pay expenses for salaries and *compensation and the amount (if any) of other funds used to pay such expenses);*

*"(2) not later than 30 days after the date of completion of an audit conducted in the manner and to the extent provided in chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984'), submit to the Secretary a copy of the audit management letter and of any audit findings as they relate to the Head Start program; and*

*"(3) provide such additional documentation as the Secretary may require.".*

### SEC. 18. TECHNICAL ASSISTANCE AND TRAINING.

*Section 648 of the of the Head Start Act (42 U.S.C. 9843) is amended to read as follows:*

### "SEC. 648. TECHNICAL ASSISTANCE AND TRAINING.

*"(a) SECRETARIAL TRAINING AND TECHNICAL ASSISTANCE.—*

*"(1) AUTHORITY.—From the funds provided under section 640(a)(2)(C)(i), the Secretary shall provide, directly or through grants, contracts, or other agreements or arrangements as the Secretary considers appropriate, technical assistance and training for Head Start programs for the purposes of improving program quality and helping prepare children to succeed in school.*

*"(2) PROCESS.—The process for determining the technical assistance and training activities to be carried out under this section shall—*

*"(A) ensure that the needs of local Head Start agencies and programs relating to improving program quality and to program expansion are addressed to the maximum extent practicable; and*

*"(B) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the individuals and agencies carrying out Head Start programs.*

*"(3) ACTIVITIES.—In providing training and technical assistance and for allocating resources for such assistance under this section, the Secretary shall—*

*"(A) give priority consideration to—*

*"(i) activities to correct program and management deficiencies identified through reviews carried out pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2));*

*"(ii) assisting Head Start agencies in ensuring the school readiness of children; and*

*"(iii) activities that supplement those funded with amounts provided under section 640(a)(5)(B) to address the training and career development needs of classroom staff (including instruction for providing services to children with disabilities, and for activities described in section 1222(d) of the Elementary and Secondary Education Act of 1965), and non-classroom staff, including home visitors and other staff working directly with families, including training relating to increasing parent involvement and services designed to increase family literacy and improve parenting skills; and*

*"(B) to the maximum extent practicable—*

*"(i) assist Head Start agencies in the development of collaborative initiatives with States and other entities within the States, to foster effective professional development systems for early childhood education and development services;*

*"(ii) provide technical assistance and training, either directly or through a grant, contract, or cooperative agreement with an entity that has experience in the development and operation of successful family literacy services programs, for the purpose of—*

*"(I) assisting Head Start agencies providing family literacy services, in order to improve the quality of such family literacy services; and*

*"(II) enabling those Head Start agencies that demonstrate effective provision of family literacy services, based on improved outcomes for children and their parents, to provide technical assistance and training to other Head Start agencies and to service providers that work in collaboration with such agencies to provide family literacy services;*

*"(iii) assist Head Start agencies and programs in conducting and participating in community-wide strategic planning and needs assessments, including the needs of homeless children and their families, and in conducting self-assessments;*

*"(iv) assist Head Start agencies and programs in developing and implementing full-working-day and full calendar year programs where community need is clearly identified and making the transition to such programs, with particular attention to involving parents and programming for children throughout the day, and assist the agencies and programs in expediting the sharing of information about innovative models for providing full-working-day, full calendar year services for children;*

*"(v) assist Head Start agencies in better serving the needs of families with very young children, including providing support and program planning and implementation assistance for Head Start agencies that apply to serve or are serving additional infants and toddlers, in accordance with section 645(a)(5);*

*"(vi) assist Head Start agencies and programs in the development of sound management practices, including financial management procedures;*

*"(vii) assist in efforts to secure and maintain adequate facilities for Head Start programs;*

*"(viii) assist Head Start agencies in developing innovative program models, including mobile and home-based programs;*

*"(ix) provide support for Head Start agencies (including policy councils and policy committees) that meet the standards described in section 641A(a) but that have, as documented by the Secretary through reviews conducted pursuant to section 641A(c), programmatic, quality, and fiscal issues to address;*

*"(x) assist Head Start agencies and programs in improving outreach to, increasing program participation of, and improving the quality of services available to meet the unique needs of—*

*"(I) homeless children;*

*"(II) limited English proficient children and their families, particularly in communities that have experienced a large percentage increase in the population of limited English proficient individuals, as measured by the Bureau of the Census; and*

*"(III) children with disabilities, particularly if such program's enrollment opportunities or funded enrollment for children with disabilities is less than 10 percent;*

*"(xi) assist Head Start agencies and programs to increase the capacity of classroom staff to meet the needs of eligible children in Head Start classrooms that are serving both children with disabilities and children without disabilities;*

*"(xii) assist Head Start agencies and programs to address the unique needs of programs located in rural communities, including—*

*"(I) removing barriers related to the recruitment and retention of Head Start teachers in rural communities;*

*"(II) developing innovative and effective models of professional development for improving staff qualifications and skills for staff living in rural communities;*

*"(III) removing barriers related to outreach efforts to eligible families in rural communities;*

*"(IV) removing barriers to parent involvement in Head Start programs in rural communities;*

*"(V) removing barriers to providing home visiting services in rural communities; and*

*"(VI) removing barriers to obtaining health screenings for Head Start participants in rural communities;*

*"(xiii) provide training and technical assistance to members of governing bodies, policy councils, and, as appropriate, policy committees, to ensure that the members can fulfill their functions;*

*"(xiv) provide activities that help ensure that Head Start programs have qualified staff who can promote prevention of childhood obesity by integrating developmentally appropriate research-based initiatives that stress the importance of physical activity and healthy, nutritional choices in daily classroom and family routines;*

*"(xv) assist Indian Head Start agencies to provide on-site and off-site training to staff, using approaches that identify and enhance the positive resources and strengths of Indian children and families, to improve parent and family engagement and staff development, particularly with regard to child and family development; and*

*"(xvi) assisting Head Start agencies in selecting and using the measures described in section 641A(b).*

*"(b) ADDITIONAL SUPPORT.—The Secretary shall provide, either directly or through grants, contracts or other arrangements, funds from section 640(a)(2)(C)(i)(II)(cc) to—*

*"(1) support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood education and development programs; and*

*"(2) support training for personnel—*

*"(A) providing services to limited English proficient children and their families (including services to promote the acquisition of the English language);*

*"(B) providing services to children determined to be abused or neglected or children referred by or receiving child welfare services;*

*"(C) in helping children cope with community violence;*

*"(D) to recognize common health, including mental health, problems in children for appropriate referral;*

*"(E) to address the needs of children with disabilities and their families;*

*"(F) to address the needs of migrant and seasonal farmworker families; and*

*"(G) to address the needs of homeless families.*

*"(c) OUTREACH.—The Secretary shall develop and implement a program of outreach to recruit and train professionals from diverse backgrounds to become Head Start teachers in order to reflect the communities in which Head Start children live and to increase the provision of quality services and instruction to children with diverse backgrounds.*

*"(d) FUNDS TO AGENCIES.—Funds made available under section 640(a)(2)(C)(i)(II)(aa) shall be used by a Head Start agency to provide high-quality, sustained, and intensive training and technical assistance as follows:*

*"(1) For 1 or more of the following:*

*"(A) Activities that ensure that Head Start programs meet or exceed the standards described in section 641A(a)(1).*

*"(B) Activities that ensure that Head Start programs have adequate numbers of trained, qualified staff who have skills in working with children and families, including children and families who are limited English proficient and children with disabilities and their families.*

*"(C) Activities to improve the management and implementation of Head Start services and systems, including direct training for expert consultants working with staff.*

*"(D) Activities that help ensure that Head Start programs have qualified staff who can promote language skills and literacy growth of children and who can provide children with a*

*variety of skills that have been identified as predictive of later reading achievement, school success, and the skills, knowledge, abilities, development, and progress described in section 641A(a)(1)(B)(ii).*

*"(E) Activities to improve staff qualifications and to assist with the implementation of career development programs and to encourage the staff to continually improve their skills and expertise, including developing partnerships with programs that recruit, train, place, and support college students in Head Start centers to deliver an innovative early learning program to preschool children.*

*"(F) Activities that help local programs ensure that the arrangement, condition, and implementation of the learning environments in Head Start programs are conducive to providing effective program services to children and families.*

*"(G) Activities to provide training necessary to improve the qualifications of Head Start staff and to support staff training, child counseling, health services, and other services necessary to address the needs of children enrolled in Head Start programs, including children from families in crises, children who experience chronic violence or homelessness, children who experience substance abuse in their families, and children under 3 years of age, where applicable.*

*"(H) Activities to provide classes or in-service-type programs to improve or enhance parenting skills, job skills, and adult and family literacy, including financial literacy, or training to become a classroom aide or bus driver in a Head Start program.*

*"(I) Additional activities deemed appropriate to the improvement of Head Start programs, as determined by the technical assistance and training plans of the Head Start agencies.*

*"(2) To support enhanced early language and literacy development of children in Head Start programs, and to provide the children with high-quality oral language skills and with environments that are rich in literature in which to acquire language and early literacy skills. Each Head Start agency, in consultation with the State-based training and technical assistance system, as appropriate, shall ensure that—*

*"(A) all of the agency's Head Start teachers receive ongoing training in language and emergent literacy (referred to in this subsection as 'literacy training'), including appropriate curricula and assessment to improve instruction and learning;*

*"(B) such literacy training shall include training in methods to promote vocabulary development and phonological awareness (including phonemic awareness) in a developmentally, culturally, and linguistically appropriate manner and support children's development in their native language;*

*"(C) the literacy training shall include training in how to work with parents to enhance positive language and early literacy development at home;*

*"(D) the literacy training shall include specific methods to best address the needs of children who are limited English proficient;*

*"(E) the literacy training shall include training on how to best address the language and literacy needs of children with disabilities, including training on how to work with specialists in language development; and*

*"(F) the literacy training shall be tailored to the early childhood literacy background and experience of the teachers involved;*

*except that funds made available under section 640(a)(2)(C)(i) shall not be used for long-distance travel expenses for training activities available locally or regionally or for training activities substantially similar to locally or regionally available training activities.*

*"(e) STATE-BASED TRAINING AND TECHNICAL ASSISTANCE SYSTEM.—For the purposes of delivering a State-based training and technical assistance system (which may include a consortium of 2 or more States within a region) or a national system in the case of migrant or seasonal Head Start and Indian Head Start programs, as described in section 640(a)(2)(C)(i)(II)(bb), that will meet the needs of local grantees, as determined by such grantees, and provide high-quality, sustained, and intensive training and technical assistance to Head Start agencies and programs in order to improve their capacity to deliver services that meet or exceed the standards described in section 641A(a)(1), the Secretary shall—*

*"(1) enter into contracts in each State with 1 or more entities that have a demonstrated expertise in supporting the delivery of high-quality early childhood education and development programs, except that contracts for a consortium of 2 or more States within a geographic region may be entered into if such a system is more appropriate to better meet the needs of local grantees within a region, as determined by such grantees;*

*"(2) ensure that the entities described in subparagraph (1) determine the types of services to be provided through consultation with—*

*"(A) local Head Start agencies (including Indian Head Start agencies and migrant or seasonal Head Start agencies, as appropriate);*

*"(B) the State Head Start collaboration office; and*

*"(C) the State Head Start Association;*

*"(3) encourage States to supplement the funds authorized in section 640(a)(2)(C)(i)(II)(bb) with Federal, State, or local funds other than funds made available under this subchapter, to expand training and technical assistance activities beyond Head Start agencies to include other providers of other early childhood education and development programs within a State;*

*"(4) provide a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, not later than 90 days after the end of the fiscal year, summarizing the funding for such contracts and the activities carried out thereunder;*

*"(5) periodically evaluate the effectiveness of the delivery of services in each State in promoting program quality; and*

*"(6) ensure that in entering into such contracts as described in paragraph (1), such entities will address the needs of grantees in both urban and rural communities.*

*"(f) INDOOR AIR QUALITY.—The Secretary shall consult with appropriate Federal agencies and other experts, as appropriate, on issues of air quality related to children's health and inform Head Start agencies of existing programs or combination of programs that provide methods for improving indoor air quality.*

*"(g) CAREER ADVANCEMENT PARTNERSHIP PROGRAM.—*

*"(1) AUTHORITY.—From amounts allocated under section 640(a)(2)(C) the Secretary is authorized to award demonstration grants, for a period of not less than 5 years, to historically Black colleges and universities, Hispanic-serving institutions, and Tribal Colleges and Universities—*

*"(A) to implement education programs that increase the number of associate, baccalaureate, and graduate degrees in early childhood education and related fields that are earned by Head Start agency staff members, parents of children served by such agencies, and members of the communities involved;*

*"(B) to provide assistance for stipends and costs related to tuition, fees, and books for enrolling Head Start agency staff members, parents of children served by such an agency, and members of the communities involved in courses required to complete the degree and certification requirement to become teachers in early childhood education and related fields;*

*"(C) to develop program curricula to promote high-quality services and instruction to children with diverse backgrounds, including—*

*"(i) in the case of historically Black colleges and universities, to help Head Start Agency staff members develop skills and expertise needed to teach in programs serving large numbers of African American children;*

*"(ii) in the case of Hispanic-serving institutions, programs to help Head Start Agency staff members develop skills and expertise needed to teach in programs serving large numbers of Hispanic children, including programs to develop the linguistic skills and expertise needed to teach in programs serving a large number of children with limited English proficiency; and*

*"(iii) in the case of Tribal Colleges and Universities, to help Head Start Agency staff members develop skills and expertise needed to teach in programs serving large numbers of Indian children, including programs concerning tribal culture and language;*

*"(D) to provide other activities to upgrade the skills and qualifications of educational personnel to meet the professional standards in subsection (a) to better promote high-quality services and instruction to children and parents from populations served by historically Black colleges and universities, Hispanic-serving institutions, or Tribal Colleges and Universities;*

*"(E) to provide technology literacy programs for Indian Head Start agency staff members and families of children served by such agency; and*

*"(F) to develop and implement the programs described under subparagraph (A) in technology-mediated formats, including through such means as distance learning and use of advanced technology, as appropriate.*

*"(2) OTHER ASSISTANCE.—The Secretary shall, using resources within the Department of Health and Human Services—*

*"(A) provide appropriate technical assistance to historically Black colleges and universities, Hispanic-serving institutions, and Tribal Colleges and Universities receiving grants under this section, including coordinating with the White House Initiative on historically Black colleges and universities; and*

*"(B) ensure that the American Indian Programs Branch of the Office of Head Start of the Administration for Children and Families of the Department of Health and Human Services can effectively administer the programs under this section and provide appropriate technical assistance to Tribal Colleges and Universities under this section.*

*"(3) APPLICATION.—Each historically Black college or university, Hispanic-serving institution, or Tribal College or University desiring a grant under this section shall submit an application, in partnership with at least 1 Head Start agency enrolling large numbers of students from the populations served by historically Black colleges and universities, Hispanic-serving institutions, or Tribal Colleges and Universities, to the Secretary, at such time, in such manner, and containing such information as the Secretary may require, including a certification that the institution of higher education has established a formal partnership with 1 or more Head Start agencies for the purposes of conducting the activities described in paragraph (1).*

*"(4) DEFINITIONS.—In this subsection:*

*"(A) The term 'Hispanic-serving institution' has the meaning given such term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).*

*"(B) The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).*

*"(C) The term 'Tribal College or University' has the meaning given such term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).*

*"(5) TEACHING REQUIREMENT.—A student at an institution receiving a grant under this subsection who receives assistance under a program funded under this subsection shall teach in a center-based Head Start program for a period of time equivalent to the period for which they received assistance or shall repay such assistance.".*

### *SEC. 19. STAFF QUALIFICATIONS AND DEVELOPMENT.*

*Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended—*

*(1) by amending subsection (a) to read as follows:*

*"(a) CLASSROOM TEACHERS.—*

*"(1) PROFESSIONAL REQUIREMENTS.—The Secretary shall ensure that each Head Start classroom in a center-based program is assigned 1 teacher who has demonstrated competency to perform functions that include—*

*"(A) planning and implementing learning experiences that advance the intellectual and physical development of children, including improving the readiness of children for school by developing their literacy, phonemic, and print awareness, their understanding and use of language, their understanding and use of increasingly complex and varied vocabulary, their appreciation of books, their understanding of early math and early science, their problem-solving abilities, and their approaches to learning;*

*"(B) establishing and maintaining a safe, healthy learning environment;*

*"(C) supporting the social and emotional development of children; and*

*"(D) encouraging the involvement of the families of the children in a Head Start program and supporting the development of relationships between children and their families.*

*"(2) DEGREE REQUIREMENTS.—*

*"(A) HEAD START TEACHERS.—The Secretary shall ensure that not later than September 30, 2013, at least 50 percent of Head Start teachers nationwide in center-based programs have—*

*"(i) a baccalaureate or advanced degree in early childhood education; or*

*"(ii) a baccalaureate or advanced degree and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children.*

*"(B) ADDITIONAL STAFF.—The Secretary shall ensure that, not later than September 30, 2013, all—*

*"(i) Head Start education coordinators, including those that serve as curriculum specialists, nationwide in center-based programs—*

*"(I) have the capacity to offer assistance to other teachers in the implementation and adaptation of curricula to the group and individual needs of children in a Head Start classroom; and*

*"(II) have—*

*"(aa) a baccalaureate or advanced degree in early childhood education; or*

*"(bb) a baccalaureate or advanced degree and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children; and*

*"(ii) Head Start teaching assistants nationwide in center-based programs have—*

*"(I) at least a child development associate credential;*

*"(II) enrolled in a program leading to an associate or baccalaureate degree; or*

*"(III) enrolled in a child development associate credential program to be completed within 2 years.*

*"(C) PROGRESS.—*

*"(i) IMPLEMENTATION.—The Secretary shall—*

*"(I) require Head Start agencies to—*

*"(aa) describe continuing progress each year toward achieving the goals described in subparagraphs (A) and (B); and*

*"(bb) annually submit to the Secretary a report indicating the number and percentage of classroom personnel described in subparagraphs (A) and (B) in center-based programs with child development associate credentials or associate, baccalaureate, or advanced degrees;*

*"(II) compile and submit a summary of all program reports described in subclause (I)(bb) to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate; and*

*"(III) not impose any penalties or sanctions on any individual Head Start agency, program, or staff in the monitoring of local agencies and programs under this subchapter not meeting the requirements of subparagraph (A) or (B).*

*"(D) CONSTRUCTION.—In this paragraph a reference to a Head Start agency, or its program, services, facility, or personnel, shall not be considered to be a reference to an Early Head Start agency, or its program, services, facility, or personnel.*

*"(3) ALTERNATIVE CREDENTIALING AND DEGREE REQUIREMENTS.—The Secretary shall ensure that, for center-based programs, each Head Start classroom that does not have a teacher who meets the qualifications described in clause (i) or (ii) of paragraph (2)(A) is assigned one teacher who has the following during the period specified:*

*"(A) Through September 30, 2011—*

*"(i) a child development associate credential that is appropriate to the age of children being served in center-based programs;*

*"(ii) a State-awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential;*

*"(iii) an associate degree in early childhood education;*

*"(iv) an associate degree in a related field and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children; or*

*"(v) a baccalaureate degree and has been admitted into the Teach For America program, passed a rigorous early childhood content exam, such as the Praxis II, participated in a Teach For America summer training institute that includes teaching preschool children, and is receiving ongoing professional development and support from Teach For America's professional staff.*

*"(B) As of October 1, 2011—*

*"(i) an associate degree in early childhood education;*

*"(ii) an associate degree in a related field and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children; or*

*"(iii) a baccalaureate degree and has been admitted into the Teach For America program, passed a rigorous early childhood content exam, such as the Praxis II, participated in a Teach For America summer training institute that includes teaching preschool children, and is receiving ongoing professional development and support from Teach For America's professional staff.*

*"(4) WAIVER.—On request, the Secretary shall grant—*

*"(A) through September 30, 2011, a 180-day waiver ending on or before September 30, 2011, of the requirements of paragraph (3)(A) for a Head Start agency that can demonstrate that the agency has attempted unsuccessfully to recruit an individual who has the qualifications described in any of clauses (i) through (iv) of paragraph (3)(A) with respect to an individual who—*

*"(i) is enrolled in a program that grants a credential, certificate, or degree described in clauses (i) through (iv) of paragraph (3)(A); and*

*"(ii) will receive such credential, certificate, or degree under the terms of such program not later than 180 days after beginning employment as a teacher with such agency; and*

*"(B) as of October 1, 2011, a 3-year waiver of the requirements of paragraph (3)(B) for a Head Start agency that can demonstrate that—*

*"(i) the agency has attempted unsuccessfully to recruit an individual who has the qualifications described in clause (i) or (ii) of such paragraph, with respect to an individual who is enrolled in a program that grants a degree described in clause (i) or (ii) of such paragraph and will receive such degree in a reasonable time; and*

*"(ii) each Head Start classroom has a teacher who has, at a minimum—*

*"(I) a child development associate credential that is appropriate to the age of children being served in center-based programs; or*

*"(II) a State-awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential.*

*"(5) TEACHER IN-SERVICE REQUIREMENT.—Each Head Start teacher shall attend not less than 15 clock hours of professional development per year. Such professional development shall be high-quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and regularly evaluated by the program for effectiveness.*

*"(6) SERVICE REQUIREMENTS.—The Secretary shall establish requirements to ensure that, in order to enable Head Start agencies to comply with the requirements of paragraph (2)(A), individuals who receive financial assistance under this subchapter to pursue a degree described in paragraph (2)(A) shall—*

*"(A) teach or work in a Head Start program for a minimum of 3 years after receiving the degree; or*

*"(B) repay the total or a prorated amount of the financial assistance received based on the length of service completed after receiving the degree.*

*"(7) USE OF FUNDS.—The Secretary shall require that any Federal funds provided directly or indirectly to comply with paragraph (2)(A) shall be used toward degrees awarded by an institution of higher education, as defined by section 101 or 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002).";*

*(2) by amending subsection (c) to read as follows:*

*"(c) FAMILY SERVICE WORKERS.—To improve the quality and effectiveness of staff providing in-home and other services (including needs assessment, development of service plans, family advocacy, and coordination of service delivery) to families of children participating in Head Start programs, the Secretary, in coordination with concerned public and private agencies and organizations examining the issues of standards and training for family service workers, shall—*

*"(1) review and, as necessary, revise or develop new qualification standards for Head Start staff providing such services;*

*"(2) review, and as necessary, revise or develop maximum caseload requirements, as suggested by best practices;*

*"(3) promote the development of model curricula (on subjects including parenting training and family literacy) designed to ensure the attainment of appropriate competencies by individuals working or planning to work in the field of early childhood and family services;*

*"(4) promote the establishment of a credential that indicates attainment of the competencies and that is accepted nationwide; and*

*"(5) promote the use of appropriate strategies to meet the needs of special populations (including populations of limited English proficient children).";*

*(3) in subsection (d)—*

*(A) in paragraph (3)(C), by inserting "(including a center)" after "agency"; and*

*(B) in paragraph (6), by striking "amounts appropriated under this subchapter and allotted under section 640(a)(2)(D)" and inserting "amounts made available under section 640(a)(2)(E)"; and*

*(4) by adding at the end the following:*

*"(f) PROFESSIONAL DEVELOPMENT PLANS.—Each Head Start agency and program shall create, in consultation with an employee, a professional development plan for all full-time Head Start employees who provide direct services to children and shall ensure that such plans are regularly evaluated for their impact on teacher and staff effectiveness. The agency and the employee shall implement the plan to the extent feasible and practicable.*

*"(g) STAFF RECRUITMENT AND SELECTION PROCEDURES.—Before a Head Start agency employs an individual, such agency shall—*

*"(1) conduct an interview of such individual;*

*"(2) verify the personal and employment references provided by such individual; and*

*"(3) obtain—*

*"(A) a State, tribal, or Federal criminal record check covering all jurisdictions where the grantee provides Head Start services to children;*

*"(B) a State, tribal, or Federal criminal record check as required by the law of the jurisdiction where the grantee provides Head Start services; or*

*"(C) a criminal record check as otherwise required by Federal law.".*

### SEC. 20. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

*Section 649 of the Head Start Act (42 U.S.C. 9844) is amended—*

*(1) by amending subsection (a)(1)(B) to read as follows:*

*"(B) use the Head Start programs to develop, test, and disseminate new ideas based on existing scientifically valid research, for addressing the needs of low-income preschool children (including children with disabilities, homeless children, children who have been abused or neglected, and children in foster care) and their families and communities (including demonstrations of innovative non-center-based program models such as home-based and mobile programs), and otherwise to further the purposes of this subchapter.";*

*(2) in subsection (d)—*

*(A) in paragraph (8), by adding "and" at the end;*

*(B) by striking paragraphs (9) and (10), and inserting the following:*

*"(10)(A) contribute to understanding the impact of Head Start services delivered in classrooms which include both children with disabilities and children without disabilities, on all of the children; and*

*"(B) disseminate promising practices for increasing the availability and quality of such services and such classrooms.";*

*(C) in paragraph (5), by striking "early childhood education, or child development services" and inserting "early childhood education and development or services programs";*

*(D) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;*

*(E) by inserting after paragraph (4) the following:*

*"(5)(A) identify successful strategies that promote good oral health and provide effective linkages to quality dental services through pediatric dental referral networks, for infants and toddlers participating in Early Head Start programs and children participating in other Head Start programs; and*

*"(B) identify successful strategies that promote good vision health through vision screenings for such infants, toddlers, and children, and referrals for appropriate followup care for those identified as having a vision problem;"; and*

*(F) by striking the last sentence; and*

*(3) in subsection (e)(3), by striking "child care, early childhood education, or child development services" and inserting "early childhood education and development services or programs";*

*(4) in subsection (g) by amending paragraph (7)(C) to read as follows:*

*"(C) TRANSMITTAL OF REPORT TO CONGRESS.—Not later than September 30, 2009, the Secretary shall transmit the final report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate."; and*

*(5) by striking subsection (h) and inserting the following:*

*"(h) LIMITED ENGLISH PROFICIENT CHILDREN.—*

*"(1) STUDY.—Not later than 1 year after the date of enactment of the Improving Head Start for School Readiness Act of 2007, the Secretary shall conduct a study on the status of limited English proficient children and their families participating in Head Start programs (including Early Head Start programs).*

*"(2) REPORT.—The Secretary shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, not later than September 30, 2010, a report containing the results of the study, including information on—*

*"(A) the demographics of limited English proficient children from birth through age 5, including the number of such children receiving Head Start services and Early Head Start services, and the geographic distribution of children described in this subparagraph;*

*"(B) the nature of the Head Start services and of the Early Head Start services provided to limited English proficient children and their families, including the types, content, duration, intensity, and costs of family services, language assistance, and educational services;*

*"(C) procedures in Head Start programs and Early Head Start programs for the assessment of language needs and the transition of limited English proficient children to kindergarten, including the extent to which such programs meet the requirements of section 642A for limited English proficient children;*

*"(D) the qualifications and training provided to Head Start teachers and Early Head Start teachers who serve limited English proficient children and their families;*

*"(E) the languages in which Head Start teachers and Early Head Start teachers are fluent, in relation to the population, and instructional needs, of the children served;*

*"(F) the rate of progress made by limited English proficient children and their families in Head Start programs and in Early Head Start programs, including—*

*"(i) the rate of progress made by limited English proficient children toward meeting the additional educational standards described in section 641A(a)(1)(B)(ii) while enrolled in such programs;*

*"(ii) a description of the type of assessment or assessments used to determine the rate of progress made by limited English proficient children;*

*"(iii) the correlation between such progress and the type and quality of instruction and educational programs provided to limited English proficient children; and*

*"(iv) the correlation between such progress and the health and family services provided by such programs to limited English proficient children and their families; and*

*"(G) the extent to which Head Start programs and Early Head Start programs make use of funds under section 640(a)(2)(D) to improve the quality of such services provided to limited English proficient children and their families.*

*"(i) RESEARCH AND EVALUATION ACTIVITIES RELEVANT TO DIVERSE COMMUNITIES.—For purposes of conducting the study described in subsection (h), activities described in section 640(l)(5)(A), and other research and evaluation activities relevant to limited English proficient children and their families, migrant and seasonal farmworker families, and other families from diverse populations served by Head Start programs, the Secretary shall award, on a competitive basis, funds from amounts made available under section 640(a)(2)(D) to 1 or more organizations with a demonstrated capacity for serving and studying the populations involved.*

*"(j) REVIEW OF ASSESSMENTS.—*

*"(1) APPLICATION OF STUDY.—When the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences is made available to the Secretary, the Secretary shall—*

*"(A) integrate the results of the study, as appropriate and in accordance with paragraphs (2) and (3), into each assessment used in Head Start programs; and*

*"(B) use the results of the study to develop, inform, and revise as appropriate the standards and measures described in section 641A, consistent with section 641A(a)(2)(C)(ii).*

*"(2) INFORM AND REVISE.—In informing and revising any assessment used in the Head Start programs, the Secretary shall—*

*"(A) receive recommendations from the Panel on Developmental Outcomes and Assessments for Young Children of the National Academy of Sciences; and*

*"(B) with respect to the development or refinement of such assessment, ensure—*

*"(i) consistency with relevant, nationally recognized professional and technical standards;*

*"(ii) validity and reliability for all purposes for which assessments under this subchapter are designed and used;*

*"(iii) developmental and linguistic appropriateness of such assessments for children assessed, including children who are limited English proficient; and*

*"(iv) that the results can be used to improve the quality of, accountability of, and training and technical assistance in, Head Start programs.*

*"(3) ADDITIONAL REQUIREMENTS.—The Secretary, in carrying out the process described in paragraph (2), shall ensure that—*

*"(A) staff administering any assessments under this subchapter have received appropriate training to administer such assessments;*

*"(B) appropriate accommodations for children with disabilities and children who are limited English proficient are made;*

*"(C) the English and Spanish (and any other language, as appropriate) forms of such assessments are valid and reliable in the languages in which they are administered; and*

*"(D) such assessments are not used to exclude children from Head Start programs.*

*"(4) SUSPENDED IMPLEMENTATION OF NATIONAL REPORTING SYSTEM.—The Secretary shall suspend implementation and terminate further development and use of the National Reporting System.*

*"(k) INDIAN HEAD START STUDY.—The Secretary shall—*

*"(1) work in collaboration with the Head Start agencies that carry out Indian Head Start programs, the Indian Head Start collaboration director, and other appropriate entities, including tribal governments and the National Indian Head Start Directors Association—*

*"(A) to undertake a study or set of studies designed to focus on the American Indian and Alaska Native Head Start-eligible population, with a focus on issues such as curriculum development, availability and need for services, appropriate research methodologies and measures*

*for these populations, and best practices for teaching and educating American Indian and Alaska Native Head Start Children;*

*"(B) to accurately determine the number of children nationwide who are eligible to participate in Indian Head Start programs each year;*

*"(C) to document how many of these children are receiving Head Start services each year;*

*"(D) to the extent practicable, to ensure that access to Indian Head Start programs for eligible children is comparable to access to other Head Start programs for other eligible children; and*

*"(E) to make the funding decisions required in section 640(a)(4)(D)(ii), after completion of the studies required in that section, taking into account:*

*"(i) the Federal government's unique trust responsibility to American Indians and Alaska Natives;*

*"(ii) limitations faced by tribal communities in accessing non-Federal sources of funding to supplement Federal funding for early childhood programs; and*

*"(iii) other factors that uniquely and adversely impact children in American Indian and Alaska Native communities such as highly elevated poverty, unemployment and violent crime rates, as well as depressed levels of educational achievement and limited access to non-Federal health, social and educational resources;*

*"(2) in carrying out paragraph (1), consult with the Secretary of Education about the Department of Education's systems for collecting and reporting data about, and maintaining records on, American Indian and Alaska Native students;*

*"(3) not later than 9 months after the effective date of this subsection, publish in the Federal Register a notice of how the Secretary plans to carry out paragraph (1) and shall provide a period for public comment. To the extent practicable, the Secretary shall consider comments received before submitting a report to the Congress;*

*"(4) not later than 1 year after the effective date of this subsection, submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, detailing how the Department of Health and Human Services plans to carry out paragraph (1);*

*"(5) through regulation, ensure the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary, by Head Start agencies that carry out Indian Head Start programs, and by State Directors of Head Start Collaboration, by the Indian Head Start Collaboration Project Director and by other appropriate entities pursuant to this subsection (such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act.); and*

*"(6) ensure that nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this subsection.*

*"(l) MIGRANT AND SEASONAL HEAD START PROGRAM STUDY.—*

*"(1) DATA.—In order to increase access to Head Start services for children of migrant and seasonal farmworkers, the Secretary shall work in collaboration with providers of migrant and seasonal Head Start programs, the Secretary of Agriculture, the Secretary of Labor, the Bureau of Migrant Health, and the Secretary of Education to—*

*"(A) collect, report, and share data, within a coordinated system, on children of migrant and seasonal farmworkers and their families, including health records and educational documents of such children, in order to adequately account for the number of children of migrant and seasonal farmworkers who are eligible for Head Start services and determine how many of such children receive the services; and*

*"(B) identify barriers that prevent children of migrant and seasonal farmworkers who are eligible for Head Start services from accessing Head Start services, and develop a plan for eliminating such barriers, including certain requirements relating to tracking, health records, and educational documents, and increasing enrollment.*

*"(2) PUBLICATION OF PLAN.—Not later than 1 year after the date of enactment of the Improving Head Start for School Readiness Act of 2007, the Secretary shall publish in the Federal Register a notice about how the Secretary plans to implement the activities identified in paragraph (1) and shall provide a period for public comment. To the extent practicable, the Secretary shall consider comments received before implementing any of the activities identified in paragraph (1).*

*"(3) REPORT.—Not later than 18 months after the date of enactment of the Improving Head Start for School Readiness Act of 2007, and annually thereafter, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate detailing how the Secretary plans to implement the activities identified in paragraph (1), including the progress made in reaching out to and serving eligible children of migrant and seasonal farmworkers, and information on States where such children are still underserved.*

*"(4) PROTECTION OF CONFIDENTIALITY.—The Secretary shall, through regulation, ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary, by Head Start agencies that carry out migrant or seasonal Head Start programs, by the State director of Head Start Collaboration, and by the Migrant and Seasonal Farmworker Collaboration project Director (such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act (20 U.S.C. 1232g)).*

*"(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable data, information, or records on individuals involved in studies or other collections of data under this subsection.*

*"(m) PROGRAM EMERGENCY PREPAREDNESS.—*

*"(1) PURPOSE.—The purpose of this subsection is to evaluate the emergency preparedness of the Head Start programs, including Early Head Start programs, and make recommendations for how Head Start shall enhance its readiness to respond to an emergency.*

*"(2) STUDY.—The Secretary shall evaluate the Federal, State, and local preparedness of Head Start programs, including Early Head Start programs, to respond appropriately in the event of a large-scale emergency, such as the hurricanes Katrina, Rita, and Wilma, the terrorist attacks of September 11, 2001, or other incidents where assistance may be warranted under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).*

*"(3) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of the Improving Head Start for School Readiness Act of 2007, the Secretary shall prepare and submit to Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing the results of the evaluation required under paragraph (2), including—*

*"(A) recommendations for improvements to Federal, State, and local preparedness and response capabilities to large-scale emergencies, including those that were developed in response to hurricanes Katrina, Rita, and Wilma, as they relate to Head Start programs, including Early Head Start programs, and the Secretary's plan to implement such recommendations;*

*"(B) an evaluation of the procedures for informing families of children in Head Start programs about the program protocols for response to a large-scale emergency, including procedures for communicating with such families in the event of a large-scale emergency;*

*"(C) an evaluation of such procedures for staff training on State and local evacuation and emergency protocols; and*

*"(D) an evaluation of procedures for Head Start agencies and the Secretary to coordinate with appropriate Federal, State, and local emergency management agencies in the event of a large scale emergency and recommendations to improve such procedures.".*

***SEC. 21. REPORTS.***

*Section 650 of the Head Start Act (42 U.S.C. 9846) is amended—*

*(1) in subsection (a)—*

*(A) in the matter preceding paragraph (1)—*

*(i) by striking "Education and the Workforce" and inserting "Education and Labor";*

*(ii) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions"; and*

*(iii) by striking "(including disabled and non-English language background children)" and inserting "(including children with disabilities, limited English proficient children, homeless children, children in foster care, and children participating in Indian Head Start programs and migrant or seasonal Head Start programs)";*

*(B) in paragraph (2), by inserting before the semicolon the following: ", and information on the number of children served under this subsection, disaggregated by type of eligibility criterion";*

*(C) in paragraph (3), by striking "funds expended" and all that follows through "640(a)(3)," and inserting "funds made available under section 640(a)";*

*(D) in paragraph (8), by inserting "homelessness, whether the child is in foster care or was referred by a child welfare agency," after "background,";*

*(E) in paragraph (12), by inserting "vision care," after "dental care,";*

*(F) in paragraph (14)—*

*(i) by striking "Alaskan Natives" and inserting "Alaska Natives"; and*

*(ii) by striking "seasonal farmworkers" and inserting "seasonal farmworker families"; and*

*(G) in the flush matter at the end—*

*(i) by striking "Education and the Workforce" and inserting "Education and Labor"; and*

*(ii) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions";*

*(2) in subsection (b)—*

*(A) by striking "Education and the Workforce" and inserting "Education and Labor";*

*(B) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions"; and*

*(C) by striking "Native Alaskan" and inserting "Alaska Native"; and*

*(3) by adding at the end the following:*

*"(c) FISCAL PROTOCOL.—*

*"(1) IN GENERAL.—The Secretary shall conduct an annual review to assess whether the design and implementation of the triennial reviews described in section 641A(c) include compliance*

*procedures that provide reasonable assurances that Head Start agencies are complying with applicable fiscal laws and regulations.*

*"(2) REPORT.—Not later than 30 days after the date the Secretary completes the annual review under paragraph (1), the Secretary shall report the findings and conclusions of the annual review to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.*

*"(d) DISABILITY-RELATED SERVICES.—*

*"(1) IN GENERAL.—The Secretary shall track the provision of disability-related services for children, in order to—*

*"(A) determine whether Head Start agencies are making timely referrals to the State or local agency responsible for providing services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);*

*"(B) identify barriers to timely evaluations and eligibility determinations by the State or local agency responsible for providing services under section 619 or part C of the Individuals with Disabilities Education Act; and*

*"(C) determine under what circumstances and for what length of time Head Start agencies are providing disability-related services for children who have not been determined under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to be children with disabilities.*

*"(2) REPORT.—Not later than 1 year after the date of enactment of the Improving Head Start for School Readiness Act of 2007, the Secretary shall provide a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the activities described in paragraph (1).*

*"(e) EVALUATION AND RECOMMENDATIONS REGARDING OBESITY PREVENTION.—Not later than 1 year after the date of enactment of the Improving Head Start for School Readiness Act of 2007 the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the Secretary's progress in assisting program efforts to prevent and reduce obesity in children who participate in Head Start programs, including progress on implementing initiatives within the Head Start program to prevent and reduce obesity in such children.".*

### SEC. 22. COMPARABILITY OF WAGES.

*Section 653 of the Head Start Act (42 U.S.C. 9848) is amended—*

*(1) by striking "The Secretary shall take" and inserting "(a) COMPARABILITY OF WAGES.—The Secretary shall take"; and*

*(2) by adding at the end the following:*

*"(b) LIMITATION.—*

*"(1) IN GENERAL.—Notwithstanding any other provision of law, no Federal funds may be used to pay any part of the compensation of an individual employed by a Head Start agency, if such compensation, including non-Federal funds, exceeds an amount equal to the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code.*

*"(2) COMPENSATION.—In this subsection, the term 'compensation'—*

*"(A) includes salary, bonuses, periodic payments, severance pay, the value of any vacation time, the value of a compensatory or paid leave benefit not excluded by subparagraph (B), and the fair market value of any employee perquisite or benefit not excluded by subparagraph (B); and*

*"(B) excludes any Head Start agency expenditure for a health, medical, life insurance, disability, retirement, or any other employee welfare or pension benefit.".*

### SEC. 23. LIMITATION WITH RESPECT TO CERTAIN UNLAWFUL ACTIVITIES.

*Section 655 of the Head Start Act (42 U.S.C. 9850) is amended by inserting "or in" after "assigned by".*

### SEC. 24. POLITICAL ACTIVITIES.

*Section 656 of the Head Start Act (42 U.S.C. 9851) is amended—*

*(1) by striking all that precedes "chapter 15" and inserting the following:*

### "SEC. 656. POLITICAL ACTIVITIES.

*"(a) STATE OR LOCAL AGENCY.—For purposes of"; and*

*(2) by striking subsection (b) and inserting the following:*

*"(b) RESTRICTIONS.—*

*"(1) IN GENERAL.—A program assisted under this subchapter, and any individual employed by, or assigned to or in, a program assisted under this subchapter (during the hours in which such individual is working on behalf of such program), shall not engage in—*

*"(A) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office; or*

*"(B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election.*

*"(2) REGISTRATION.—No funds appropriated under this subchapter may be used to conduct voter registration activities. Nothing in this subchapter prohibits the availability of Head Start facilities during hours of operation for the use of any nonpartisan organization to increase the number of eligible citizens who register to vote in elections for Federal office.*

*"(3) RULES AND REGULATIONS.—The Secretary, after consultation with the Director of the Office of Personnel Management, may issue rules and regulations to provide for the enforcement of this section, which may include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.".*

### SEC. 25. PARENTAL CONSENT REQUIREMENT FOR HEALTH SERVICES.

*The Head Start Act (42 U.S.C. 9831 et seq.) is amended by adding at the end the following:*

### "SEC. 657A. PARENTAL CONSENT REQUIREMENT FOR NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

*"(a) DEFINITION.—The term 'nonemergency intrusive physical examination' means, with respect to a child, a physical examination that—*

*"(1) is not immediately necessary to protect the health or safety of the child involved or the health or safety of another individual; and*

*"(2) requires incision or is otherwise invasive, or involves exposure of private body parts.*

*"(b) REQUIREMENT.—A Head Start agency shall obtain written parental consent before administration of any nonemergency intrusive physical examination of a child in connection with participation in a program under this subchapter.*

*"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit agencies from using established methods, for handling cases of suspected or known child abuse and neglect, that are in compliance with applicable Federal, State, or tribal law.".*

### SEC. 26. CENTERS OF EXCELLENCE IN EARLY CHILDHOOD.

*The Head Start Act (42 U.S.C. 9831 et seq.), as amended by section 25, is further amended by adding at the end the following:*

### "SEC. 657B. CENTERS OF EXCELLENCE IN EARLY CHILDHOOD.

*"(a) DEFINITION.—In this section, the term 'center of excellence' means a Center of Excellence in Early Childhood designated under subsection (b).*

*"(b) DESIGNATION AND BONUS GRANTS.—The Secretary shall, subject to the availability of funds under this section, establish a program under which the Secretary shall—*

*"(1) designate not more than 200 exemplary Head Start agencies (including Early Head Start agencies, Indian Head Start agencies, and migrant and seasonal Head Start agencies) as Centers of Excellence in Early Childhood; and*

*"(2) make bonus grants to the centers of excellence to carry out the activities described in subsection (d).*

*"(c) APPLICATION AND DESIGNATION.—*

*"(1) APPLICATION.—*

*"(A) NOMINATION AND SUBMISSION.—*

*"(i) IN GENERAL.—To be eligible to receive a designation as a center of excellence under subsection (b), except as provided in clause (ii), a Head Start agency in a State shall be nominated by the Governor of the State, after selection for nomination by such Governor through a competitive process, and shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.*

*"(ii) INDIAN AND MIGRANT AND SEASONAL HEAD START PROGRAMS.—In the case of an Indian Head Start agency or a migrant or seasonal Head Start agency, to be eligible to receive a designation as a center of excellence under subsection (b), such an agency shall be nominated by the head of the appropriate regional office of the Department of Health and Human Services and shall submit an application to the Secretary in accordance with clause (i).*

*"(B) CONTENTS.—At a minimum, the application shall include—*

*"(i) evidence that the Head Start program carried out by the agency involved has significantly improved the school readiness of children who have participated in the program;*

*"(ii) evidence that the program meets or exceeds standards described in section 641A(a)(1), as evidenced by the results of monitoring reviews described in section 641A(c), and has no findings of deficiencies in the preceding 3 years;*

*"(iii) evidence that the program is making progress toward meeting the requirements described in section 648A;*

*"(iv) an assurance that the Head Start agency will develop a collaborative partnership with the State (or a State agency) and other providers of early childhood education and development programs and services in the local community involved to conduct activities under subsection (d);*

*"(v) a nomination letter from the Governor, or appropriate regional office, demonstrating the agency's ability to provide the coordination, transition, and training services of the program to be carried out under the bonus grant involved, including coordination of activities with State and local agencies that provide early childhood education and development to children and families in the community served by the agency, and carry out the activities described under subsection (d)(1); and*

*"(vi) a description of how the center involved, in order to expand accessibility and continuity of quality early childhood education and development services and programs, will coordinate activities, as appropriate, assisted under this section with—*

*"(I) programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);*

*"(II) the Early Head Start programs carried out under section 645A;*

*"(III) Early Reading First and Even Start programs carried out under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.);*

*"(IV) other preschool programs carried out under title I of that Act (20 U.S.C. 6301 et seq.);*

*"(V) programs carried out under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);*

*"(VI) State prekindergarten programs; and*

*"(VII) other programs of early childhood education and development.*

*"(2) SELECTION.—In selecting agencies to designate as centers of excellence under subsection (b), the Secretary shall designate not less than 1 from each of the 50 States, the District of Columbia, an Indian Head Start program, a migrant or seasonal Head Start program, and the Commonwealth of Puerto Rico.*

*"(3) PRIORITY.—In making bonus grant determinations under this section, the Secretary shall give priority to agencies that, through their applications, demonstrate that their programs are of exceptional quality and would serve as exemplary models for programs in the same geographic region. The Secretary may also consider the populations served by the applicants, such as agencies that serve large proportions of families of limited English proficient children or other underserved populations, and may make bonus grants to agencies that do an exceptional job meeting the needs of children in such populations.*

*"(4) TERM OF DESIGNATION.—*

*"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall designate a Head Start agency as a center of excellence for a 5-year term. During the period of that designation, subject to the availability of appropriations, the agency shall be eligible to receive a bonus grant under subsection (b).*

*"(B) REVOCATION.—The Secretary may revoke an agency's designation under subsection (b) if the Secretary determines that the agency is not demonstrating adequate performance or has had findings of deficiencies described in paragraph (1)(B)(ii).*

*"(5) AMOUNT OF BONUS GRANT.—The Secretary shall base the amount of funding provided through a bonus grant made under subsection (b) to a center of excellence on the number of children eligible for Head Start services in the community involved. The Secretary shall, subject to the availability of funding, make such a bonus grant in an amount of not less than $200,000 per year.*

*"(d) USE OF FUNDS.—A center of excellence that receives a bonus grant under subsection (b)—*

*"(1) shall use not less than 15 percent of the funds made available through the bonus grant to disseminate to other Head Start agencies in the State involved, best practices for achieving early academic success, including—*

*"(A) best practices for achieving school readiness, including developing early literacy and mathematics skills, for children at risk for school difficulties;*

*"(B) best practices for achieving the acquisition of the English language for limited English proficient children, if appropriate to the population served; and*

*"(C) best practices for providing high-quality comprehensive services for eligible children and their families;*

*"(2) may use the funds made available through the bonus grant—*

*"(A) to provide Head Start services to additional eligible children;*

*"(B) to better meet the needs of working families in the community served by the center by serving more children in existing Early Head Start programs (existing as of the date the center is designated under this section) or in full-working-day, full calendar year Head Start programs;*

*"(C) to further coordinate early childhood education and development programs and services and social services available in the community served by the center for at-risk children (birth through age 8), their families, and pregnant women;*

*"(D) to provide professional development for Head Start teachers and staff, including joint training for Head Start teachers and staff, child care providers, public and private preschool and elementary school teachers, and other providers of early childhood education and development programs;*

*"(E) to provide effective transitions between Head Start programs and elementary schools and to facilitate ongoing communication between Head Start and elementary school teachers concerning children receiving Head Start services to improve the teachers' ability to work effectively with low-income, at-risk children and their families;*

*"(F) to develop or maintain partnerships with institutions of higher education and nonprofit organizations, including community-based organizations, that recruit, train, place, and support college students to serve as mentors and reading partners to preschool children in Head Start programs; and*

*"(G) to carry out other activities determined by the center to improve the overall quality of the Head Start program carried out by the agency and the program carried out under the bonus grant involved.*

*"(e) RESEARCH AND REPORTS.—*

*"(1) RESEARCH.—The Secretary shall, subject to the availability of funds to carry out this subsection, award a grant or contract to an independent organization to conduct research on the ability of the centers of excellence to use the funds received under this section to improve the school readiness of children receiving Head Start services, and to positively impact school results in the earliest grades. The organization shall also conduct research to measure the success of the centers of excellence at encouraging the center's delegate agencies, additional Head Start agencies, and other providers of early childhood education and development programs in the communities involved to meet measurable improvement goals, particularly in the area of school readiness.*

*"(2) RESEARCH REPORT.—Not later than 48 months after the date of enactment of the Improving Head Start for School Readiness Act of 2007, the organization shall prepare and submit to the Secretary and Congress a report containing the results of the research described in paragraph (1).*

*"(3) REPORTS TO THE SECRETARY.—Each center of excellence shall submit an annual report to the Secretary, at such time and in such manner as the Secretary may require, that contains a description of the activities the center carried out with funds received under this section, including a description of how such funds improved services for children and families.*

*"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to make bonus grants to centers of excellence under subsection (b) to carry out activities described in subsection (d) and research and report activities described in subsection (e).".*

***SEC. 27. GENERAL PROVISIONS.***

*The Head Start Act (42 U.S.C. 9831 et seq.), as amended by section 26, is further amended by adding at the end the following:*

***"SEC. 657C. GENERAL PROVISIONS.***

*"(a) LIMITATION.—Nothing in this subchapter shall be construed to authorize or permit the Secretary or any employee or contractor of the Department of Health and Human Services to mandate, direct, or control, the selection of a curriculum, a program of instruction, or instructional materials, for a Head Start program.*

*"(b) SPECIAL RULE.—Nothing in this subchapter shall be construed to authorize a Head Start program or a local educational agency to require the other to select or implement a specific curriculum or program of instruction.*

*"(c) DEFINITION.—In this subchapter, the term 'health', when used to refer to services or care provided to enrolled children, their parents, or their siblings, shall be interpreted to refer to both physical and mental health.".*

***SEC. 28. COMPLIANCE WITH IMPROPER PAYMENTS INFORMATION ACT OF 2002.***

*(a) DEFINITIONS.—In this section, the term—*

*(1) "appropriate committees" means—*

*(A) the Committee on Health, Education, Labor, and Pensions of the Senate; and*

*(B) the Committee on Education and Labor of the House of Representatives; and*

*(2) "improper payment" has the meaning given that term under section 2(d)(2) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).*

*(b) REQUIREMENT FOR COMPLIANCE CERTIFICATION AND REPORT.—The Secretary of Health and Human Services shall submit a report to the appropriate committees that—*

*(1) contains a certification that the Department of Health and Human Services has, for each program and activity of the Administration for Children and Families, performed and completed a risk assessment to determine programs and activities that are at significant risk of making improper payments; and*

*(2) describes the actions to be taken to reduce improper payments for the programs and activities determined to be at significant risk of making improper payments.*

***SEC. 29. REFERENCES IN OTHER ACTS.***

*(a) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 1112(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(c)) is amended—*

*(1) in paragraph (1)(G), by striking "performance standards established under section 641A(a) of the Head Start Act" and inserting "education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act"; and*

*(2) in paragraph (2)(B), by striking "Head Start performance standards as in effect under section 641A(a) of the Head Start Act" and inserting "education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act".*

*(b) EARLY LEARNING OPPORTUNITIES ACT.—Section 810(b)(1) of the Early Learning Opportunities Act (20 U.S.C. 9409(b)(1)) is amended by striking "entities funded under section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5))" and inserting "entities funded under section 640(a)(2)(B)(vi) of the Head Start Act (42 U.S.C. 9835(a)(2)(B)(vi))".*

*(c) RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT.—*

*(1) Section 9(b)(12)(A)(iii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(12)(A)(iii)) is amended by striking "the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A) of the Head Start Act (42 U.S.C. 9840(a)(1)(A))" and inserting "the child meets the eligibility criteria prescribed under section 645(a)(1)(B) of the Head Start Act (42 U.S.C. 9840(a)(1)(B))".*

*(2) Section 17(c)(5) of such Act (42 U.S.C. 1766(c)(5)) is amended by striking "the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A) of the Head Start Act (42 U.S.C. 9840(a)(1)(A))" and inserting "the child meets the eligibility criteria prescribed under section 645(a)(1)(B) of the Head Start Act (42 U.S.C. 9840(a)(1)(B))".*

And the Senate agree to the same.

GEORGE MILLER,
DALE E. KILDEE,

LYNN WOOLSEY,
DANNY K. DAVIS,
RAÚL M. GRIJALVA,
LINDA T. SÁNCHEZ,
JOHN P. SARBANES,
JOE SESTAK,
DAVID LOEBSACK,
MAZIE K. HIRONO,
CAROL SHEA-PORTER,
HOWARD "BUCK" MCKEON,
MICHAEL N. CASTLE,
LUIS FORTUÑO,
RIC KELLER,
JOE WILSON,
C. W. BOUSTANY,
DEAN HELLER,
*Managers on the Part of the House.*

TED KENNEDY,
CHRIS DODD,
TOM HARKIN,
BARBARA A. MIKULSKI,
JEFF BINGAMAN,
PATTY MURRAY,
JACK REED,
HILLARY RODHAM CLINTON,
BARACK OBAMA,
BERNARD SANDERS,
SHERROD BROWN,
MICHAEL B. ENZI,
JUDD GREGG,
LAMAR ALEXANDER,
RICHARD BURR,
JOHNNY ISAKSON,
LISA MURKOWSKI,
ORRIN HATCH,
PAT ROBERTS,
WAYNE ALLARD,
*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1429), to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the Conferees, and minor drafting and clarifying changes.

### *Section 1. Short title*

1. The House bill and the Senate amendment have different titles.

House recedes/Senate recedes with an amendment to insert "Improving Head Start for School Readiness Act of 2007".

2. The House bill and Senate amendment contain similar tables of contents.

House recedes/Senate recedes.

3. The House bill includes a Sense of Congress. The Senate amendment does not contain a similar provision.

House recedes.

### *Section 2. Statement of purpose*

4. The House bill and the Senate amendment contain similar provisions. The Senate amendment refers to enhancing children's cognitive and social development in the lead-in and the House references cognitive, social and emotional development in note 5.

House recedes with an amendment to strike "and social" and insert "social, and emotional".

5. The House bill and the Senate amendment contain similar provisions.

Senate recedes with an amendment to strike "by enhancing their cognitive, social, and emotional development" and insert "creative arts" before "physical".

6. The House bill and the Senate amendment contain identical provisions.

### *Section 3. Definitions*

7. The Senate amendment makes changes to "delegate agency" definition. The House bill maintains current law.

House recedes

8. The Senate amendment makes changes to "family literacy services" definition. The House bill maintains current law.

House recedes with an amendment to insert "and financial literacy," after "self sufficiency" in subparagraph (C).

9. The House bill uses "significant". The Senate amendment uses "substantial".

House recedes.

10. The House bill references "program governance". The Senate amendment references "program operations".

House recedes.

11. The House bill references sections with additional performance standards.

House recedes with an amendment to insert "(as determined by the Secretary)" after "status".

12. The Senate amendment adds additional clarification.

House recedes.

13. The House bill uses "material failure". The Senate amendment uses "systemic failure"

House recedes with an amendment to insert "or material" after "systematic".

14. The Senate amendment has additional provisions (C), (D), (E).

House recedes with an amendment to insert "or;" after "responsibilities" in (B) and to strike subparagraphs (C) and (D), and to strike "having" in part (E).

15. The House bill and the Senate amendment contain similar provisions. The House bill defines "homeless children". The Senate amendment defines "homeless child".

Senate recedes.

16. The House bill defines homeless family. The Senate amendment refers to families of homeless children, but does not contain a similar provision.

House recedes.

17. The House bill defines inclusive classroom. The Senate amendment does not contain a similar provision.

House recedes.

18. The Senate amendment defines institution of higher education. The House bill does not contain a similar provision.

House recedes.

19. The Senate amendment defines interrater reliability. The House bill does not contain a similar provision.

House recedes.

20. The House bill and the Senate amendment contain similar provisions.

House recedes with an amendment to strike subparagraph "(A)".

21. The Senate amendment defines unresolved area of noncompliance. The House bill does not include a similar provision.

House recedes.

22. The House bill defines professional development. The Senate amendment does not contain a similar provision.

Senate recedes with an amendment to strike "scientifically-based research" and insert "scientifically valid research".

23. The House bill defines scientifically based research. The Senate amendment does not contain a similar provision.

Senate recedes with an amendment to strike and insert—

"(23) The term 'principles of scientific research' means principles of research that—

"(A) applies rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

"(B) presents findings and makes claims that are appropriate to and supported by methods that have been employed; and

"(C) includes, appropriate to the research being conducted—

"(i) use of systematic, empirical methods that draw on observation or experiment;

"(ii) use of data analyses that are adequate to support the general findings;

"(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

"(iv) strong claims of causal relationships only with research designs that eliminate plausible competing explanations for observed results, such as but not limited to random assignment experiments;

"(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or at a minimum, to offer the opportunity to build systematically on the findings of the research;

"(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

"(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

"(25) The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research."

24. The House bill and Senate amendment make similar changes to the definition of a State.

Senate recedes.

### *Section 4. Financial assistance for Head Start programs*

25. The Senate amendment requires grants terms continue for a period of 5 years. The House bill does not contain a similar provision in section 638 but makes a similar change in section 641.

House recedes.

### *Section 5. Authorization of appropriations*

26. The House bill and the Senate amendment contain different amounts authorized to be appropriated for Head Start.

House recedes

27. The House bill and the Senate amendment contain identical language except the House bill uses parenthesis.

House recedes.

### *Section 6. Allotment of funds; limitations on assistance*

28. The House bill and the Senate amendment contain similar provisions. The House bill adds a heading and strikes a date from current law. The Senate amendment maintains current law.

House recedes/Senate recedes with an amendment to strike subsection (a) and insert—

"(a) Allotment of Funds.—Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended to read as follows:

"(a)(1) Using the sums appropriated pursuant to section 639 for a fiscal year, the Secretary shall allocate such sums in accordance with paragraphs (2) through (5).

"(2)(A) The Secretary shall determine an amount for each fiscal year for each State that is equal to the amount received through base grants for the prior fiscal year by the Head Start agencies (including Early Head Start agencies) in the State that are not described in clause (ii) or (iii) of subparagraph (B).

"(B) The Secretary shall reserve for each fiscal year such sums as are necessary—

"(i) to provide each amount determined for a State under subparagraph (A) to the Head Start agencies (including Early Head Start agencies) in the State that are not described in clause (ii) or (iii), by allotting to each agency described in this clause an amount equal to that agency's base grant for the prior fiscal year;

"(ii) to provide an amount for the Indian Head Start programs that is equal to the amount provided for base grants for such programs under this subchapter for the prior fiscal year, by allotting to each Head Start agency (including each Early Head Start agency) administering an Indian Head Start program an amount equal to that agency's base grant for the prior fiscal year;

"(iii) to provide an amount for the migrant and seasonal Head Start programs on a nationwide basis that is equal to the amount provided for base grants for such programs nationwide under this subchapter for the prior fiscal year, by allotting to each Head Start agency administering a migrant or seasonal Head Start program an amount equal to that agency's base grant for the prior fiscal year;

"(iv) to provide an amount for each of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States (for Head Start agencies (including Early Head Start agencies) in the jurisdiction) that is equal to the amount provided for base grants for such jurisdiction under this subchapter for the prior fiscal year, by allotting to each agency described in this clause an amount equal to that agency's base grant for the prior fiscal year;

"(v) to provide an amount for the Republic of Palau (for Head Start agencies (including Early Head Start agencies) in the jurisdiction) for each of fiscal years 2008 and 2009, and (if legislation approving a new agreement regarding United States assistance for the Republic of Palau has not been enacted by September 30, 2009) for each of fiscal years 2010 through 2012, that is equal to the amount provided for base grants for such jurisdiction under this subchapter for the prior fiscal year, by allotting to each agency described in this clause an amount equal to that agency's base grant for the prior fiscal year; and

"(vi) to provide an amount for a collaboration grant under 642(B)(a) for each State, for the Indian Head Start programs, and for the migrant and seasonal Head Start programs, in the same amount as the corresponding collaboration grant provided under this subchapter for fiscal year 2007.

"(C)(i) The Secretary shall reserve for each fiscal year an amount that is not less than 2.5 percent and not more than 3 percent of the sums appropriated pursuant to section 639 for that fiscal year, to fund training and technical assistance activities, from which reserved amount—

"(I) the Secretary shall set aside a portion, but not less than 20 percent, to be used to fund training and technical assistance activities for Early Head Start programs, in accordance with section 645A(g)(2); and

"(II) the Secretary shall set aside a portion, equal to the rest of the reserved amount, to fund training and technical assistance activities for other Head Start programs, in accordance with section 648, of which portion—

"(aa) not less than 50 percent shall be made available to Head Start agencies to use directly, which may include at their discretion the establishment of local or regional agreements with community experts, institutions of higher education, or private consultants, to make program improvements identified by such agencies, by carrying out the training and technical assistance activities described in section 648(d);

"(bb) not less than 25 percent shall be available to the Secretary to support a State-based training and technical assistance system, or a national system of training and technical assistance in the case of Indian Head Start programs and migrant and seasonal Head Start programs, as described in section 648(e) for supporting program quality; and

"(cc) the remainder of the portion set aside under this subclause shall be available to the Secretary to assist Head Start agencies in meeting and exceeding the standards described in section 641A(a)(1) by carrying out activities described in subsections (a), (b), (c), (f), and (g) of section 648, including helping Head Start programs address weaknesses identified by monitoring activities conducted by the Secretary under section 641A(c), except that not less than $3,000,000 of the remainder shall be made available to carry out .activities described in section 648(a)(3)(B)(ii).

"(ii) In determining the portion set aside under clause (i)(I) and the amount reserved under this subparagraph, the Secretary shall consider the number of Early Head Start programs newly funded for that fiscal year.

"(D) The Secretary shall reserve not more than $20,000,000 to fund research, demonstration, and evaluation activities under section 649.

"(E) The Secretary shall reserve not more than $42,000,000 for discretionary payments by the Secretary, including payments for all costs (other than compensation of Federal employees) for activities carried out under subsection (c) or (e) of section 641A.

"(F) If the sums appropriated under section 639 are not sufficient to provide the amounts required to be reserved under subparagraphs (B) through (E), the amounts shall be reduced proportionately.

(G) Nothing in this section shall be construed to deny the Secretary the authority, consistent with sections 641, 641A, and 646 to terminate, suspend, or reduce funding to a Head Start agency.

"(3)(A) From any amount remaining for a fiscal year after the Secretary carries out paragraph (2) (referred to in this paragraph as the 'remaining amount'), the Secretary shall—

"(i) subject to clause (ii)—

"(I) provide a cost of living increase for each Head Start agency (including each Early Head Start agency) funded under this subchapter for that fiscal year, to maintain the level of services provided during the prior year; and

"(II) subject to subparagraph (B), provide $10,000,000 for Indian Head Start programs (including Early Head Start programs) and $10,000,000 for migrant and seasonal Head Start programs, to increase enrollment in the programs involved;

"(ii) subject to clause (iii), if the remaining amount is not sufficient to carry out clause (i)—

"(I) for each of fiscal years 2008, 2009, and 2010—

"(aa) subject to subparagraph (B), provide 5 percent of that amount for Indian Head Start programs (including Early Head Start programs), and 5 percent of that amount for migrant and seasonal Head Start programs, to increase enrollment in the programs involved; and

"(bb) use 90 percent of that amount to provide, for each Head Start agency (including each Early Head Start agency) funded as described in clause (i)(1), the same percentage (but not less than 50 percent) of the cost of living increase described in clause (i); and

"(II) for fiscal year 2011 and each subsequent fiscal year—

"(aa) provide, for each Head Start agency (including each Early Head Start agency) funded as described in clause (i)(I), the cost of living increase described in clause (i); and

"(bb) subject to subparagraph (B), with any portion of the remaining amount that is not used under item (aa), provide equal amounts for Indian Head Start programs, and for migrant and seasonal Head Start programs, to increase enrollment in the programs involved (including Early Head Start programs); and

"(iii) if the remaining amount is not sufficient to carry out clause (ii) for the fiscal year involved, use that amount to provide, for each Head Start agency (including each Early Head Start agency) funded as described in clause (i)(I), the same percentage of the cost of living increase described in clause (i).

"(B)(i) Notwithstanding any other provision of this paragraph, the Indian Head Start programs shall not receive more than a total cumulative amount of $50,000,000 for all fiscal years, and the migrant and seasonal Head Start programs shall not receive more than a total cumulative amount of $50,000,000 for all fiscal years, under clause (i)(II), and subclauses (I)(aa) and (II)(bb) of clause (ii), of subparagraph (A) (referred to in this subsection as the 'special expansion provisions'), to increase enrollment in the programs involved.

"(ii) Funds that are appropriated under section 639 for a fiscal year, and made available to Indian Head Start programs or migrant or seasonal Head Start programs under the special expansion provisions, shall remain available until the end of the following fiscal year.

"(iii) Of the funds made available as described in clause (ii), the Secretary shall reallocate the portion that the Secretary determines is unobligated 18 months after the funds are made available. The Secretary shall add that portion to the balance described in paragraph (4), and reallocate the portion in accordance with paragraph (4), for the following fiscal year referred to in clause (ii).

"(4)(A) Except as provided in subparagraph (B), from any amount remaining for a fiscal year after the Secretary carries out paragraphs (2) and (3) (referred to in this paragraph as the 'balance'), the Secretary shall—

"(i) reserve 40 percent to carry out subparagraph (C) and paragraph (5);

"(ii) reserve 45 percent to carry out subparagraph (D); and

"(iii) reserve 15 percent (which shall remain available through the end of fiscal year 2012) to carry out subparagraph (E).

"(B)(i) Under the circumstances described in clause (ii), from the balance, the Secretary shall—

"(I) reserve 45 percent to carry out subparagraph (C) and paragraph (5); and

"(II) reserve 55 percent to carry out subparagraph (D).

"(ii) The Secretary shall make the reservations described in clause (i) for a fiscal year if—

"(I) the total cumulative amount reserved under subparagraph (A)(iii) for all preceding fiscal years equals $100,000,000; or

"(II) if in the 2-year period preceding such fiscal year funds were reserved under subparagraph (A)(iii) in an amount that totals not less than $15,000,000 and the Secretary received no approvable applications from States for such funds.

"(C) The Secretary shall fund the quality improvement activities described in paragraph (5) using the amount reserved under subparagraph (A)(i) or subparagraph (B)(i)(I), as appropriate, of which—

"(i) a portion that is less than 10 percent may be reserved by the Secretary to provide funding to Head Start agencies (including Early Head Start agencies) that demonstrate the greatest need for additional funding for such activities, as determined by the Secretary; and

"(ii) a portion that is not less than 90 percent shall be reserved by the Secretary to allot, to each Head Start agency (including each Early Head Start agency), an amount that bears the same ratio to such portion as the number of enrolled children served by the agency involved bears to the number of enrolled children served by all the Head Start agencies (including Early Head Start agencies), except that the Secretary shall account for the additional costs of serving children in Early Head Start programs and may consider whether an agency is providing a part-day program.

"(D) The Secretary shall fund expansion of Head Start programs (including Early Head Start programs) using the amount reserved under subparagraph (A)(ii) or subparagraph (B)(i)(II), as appropriate, of which the Secretary shall—

"(i) use 0.2 percent for Head Start programs funded under clause (iv) or (v) of paragraph (2)(B) (other than Early Head Start programs);

"(ii) for any fiscal year after the last fiscal year for which Indian Head Start programs receive funds under the special expansion provisions, use 3 percent for Head Start programs funded under paragraph (2)(B)(ii) (other than Early Head Start programs), except that the Secretary may increase that percentage if the Secretary determines that the results of the study conducted under section 649(k) indicate that the percentage should be increased;

"(iii) for any fiscal year after the last fiscal year for which migrant or seasonal Head Start programs receive funds under the special expansion provisions, use 4.5 percent for Head Start programs funded under paragraph (2)(B)(iii) (other than Early Head Start programs), except that the Secretary may increase that percentage if the Secretary determines that the results of the study conducted under section 649(l) indicate that the percentage should be increased; and

"(iv) from the remainder of the reserved amount—

"(I) use 50 percent for Head Start programs funded under paragraph (2)(B)(i) (other than Early Head Start programs), of which—

"(aa) the covered percentage shall be allocated among the States serving less than 60 percent (as determined by the Secretary) of children who are 3 or 4 years of age from families whose income is below the poverty line, by allocating to each of those States an amount that bears the same relationship to that covered percentage as the number of children who are less than 5 years of age from families whose income is below the poverty line (referred to in this subclause as 'young low-income children') in that State bears to the number of young low-income children in all those States; and

"(bb) the remainder shall be allocated proportionately among the States on the basis of the number of young low-income children; and

"(II) use 50 percent for Early Head Start programs.

(E) In this paragraph, the term 'covered percentage' means—

"(i) for fiscal year 2008, 30 percent;

"(ii) for fiscal year 2009, 40 percent;

"(iii) for fiscal year 2010, 50 percent;

"(iv) for fiscal year 2011, 55 percent; and

"(v) for fiscal year 2012, 55 percent.

"(5)(A) Not less than 50 percent of the amount reserved under subparagraph (A)(i) or subparagraph (B)(i)(I), as appropriate, of paragraph (4) to carry out quality improvement activities under paragraph (4)(C) and this paragraph shall be used to improve the compensation (including benefits) of educational personnel, family service workers, and child counselors, as described in sections 644(a) and 653, in the manner determined by the Head Start agencies (including Early Head Start agencies) involved, to—

"(i) ensure that compensation is adequate to attract and retain qualified staff for the programs involved in order to enhance program quality;

"(ii) improve staff qualifications and assist with the implementation of career development programs for staff that support ongoing improvement of their skills and expertise; and

"(iii) provide education and professional development to enable teachers to be fully competent to meet the professional standards established under section 648A(a)(1), including—

"(I) providing assistance to complete postsecondary course work;

"(II) improving the qualifications and skills of educational personnel to become certified and licensed as bilingual education teachers, or as teachers of English as a second language; and

"(III) improving the qualifications and skills of educational personnel to teach and provide services to children with disabilities.

"(B) Any remaining funds from the reserved amount described in subparagraph (A) shall be used to carry out any of the following activities:

"(i) Supporting staff training, child counseling, and other services, necessary to address the challenges of children from immigrant, refugee, and asylee families, homeless children, children in foster care, limited English proficient children, children of migrant or seasonal farmworker families, children from families in crisis, children referred to Head Start programs (including Early Head Start programs) by child welfare agencies, and children who are exposed to chronic violence or substance abuse.

"(ii) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and other individuals with disabilities.

"(iii) Employing additional qualified classroom staff to reduce the child-to-teacher ratio in the classroom and additional qualified family service workers to reduce the family-to-staff ratio for those workers.

"(iv) Ensuring that Head Start programs have qualified staff that promote the language skills and literacy growth of children and that provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.

"(v) Increasing hours of program operation, including—

"(I) conversion of part-day programs to full-working-day programs; and

"(II) increasing the number of weeks of operation in a calendar year.

"(vi) Improving communitywide strategic planning and needs assessments for Head Start programs and collaboration efforts for such programs, including outreach to children described in clause (i).

"(vii) Transporting children in Head Start programs safely, except that not more than 10 percent of funds made available to carry out this paragraph may be used for such purposes.

"(viii) Improving the compensation and benefits of staff of Head Start agencies, in order to improve the quality of Head Start programs.

"(6) No sums appropriated under this subchapter may be combined with funds appropriated under any provision other than this subchapter if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such sums appropriated under this subchapter are separately identified in such grant or payment and are used for the purposes of this subchapter.

"(7) In this subsection:

"(A) The term 'base grant', used with respect to a fiscal year, means the amount of permanent ongoing funding (other than funding described in sections 645A(g)(2)(A)(i) and [paragraph (2)(C)(i)(II)(aa)]) provided to a Head Start agency (including an Early Head Start agency) under this subchapter for that fiscal year.

"(B) The term 'cost-of-living increase', used with respect to an agency for a fiscal year, means an increase in the funding for that agency, based on the percentage change in the Consumer Price Index for All Urban Consumers (issued by the Bureau of Labor Statistics) for the prior fiscal year, calculated on the amount of the base grant for that agency for the prior fiscal year.

"(C) For the purposes of [paragraphs (2)(B), (4)(B)(ii), (4)(E), and (6)], the term 'State' does not include Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.".

The Conferees intend for the Secretary to work with the Indian Head Start and migrant and seasonal Head Start communities to enable the funds described in section 640(a)(3)(A)(i)(II) to be obligated to the maximum possible extent. The Conferees intend for the Secretary to allow Indian Head Start agencies, in using the funds described in section 640(a)(3)(A)(i)(II) to increase enrollment, to use such funds for conversion of programs from part-day to full-day and from home-based to center-based, and to allow Migrant and Seasonal Head Start agencies, in using such funds, to increase services to migrant and seasonal farmworker children from birth to age three and to expand the length of the service day. The Conferees encourage the Secretary to make available from the funds described in section 640(a)(3)(A)(i)(II) for increasing enrollment in Indian Head Start programs, significant portions both for Indian Head Start programs and for provision of services for additional infants and toddlers in Indian Early Head Start programs. Wherever the term "Migrant or Seasonal Head Start" occurs, it is the Conferees' intent that the Migrant and Seasonal Head Start program preserve its name in its entirety. Nowhere in the bill shall the language be interpreted that the Migrant and Seasonal Head Start program's name has been changed. Moreover, the Conferees urge the Secretary to maintain "Migrant and Seasonal Head Start" as the name of that program.

29. The House bill adds a heading to current law. Senate amendment maintains current law.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

30. The House bill and the Senate amendment require differing amounts for Indian Head Start programs.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

31. The House bill sunsets payments to Palau at FY2009. The House bill strikes reference to Federal States of Micronesia and Republic of Marshall Islands from current law. The House bill adds a heading.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

32. The House bill and the Senate amendment contain similar provisions. The House bill references "program quality"; the Senate amendment references "program expansion".

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

33. The House bill and the Senate amendment contain similar provisions. The Senate amendment requires specific activities for the use of training and technical assistance funds in section 640. The House bill activities are listed in section 648(j). See note 405.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

34. The Senate amendment allocates 50 percent to locals. The House bill allocates not less than 50 percent.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

35. The House bill reserves not less than 30 percent of training and technical assistance funds for a State-based system. The Senate amendment reserves 50 percent of funds for such efforts plus additional Secretary activities.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

36. The House bill reserves a remaining amount for the Secretary to assist local agencies address weaknesses. The Senate amendment reserves such funds in note 35.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

37. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

38. The Senate amendment does not include a similar provision. The House bill reserves $5 million for State councils. The Senate amendment funds councils differently. See note 340.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

39. The House bill adds a heading and makes grammatical change to lead-in to current law. The Senate amendment maintains current law with technical correction and does not add a heading.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

40. House bill adds a heading to current law. Senate amendment maintains current law but does not add a heading.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

41. House bill maintains current law and the Senate amendment maintains and adds conditions to the MSHS and Indian set-asides.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

42. The House bill reserves 60 percent of excess funds for quality improvement activities, for each fiscal year 2008-2012. The Senate amendment reserves 30 percent of excess funds for quality improvement activities, and increases such amount to 40 percent for fiscal years 2009-2012. The House bill adds headings.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

43. The House bill strikes current subparagraph (B) on quality improvement goals. The Senate amendment maintains this subparagraph and makes modifications.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

44. The Senate amendment adds reference to language and literacy, and expands to additional subgroups. The House bill strikes paragraph.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

45. The Senate amendment adds reference to salary and benefit requirements. The House bill strikes paragraph.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

46. The Senate amendment adds reference to language and literacy skills. The House bill strikes paragraph.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

47. The Senate amendment adds reference to highly mobile children. The House bill strikes paragraph.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

48. The Senate amendment and House bill make different modifications to current law.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

49. The House bill adds a heading. The House bill and the Senate amendment maintain current law of subparagraph.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

50. The House bill and the Senate amendment contain similar provisions. House bill adds a heading. The House bill and the Senate amendment make identical changes to date.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

51. House bill maintains a formula under current law. Senate amendment makes changes to formula.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

52. The House bill and the Senate amendment both maintain current law.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

53. The House bill and the Senate amendment contain similar provisions. The House bill and Senate amendment make conforming changes to existing law. House bill adds a heading.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

54. The House bill and the Senate amendment contain similar provisions. The House bill requires a submission from States prior to the awarding of a collaboration grant.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

55. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

56. The House bill and the Senate amendment contain similar provisions. The House bill refers to early education services. The Senate amendment refers to early childhood education and care (throughout collaboration section).

Senate recedes with an amendment to strike "services" and insert "and development services or programs".

The Conferees intend for the terminology "early childhood education and development services or programs" to encompass the diverse range of child care and early education and learning programs, recognizing that these settings contribute to children's development and growth, regardless of setting or program label.

57. The House bill and the Senate amendment contain similar provisions.

House recedes with an amendment to—

use House (i)(I) with "used in Head Start Programs" after "assessments"

strike "and care" and insert "and development services or programs" in both places it appears.

58. The House bill refers to curricula and assessments. The Senate amendment refers to services.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

59. The House bill and the Senate amendment contain identical provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

60. The House bill makes reference to succeed. The Senate amendment makes reference to learn. House bill references children in Head Start programs and Senate amendment references a broader population of children.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

61. The House bill and the Senate amendment contain similar provisions. The Senate amendment includes a reference to the Free to Grow Initiative.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

62. The House bill and the Senate amendment contain similar provisions. The Senate amendment makes reference to curriculum in Head Start programs, and references the

Ready to Learn program. The House bill references program quality.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

63. The House bill requires the collaboration office to work with the State Early Learning Council. The Senate amendment does not include a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

64. The Senate amendment includes conforming language. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

65. The House bill and the Senate amendment contain similar provisions and the House bill adds a heading.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

66. The Senate amendment strikes subparagraph (B). The House bill maintains current law and adds a heading.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

67. The Senate amendment makes changes to the hold harmless. The House bill does not include similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, into note 28.

68. The House bill includes technical conforming language. The Senate amendment does not include a similar provision.

Senate recedes.

69. The Senate amendment makes changes to 640(d). The House bill maintains current law.

House recedes with an amendment to strike section 640(d) and insert:

"(d)(1)The Secretary shall establish policies and procedures to assure that, for fiscal year 2009 and thereafter, not less than 10 percent of the total number of children actually enrolled by each Head Start agency and each delegate agency will be children with disabilities who are determined to be eligible for special education and related services, or early intervention services, as appropriate, as determined under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), by the State or local agency providing services under section 619 or part C of Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.).

"(2) Such policies and procedures shall ensure the provision of early intervening services, such as educational and behavioral services and supports, to meet the needs of children with disabilities, prior to an eligibility determination under the Individuals with Disabilities Education Act.

"(3) Such policies and procedures shall require Head Start agencies to provide timely referral to and collaborate with the State or local agency providing services under section 619 or part C of the Individuals with Disabilities Education Act to ensure the provision of special education and related services and early intervention services, and the coordination of programmatic efforts, to meet the special needs of such children.

"(4) The Secretary shall establish policies and procedures to provide Head Start agencies with waivers to the requirements under paragraph (1) for not more than 3 years. Such policies and procedures shall require Head Start agencies, in order to receive such waivers, to provide evidence demonstrating that the Head Start agencies are making reasonable efforts on an annual basis to comply with the requirements of this paragraph.

"(5) Nothing in this subsection shall be construed to limit or create a right to a free appropriate public education under the Individuals with Disabilities Education Act."

Since 1972, Head Start has supported the access and participation of children with disabilities in Head Start programs by requiring that 10 percent of enrollment opportunities be provided to these children. The Conferees recognize the need to build on that foundation by ensuring that children with disabilities also receive appropriate screening and identification in order to serve them properly. For this reason the Conferees have included provisions to strengthen and support Head Start agencies and delegate agencies in referring children in a timely and efficient manner to Individuals with Disabilities Education Act entities for evaluation. The Conferees have included these provisions in order to ensure the appropriate evaluations and services are available for this vulnerable population.

The Conferees further intend to ensure Head Start agencies and delegate agencies receive the support and assistance needed to meet the requirements of the Individuals with Disabilities Education Act section. Local education agencies and States are strongly encouraged to improve their coordination with Head Start agencies and delegate agencies to ensure that children are evaluated appropriately and in a timely manner, and that children with disabilities enrolled in Head Start programs are receiving appropriate services as required by the Individuals with Disabilities Education Act.

It is not the intention of the Conferees to compel or constrain Head Start agencies or delegate agencies in ways that may lead to inappropriate over-identification or may cause programs to provide inappropriate services to children with disabilities in order to meet the requirements of this section. Rather, the Conferees recognize and support the tremendous efforts made by Head Start agencies to coordinate with local education agencies and States in order to best serve children with disabilities.

The report requires that 10 percent of the children served by Head Start agencies be children with disabilities. Head Start agencies are encouraged to meet this requirement by improving their efforts to identify and serve children with disabilities. Due to shifting populations, competing providers of services for children with disabilities, and parental decisions on where to enroll their child, Conferees recognize that it may not be possible for every agency to meet this requirement every year. The reporting requirements included in the report are intended to ensure that agencies are making serious and practical efforts to fully comply with this requirement so that no children with disabilities are excluded from being able to participate in a Head Start program, but also so that Head Start agencies acting in good faith will not be penalized.

69b. The House and Senate contain similar provisions.

House recedes with an amendment to strike "and care" and insert "and development services or programs".

70. The House bill deletes qualification on program expansion for fund allocation. Senate amendment does not include a similar provision.

House recedes.

71. Senate amendment and the House bill include similar modifications to needs assessment criteria.

House recedes/Senate recedes with an amendment to—

(1) insert ", (3)," after "by striking paragraphs (1)"

(2) strike subparagraph (C) and inserting the following:

"(C) the extent to which the applicant has undertaken communitywide strategic planning and needs assessments involving other entities including community organizations and Federal, State, and local public agencies (including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), that provide services to children and families, such as—

"(i) family support services;

"(ii) child abuse prevention services;

"(iii) protective services;

"(iv) foster care;

"(v) services for families in whose homes English is not the language customarily spoken;

"(vi) services for children with disabilities; and

"(vii) services for homeless children;"

(3) in subparagraph (D)—

(A) strike "community" and insert "communitywide"; and

(B) strike "other local" and insert "the State and local";

72. House bill and Senate amendment contain similar provisions.

Senate recedes with an amendment to insert "as described in clause (i) or (ii) of section 645(a)(1)(B)" after "children," insert "by striking "early childhood program" and insert "publicly funded early childhood education and development program".

73. House bill and Senate amendment maintain current law.

74. House bill and Senate amendment contain similar modifications to current law.

Senate recedes.

75. House bill adds new provision on administrative expenses. Senate amendment does not include a similar provision.

House recedes.

76. House bill contains provision allowing programs to negotiate with the Secretary if funding is inadequate to provide COLA. Senate amendment does not contain a similar provision.

Senate recedes with an amendment to strike and insert—

"(3)(A) In the event that the amount appropriated to carry out the program under this subchapter for a fiscal year does not exceed the amount appropriated for the prior fiscal year, or is not sufficient to maintain services comparable to the services provided under this subchapter during the prior fiscal year, a Head Start agency may negotiate with the Secretary a reduced funded enrollment level without a reduction in the amount of the grant received by the agency under this subchapter, if such agency can reasonably demonstrate that such reduced funded enrollment level is necessary to maintain the quality of services.

"(B) In accordance with this paragraph, the Secretary shall set up a process for Head Start agencies to negotiate the reduced funded enrollment levels referred to in subparagraph (A) for the fiscal year involved.

"(C) In the event described in subparagraph (A), the Secretary shall be required to notify Head Start agencies of their ability to negotiate the reduced funded enrollment levels if such an agency can reasonably demonstrate that such reduced funded enrollment level is necessary to maintain the quality of services."

77. House bill and Senate amendment contain different modifications to transportation safety requirements.

House recedes/Senate recedes with an amendment to strike and insert at the end of 640(i)—

"The regulations shall also establish requirements to ensure the appropriate supervision of, and appropriate background checks for, individuals whom the agencies contact to transport those children."

The Conferees believe that providing transportation to children enrolled in Head Start is central to many agencies' efforts to ensuring children's participation in Head Start. The Conferees strongly encourage the Secretary to continue to work with grantees to support their efforts to provide safe transportation that meets all Head Start and applicable regulations. The Conferees also encourage the Secretary to continue the decision to allow Head Start agencies to annually request a good cause exception to the requirements of regulations promulgated under Section 640(i) if the waiver is in the best interest of the children involved, if such requirements pertain to child restraint systems (45 CFR 1310.11, 1310.15(a)) or bus monitors (45 CFR 1310.15(c)), and if the agency demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or Early Head Start program.

78. The House bill and Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to do the following:

Senate recedes on (1)(1).

House recedes on (1)(3) with an amendment to strike "that appropriate funding is provided to meet such needs including funding for" and insert "the provision of".

House recedes on (4)(A).

Senate recedes on (4)(B) with an amendment to strike "children and children of" and insert "including" and to insert "children" after "Alaskan Natives," and to strike "subsections (a), (b), and (c) of section 641," and insert "this subchapter".

Senate recedes on (4)(C).

House recedes on (4)(D) with an amendment to insert "The Secretary shall insure that" after "(D)" and to strike "on a timely basis" and insert "within 90 days of the annual consultation".

79. The House bill and Senate amendment contain similar provisions.

Senate recedes.

It is the intent of the Conferees that Head Start agencies, in carrying out the requirements of paragraph (1), employ a variety of strategies to help remove barriers to the enrollment and participation of homeless children in Head Start, including conducting targeted recruitment of homeless children, including homelessness as a priority criterion in selection policies, reserving slots for homeless children, filling vacancies with homeless children, and other activities as determined necessary by the community-wide needs assessment. In addition to these strategies, Head Start agencies may find it appropriate, in some instances, to place a homeless child ahead of other eligible children on waiting lists in order to address their mobility and special needs. In general, when a grantee works on its community-wide needs assessment, it should ensure that it accounts for homeless families. Grantees are encouraged to engage school district homeless liaisons, private and public shelter providers, HUD Continuums of Care, and other homeless service agencies in the community-wide needs assessment.

80. House bill and Senate amendment contain similar provisions.

Senate recedes with an amendment to strike "early education for children" and all that follows through "school," and insert "early childhood education and development or to require any child to participate in such a publicly-funded program, including a state-funded preschool program,"

81. The House bill and the Senate amendment contain similar provisions. The House bill includes instructional materials, and the Senate amendment is limited to curricula.

House recedes/Senate recedes with an amendment to strike and insert—

"(o) All curricula funded under this subchapter shall be based on scientifically valid research, and be age and developmentally appropriate. The curricula shall reflect all areas of child development and learning and be aligned with the Head Start Child Outcomes Framework. Parents shall have the opportunity to examine any such curricula or instructional materials funded under this subchapter."

*Section 7. Designation of Head Start agencies*

82. The House bill includes faith-based organizations in the description of agencies eligible for designation. The Senate amendment does not include a similar provision.

Senate recedes.

83. The House bill requires the Secretary to develop and implement a system of application review. The Senate amendment does not include a similar provision.

Senate recedes.

84. The House bill includes specifications for a grant application. The Senate amendment does not include a similar provision.

Senate recedes.

85. The House bill requires the Secretary to develop and implement a system of application review for designation of Head Start agencies. The Senate amendment requires an agency to establish goals for improving the school readiness of children as a condition of designation.

Senate recedes with an amendment to—

insert "high" before "quality"

insert "and" after "quality"

strike "early learning" and insert "Head Start"

insert "and fiscal management" after "annual budget"

strike "(H); and" in (D) and insert "(E);"

86. The House bill establishes an expert panel to advise the Secretary on a system for the renewal of Head Start agencies. The Senate amendment does not include a similar provision.

Senate recedes with an amendment to strike "No later than 6" and insert "Not later than 3".

87. The House bill specifies the composition of an expert panel. The Senate amendment does not include a similar provision.

House recedes/Senate recedes with an amendment to strike and insert—

"(3) COMPOSITION OF EXPERT PANEL.—The Secretary, in convening such panel, shall appoint the following:

"(A)(i) One member, who has demonstrated competency, as evidence by training, expertise, and experience, in early childhood program accreditation.

"(ii) One member, who has demonstrated competency (as so evidenced) in research on early childhood development.

"(iii) One member, who has demonstrated competency (as so evidenced) in governance and finance of nonprofit organizations.

"(iv) One member, who has demonstrated competency (as so evidenced) in delivery of services to populations of children with special needs and their families.

"(v) One member, who has demonstrated competency (as so evidenced) in assessment and evaluation of programs serving young children.

"(B) An employee from the Office of Head Start.

"(C) An executive director of a Head Start agency."

88. The House bill requires the expert panel provide a report to the Secretary. The Senate amendment does not contain a similar provision.

Senate recedes with an amendment to—

strike "12" and insert "9"

strike "high quality" and insert "high-quality"

insert "and" after "quality"

strike "early education" and insert "Head Start"

insert ", legal and" after governance

89. The House bill requires the Secretary publish in the Federal Register a report on the proposed grant renewal system. The Senate amendment does not contain a similar provision.

Senate recedes with an amendment to—

strike "No later than 6" and insert "Not later than 3"

strike "proposed system of application review" and insert "notice describing a proposed system for designation renewal including a proposal for the transition of such system,"

insert "The Secretary shall review and consider public comments prior to finalizing the system for designation renewal described in this subsection." after "exist."

90. The House bill requires an application review system for the redesignation of Head Start agencies. The Senate amendment delineates specific criteria for redesignation. Both the House bill and the Senate amendment create 5-year grant terms except the Senate amendment amends Section 643 (see note 25).

House recedes/Senate recedes with an amendment to strike and insert—

"(6) DESIGNATION RENEWAL SYSTEM.—Not later than 12 months after publishing a notice describing the proposed system under paragraph (5), the Secretary shall implement the system for designation renewal and use that system to determine—

"(A) whether a Head Start grantee is successfully delivering a high-quality and comprehensive Head Start program; and

"(B) whether the grantee has any unresolved deficiencies found during the last triennial review under section 641A(c).

"(7) IMPLEMENTATION OF THE DESIGNATION RENEWAL SYSTEM.—

"(A) IN GENERAL.—A grantee who is determined under such system—

"(i) to be delivering a high-quality and comprehensive Head Start program shall be designated (consistent with section 643) as a Head Start agency for a period of 5 years described in section 638;

"(ii) to not be delivering a high-quality and comprehensive Head Start program shall be subject to an open competition as described in subsection (d); and

"(iii) in the case of an Indian Head Start agency, to not be delivering a high-quality and comprehensive Head Start program shall (notwithstanding clause (ii)) be subject to the requirements of subparagraph (B).

"(B) TRIBAL GOVERNMENT CONSULTATION AND REEVALUATION.—On making a determination described in subparagraph (A)(iii), the Secretary shall engage in government-to-government consultation with the appropriate tribal government or governments for the purpose of establishing a plan to improve the quality of Head Start programs operated by such agency. Such plan is to be established and implemented within 6 months of the Secretary's determination. Not more than 6 months after implementation of that plan, the Secretary shall reevaluate the performance of the Indian Head Start agency. If the Indian Head Start agency is still not delivering a high-quality and comprehensive Head Start program, the Secretary shall conduct an open competition as described in subsection (d), subject to the limitations, in subsection (e)."

The Conferees create a new system for designation renewal. This system is meant to facilitate the designation of programs that are in good standing and are providing a high-quality comprehensive early childhood program, for a period of 5 years. The Conferees believe that other programs not providing a high-quality comprehensive early childhood program should not receive a designation renewal without first entering into an open competition. Furthermore, the Conferees believe that the policy to limit open competition to under-performing Head Start agencies will improve overall program performance.

The Conferees strongly believe the majority of Head Start programs are delivering high quality services, and therefore do not intend for this new designation system to result in competition for designation for the majority of Head Start programs. Furthermore, competing high quality programs could undermine overall program quality. The Conferees believe that in most instances, stability and continuity within Head Start promotes better quality and greater efficiency. It helps the organization become trusted within the community it is serving, thereby creating better community relations and better outreach to eligible children and families. Continuity and stability provided by high-quality grantees helps programs to recruit and retain better teachers and to plan appropriately for professional development. Lack of continuity and stability can also have a significant impact on cost effective resource allocation by affecting a program's ability to leverage funds in its community and negotiate lower facility costs and business loans. The continuity of high-quality grantees better ensures that taxpayer monies spent on professional development and facilities are investments that have ongoing benefit to children served by Head Start. In developing the designation renewal system, the Conferees intend for the Secretary to give due consideration to the involvement of outside experts and take the public comment on the proposed system seriously.

91. The House bill requires a periodic evaluation of criteria used to evaluate Head Start agencies and ensures grants for a 5 year period. The Senate amendment does not include a similar provision.

Senate recedes with an amendment to—

insert "and" after "quality" and to strike "early education" and insert "Head Start"

insert after (8)—

"(9) TRANSITION.—

"(A) IN GENERAL.—Each Head Start agency shall be reviewed under the system for designation renewal described in paragraph (6), not later than 3 years after implementation of such system.

"(B) LIMITATION.—A Head Start agency shall not be subject to the requirements of the system for designation renewal prior to 18 months after the date of enactment of the Improving Head Start for School Readiness Act of 2007.

"(C) SCHEDULE.—The Secretary shall establish and implement a schedule for reviewing each Head Start agency under the system for designation renewal described in paragraph (6), consistent with subparagraphs (A) and (B).

"(10) REPORTS TO CONGRESS.—The Secretary shall

"(A) make available to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the report described in paragraph (4);

"(B) concurrent with publishing a notice in the Federal Register as described in paragraph (5), provide a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate that provides a detailed description of such proposed system, including a clear rationale for any differences between the proposed system and the recommendations of the expert panel, if any such differences exist; and

"(C) prior to implementing the system for evaluating designation renewal applications, provide a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

"(i) summarizing the public comment on the proposed system and the Secretary's response to such comment; and

"(ii) describing the final system for evaluating designation renewal application and the plans for implementation of such system."

92. The House bill and the Senate amendment contain similar provisions.

Senate recedes with an amendment to—

strike "Has Priority" and insert "is redesignated"

insert "and" after "quality"

strike "early education" and insert "Head Start"

93. The House bill and Senate amendment contain identical text but different headings.

Senate recedes.

94. The House bill and the Senate amendment contain identical provisions.

95. The House bill includes mental and behavioral health in the description of comprehensive health services. The Senate amendment references attaining full potential.

House recedes.

96. The House bill includes additional requirements in the plan for recruitment and retention of staff. The Senate amendment does not include a similar provision.

House recedes/Senate recedes with an amendment to strike and insert—

"(C) the plan of such applicant to attract and retain qualified staff capable of delivering and implementing a high quality program, including the ability to carry out a research based curricula aligned with the Head Start Child Outcomes Framework and, as appropriate State early learning standards."

97. The House bill includes additional staff requirements. The Senate amendment does not include a similar provision.

Senate recedes.

98. The House bill refers to curriculum and teaching practices in programs. The Senate amendment does not include a similar reference.

Senate recedes with an amendment to strike and insert—

"(E) the capacity of such applicant to serve eligible children with—

"(i) curricula that are based on scientifically valid research and teaching practices that are based on scientifically valid research as appropriate, are developmentally appropriate and that promote the school readiness of children participating in the program involved; and

"(ii) teaching practices that are based, as appropriate, on scientifically valid research, that are developmentally appropriate, and that promote the school readiness of children participating in the program involved;"

99. The House bill and the Senate amendment contain identical provisions.

100. The House bill includes budgetary requirements. The Senate amendment does not contain similar provisions.

Senate recedes.

101. The House bill and the Senate amendment contain similar provisions. The Senate amendment includes coordination with reading readiness programs.

House recedes/Senate recedes with an amendment to strike and insert—

"(H) the plan of such applicant to coordinate and collaborate with other public or private entities providing early learning programs and services for young children in the community involved, including—

"(i) programs implementing grant agreements under the Early Reading First and Even Start programs under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.);

"(ii) other preschool program under title I of that Act (20 U.S.C. 6301 et seq.);

"(iii) programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

"(iv) State prekindergarten programs;

"(v) child care programs;

"(vi) the educational programs that the children in the Head Start program involved will enter at the age of compulsory school attendance; and

"(vii) local entities, such as a public or school library, for—

"(I) conducting reading readiness programs

"(II) developing innovative programs to excite children about the world of books, including providing fresh books in the Head Start classroom

"(III) assisting in literacy training for Head Start teachers; or

"(IV) supporting parents and other caregivers in literacy efforts."

102. The Senate amendment refers to the ability of the applicant to provide services, meet program standards, and coordinate with other preschool programs. The House bill does not contain a similar provision.

Senate recedes.

103. The House bill and the Senate amendment contain identical provisions.

104. The House bill and the Senate amendment contain similar provisions. The House bill includes grandparents and kinship caregivers in the involvement of Head Start activities.

Senate recedes with an amendment to strike "seek" and insert "facilitate".

105. The House bill and the Senate amendment contain similar provisions. The Senate amendment includes a provision for transportation costs to facilitate parent participation.

House recedes with an amendment to strike "through providing transportation cost" and to insert "transportation assistance, as appropriate;".

106. The House bill and the Senate amendment contain identical provisions.

107. The House bill and the Senate amendment contain similar provisions. The House bill includes mental health services for parents.

House recedes

108. The House bill and the Senate amendment contain similar provisions. The House bill includes training on social and emotional child development. The House bill includes provisions to facilitate mental and behavioral health services for parents. The

Senate amendment does not contain similar provisions.

Senate recedes with an amendment to strike "(v)" and insert "(v) health services, including information on maternal depression; or"

109. The House bill and the Senate amendment contain similar provisions. The Senate amendment includes foster parents and grandparents in the family needs assessment, as applicable.

House recedes with an amendment to insert ", in a manner and language that such parents can understand, to the extent practicable," after "such parents" and strike "subparagraphs (C), (D), and (E)" and insert "this subparagraph".

110. The House bill and the Senate amendment contain similar provisions. The House bill delineates culturally appropriate opportunities for father-child interactions.

House recedes.

111. The House bill and the Senate amendment contain similar provisions. The House bill requires progress in English while also meeting the requirements of 641 A(a)(I )(B).

Senate recedes.

112. The House bill includes a provision for meeting the diverse cultural needs of the population served. The Senate amendment does not contain a similar provision.

Senate recedes with an amendment to strike and insert "(L) the plan of such applicant to meet the diverse needs of the population served."

113. The House bill and the Senate amendment contain similar provisions. The Senate amendment includes additional procedures and plans to meet the needs of children with disabilities.

House recedes

114. The House bill and the Senate amendment contain similar provisions. The House bill includes mental health services in the applicant plan.

House recedes.

115. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike.

116. The House bill and the Senate amendment contain similar provisions. The House bill includes children and families experiencing toxic stress.

Senate recedes with an amendment to strike "and children and families experiencing toxic stress".

117. The House bill includes a provision to maintain qualified staff. The Senate amendment does not contain a similar provision.

House recedes.

118. The House bill includes a provision to enter into memoranda of understanding with local school districts. The Senate amendment does not contain a similar provision.

House recedes.

119. The House bill and the Senate amendment contain identical provisions.

120. The Senate amendment includes a provision to collaborate with a local library. The House bill does not contain a similar provision.

Senate recedes.

121. The Senate amendment includes a priority for qualified applicants with demonstrated capacity. The House bill does not contain a similar provision.

House recedes with an amendment to strike "and care" and insert "development services or programs".

122. The Senate amendment includes a prohibition against transferring Indian Head Start programs to non-Indian Head Start agencies, similar to the House bill 641(c)(6)(C).

House recedes to insert as (e) in section 641.

123. The House bill includes a provision to provide continued eligibility to faith-based and community-based agencies. The Senate amendment does not contain a similar provision.

House recedes.

124. The House bill and the Senate amendment contain similar provisions.

Senate recedes.

125. The Senate amendment requires progress of a Head Start agency toward its goals as a condition of re-designation for subsequent grants. The House bill does not contain a similar provision.

Senate recedes.

126. The House bill and the Senate amendment contain similar provisions.

Senate recedes.

127. The House bill and the Senate amendment contain identical provisions.

*Section 8. Standards; monitoring of Head Start agencies and programs*

128. The House bill and the Senate amendment contain similar provisions.

Senate recedes.

129. The House bill and the Senate amendment contain similar provisions. The House bill makes changes to the lead-in.

Senate recedes.

130. The House bill requires any new early learning standards to be based on the Head Start Child Outcomes Framework. The Senate amendment does not contain a similar provision, but modifies the Head Start Act to refer to educational performance standards.

Senate recedes with an amendment to strike "early learning standards" and insert "education performance standards".

131. The House bill and Senate amendment require the Secretary to consider NAS study in development of standards (House bill places later—see note 147).

Senate recedes.

132. The House bill and Senate amendment contain similar provisions.

Senate recedes.

133. The House bill includes more specific requirements and refers to prereading. The Senate amendment refers to pre-literacy.

Senate recedes with an amendment to strike "(ii)" and insert—

"(ii) literacy knowledge and skills, including phonological awareness, print awareness and skills, and alphabetic knowledge;"

134. The House bill includes more specific requirements and refers to mathematics. The Senate amendment refers to premathematics.

House recedes with an amendment to strike "pre".

135. The House bill includes more specific requirements and refers to science. The Senate amendment refers to scientific abilities.

Senate recedes with an amendment to strike "including measurement".

The Conferees recognize the importance of mathematics and science knowledge and skills to prepare young children for school readiness, especially through the use of educational experiences and experiments. Children participating in Head Start programs should, at a minimum, develop and demonstrate knowledge and skills that include number concepts such as counting and seriation; number operations; geometric and spatial concepts; classification; and time and measurement concepts. Children participating in Head Start programs should have access to educational experiences which include observing with senses, predicting, inferring, defining and controlling variables, working in teams, and communicating discoveries.

136. The House bill refers to general knowledge, and includes approaches to learning and early learning. The Senate amendment refers to general cognitive abilities, and does not contain a provision on approaches to learning.

House recedes/Senate recedes with an amendment to read:

"(v) cognitive abilities related to academic achievement and child development;

"(vi) approaches to learning related to child development and early learning;"

137. The House bill includes social problem-solving and overall well-being. The Senate amendment does not contain similar provisions.

Senate recedes with an amendment to strike "(vi)" and insert "(vii)" and to strike ", and overall well-being" and to insert "and" after "success,".

138. The House bill includes creative arts. The Senate amendment does not contain similar provisions.

Senate recedes.

139. The Senate amendment includes physical development. The House bill does not contain a similar provision.

House recedes.

140. The House bill requires progress through culturally and linguistically appropriate instruction. The Senate amendment requires progress, which may include the use of linguistically appropriate instruction.

Senate recedes.

141. The House bill and Senate amendment contain identical provisions.

142. The Senate amendment includes provisions for the licensing and accessibility of Head Start programs. The House bill maintains current law.

House recedes with an amendment to—

strike "be in compliance with" and insert "meet or exceed"

insert at the end of '(ii)' the following—"unless State or local laws prohibit such access."

insert after "location of facilities" the following ",including indoor air quality assessments where appropriate,"

143. The House bill and Senate amendment contain identical provisions.

144. The House bill and the Senate amendment contain similar provisions.

145. The House bill and the Senate amendment contain similar provisions. The House bill maintains current law with conforming amendment on LEP.

House recedes with an amendment to make conforming change to "non-English speaking child".

146. The House bill maintains experience and changes with standards since 1998. The Senate amendment updates such experience and changes consistent with the pending Head Start reauthorization.

House recedes/Senate recedes with an amendment to strike and insert—

"(i) past experience with use of the standards in effect under this subchapter on the date of enactment of the Improving Head Start for School Readiness Act of 2007;

"(ii) changes over the period since October 27, 1998, in the circumstances and problems typically facing children and families served by Head Start agencies;"

147. The House bill and Senate amendment contain similar provisions but in different locations (see note 131).

Senate recedes with an amendment to strike "when it becomes available" and to insert consistent with section 649(j);".

148. The House bill refers to early childhood education and development. The Senate

amendment refers to early childhood education and care, and includes homeless children and children in foster care.

House recedes/Senate recedes with an amendment to strike “(iv)” and insert—

“(iv) developments concerning research-based practices with respect to early childhood education and development, children with disabilities, homeless children, children in foster care, and family services, and best practices with respect to program administration, and financial management;”

149. The House bill and Senate amendment contain identical provisions.

150. The House bill and the Senate amendment contain similar provisions. The House bill requires standards addressing physical development.

Senate recedes with an amendment to strike “currently in effect or under consideration”.

151. The House bill and the Senate amendment contain similar provisions. The House bill includes the cultural background of children. The Senate amendment includes changes in the number of homeless or foster care children.

House recedes/Senate recedes with an amendment to strike and insert—

“changes in the characteristics population of children who are eligible to participate in Head Start programs, including the country of origin, the language background, and family structure of such children, and changes in the population and numbers of such children who are in foster care or are homeless children”

152. The House bill requires mechanisms for transition of Head Start children to school The Senate amendment does not contain a similar provision.

Senate recedes.

153. The House bill and the Senate amendment contain similar provisions.

House recedes with an amendment to strike “close and frequent” and insert “regular” and to insert “Indian, including Alaska Native,” after “experts in”.

154. House bill requires performance standards not be more narrow than those in existence in 1998. The Senate amendment ties date to enactment of current bill. The House bill adds reference to quality.

Senate recedes with an amendment to strike “October 27, 1998” and insert “the date of enactment of the Improving Head Start for School Readiness Act of 2007.”

155. The Senate amendment requires consultation with Indian tribes in the development of program standards and measures. The House bill does not contain a similar provision.

House recedes with an amendment to—

strike “American Indian and Alaska Native” and insert “including Alaska Natives,”

insert “Indian and Alaska Native” after “experts in”

156. House bill adds heading to current law and both the House bill and the Senate amendment maintain current law.

157. The House bill re-names the heading. The House bill modifies requirements regarding consultation with outside individuals in the development of Head Start's measures.

Senate recedes with an amendment to—

insert “family services, and program management,” after “development”

insert “and other relevant research” after “Sciences”

insert “inform, revise and” before “provide guidance”

158. The House bill modifies requirements to measure the quality and effectiveness of Head Start programs annually, and provides for the use of measures for the identification of special needs as well as classroom instructional practices. The Senate amendment does not include a similar provision.

Senate recedes with an amendment to insert “children with” after “identification or’ and insert a new subparagraph “(D) administrative and financial management practices”.

159. The Senate amendment maintains (A)-(C) from current law with noted modifications and the House bill strikes (A)—(C) from current law.

Senate recedes.

160. The House bill and the Senate amendment contain similar provisions. The House bill requires developmental, linguistic, and cultural appropriateness.

Senate recedes.

161. The House bill and the Senate amendment contain identical provisions.

House recedes/Senate recedes with an amendment to strike “not less then every 4 years” and insert “periodically”.

162. The House bill requires consistency with technical standards. The Senate amendment does not include a similar provision.

Senate recedes.

163. The House bill requires validity and reliability, including in Spanish and other languages. The Senate amendment does not include a similar provision.

Senate recedes with an amendment to strike “(in English, Spanish, and any other language, as appropriate)” and insert “in the language in which it is administered;”

164. The House bill requires administration of measures by trained staff. The Senate amendment does not include a similar provision.

Senate recedes.

165. The House bill requires appropriate accommodations in measures. The Senate amendment does not include a similar provision.

Senate recedes.

166. The House bill requires measures to be used for the purposes for which they were derived. The Senate amendment does not include a similar provision.

Senate recedes with an amendment to insert new subparagraph to read “(H) be adaptable, as appropriate, for use in the self-assessment of Head Start agencies, including in the evaluation of administrative and financial management practices”.

167. The Senate amendment directs the Secretary to issue performance measures by regulation. The House bill does not contain a similar provision.

Senate recedes.

168. The House bill strikes current law and inserts new use and design of measures. The Senate amendment does not include similar provisions, and adds a new rule related to curriculum and instructional materials.

Senate recedes with an amendment to—

in clause (i) strike “promoting” and insert “helping to develop”

insert “as appropriate” after “designed” in (A)

insert “and individualizing instruction to better meet the needs of children involved;”

after “weaknesses”

insert “the” after “identifying”

insert “of children;” after “needs”

strike “scientifically-based” and insert “scientifically valid”

168a. The Senate amendment includes a Rules of Construction related to the selection of curriculum for program instruction. The House bill does not include a similar provision.

House recedes with an amendment to create a Section 657B and move this paragraph to Section 657B, and to strike “or suggest” and insert “or” after “direct”.

169. The House bill and Senate amendment contain similar provisions except the Senate amendment places in Section 649(h).

House recedes with an amendment to strike “under paragraph (2)(A)” and insert “from the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences”.

170. The House bill and the Senate amendment contain similar provisions. The Senate amendment is placed in section 649 and prohibits the ranking, comparison, or evaluation of individual children or teachers.

House recedes with an amendment to—

strike “(i)” and insert “(5)”

insert “(A) PROHIBITION.—” before “The use of assessment”

strike “to rank, compare” and insert “is prohibited for the purposes of—

“(i) ranking, comparing”

strike “or teachers, or to” and insert “for purposes other than research, training, or technical assistance; and

(ii)”

strike “or to provide” and insert “providing”

strike “is prohibited” and insert “(B) RESULTS.—”

The Conferees do not intend for this provision to similarly limit local employees of a Head Start agency to use assessments that may rank, compare, or individually evaluate information on individual children. Local use of assessments shall be consistent with section 640A(b)(I) through (3). The use of such assessment when used to provide training or technical assistance to teachers for program improvement is allowed.

171. The House bill contains confidentiality requirements. The Senate amendment does not include a similar provision.

Senate recedes.

172. The House bill modifies current law to include the identification of program strengths and weaknesses and the risk-based assessment system. The Senate amendment does not contain a similar provision.

Senate recedes with an amendment to—

strike “develop and use a risk-based assessment system to”

strike “strengths as part of an” and insert “strength as part of their”

173. The House bill and the Senate amendment contain identical provisions.

Senate recedes with an amendment to insert “, including the use of a risk based assessment approach,” after “review”.

174. The House bill and the Senate amendment contain identical provisions.

175. The House bill and the Senate amendment contain similar provisions. The Senate amendment includes additional requirements for follow-up reviews, and stipulates the conditions for unannounced reviews.

House recedes/Senate recedes with an amendment to strike and insert—

“(C) Followup reviews, including—

“(i) return visits to Head Start agencies with one or more findings of deficiencies not later than 6 months after the Secretary provides notification of such findings, or not later than 12 months after such notification if the Secretary determines that additional time is necessary for an agency to address such a deficiency prior to the review; and

“(ii) a review of Head Start agencies with significant areas of noncompliance;

“(D) Other reviews, including unannounced site inspections of Head Start centers, as appropriate.”

176. The House bill does not require unannounced site inspections under the heading and section describing reviews.

Senate recedes.

177. The Senate amendment includes additional individuals with expertise as part of the review team, and ensures expertise in personnel management, financial accountability, and systems development and monitoring. The House bill does not contain similar provisions.

Senate recedes with an amendment to strike and insert—

“(A) are conducted by review teams that—

“(i) include individuals who are knowledgeable about Head Start programs and, to the maximum extent practicable, individuals who are knowledgeable about—

“(I) other early childhood education and development programs, personnel management, financial accountability, and systems development and monitoring; and

“(II) the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities, homeless children, children in foster care, and limited English proficient children) and their families.”

178. The House bill and the Senate amendment contain similar provisions. The House bill includes former employees of HHS.

Senate recedes with an amendment to insert a new subsection clause to read “(iii) shall receive periodic training to ensure quality and consistency across reviews;”.

179. The House bill and the Senate amendment contain similar provisions. The Senate amendment directs the Secretary to conduct reviews in accordance with results-based performance measures.

Senate recedes

180. The House bill and the Senate amendment contain similar provisions.

House recedes with an amendment to strike “needs of populations” and insert “those”.

181. The House bill addresses the community needs and strategic plans as part of the review. The Senate amendment refers more broadly to collecting information regarding collaboration with others in the community providing early education and care.

Senate recedes.

181a. The Senate amendment includes a provision on collection of information on the innovative and effective efforts of Head Start agencies to collaborate with the entities. The House bill does not include a similar provision.

House recedes with an amendment to strike and insert “(E) include information on the innovative and effective efforts of the Head Start agencies to collaborate with the entities providing early childhood and development services and programs in the community and any barriers to such collaboration that the agencies encounter.”

182. The House bill includes a new classroom quality observational instrument as part of Head Start reviews. The Senate amendment does not contain a similar provision.

Senate recedes with an amendment to—

strike “review the implementation by qualified individuals with demonstrated reliability,” and

insert “reviews,”

insert “implemented by qualified individuals with demonstrated reliability,” after “instrument”

The Conferees intend for the Secretary to integrate into the triennial review a valid and reliable research-based observational instrument that assesses classroom quality through observation of multiple dimensions of teacher-child interactions that are linked to positive child development and later achievement. The Conferees encourage the Secretary to consider using existing research-based methods such as the Classroom Assessment Scoring System (CLASS) for this purpose. The Conferees also believe it is logistically and fiscally impractical to implement such an instrument in every classroom and recommend the Secretary develop appropriate sampling techniques for the implementation.

183. The House bill requires reviews to ensure consistency, objectivity, and reliability. The Senate amendment stipulates training for reviewers, and ensures consistency across programs and regions through interrater reliability checks.

Senate recedes with an amendment to insert “, and are conducted in a manner that includes periodic interrater reliability checks, to ensure quality and consistency across and within regions, of the reviews and non-compliance and deficiency determinations” after “review”.

184. The House bill and Senate amendment contain similar provisions.

House recedes.

185. The House bill includes a protocol for fiscal management. The Senate amendment does not contain similar provisions.

Senate recedes with an amendment to insert “(consistent with section 644(f))” after “property”.

186. The Senate amendment includes a review and assessment of whether programs are in conformity with eligibility requirements. The House bill does not contain similar provisions.

House recedes.

187. The Senate amendment includes a review of whether programs have adequately addressed the needs of children with disabilities. The House bill does not contain similar provisions.

House recedes.

188. The Senate amendment requires the use of outcome data from child assessments in reviews. The House bill does not contain similar provisions.

House recedes with an amendment to strike and insert—

“(L) include as part of the reviews, a review and assessment of child outcomes and performance as they relate to agency-determined school readiness goals described in subsection (g)(2), consistent with subsection (b)(5);”

189. The House bill has new requirements to present findings to the grantee. The Senate amendment does not contain a similar provision.

Senate recedes.

190. The House bill and the Senate amendment contain similar provisions but in different locations.

Senate recedes with an amendment to—

insert “, subject to paragraph (4),” after “establish”

strike in ‘(C)’ “appealing” and insert “a delegate agency to appeal” and to strike “relating to a delegate agency”

191. The House bill and the Senate amendment contain similar provisions.

Senate recedes

192. The House bill and the Senate amendment contain similar provisions. The Senate amendment includes additional conditions regarding funding provided to deficient Head Start agencies.

House recedes with an amendment to strike “(iii)” and insert—

“(iii) releasing funds to such delegate agency—

“(I) only as reimbursements except that, upon receiving a request from the delegate agency accompanied by assurances satisfactory to the grantee that the funds will be appropriately safeguarded, the Head Start agency shall provide to the delegate agency a working capital advance in an amount sufficient to cover the estimated expenses during an agreed upon disbursing cycle; and

“(II) only if there is continuity of services”

193. The House bill and the Senate amendment contain similar provisions.

Senate recedes with an amendment to strike “modify, supersede, or affect” and insert “limit”.

194. The House bill and the Senate amendment contain similar provisions.

House recedes with an amendment to strike “pursuant to section 641” and insert “under this subchapter” and to strike from (d)(1) “or results based performance measures developed by the Secretary under subsection (b)”.

195. The Senate amendment requires conditions for the termination of a delegate agency. The House bill does not contain a similar provision.

See note 190.

196. The House bill and the Senate amendment contain similar provisions.

Senate recedes.

197. The House bill and the Senate amendment contain identical provisions.

198. The House bill requires approval of program improvement plans. The Senate amendment does not contain a similar provision.

Senate recedes with an amendment to strike “,” after “program”.

199. The House bill and the Senate amendment contain similar provisions.

Senate recedes.

200. The House and the Senate amendment contain similar provisions. House recedes/Senate recedes with an amendment to strike and insert—

“(f) SUMMARIES OF MONITORING OUTCOMES.—

“(1) IN GENERAL.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (e), during such fiscal year.

“(2) REPORT AVAILABILITY.—Such report shall be made widely available to—

“(A) parents with children receiving assistance under this subchapter—

“(i) in an understandable and uniform format; and

“(ii) to the extent practicable, provided in a language that the parents understand;

“(B) the public through means such as—

“(i) distribution through public agencies;

“(ii) posting such information on the Internet;

“(3) REPORT INFORMATION.—Such report shall contain detailed data—

“(A) on compliance with specific standards and measures; and

“(B) sufficient to allow Head Start agencies to use such data to improve quality of their programs.”

201. The House bill and the Senate amendment contain similar provisions. The House bill refers to each Head Start agency and delegate agency, and includes professional development plans.

Senate recedes with an amendment to strike “(including professional development plans)”.

202. The House bill and the Senate amendment contain similar provisions. The Senate amendment requires reports to be submitted to the HHS regional offices. The House bill requires reports to be submitted to the Secretary.

Senate recedes with an amendment to insert—

A new header for paragraph (2) that reads "Goals, Reports, and Improvement Plans" and insert—

"(A) GOALS.—An agency conducting a self-assessment shall establish agency-determined program goals for improving the school readiness of children participating in a program under this subchapter, including school readiness goals that are aligned with the Head Start Child Outcomes Framework, State early learning standards as appropriate, and requirements and expectations for the schools the children will be attending.".

203. The House bill and the Senate amendment contain similar provisions. The Senate amendment requires improvement plans to be reported to the HHS regional offices. The House bill requires plans to be reported to the Secretary.

Senate recedes.

204. The House bill and the Senate amendment contain similar provisions.

Senate recedes.

205. The Senate amendment allows training funds to be made available for assistance in conducting self-assessments. The House bill does not contain similar provisions.

House recedes with an amendment to move paragraph to Section 648.

206. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert—

"(h) REDUCTION OF GRANTS AND REDISTRIBUTION OF FUNDS IN CASES OF UNDER-ENROLLMENT.—

"(1) DEFINITIONS.—In this subsection—

"(A) ACTUAL ENROLLMENT.—The term 'actual enrollment' means, with respect to the program of a Head Start agency, the actual number of children enrolled in such program and reported by the agency (as required in paragraph (2)) in a given month.

"(B) BASE GRANT.—The term 'base grant' has the meaning given the term in section 649(a)(7).

"(C) FUNDED ENROLLMENT.—The term 'funded enrollment' means, with respect to the program of a Head Start agency in a fiscal year, the number of children that the agency is funded to serve through a grant for the program during such fiscal year, as indicated in the grant award.

"(2) ENROLLMENT REPORTING REQUIREMENT.—Each entity carrying out a Head Start program shall report on a monthly basis to the Secretary and the relevant Head Start agency—

"(A) the actual enrollment in such program; and

"(B) if such actual enrollment is less than the funded enrollment, any apparent reason for such enrollment shortfall.

"(3) SECRETARIAL REVIEW AND PLAN.—The Secretary shall—

"(A) on a semiannual basis, determine which Head Start agencies are operating with an actual enrollment that is less than the funded enrollment based on not less than 4 consecutive months of data;

"(B) for each such Head Start agency operating a program with an actual enrollment that is less than its funded enrollment, as determined under subparagraph (A), develop, in collaboration with such agency, a plan and timetable for reducing or eliminating under-enrollment taking into consideration—

"(i) the quality and extent of the outreach, recruitment, and communitywide needs assessment conducted by such agency;

"(ii) changing demographics, mobility of populations, and the identification of new underserved low-income populations;

"(iii) facilities-related issues that may impact enrollment;

"(iv) the ability to provide full-day programs, where needed, through funds made available under this subchapter or through collaboration with entities carrying out other preschool or child care programs, or programs with other funding sources (where available);

"(v) the availability and use by families of other preschool and child care options (including parental care) in the community served; and

"(vi) agency management procedures that may impact enrollment; and

"(C) provide timely and ongoing technical assistance to each agency described in subparagraph (B) for the purpose of implementing the plan described in such subparagraph.

"(4) IMPLEMENTATION.—Upon receipt of the technical assistance described in paragraph (3)(C), a Head Start agency shall immediately implement the plan described in paragraph (3)(B) and the Secretary shall, where determined appropriate, continue to provide technical assistance to such agency.

"(5) SECRETARIAL REVIEW AND ADJUSTMENT FOR CHRONIC UNDERENROLLMENT.—

"(A) IN GENERAL.—If, after receiving technical assistance and developing and implementing the plan as described in paragraphs (3) and (4) for 12 months, a Head Start agency is still operating a program with an actual enrollment that is less than 97 percent of its funded enrollment, the Secretary may—

"(i) designate such agency as chronically under-enrolled; and

"(ii) recapture, withhold, or reduce the base grant for the program by a percentage equal to the percentage difference between funded enrollment and actual enrollment for the program for the most recent year in which the agency is determined to be under-enrolled under paragraph (3)(A).

"(B) WAIVER OR LIMITATION OF REDUCTIONS.—The Secretary may, as appropriate, waive or reduce the percentage recapturing, withholding, or reduction otherwise required by subparagraph (A), if, after the implementation of the plan described in paragraph (3)(B), the Secretary finds that—

"(i) the causes of the enrollment shortfall, or a portion of the shortfall, are related to the agency serving significant numbers of highly mobile children, or other significant causes as determined by the Secretary;

"(ii) the shortfall can reasonably be expected to be temporary; or

"(iii) the number of slots allotted to the agency is small enough that under enrollment does not constitute a significant shortfall.

"(6) REDISTRIBUTION OF FUNDS.—

"(A) IN GENERAL.—Funds held by the Secretary as a result of recapturing, withholding, or reducing a base grant in a fiscal year shall be redistributed by the end of the following fiscal year as follows:

"(i) INDIAN HEAD START PROGRAMS.—If such funds are derived from an Indian Head Start program, then such funds shall be redistributed to increase enrollment by the end of the following fiscal year in 1 or more Indian Head Start programs.

"(ii) MIGRANT AND SEASONAL HEAD START PROGRAMS.—If such funds are derived from the operation of a migrant and seasonal Head Start program, then such funds shall be redistributed to increase enrollment by the end of the following fiscal year in 1 or more migrant and seasonal Head Start programs.

"(iii) EARLY HEAD START PROGRAMS.—If such funds are derived from an Early Head Start program in a State, then such funds shall be redistributed to increase enrollment by the end of the following fiscal year in 1 or more Early Head Start programs. If such funds are derived from an Indian Early Head Start program, then such funds shall be redistributed to increase enrollment by the end of the following fiscal year in 1 or more Indian Early Head Start programs.

"(iv) OTHER HEAD START PROGRAMS.—If such funds are derived from the operation of a Head Start program in a State (excluding Indian Head Start program and migrant and seasonal Head Start programs), then such funds shall be redistributed to increase enrollment by the end of the following fiscal year in 1 or more Head Start programs (excluding Indian Head Start programs and migrant and seasonal Head Start programs) that are carried out in such State."

207. The House bill and the Senate amendment contain similar provisions. The Senate amendment directs the Secretary to consider consecutive months of data in the determination.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 206.

208. The Senate amendment requires a plan and timetable for reducing or eliminating underenrollment in agencies with less than 95 percent of funded enrollment. The House bill does not include similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 206.

209. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 206.

210. The Senate amendment creates a designation of chronic under-enrollment, and provides for the re-capturing of funds from such agencies. The House bill does not include comparable provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 206.

211. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 206.

212. The House bill reserves funds re-captured from under-enrolled programs for certain populations of eligible Head Start children. The Senate amendment re-directs funds to programs in the same State.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 206.

213. The Senate amendment requires a re-adjustment of program grant agreements as funds are re-distributed under this section. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 206.

214. The Senate amendment includes a provision allowing the Head Start agency to contract with non-profit organizations to improve management. The House bill does not contain a similar provision.

Senate recedes.

### *Section 9. Powers and functions of Head Start agencies*

215. The House bill and the Senate amendment add different headers to subsection (a).

make identical changes to lead-in and otherwise maintain current law.

Senate recedes with an amendment to strike "legal" from the heading.

216. The Senate amendment contains a technical provision. The House bill does not contain a similar provision.

217. The House bill and the Senate amendment have different headers and lead in.

Senate recedes.

218. The House bill and the Senate amendment have similar provisions. House bill maintains current law.

House recedes/Senate recedes with an amendment to strike and insert—

"(1) provide for the regular and direct participation of parents and community residents in the implementation of the Head Start program, including decisions that influence the character of such programs, consistent with paragraphs (2)(D) and (3)(C) of subsection (c)."

219. The House bill and the Senate amendment have identical provision.

220. The House bill and the Senate amendment contain similar provisions. (Comparable provision cross-references with 641(f)(8)(A)).

Senate recedes with an amendment to—

insert "(A)" after "procedures"

strike "their children, and" after "education of" and insert "the children; and (B)"

strike everything that follows "local level" and insert ", including transportation assistance as appropriate."

221. The House bill and the Senate amendment contain similar provisions.

House recedes.

222. The House bill and the Senate amendment contain similar provisions.

House recedes.

223. The House bill and the Senate amendment contain similar provisions.

Senate recedes with an amendment to strike "(v)" and insert—

"(D) health services, including information on maternal depression;"

224. The House bill and the Senate amendment contain similar provisions.

Senate recedes with an amendment to—

insert "to the extent practicable," after "understand" and

insert "(including foster parents, grandparents and kinship caregivers where applicable)" after "such parents,"

strike "(5) through" and insert "(5), (6), and"

225. The House bill and the Senate amendment contain similar provisions.

House recedes with an amendment to add the following text into section 658—

"Under this subchapter the term "health", when used to refer to services or care provided to enrolled children, their parents or siblings, shall be interpreted to refer to both physical and mental health."

226. The House bill and the Senate amendment contain identical provisions.

227. The House bill and the Senate amendment contain identical provisions.

228. The House bill and the Senate amendment contain similar provisions.

House recedes.

229. The House bill and the Senate amendment contain similar provisions. The Senate amendment provision adds the word "such" before parents and the House bill does not.

Senate recedes.

230. The House bill and the Senate amendment contain similar provisions. The Senate amendment includes a heading.

Senate recedes.

231. The House bill and the Senate amendment contain similar provisions.

House recedes with an amendment to insert ", consistent with 640(d)(3);" after "agencies".

232. The House bill does not include this provision. The Senate amendment concerns providing services for children with disabilities.

House recedes with an amendment to insert ", consistent with 640(d)(2);" after "Act".

233. The House bill does not include this provision. The Senate amendment concerns each delegate agency creating a policy committee.

House recedes/Senate recedes to strike and insert as amended in note 236.

234. The Senate amendment adds cross reference for 641(f)(8)(B) that the House bill does not contain.

House recedes with an amendment to strike and insert—

"(B) establish effective procedures to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level, including transportation assistance, as appropriate;".

235. The Senate amendment allows for an agency to partner with an institute of higher education or a non-profit organization. The House bill does not include this provision.

House recedes.

236. The House bill and Senate amendment establish governing bodies and policy councils. The House bill requires shared governance between the policy council and the governing body. The Senate amendment does not contain a similar requirement. The Senate provisions are located in Section 641(a)(3) through Section 641(a)(7).

House recedes/Senate recedes with an amendment to strike and insert—

"(c) PROGRAM GOVERNANCE.—Upon receiving designation as a Head Start agency, the agency shall establish and maintain a formal structure of program governance for the oversight of quality services for Head Start children and families and for making decisions related to program design and implementation. Such structure shall include the following:

"(1) GOVERNING BODY.—

"(A) IN GENERAL.—The governing body shall have legal and fiscal responsibility for the Head Start agency.

"(B) COMPOSITION.—The governing body shall be composed as follows:

"(i) Not less than 1 member shall have background and expertise in fiscal management or accounting.

"(ii) Not less than 1 member shall have background and expertise in early childhood education and development.

"(iii) Not less than 1 member shall be a licensed attorney familiar with issues that come before the governing body.

"(iv) Additional members shall—

"(I) reflect the community to be served, and include parents of children who are currently, or were formerly, enrolled in Head Start programs; and

"(II) are selected for their background and expertise in education, business administration, and community affairs.

"(v) Exceptions shall be made to the requirements of clauses (i) through (iv) for members of a governing body when those members oversee a public entity and are selected to their positions with the public entity by public election political appointment.

"(vi) if a person described in clause (i), (ii), or (iii) is not available to serve as a member of the governing body, the governing body shall use a consultant, or an other individual with relevant expertise, with the qualifications described in the clause, who shall work directly with the governing body.

"(C) CONFLICT OF INTEREST.—Members of the governing body shall—

"(i) not have a financial conflict of interest with the Head Start (including any delegate agency);

"(ii) not receive compensation for serving on the governing body or for providing services to the Head Start agency;

"(iii) not be employed nor shall members of their immediate family be employed by the Head Start agency (including any delegate agency); and

"(iv) operate as an entity independent of staff employed by the Head Start agency.

"(D) EXCEPTION.—If an individual holds a position as a result of public election or political appointment, and such position carries with it a concurrent appointment to serve as a member of a Head Start agency governing body, and such individual has any conflict of interest described in clause (ii) or (iii) of subparagraph (C)—

"(i) such individual shall not be prohibited from serving on such body and the Head Start agency shall report such conflict to the Secretary; and

"(ii) if the position held as a result of public election or political appointment provides compensation, such individual shall not be prohibited from receiving such compensation.

"(E) RESPONSIBILITIES.—The governing body shall—

"(i) have legal and fiscal responsibility for administering and overseeing programs under this subchapter, including the safeguarding of Federal funds;

"(ii) adopt practices that assure active, independent and informed the Head Start agency, including practices consistent with subsection (d)(1), and fully participate in the development, planning, and evaluation of the Head Start programs involved;

"(iii) be responsible for ensuring compliance with Federal laws (including regulations) and applicable State, tribal, and local laws (including regulations); and

"(iv) be responsible for other activities, including—

"(I) the selecting delegate agencies and the service areas of such agencies;

"(II) establishing procedures and criteria for recruitment, selection, and enrollment of children;

"(III) reviewing all applications for funding and amendments to applications for funding for programs under this subchapter;

"(IV) establishing procedures and guidelines for accessing and collecting information described in subsection (d)(2);

"(V) reviewing and approving all major policies of the agency, including—

"(aa) the annual self-assessment and financial audit;

"(bb) such agency's progress in carrying out the programmatic and fiscal provisions in such agency's grant application, including implementation of corrective actions; and

"(cc) personnel policies of such agencies regarding the hiring, evaluation, termination, and compensation of agency employees;

"(VI) developing procedures for how members of the policy council are selected, consistent with paragraph (2)(B);

"(VII) approving financial management, accounting, and reporting policies and compliance with laws and regulations related to financial statements, including the—

"(aa) approval of all major financial expenditures of the agency;

"(bb) annual approval of the operating budget of the agency;

"(cc) selection (except when a financial auditor is assigned by the State under State law or is assigned under local law) of independent financial auditors who shall report all critical accounting policies and practices to the governing body; and

"(dd) monitoring of the agency's actions to correct any audit findings and of other action necessary to comply with applicable laws (including regulations) government financial statement and accounting practices;

"(VII) reviewing results from monitoring conducted under section 641A(c), including appropriate follow-up activities;

"(IX) approving personnel policies and procedures, including policies and procedures regarding the hiring, evaluation, compensation and termination of the Executive Director, Head Start Director, Director of Human Resources, Chief Fiscal Officer, and any other person in an equivalent position with the agency;

"(X) establishing, adopting and periodically updating written standards of conduct that establish standards and formal procedures for disclosing, addressing, and resolving—

"(aa) any conflict of interest, and any appearance of a conflict of interest, by members of the governing body, officers, employees of the Head Start agency, and consultants and agents who provide services or furnish goods to the Head Start agency; and

"(bb) complaints, including investigations, when appropriate.

"(XI) to the extent practicable and appropriate, at the discretion of the governing body, establishing advisory committees to oversee key responsibilities related to program governance and improvement of the Head Start program involved.

"(2) POLICY COUNCIL.

"(A) IN GENERAL.—Each Head Start agency shall have a policy council responsible for the direction of the Head Start program, including program design and operation, and long- and short-term planning goals and objectives taking into account the annual communitywide strategic planning and needs assessment and self-assessment.

"(B) COMPOSITION AND SELECTION.

"(i) The policy council shall be elected by parents of children who are currently enrolled in the Head Start program of the Head Start agency.

"(ii) The policy council shall be composed of—

"(I) parents of children who are currently enrolled in the Head Start program of the Head Start agency (including any delegate agency), who shall constitute a majority of the members of the council; and

"(II) members at large of the community served by the Head Start agency (including any delegate agency), who may include parents of children who were formerly enrolled in the Head Start program of the agency.

"(C) CONFLICT OF INTEREST.—Members of the policy council shall—

"(i) not have a conflict of interest with the Head Start agency (including any delegate agency); and

"(ii) not receive compensation for serving on the policy council or for providing services to the Head Start agency.

"(D) RESPONSIBILITIES.—The policy council shall approve and submit to the governing body decisions about the following activities—

"(i) Activities to support the active involvement of parents in supporting program operations, including policies to ensure that the Head Start agency is responsive to community and parent needs;

"(ii) Program recruitment, selection, and enrollment priorities;

"(iii) Applications for funding and amendments to applications for funding for programs under this subchapter, prior to the submission of such applications described in this clause.

"(iv) Budget planning for program expenditures, including policies for reimbursement and participation in policy council activities;

"(v) Bylaws for the operation of the policy council;

"(vi) Program personnel policies and decisions regarding employment of program staff, consistent with paragraph (1)(E)(iv)(IX), including standards of conduct for program staff, contractors, and volunteers and criteria for the employment and dismissal of program staff.

"(vii) Developing procedures for how members of the policy council of the Head Start agency will be elected.

"(viii) Recommendations on the selection of delegate agencies and the service areas of such agencies.

"(3) POLICY COMMITTEES.—Each delegate agency shall create a policy committee, which shall—

"(A) be elected and comprised of members consistent with paragraph (2)(B) (with respect to delegate agencies);

"(B) follow procedures to prohibit conflict of interest, consistent with clauses (i) and (ii) of paragraph (2)(C) (with respect to delegate agencies); and

"(C) be responsible for approval and submission of decisions about activities as they relate to the delegate agency, consistent with paragraph (2)(D) (with respect to delegate agencies)

"(d) PROGRAM GOVERNANCE ADMINISTRATION.—

"(1) IMPASSE POLICY.—The Secretary shall develop policies, procedures, and guidance for Head Start agencies concerning—

"(A) the resolution of internal disputes, including any impasse in the governance of Head Start programs; and

"(B) the facilitation of meaningful consultation and collaboration about decisions of the governing body and policy council

"(2) CONDUCT OF RESPONSIBILITIES.—Each Head Start agency shall ensure the sharing of accurate and regular information for use by the governing body and the policy council about program planning, policies, and Head Start agency operations, including—

"(A) monthly financial statements, including credit card expenditures;

"(B) monthly program information summaries;

"(C) program enrollment reports, including attendance reports for children whose care is partially subsidized by another public agency;

"(D) monthly reports of meals and snacks provided through programs of the Department of Agriculture;

"(E) the financial audit;

"(F) the annual self-assessment, including any findings related to such assessment;

"(G) the communitywide strategic planning and needs assessment of the Head Start agency, including any applicable updates;

"(H) communication and guidance from the Secretary; and

"(I) the program information reports.

"(3) TRAINING AND TECHNICAL ASSISTANCE.—Appropriate training and technical assistance shall be provided to the members of the governing body and the policy council to ensure that the members understand the information the members receive and can effectively oversee and participate in the programs of the Head Start agency."

The Conference Report prohibits members of the Policy Council from receiving compensation for their role in serving on the Policy Council, as well as prohibits such members from receiving compensation for providing such services. In implementing this provision, the Conferees recognize the regular practice of Head Start agencies to reimburse members of the Policy Council for reasonable costs (such as transportation or child care) associated with their full participation in the operation of such agencies, and for their roles and responsibilities consistent with duties on the Policy Council. In promulgating regulations under this section, the Conferees urge the Secretary to continue to provide for such reimbursements and recognize the necessity of such reimbursements for the effective operation of Head Start agencies. Moreover, the Conferees intend for individuals serving on governing bodies as a result of elected office or political appointment to be able to continue to receive compensation directly related to that elected office or political appointment.

237. The House bill includes accounting experience. The Senate amendment does not contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

238. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

239. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

240. The House bill requires selection of members based on expertise in education, business administration and community affairs. The Senate amendment requires selection of additional members to reflect the community served, and includes parents.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

241. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

242. The House bill and the Senate amendment contain similar provisions. The House bill includes additional requirements.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

243. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

244. The House bill and the Senate amendment contain similar provisions. The Senate amendment consolidates training and technical assistance for both governing bodies and policy councils. See note 281.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

245. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

246. The House bill requires activities to ensure independent and informed governance. The Senate amendment does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

247. The House bill requires oversight to ensure that the Head Start agency is under the direction of the executive director. The Senate amendment does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

248. The House bill and the Senate amendment contain similar provisions. The House bill provides for specific audit and financing issues and creates a separate committee within the governing body for these functions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

249. The House bill requires approval of all major policies of the agency.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

250. The Senate amendment refers to policies and procedures regarding hiring, firing, and salaries of management personnel.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

251. The House bill refers to all major financial expenditures.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

252. The House bill requires approval of the hiring or firing of the Head Start Director.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

253. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

254. The House bill requires the governing body to oversee the program planning of the Head Start agency. Senate amendment does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

255. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

256. The Senate amendment requires approval of self-assessments, financial audits, and reviews. The House bill does not contain a similar amendment.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

257. The House bill requires the establishment and revision of written standards of conduct. The Senate amendment does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

258. The Senate amendment requires the governing body to select delegate agencies and service areas. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

259. The Senate amendment requires the governing body to establish procedures and criteria for recruitment, selection, and enrollment. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

260. The Senate amendment requires the governing body to establish procedures for gathering information related to program governance. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

261. The Senate amendment requires review and approval of the community assessment by the governing body. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

262. The Senate amendment requires an internal control structure to facilitate responsibilities of Head Start's governance structure. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

263. The Senate amendment provides for the establishment of a Committee to assist with the governance of Head Start programs. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

264. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

265. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

266. The House bill and Senate amendment require parents to represent proportional components of programs. The Senate amendment stipulates a process for selecting parents to serve on the policy council.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

267. The Senate amendment includes members at large in policy councils. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

268. The House bill establishes terms for policy council members. The Senate amendment does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

269. The Senate amendment prohibits conflicts of interest within the policy council. The House bill does not contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

270. The House bill provides for the approval of decisions. The Senate amendment does not contain similar language.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

271. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

272. The House bill requires delegate agencies to be selected by the policy council. The Senate amendment does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

273. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

274. The House bill provides authority to the policy council for funding applications. The Senate amendment does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

275. The House bill and Senate amendment contain similar provisions. The Senate amendment provides greater detail regarding responsibilities.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

276. The House bill provides authority for bylaws to the policy council. The Senate amendment does not contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

277. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

278. The House bill provides authority for decisions regarding employment to the policy council. The Senate amendment does not contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

279. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

280. The House bill provides authority for program responsiveness to the policy council. The Senate amendment does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

281. House bill requires training for the policy council. Senate amendment addresses training in same provision as for governing body. See note 244.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

282. The House bill and the Senate amendment contain similar provisions. The House bill includes an impasse policy. The Senate amendment requires procedures for agencies under section 641(a)(2)(B)(iv).

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

283. The Senate amendment requires information sharing. The House bill does not contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 236.

284. The House bill and the Senate amendment contain similar provisions leading to collaboration. Senate amendment lists specific programs that the House bill does not.

Senate recedes with an amendment to—

strike "must" and insert "shall"

insert ", to the maximum extent practicable," after "entities"

strike "available" and insert "availability and quality of"

285. House bill and Senate amendment contain similar provisions but Senate amendment provision is located in subsection (b).

Senate recedes.

286. The House bill and the Senate amendment contain similar provisions.

House recedes with an amendment to strike headings.

287. The House bill and the Senate amendment contain similar provisions. The Senate amendment includes an additional requirement to collaborate with elementary school teachers.

House recedes with an amendment to strike the heading and to strike "teaching strategies and options" and insert "professional development and instructional strategies, as appropriate".

288. The Senate amendment lists specific programs that the Head Start agency must coordinate with. The House bill does not include similar provisions.

House recedes with an amendment to strike and insert—

"(3) Coordinate activities and collaborate with programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), the agencies responsible for administering section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a), parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.), programs under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), and programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.), and other entities providing early childhood education and development services, serving the children and families served by the Head Start agency."

289. House bill and Senate amendment contain similar provisions. The House bill requires efforts to enhance efficiency. The Senate amendment focuses on reducing duplication of services.

House recedes with an amendment to insert "and enhance the efficiency" after "duplication of services".

290. The House bill maintains current law of a provision requiring the Secretary of Health and Human Services to consult with the Secretary of Education to evaluate the effectiveness of programs, disseminate effective policies and activities, and provide technical assistance. The Senate amendment does not include a similar provision.

Senate recedes with an amendment to strike (A), and strike the parenthesis in subparagraph (B) and to move paragraph to new subsection at the end of section 642A.

291. The House bill adds new heading. The Senate amendment does not contain a similar provision.

Senate recedes.

292. The House bill maintains current law on maintaining gains. The Senate amendment does not include this provision.

Senate recedes.

293. The House bill and Senate amendment contain similar language but Senate amendment language is located in subsection (b).

Senate recedes with an amendment to insert "the" before "standards".

294. The House bill and Senate amendment contain similar provisions but the Senate amendment provision is located in subsection (b).

House recedes/Senate recedes with an amendment to strike and insert—

"(3) implement a research-based early childhood curriculum that—

"(A) promotes young children's school readiness in the areas of language and cognitive development, early reading and mathematics skills, socio-emotional development, physical development, and approaches to learning.

"(B) is based on scientifically valid research and has standardized training procedures and curriculum materials to support implementation;

"(C) is comprehensive and linked to ongoing assessment, with developmental and learning goals and measurable objectives;

"(D) is focused on improving the learning environment, teaching practices, family involvement, and child outcomes across all areas of development; and

"(E) is aligned to the Head Start Child Outcomes Framework developed by the Secretary and, as appropriate, to State early learning standards;

(4) implement effective interventions and support services that help promote the school readiness of children participating in the program;"

295. The House bill calls for research-based assessment methods and the Senate amendment does not include this provision.

Senate recedes with an amendment to strike and insert—

"(5) use research-based assessment methods that reflect the characteristics described in section 641A(b)(2) in order to support the educational instruction and school readiness of children in the program."

296. The House bill and Senate amendment contain similar provisions but the Senate amendment provision is located in subsection (b).

House recedes/Senate recedes with an amendment to strike and insert—

"use research-based developmental screening tools that have been demonstrated to be standardized, reliable, valid, and accurate for the child being assessed, to the maximum extent practicable, for the purpose of meeting the relevant standards described in section 641(a)(1);".

297. The House bill and Senate amendment have similar provisions but the Senate amendment includes a heading and is located in a different subsection.

House recedes with an amendment to strike and insert—

"adopt, in consultation with experts in child development and with classroom teachers, an evaluation to assess whether classroom teachers have mastered the functions described in section 648A(a)(1),"

298. The House bill calls for professional development plans to improve teacher effectiveness. The Senate amendment does not include this provision.

Senate recedes with an amendment to strike "adopt a" and insert "inform"; strike "plan that leads" and insert "plans" and insert ", as appropriate." after "plans".

299. House bill calls for measurable objectives. The Senate amendment does not include this provision.

Senate recedes with an amendment to strike and insert—

"establish goals and measurable objectives for the provision of health, educational, nutritional, and social services provided under this subchapter and related to the program mission and to promote school readiness; and".

300. The House bill calls for the development of procedures for identifying children as limited English proficient. The Senate amendment does not include this provision.

Senate recedes with an amendment to strike "as" and insert "who are".

301. The House bill and the Senate amendment contain identical provisions.

302. The House bill and the Senate amendment contain similar provisions. The House bill includes children to be serviced by such agency, and the results of the reviews conducted under section 641A(c).

Senate recedes.

303. The House bill contains a provision on financial management. The Senate amendment does not contain a similar provision.

Senate recedes.

### *Section 10. Head Start transition and alignment with K-12 education*

304. The House bill and the Senate amendment contain similar provisions. The House bill focuses on promoting continuity of services.

Senate recedes with an amendment to insert "(a) IN GENERAL.—"

305. The House bill and the Senate amendment contain identical provisions.

306. The House bill and the Senate amendment contain similar provisions.

Senate recedes.

307. The House bill and the Senate amendment contain similar provisions.

Senate recedes with an amendment to strike and insert—

"establishing on-going communications between the Head Start agency and local education agency for developing continuity of developmentally appropriate curricular objectives (which for the purpose of the Head Start program shall be aligned to the Head Start Child Outcomes Framework and, as appropriate, State early learning standards) and for shared expectations for children's learning and development as they transition to school;"

And to insert new subsection into section 657C—

"(c) SPECIAL RULE.—Nothing in this subchapter shall authorize a Head Start program or a local education agency to require the other to select or implement a specific curriculum or program of instruction."

308. The House bill and the Senate amendment contain identical provisions.

309. The Senate amendment requires the establishment of comprehensive transition policies. The House bill does not contain a similar provision.

House recedes.

310. The House bill and the Senate amendment contain similar provisions.

House recedes.

311. The House bill includes a provision on assistance to parents of LEP students. The Senate amendment does not contain a similar provision.

Senate recedes with an amendment to—

strike "method of instruction" and insert "(A) instructional"

insert "(B)" before "as appropriate"

insert "the" after "appropriate,"

312. The House bill and the Senate amendment contain similar provisions. The Senate amendment also requires that the language needs of parents of limited English proficient children be considered.

House recedes.

313. The House bill and the Senate amendment contain similar provisions.

House recedes.

314. The House bill and the Senate amendment contain similar provisions.

Senate recedes with an amendment to strike "the education" and insert "educational".

315. The House bill and the Senate amendment contain similar provisions. The House bill includes grandparents and kinship caregivers.

Senate recedes.

316. The Senate amendment provides for helping parents understand the school in

which their child will enroll. The House bill does not contain a similar provision.

House recedes.

317. The House bill provides for increasing participation of underserved populations. The Senate amendment does not contain a similar provision.

Senate recedes.

318. The Senate amendment includes language, pre-literacy, and premathematics competencies. The House bill does not contain similar provisions.

Senate recedes.

319. The Senate amendment includes a technical clarification. The House bill does not contain a similar provision.

House recedes.

*Section 11. Early childhood education, coordination, and improvement*

320. The House bill includes local and State integration requirements and a memoranda of understanding for each Head Start agency at the local level. The Senate amendment does not contain a similar provision.

House recedes/Senate recedes with an amendment to move to section 642(d) with instructions and to strike and insert the following:

"(5) Entering into a memorandum of understanding, not later than 1 year after the effective date of this section, with the appropriate local entity responsible for managing publicly funded preschool programs in the service area of the Head Start agency, that shall—

"(A) review each of the following activities and include plans to coordinate the activities as appropriate, regarding—

"(i) Educational activities, curricula, and instruction.

"(ii) Public information dissemination and access to programs for families contacting any of the early childhood programs.

"(iii) Selection priorities for eligible children to be served by programs.

"(iv) Service delivery areas.

"(v) Staff training, including opportunities for joint staff training on topics such as academic content standards, instructional methods, curricula, and social and emotional development.

"(vi) Program technical assistance.

"(vii) Provision of additional services to meet the needs of working parents, as applicable.

"(viii) Planning and parent education for smooth transitions to kindergarten as required in section 642A(3) and 642A(6).

"(ix) Provision and use of facilities, transportation, and other program elements.

"(x) Other elements mutually agreed to by the parties to such memorandum;

"(B) be submitted to the Secretary and the State Director of Head Start Collaboration not later than 30 days after entering into such memorandum, except where there is an absence of publicly funded preschool in the service area of a Head Start agency or where the appropriate entity responsible for managing the state-funded preschool is unable or unwilling to enter into such a memorandum, the Head Start agency shall submit such information to the Secretary and the State Director of Head Start Collaboration; and

"(C) shall be revised periodically and renewed biennially by the parties to such memorandum, in alignment with the beginning of the school year.

321. House bill and Senate amendment each create State Councils. The House bill places councils in section 642B and the Senate amendment places councils in section 640(a)(5)(E).

House recedes/Senate recedes with an amendment to strike and inserts the following new section 642B—

"(a) HEAD START COLLABORATION.—

"(1) From amounts made available under section 640(a)(2)(B)(vi), the Secretary shall award the collaboration grants described in paragraphs (2), (3), and (4).

"(2)(A) The Secretary shall award, upon submission of a written request, a collaboration grant to each State and to each national administrative office serving Indian Head Start programs and migrant or seasonal Head Start programs to facilitate collaboration among Head Start agencies (including Early Head Start agencies) and entities that carry out activities designed to benefit low-income children from birth to school entry, and their families. The national administrative offices shall use the funds made available through the grants to carry out the authorities and responsibilities described in subparagraph (B) and paragraphs (3) and (4), as appropriate.

"(B) Grants described in subparagraph (A) shall be used to—

"(i) assist Head Start agencies to collaborate with entities involved in State and local planning processes to better meet the needs of low-income children from birth to school entry, and their families;

"(ii) assist Head Start agencies to coordinate activities with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and entities providing resource and referral services in the State, to make full-working-day and full calendar year services available to children;

"(iii) promote alignment of curricula used in Head Start programs and continuity of services with the Head Start Child Outcomes Framework and, as appropriate, State early learning standards;

"(iv) promote better linkages between Head Start agencies and other child and family agencies, including agencies that provide health, mental health, or family services, or other child or family supportive services, such as services provided under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.); and

"(v) carry out the activities of the State Director of Head Start Collaboration authorized in paragraph (4).

"(3) In order to improve coordination and delivery of early childhood education and development to children in the State, a State that receives a collaboration grant under paragraph (2) shall

"(A) appoint or designate an individual to serve as, or carry out the responsibilities of, the State Director of Head Start Collaboration;

"(B) ensure that the State Director of Head Start Collaboration holds a position with sufficient authority and access to ensure that the collaboration described in paragraph (2) is effective and involves a range of State agencies; and

"(C) involve the State Head Start Association in the selection of the Director and involve the Association in determinations relating to the ongoing direction of the collaboration office involved.

"(4) The State Director of Head Start Collaboration shall

"(A) not later than 1 year after the State receives a collaboration grant under paragraph (2), conduct an assessment that

"(i) addresses the needs of Head Start agencies in the State with respect to collaboration, coordination and alignment of services, and alignment of curricula and assessments used in Head Start programs with the Head Start Child Outcomes Framework and, as appropriate, State early learning standards;

"(ii) shall be updated on an annual basis; and

"(iii) shall be made available to the general public within the State;

"(B) develop a strategic plan that is based on the assessment described in paragraph (A) that will—

"(i) enhance collaboration and coordination of Head Start services by Head Start agencies with other entities providing early childhood education and development (such as child care or services offered by museums), health care, mental health care, welfare, child protective services, education and community service activities, family literacy services, reading readiness programs (including such programs offered by public and school libraries), services relating to children with disabilities, other early childhood education and development for limited English proficient children and homeless children, and services provided for children in foster care and children referred to Head Start programs by child welfare agencies, including agencies and State officials responsible for services described in this clause;

"(ii) assist Head Start agencies to develop a plan for the provision of full working-day, full calendar year services for children enrolled in Head Start programs who need such services;

"(iii) assist Head Start agencies to align curricula and assessments used in Head Start programs with the Head Start Child Outcomes Framework and, as appropriate, State early learning standards; and

"(iv) enable Head Start agencies to better access professional development opportunities for Head Start staff, such as by working with Head Start agencies to enable the agencies to meet the degree requirements described in section 648A(a)(2)(A), including providing distance learning opportunities for Head Start staff, where needed to make higher education more accessible to Head Start staff; and

"(v) enable the Head Start agencies to better conduct outreach to eligible families;

"(C) promote partnerships between Head Start agencies, State and local governments, and the private sector to help ensure that children from low-income families, who are in Head Start programs or are preschool age, are receiving comprehensive services to prepare the children for elementary school;

"(D) consult with the chief State school officer, local educational agencies, and providers of early childhood education and development, at both the State and local levels;

"(E) promote partnerships between Head Start agencies, schools, law enforcement, relevant community-based organizations, and substance abuse and mental health treatment agencies to strengthen family and community environments and to reduce the impact on child development of substance abuse, child abuse, domestic violence, and other high-risk behaviors that compromise healthy development;

"(F) promote partnerships between Head Start agencies and other organizations in order to enhance Head Start program quality, including partnerships to promote inclusion of more books in Head Start classrooms;

"(G) identify other resources and organizations (both public and private) for the provision of in-kind services to Head Start agencies in the State; and

"(H) serve on the State Advisory Council in order to assist the efforts of Head Start agencies to engage in effective coordination and collaboration.

"(b) STATE EARLY EDUCATION AND CARE.—

"(1)(A) The Governor of the State shall—

"(i) designate or establish a council to serve as the State Advisory Council on Early Childhood Education and Care for children from birth to school entry (in this subchapter referred to as the "State Advisory Council"); and

"(ii) designate an individual to coordinate activities of the State Advisory Council, as described in subparagraph (D)(i).

"(B) The Governor may designate an existing entity in the state to serve as the State Advisory Council, and shall appoint such representatives to the State Advisory Council at the Governor's discretion. In designating an existing entity, the Governor shall take steps to ensure that membership includes, to the extent possible, representatives consistent with subparagraph (C).

"(C) Members of the State Advisory Council shall include, to the maximum extent possible—

"(I) a representative of the state agency responsible for child care;

"(II) a representative of the State educational agency;

"(III) a representative of local educational agencies;

"(IV) a representative of institutions of higher education in the state;

"(V) a representative of local providers of early childhood education and care;

"(VI) a representative from Head Start agencies located in the State, including migrant and seasonal Head Start programs and Indian Head Start programs;

"(VII) the State Director of Head Start Collaboration

"(VIII) a representative of the State agency responsible for programs under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

"(IX) a representative of the State agency responsible for health or mental health care; and

"(X) representatives of other entities determined to be relevant by the Governor of the state.

"(D) The State Advisory Council shall, in addition to any responsibilities assigned to the Council by the Governor of the State

"(I) conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and care for children from birth to school entry, including an assessment of the availability of high quality pre-kindergarten services for low-income children in the state;

"(II) identify opportunities for, and barriers to, collaboration and coordination among federally-funded and State-funded child development, child care, and early childhood education and care programs, including collaboration and coordination among state agencies responsible for administering such programs;

"(III) develop recommendations for increasing the overall participation of children in existing federal, state, and local early childhood education and child care programs, including outreach to underrepresented and special populations;

"(IV) develop recommendations regarding the establishment of a unified data collection system for public early childhood education and care throughout the State;

"(V) develop recommendations regarding a statewide professional development and career advancement plan for early childhood educators in the State;

"(VI) assess the capacity and effectiveness of 2- and 4-year public and private institutions of higher education in the State toward supporting the development of early childhood educators, including the extent to which such institutions have in place articulation agreements, professional development and career advancement plans, and practica or internships for students to spend time in a Head Start or prekindergarten program; and

"(VII) make recommendations for improvements in State early learning standards and undertake efforts to develop high quality comprehensive early learning standards, as appropriate.

"(ii) The State Advisory Council shall hold public hearings and provide an opportunity for public comment on the activities described in clause (iv). The State Advisory Council shall submit a statewide strategic report addressing the activities described in clause (iv) to the State Director of Head Start Collaboration and the Governor of the State.

"(iii) After submission of a statewide strategic report under subclause (II), the State Advisory Council shall meet periodically to review any implementation of the recommendations in such report and any changes in State and local needs.

"(2)(A) The Secretary shall use the portion reserved under clause (i) to award, on a competitive basis, one-time startup grants of not less than 500,000 to eligible States to enable such States to pay for the Federal share of developing and implementing a plan pursuant to the responsibilities included under subparagraph (E)(iv)(I). A State that receives funds under (i) shall use such funds to facilitate the development of high-quality systems of early childhood education and care designed to improve school preparedness through one or more of the following activities

"(i) promoting school preparedness of children from birth through school entry, including activities to encourage families and caregivers to engage in highly interactive, developmentally and age-appropriate activities to improve children's early social, emotional, and cognitive development, support the transition of young children to school, and foster parental and family involvement in the early education of young children;

"(ii) supporting professional development, recruitment, and retention initiatives for early childhood educators;

"(iii) enhancing existing early childhood education and care programs and projects (in existence on the date on which the grant involved is awarded), including quality improvement activities authorized under the Child Care and Development Block Grant Act of 1990; and

"(iv) carrying out other activities consistent with the State's Early Education and Care plan, pursuant to paragraph (iii).

"(B) To be eligible to receive a grant under this subparagraph, a State shall prepare and submit to the Secretary a plan and application, for a 3-year period, at such time, in such manner, and containing such information as the Secretary shall require, including—

"(i) the statewide strategic report described in subparagraph (E)(iv)(II), including a description of the Advisory Council's responsibilities under subparagraph (E)(iv)(I);

"(ii) a description, for each fiscal year, of how the State will make effective use of funds available under this subparagraph, with funds described in clause (iv), to create an early childhood education and care system, by developing or enhancing programs and activities consistent with the strategic report described in subparagraph (E)(iv)(II);

"(iii) a description of the State early learning standards and the State's goals for increasing the number of children entering kindergarten ready to learn;

"(iv) information identifying the agency or joint interagency office and individual designated to carry out the activities under this subparagraph, which may be the individual designated under subparagraph (E)(i)(II); and

"(v) a description of how the State plans to sustain activities under this subparagraph beyond the grant period.

"(C) The Federal share of the cost of activities proposed to be conducted under clause (ii) shall be 30 percent, and the State shall provide the non-Federal share.

"(D) Funds made available under this subparagraph shall be used to supplement, and not supplant, other Federal, State, and local funds expended to carry out activities related to early childhood education and care in the State.

"(E) Not later than 18 months after the date a State receives a grant under this subparagraph, the State shall submit an interim report to the Secretary. A State that receives a grant under this subparagraph shall submit a final report to the Secretary at the end of the grant period. Each report shall include—

"(i) a description of the activities and services carried out under the grant, including the outcomes of such activities and services in meeting the needs described in the periodic needs assessment and statewide strategic report;

"(ii) information about how the State used such funds to meet the goals of this subsection through activities to develop or enhance high quality systems of early childhood education, increase effectiveness of delivery systems and use of funds, and enhance existing programs and services;

"(iii) information regarding the remaining needs described in the periodic needs assessment and statewide strategic report that have not yet been addressed by the State; and

"(iv) any other information that the Secretary may require.

"(F) Nothing in this subsection shall be construed to provide the State Advisory Council with authority to modify, supersede, or negate the requirements of this subchapter."

Section 643 should be amended by inserting at the end—

"This section shall not apply to contracts, agreements, grants, loans, or other assistance for Indian Head Start programs or migrant or seasonal Head Start programs."

322. The House bill and the Senate amendment require different membership of the State council.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

323. The House bill and Senate amendment contain similar provisions for when an entity already exists.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

324. The House bill requires a 50 percent match and the Senate amendment requires a 30 percent match.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

325. The Senate amendment specifies that the Governor can give council additional responsibility. The House bill does not have a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

326. The House bill and Senate amendment have similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

327. The House bill references working with State agencies. The Senate amendment does not have a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

328. The House bill and Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

329. The House bill and Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

330. The House bill references identification of barriers. The Senate amendment does not have a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

331. The House bill and Senate amendment have similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

332. The House bill references coordination with health care and other services. The Senate amendment does not have a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

333. The House bill references system of training and technical assistance. The Senate amendment does not have a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

334. The House bill references a plan for increased participation of underrepresented children. The Senate amendment does not have a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

335. The House bill and Senate amendment have similar provisions

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

336. The House bill and Senate amendment have similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

337. The House bill clarifies the role of the State council in relation to the Head Start program. The Senate amendment does not have a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

338. The House bill and Senate amendment have similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

339. Senate amendment provides for public hearings on the activities of the State council, and requires submission and subsequent revision of the State council's plan. The House bill does not include similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

340. The Senate amendment reserves $100 million from appropriations in FY2008 to establish a competitive grant program for States to further develop and implement plans established by State Advisory Council on Early Childhood Education and Care. The House bill reserves money from training and technical assistance for ELC (see note 38).

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

341. The Senate amendment provides for one-time startup grants to States, for the purposes of developing systems of early childhood education and care and enhancing quality in early childhood programs. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

342. The Senate amendment stipulates conditions for eligibility for discretionary grants under this subparagraph. The House bill does not include similar provisions. House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

343. The Senate amendment includes requirements for an interim report to the Secretary. The House bill does not include a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 321.

*Section 12. Submission of plans*

344. Senate amendment provides for the submission of plans to Governors instead of Chief Executive Officer of the State and shortens time for approval. House bill maintains current law.

House recedes with an amendment to strike (1)(B)

*Section 13. Administrative requirements and standards*

345. The House bill adds headers to subsection (a), reconstructs current law, and includes requirement of a public report. The Senate amendment maintains current law.

Senate recedes.

346. The Senate amendment includes a 10-program pilot project on administrative costs in Head Start programs. The House bill does not contain similar provisions.

Senate recedes.

347. The House bill adds a new requirement for facilities plans and adds a heading to this subsection. The Senate amendment maintains current law.

House recedes/Senate recedes with an amendment to strike and replace (f)(2)(A) with—

"(A) a description of the efforts by the agency to coordinate or collaborate with other providers in the community to seek assistance, including financial assistance, prior to the use of funds under this section;".

*Section 14. Participation in Head Start programs*

348. The House bill allows programs to apply to the Secretary to increase their income eligibility to 130 percent. The Senate amendment replaces the current threshold of 100 percent of poverty with 130 percent, with assurances from the agency that families below the poverty line are prioritized.

House recedes/Senate recedes to strike and insert—

"(a)(1)(A) The Secretary shall by regulation prescribe eligibility for the participation of persons in Head Start programs assisted under this subchapter.

"(B) Except as provided in paragraph (2), such regulation shall provide—

"(i) that children from low income families shall be eligible for participation in programs assisted under this subchapter if their families' incomes are below the poverty line, or if their families are eligible or, in the absence of child care, would potentially be eligible for public assistance;

"(ii) that homeless children shall be deemed to be eligible for such participation;

"(iii) that programs assisted under this subchapter may include—

"(I) to a reasonable extent (but not to exceed ten percent of participants) participation of children in the area served who would benefit from such programs but who are not eligible under clause (i) or (ii); and

"(II) from the area served, an additional 35 percent of participants who are not eligible under clause (i) or (ii) and whose families have incomes below 130 percent of the poverty line, if—

"(aa) the Head Start agency involved establishes and implements outreach and enrollment policies and procedures that ensure such agency is meeting the needs of children eligible under clause (i) or (ii) (or subclause (I) if the child involved has a disability) prior to meeting the needs of children eligible under this subclause; and

"(bb) in prioritizing the selection of children and families to be served, the Head Start agency establishes criteria that provide that the agency will serve children under clause (i) or (ii) prior to serving the children who meet the criteria in this subclause.

"(iv) that any Head Start agency serving children eligible under clause (iii)(II) shall report annually to the Secretary the following information on—

"(I) how such agency is meeting the needs children eligible under clause (i) or (ii), in the area served, including local demographic data on families of children eligible under clause (i) or (ii);

"(II) the outreach and enrollment policies and procedures established by the agency that ensure the agency is meeting the needs of children eligible under clause (i) or (ii) (or clause (iii)(I) if the child involved has a disability) prior to meeting the needs of children eligible under clause (iii)(II);

"(III) the efforts, including outreach efforts (that are appropriate to the community involved), of such agency to be fully enrolled with children eligible under clause (i) or (ii);

"(IV) the policies, procedures, and selection criteria such agency is implementing to serve eligible children, consistent with clause (iii)(II);

"(V) the agency's enrollment level and enrollment level over fiscal year prior to the fiscal year in which the report is submitted;

"(VI) the number of children served by the agency, disaggregated by whether such children are eligible under clause (i), clause (ii), clause (iii)(I), or clause (iii)(II); and

"(VII) the eligibility criteria category of children on the agency's waiting list;

"(VIII) that a child who has been determined to meet the eligibility criteria described in this subparagraph and who is participating in a Head Start program in a program year shall be considered to continue to meet the eligibility criteria through the end of the succeeding program year.

"(C) In determining, for purposes of this paragraph, whether a child who has applied for enrollment in a Head Start program meets the eligibility criteria, an entity may consider evidence of family income during the 12 months preceding the month in which the application is submitted, or during the calendar year preceding the calendar year in which the application is submitted, whichever more accurately reflects the needs of the family at the time of application."

Amend section 640(g) by inserting new paragraph—

"(2) Notwithstanding paragraph (1), in using funds made available for expansion under subsection (a)(4)(D), the Secretary shall first allocate the funds to qualified applicants proposing to use such funds to serve children from families with incomes below the poverty line. Agencies that receive such funds are subject to the eligibility and enrollment requirements under section 645(a)(1)."

Amend Section 650(a)(2) by adding at the end before the period—

"and information on the number of children served under this subsection, disaggregated by type of eligibility criterion."

The Conferees recognize that children from low-income families just above the Federal poverty line would benefit from participation in Head Start programs. Accordingly the Conferees agreed that Head Start programs should have additional flexibility to serve some children in families up to 130 percent of the Federal poverty level. To ensure that children at or below the 100 percent threshold receive priority, the Conferees intend for Head Start grantees to comply with the new reporting requirements to provide greater accountability under this provision. Additionally, the Conferees direct the Secretary to coordinate these additional reporting requirements with other existing reporting requirements so as not to impose any additional burden on Head Start grantees. The Conferees also intend that these reporting requirements not be construed as requiring an application by the Head Start grantee or to give additional authority to the Secretary to approve or disapprove a plan by a Head Start grantee to make use of this flexibility.

349. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike "(A homeless child shall be deemed to meet the low income criteria)" and insert a new clause to read "(iii) a homeless child shall be deemed to be eligible for Head Start services; and"

350. The House bill and the Senate amendment include language pertaining to military families.

House recedes.

351. The Senate amendment provides for conversion of Head Start programs from part-day to full-day sessions. The House bill does not contain a similar provision.

House recedes.

352. The House bill and the Senate amendment contain different provisions regarding serving additional infants and toddlers.

Senate recedes with an amendment to include the Senate subparagraph (B) as a new subparagraph (C) and to strike "entity that receives assistance under section 645A, and such funds under (i)" in the House (C) and insert "Early Head Start Agency and" and to insert in (i) "such" after "The amount of".

353. The House bill and Senate amendment contain similar provisions.

Senate recedes.

The intent of the Conferees in striking the language in this provision is to provide agencies reasonable flexibility on an eligible child's age of entry into a program. For many years, programs have been allowed to enroll children who will turn three by the date used by the local school system to determine kindergarten eligibility. For example, a school system could require a child to be five by November 1 to be enrolled in kindergarten. A Head Start child turning three by November 1 has always been considered age eligible and, in this example, that child would be enrolled in Head Start for two years before going on to kindergarten. The Conferees have learned that the underlying provision is being interpreted to mean the child must have reached his/her third birthday to be Head Start eligible so this child could not be enrolled in Head Start when it opened in late August but rather, would have to wait to be enrolled on or after November 1, if there were a vacancy. In making a change to this provision, the Conferees intend to continue eligibility for children ages three through school entry and provide appropriate flexibility to local Head Start agencies as to exactly when a child turning three years old may begin. But the change to this provision should not be interpreted to permit Head Start agencies to enroll children under three years of age as a common practice.

354. The House bill and the Senate amendment contain similar provisions.

House recedes with an amendment to strike "tribe" in both places it appears and insert "tribe or tribes".

*Section 15. Early Head Start programs*

355. Both the House bill and the Senate amend the section title but contain different titles. The House bill amends the general purpose regarding Early Head Start. The Senate amendment maintains current law.

House recedes.

356. The House bill and the Senate amendment maintain current law.

357. The House bill and the Senate amendment maintain current law.

358. The House bill and the Senate amendment maintain current law.

359. The Senate amendment makes technical and conforming changes. The House bill does not contain a similar provision.

House recedes.

360. The House bill and the Senate amendment contain similar provisions.

Senate recedes with an amendment to insert "services" after "development) and".

361. The House bill and the Senate amendment contain similar provisions.

Senate recedes.

362. The House bill and Senate amendment maintain current law.

363. The House bill and Senate amendment maintain current law.

364. The Senate amendment includes requirements for screening and referral for children exposed to trauma. The House bill does not contain a similar provision.

House recedes.

365. The House bill and Senate amendment have similar provisions.

Senate recedes.

366. The House bill and the Senate amendment contain similar provisions.

Senate recedes with an amendment to insert "and development" after "education".

367. The House bill and the Senate amendment contain similar provisions.

House recedes with an amendment to strike "care" and insert "development programs"

368. The House bill and Senate amendment maintain current law.

369. The House bill and the Senate amendment maintain current law.

370. The House bill and the Senate amendment contain similar provisions.

Senate recedes with an amendment to insert in paragraph "(2)" "and Migrant and Seasonal Head Start Programs" after "programs".

371. The House bill and the Senate amendment maintain current law.

372. The House bill and the Senate amendment maintain current law.

373. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert:

"(g) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

"(1) REQUIREMENT.—In order to ensure the successful operation of programs assisted under this section, the Secretary shall use funds made available under section 640(a)(2)(E) to monitor the operation of such programs, and funds made available under section 640(a)(2)(C)(i)(1) to provide training and technical assistance tailored to the particular needs of such programs, consistent with section 640(c).

"(2) TRAINING AND TECHNICAL ASSISTANCE.—

"(A) ACTIVITIES.—Of the portion set aside under section 640(a)(2)(C)(i)(I)—

"(i) not less than 50 percent shall be made available to Early Head Start programs to use directly, which may include, at their discretion, the establishment of local or regional agreements with community experts, institutions of higher education, or private consultants, for training and technical assistance activities in order to make program improvements identified by such agencies;

"(ii) not less than 25 percent shall be made available to the Secretary to support the State-based training and technical assistance system described in section 648(e), including infant and toddler specialists, to support Early Head Start agencies, consistent with subparagraph (B); and

"(iii) the remainder of such amount shall be made available to the Secretary to assist Early Head Start agencies in meeting and exceeding the standards described in section 641A(a)(1) (directly, or through grants, contracts, or other agreements or arrangements with an entity with demonstrated expertise relating to infants, toddlers, and families) by—

"(I) providing on-going training and technical assistance to Early Head Start agencies, including developing training and technical assistance materials and resources to support program development and improvement and best practices in providing services to children and families served by Early Head Start programs;

"(II) supporting a national network of infant and toddler specialists designed to improve the quality of Early Head Start programs;

"(III) providing on-going training and technical assistance on Early Head Start program development and improvement for regional staff charged with monitoring and overseeing the administration of the program carried out under this section; and

"(VI) if funds remain after the activities described in subclauses (I), (II), and (III) are carried out, carry out 1 more of the following activities:

"(aa) Providing support and program planning and implementation assistance for new Early Head Start agencies, including for agencies who want to use funds to serve infants and toddlers as described in section 645(a)(5).

"(bb) Creating special training and technical assistance initiatives targeted to serving high risk populations, such as children in the child welfare system and homeless children; and

"(cc) Providing professional development designed to increase program participation for underserved populations of eligible children.

"(B) CONTRACTS.—For the purposes of delivering a State-based training and technical assistance system, as described in subparagraph (A)(ii), that will meet the needs of Early Head Start agencies and provide high quality, sustained, and intensive training and technical assistance on programming for infants and toddlers to Early Head Start agencies, and in order to help such agencies meet or exceed the standards described in section 641A(a)(1), the Secretary shall—

"(i) use funds reserved under subparagraph (A)(ii) in combination with funds reserved in section 640(a)(2)(C)(i)(II)(bb) to ensure such contracts described in section 648(e)(1) provide for a minimum of 1 full-time specialist with demonstrated expertise in the development of infants and toddlers; and

"(ii) ensure that such contracts and the services provided in the contracts are integrated with and augment the contracts awarded and services provided under section 648(e);"; and"

374. The House bill and the Senate amendment have differing timelines for establishing staff qualifications in Early Head Start programs.

House recedes/Senate recedes with an amendment to read:

"(h) CENTER-BASED STAFF.—The Secretary shall—

"(1) ensure that, not later than September 30, 2010, all teachers providing direct services to children and families participating in Early Head Start programs located in Early Head Start centers, have a minimum of a child development associate credential, and have been trained (or have equivalent course work) in early childhood development; and

"(2) establish staff qualification goals to ensure that not later than September 30, 2012, all such teachers have been trained (or have equivalent course work) in early childhood development with a focus on infant and toddler development."

375. The House bill and the Senate amendment contain similar provisions.

376. The House bill and the Senate amendment contain similar provisions. The Senate amendment includes additional language concerning the use of research-based strategies.

Senate recedes with an amendment to strike subparagraph (D) and insert—

"(D) methods to help parents promote emergent literacy in their children from birth though age 3, including use of research-based strategies to support the development of literacy and language skills for children who are limited English proficient;".

377. The House bill and the Senate amendment have different language concerning health and developmental services.

Senate recedes.

*Section 16. Appeals, notice, and hearing*

378. The House bill amends current law to require that if financial assistance is terminated or reduced, there shall be the opportunity to appeal the action.

House recedes.

379. The Senate amendment amends current law to provide permissive authority to the Secretary for the termination or reduction of financial assistance, including appeal procedures. The House bill does not include a similar provision.

House recedes with an amendment to strike in paragraph (4)(C) "except that such fees shall be reimbursed by the Secretary if the agency prevails in such decision" and insert in paragraph (4)(C) after "legal fees", "or other costs incurred" and to insert new paragraph "(6) In cases where a Head Start agency prevails in a decision under (4), the Secretary may determine and provide a reimbursement to the Head Start agency for fees deemed reasonable and customary.".

*Section 17. Records and audits*

380. The House bill and the Senate amendment contain similar provisions. The Senate amendment refers to financial audit throughout the bill.

Senate recedes

381. The House bill and the Senate amendment contain similar provisions. The House bill includes additional requirements.

Senate recedes.

*Section 18. Technical assistance and training*

382. The House bill and Senate amendment maintain current law for current subsections (a) and (b) except the Senate amendment makes minor language changes.

House recedes/Senate recedes with an amendment to strike and insert the following—

Amend section 648 to read as follows:

**"SEC. 648. TECHNICAL ASSISTANCE AND TRAINING.**

"(a) SECRETARIAL TRAINING AND TECHNICAL ASSISTANCE.—

"(1) AUTHORITY.—From the funds provided under section 640(a)(2)(C)(i)(II)(cc), the Secretary shall provide, directly or through grants, contracts, or other agreements or arrangements as the Secretary considers appropriate, technical assistance and training for Head Start programs for the purposes of improving program quality and helping prepare children to succeed in school.

"(2) PROCESS.—The process for determining the technical assistance and training activities to be carried out under this section shall—

"(A) ensure that the needs of local Head Start agencies and programs relating to improving program quality and to program expansion are addressed to the maximum extent practicable; and

"(B) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the individuals and agencies carrying out Head Start programs;

"(3) ACTIVITIES.—In providing training and technical assistance and for allocating resources for such assistance under this section, the Secretary shall—

"(A) give priority consideration to—

"(i) activities to correct program and management deficiencies identified through reviews carried out pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2));

"(ii) assisting Head Start agencies in ensuring the school readiness of children; and

"(iii) activities that supplement those funded with amounts provided under section 640(a)(2)(C)(i)(II)(bb) to address the training and career development needs of classroom staff (including instruction for providing services to children with disabilities, and for activities described in section 1222(d) of the Elementary and Secondary Education Act of 1965), and non-classroom staff, including home visitors and other staff working directly with families, including training relating to increasing parent involvement and services designed to increase family literacy and improve parenting skills; and

"(B) to the maximum extent practicable—

"(i) assist Head Start agencies in the development of collaborative initiatives with States and other entities within the States, to foster effective professional development systems for early childhood education and development services;

"(ii) provide technical assistance and training, either directly or through a grant, contract, or cooperative agreement with an entity that has experience in the development and operation of successful family literacy services programs, for the purpose of—

"(I) assisting Head Start agencies providing family literacy services, in order to improve the quality of such family literacy services; and

"(II) enabling those Head Start agencies that demonstrate effective provision of family literacy services, based on improved outcomes for children and their parents, to provide technical assistance and training to other Head Start agencies and to service providers that work in collaboration with such agencies to provide family literacy services;

"(iii) assist Head Start agencies and programs in conducting and participating in community-wide strategic planning and needs assessments, including the needs of homeless children and their families, and in conducting self-assessments;

"(iv) assist Head Start agencies and programs in developing and implementing full-working-day and full-calendar-year programs where community need is clearly identified and making the transition to such programs, with particular attention to involving parents and programming for children throughout the day, and assist the agencies and programs in expediting the sharing of information about innovative models for providing full-working-day, full calendar year services for children;

"(v) assist Head Start agencies in better serving the needs of families with very young children, including providing support and program planning and implementation assistance for Head Start agencies that apply to serve or are serving additional infants and toddlers, in accordance with section 645(a)(5);

"(vi) assist Head Start agencies and programs in the development of sound management practices, including financial management procedures;

"(vii) assist in efforts to secure and maintain adequate facilities for Head Start programs;

"(viii) assist Head Start agencies in developing innovative program models, including mobile and home-based programs;

"(ix) provide support for Head Start agencies (including policy councils and policy committees) that meet the standards described in section 641A(a) but that have, as documented by the Secretary through reviews conducted pursuant to section 641A(c), programmatic, quality, and fiscal issues to address;

"(x) assist Head Start agencies and programs in improving outreach to, increasing program participation of, and improving the quality of services available to meet the unique needs of—

"(I) homeless children;

"(II) limited English proficient children and their families, particularly in communities that have experienced a large percentage increase in the population of limited English proficient individuals, as measured by the Bureau of the Census;

"(III) children with disabilities, particularly if such program's enrollment opportunities or funded enrollment for children with disabilities is less than 10 percent;

"(xi) assist Head Start agencies and programs to increase the capacity of classroom staff to meet the needs of eligible children in Head Start classrooms that are serving both children with disabilities and children without disabilities;

"(xii) assist Head Start agencies and programs to address the unique needs of programs located in rural communities, including—

“(I) removing barriers related to the recruitment and retention of Head Start teachers in rural communities;

“(II) developing innovative and effective models of professional development for improving staff qualifications and skills for staff living in rural communities;

“(III) removing barriers related to outreach efforts to eligible families in rural communities;

“(IV) removing barriers to parent involvement in Head Start programs in rural communities;

“(V) removing barriers to providing home visiting services in rural communities; and

“(VI) removing barriers to obtaining health screenings for Head Start participants in rural communities;

“(xiii) provide training and technical assistance to members of governing bodies, policy councils, and, as appropriate, policy committees, to ensure that the members can fulfill their functions;

“(xiv) provide activities that help ensure that Head Start programs have qualified staff who can promote prevention of childhood obesity by integrating developmentally appropriate research-based initiatives that stress the importance of physical activity and healthy, nutritional choices in daily classroom and family routines;

“(xv) assist Indian Head Start agencies to provide on-site and off-site training to staff, using approaches that identify and enhance the positive resources and strengths of Indian children and families, to improve parent and family engagement and staff development, particularly with regard to child and family development.”; and

“(xvi) assisting Head Start agencies in selecting and using the measures described in section 641A(b).

“(b) ADDITIONAL SUPPORT.—The Secretary shall provide, either directly or through grants, contracts or other arrangements, funds from section 640(a)(2)(C)(i)(II)(cc) to—

“(1) support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs; and

“(2) support training for personnel—

“(A) providing services to limited English proficient children and their families (including services to promote the acquisition of the English language);

“(B) providing services to children determined to be abused or neglected or children referred by or receiving child welfare services;

“(C) in helping children cope with community violence;

“(D) to recognize common health, including mental health, problems in children for appropriate referral;

“(E) to address the needs of children with disabilities and their families;

“(F) to address the needs of migrant and seasonal farmworker families; and

“(G) to address the needs of homeless families.

“(c) OUTREACH.—The Secretary shall develop and implement a program of outreach to recruit and train professionals from diverse backgrounds to become Head Start teachers in order to reflect the communities in which Head Start children live and to increase the provision of quality services and instruction to children with diverse backgrounds.

“(d) FUNDS TO AGENCIES.—Funds made available under section 640(a)(2)(C)(i)(II)(aa) shall be used by a Head Start agency to provide high quality, sustained, and intensive training and technical assistance as follows:

“(1) For 1 or more of the following:

“(A) Activities that ensure that Head Start programs meet or exceed the standards described in section 641A(a)(1).

“(B) Activities that ensure that Head Start programs have adequate numbers of trained, qualified staff who have skills in working with children and families, including children and families who are limited English proficient and children with disabilities and their families.

“(C) Activities to improve the management and implementation of Head Start services and systems, including direct training for expert consultants working with staff.

“(D) Activities that help ensure that Head Start programs have qualified staff who can promote language skills and literacy growth of children and who can provide children with a variety of skills that have been identified as predictive of later reading achievement, school success, and the skills, knowledge, abilities, development, and progress described in section 641A(a)(1)(B)(ii).

“(E) Activities to improve staff qualifications and to assist with the implementation of career development programs and to encourage the staff to continually improve their skills and expertise, including developing partnerships with programs that recruit, train, place, and support college students in Head Start centers to deliver an innovative early learning program to preschool children.

“(F) Activities that help local programs ensure that the arrangement, condition, and implementation of the learning environments in Head Start programs are conducive to providing effective program services to children and families.

“(G) Activities to provide training necessary to improve the qualifications of Head Start staff and to support staff training, child counseling, health services, and other services necessary to address the needs of children enrolled in Head Start programs, including children from families in crises, children who experience chronic violence or homelessness, children who experience substance abuse in their families, and children under 3 years of age, where applicable.

“(H) Activities to provide classes or in-service-type programs to improve or enhance parenting skills, job skills, adult and family literacy, including financial literacy, or training to become a classroom aide or bus driver in a Head Start program.

“(I) Additional activities deemed appropriate to the improvement of Head Start agencies' programs, as determined by the agencies' technical assistance and training plans.

“(2) To support enhanced early language and literacy development of children in Head Start programs, and to provide the children with high-quality oral language skills, and with environments that are rich in literature in which to acquire language and early literacy skills, each Head Start agency, in consultation with the State-based training and technical assistance system, as appropriate, shall ensure that—

“(A) all of the agency's Head Start teachers receive ongoing training in language and emergent literacy (referred to in this subsection as 'literacy training'), and including appropriate curricula and assessment to improve instruction and learning;

“(B) such literacy training shall include training in methods to promote vocabulary development and phonological awareness (including phonemic awareness) in a developmentally, culturally, and linguistically appropriate manner and support children's development in their native language;

“(C) the literacy training shall include training in how to work with parents to enhance positive language and early literacy development at home;

“(D) the literacy training shall include specific methods to best address the needs of children who are limited English proficient;

“(E) the literacy training shall include training on how to best address the language and literacy needs of children with disabilities, including training on how to work with specialists in language development; and

“(F) the literacy training shall be tailored to the early childhood literacy background and experience of the teachers involved.

“except that funds made available under section 640(a)(2)(C)(i)(II)(aa) shall not be used for long-distance travel expenses for training activities available locally or regionally or for training activities substantially similar to locally or regionally available training activities.

(e) STATE-BASED TRAINING AND TECHNICAL ASSISTANCE SYSTEM.—For the purposes of delivering a State-based training and technical assistance system (which may include a consortium of 2 or more states within a region), as described in section 640(a)(C)(i)(II)(bb), that will meet the needs of local grantees, as determined by such grantees, and provide high quality, sustained, and intensive training and technical assistance to Head Start programs in order to improve their capacity to deliver services that meet or exceed the program performance standards described in section 641 A(a)( I), the Secretary shall—

“(1) enter into contracts in each State with I or more entities who have a demonstrated expertise in supporting the delivery of high quality early childhood education and development programs, except that contracts for a consortium of 2 or more States within a geographic region may be entered into if such a system is more appropriate to better meet the needs of local grantees within a region, as determined by such grantees;

“(2) ensure that the entities described in subparagraph (1) determine the types of services to be provided through consultation with—

“(A) local Head Start agencies (including Indian Head Start agencies and migrant or seasonal Head Start agencies, as appropriate);

“(B) the State Head Start collaboration office; and

“(C) the State Head Start Association;

(3) encourage States to supplement the funds authorized in section 640(a)(2)(C)(i)(II)(bb) with Federal, State, or local funds other than funds made available under this subchapter, to expand training and technical assistance activities beyond Head Start agencies to include other providers of other early childhood education and development within a State;

“(4) provide a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, not later than 90 days after the end of the fiscal year, summarizing the funding for such contracts and the activities carried out thereunder;

“(5) periodically evaluate the effectiveness of the delivery of services in each State in promoting program quality; and

“(6) ensure that in entering into such contracts as described in paragraph (I), such entities will address the needs of grantees in both urban and rural communities.

"(f) INDOOR AIR QUALITY.—The Secretary shall consult with appropriate Federal agencies and other experts, as appropriate, on issues of air quality related to children's health and inform Head Start agencies of existing programs or combination of programs that provide methods for improving indoor air quality.

"(g) CAREER ADVANCEMENT PARTNERSHIP PROGRAM.

"(1) Authority.— From amounts allocated under section 640(a)(2)(C)(i)(II)(ce) the Secretary is authorized to award demonstration grants, for a period of not less than 5 years, to historically Black colleges and universities, Hispanic-serving institutions, and Tribal Colleges and Universities—

"(A) implement education programs that increase the number of associate, baccalaureate, and graduate degrees in early childhood education and related fields that are earned by Head Start agency staff members, parents of children served by such agencies, and members of the communities involved;

"(B) provide assistance for stipends and costs related to tuition, fees, and books for enrolling Head Start agency staff members, parents of children served by such an agency, and members of the communities involved in courses required to complete the degree and certification requirement to become teachers in early childhood education and related fields;

"(C) develop program curricula to promote high quality services and instruction to children with diverse backgrounds, including

"(i) in the case of historically Black colleges and universities, to help Head Start Agency staff members develop skills and expertise needed to teach in programs serving large numbers of African American children;

"(ii) in the case of Hispanic-serving institutions, programs to help Head Start Agency staff members develop skills and expertise needed to teach in programs serving large numbers of Hispanic students, including programs to develop the linguistic skills and expertise needed to teach in programs serving a large number of children with limited English proficiency; and

"(iii) in the case of Tribal Colleges and Universities, to help Head Start Agency staff members develop skills and expertise needed to teach in programs serving large numbers of Indian students, including programs concerning tribal culture and language;

"(D) provide other activities to upgrade the skills and qualifications of educational personnel to meet the professional standards in subsection (a) to better promote high quality services and instruction to students and parents from populations served by historically Black colleges and universities, Hispanic-serving institutions, or Tribal Colleges and Universities;

"(E) to provide technology literacy programs for Indian Head Start agency staff members and families of children served by such agency; and

"(F) to develop and implement the programs described under subparagraph (A) in technology-mediated formats, including through such means as distance learning and use of advanced technology, as appropriate.

"(2) OTHER ASSISTANCE.—The Secretary shall, using resources within the Department of Health and Human Services—

"(A) provide appropriate technical assistance to historically Black colleges and universities, Hispanic-serving institutions, and Tribal Colleges or Universities receiving grants under this section, including coordinating with the White House Initiative on historically Black colleges and universities; and

"(B) ensure that the American Indian Programs Branch of the Office of Head Start of the Administration for Children and Families of the Department of Health and Human Services can effectively administer the programs under this section and provide appropriate technical assistance to Tribal Colleges and Universities under this section.

"(3) APPLICATION.—Each historically Black college or university, Hispanic-serving institution, or Tribal College or University desiring a grant under this section shall submit an application, in partnership with at least 1 Head Start agency enrolling large numbers of students from the populations served by historically Black colleges or universities, Hispanic-serving institutions, or Tribal Colleges and Universities, to the Secretary, at such time, in such manner, and containing such information as the Secretary may require, including a certification that the institution of higher education has established a formal partnership with I or more Head Start agencies for the purposes of conducting the activities described in paragraph (1).

"(4) DEFINITIONS.—In this subsection:

"(A) The term 'Hispanic-serving institution' has the meaning given such term in section 502 of the Higher Education Act of 1965 (20 U.S.C. I 101 a).

"(B) The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

"(C) The term 'Tribal College or University' has the meaning given such term in section 312b of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

"(5) TEACHING REQUIREMENT.—A student at an institution receiving a grant under this subsection who receives assistance under a program funded under this subsection shall teach in a center-based Head Start program for a period of time equivalent to the period for which they received assistance or shall repay such assistance.".

Head Start offers a supportive educational setting for many homeless children; yet barriers may limit homeless children's access to, and participation in, this valuable program. The Conferees have included provisions to enhance services for homeless children and increase their participation in Head Start programs. The Conferees encourage the Secretary, in developing and implementing the training and technical assistance system required under this Act, to support activities designed to improve services for homeless children. In providing such services, the Conferees encourage the Secretary to work with organizations specializing in improving services to homeless children in early education programs.

383. The Senate amendment makes changes to paragraph (2) and the House bill maintains current law.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

384. The Senate amendment makes changes to (3) and the House bill maintains current law.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

385. The House bill and Senate amendment make similar modifications to (5) and maintain current law for (6).

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

386. Senate amendment makes modifications to (7) to include support in program planning for agencies serving infants and toddlers. House bill and Senate amendment maintain current law for (8)-(11).

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

387. The House bill and Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

388. The House bill and Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

389. House bill adds provision relating to toxic stress. Senate amendment does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

390. The House bill and Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

391. House bill contains provision related to rural communities. Senate amendment does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382. 395a. The House bill and Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

392. The Senate amendment contains provision regarding training for governing bodies. The

House bill does not contain similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

393. The Senate amendment contains a provision for self-assessments. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

394. The Senate amendment contains provision on childhood obesity. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

395. The Senate amendment contains a provision on Indian Head Start agencies. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

396. The House bill maintains current law and the Senate amendment adds language on CBO's.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

397. The Senate amendment makes change in referencing child care programs. The House bill and Senate amendment contain similar provisions adding language about child welfare services.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

398. The House bill and Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

399. The House bill and Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

400. The House bill contains an outreach program for male Head Start teachers of color. The Senate amendment does not include a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

401. The House bill and Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

402. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

403. The House bill contains requirement for Secretary to work with tribal colleges. The Senate amendment does not contain similar provision.

House recedes/Senate recedes with an amendment to insert into section 649.

404. The House bill and the Senate amendment contain similar provisions except the Senate amendment places in Section 640(1) and the House bill places in Section 648.

House recedes/Senate recedes with an amendment to insert into section 649.

405. House bill contains provision on eligible entities. Senate amendment does not contain a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

406. The House bill and Senate amendment both add specifications for the State-based TA system.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

407. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

408. The House bill includes provisions to develop an on-line, graduate professional development program. The Senate amendment does not contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

409. The House bill includes requirements regarding air quality in Head Start agencies. The Senate amendment does not contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

410. The House bill and Senate amendment contain similar provisions except the Senate language is in section 648B.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

411. The House bill contains a new demonstration program with HSIs. The Senate amendment does not include a similar provision.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

412. The House bill requires partnerships with HBCUs. The Senate amendment does not contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert, as amended, in note 382.

*Section 19. Staff qualifications and development*

413. The House bill and Senate amendment maintain current law except House bill adds language about math and science.

Senate recedes.

414. The House bill sets a national average requirement for teacher's qualifications and the Senate amendment sets a goal for teacher qualifications in each State.

House recedes/Senate recedes with an amendment to strike and insert—

(2) DEGREE REQUIREMENTS.—

(A) HEAD START TEACHERS.—The Secretary shall ensure that not later than September 30, 2013 at least 50 percent of Head Start teachers nationwide in center-based programs have—

"(i) a baccalaureate or advanced degree in early childhood education; or

"(ii) a baccalaureate or advanced degree and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children.

"(B) ADDITIONAL STAFF.—The Secretary shall ensure that, not later than September 30, 2013, all—

"(i) Head Start education coordinators, including those that serve as curriculum specialists, nationwide in center-based programs—

"(I) have the capacity to offer assistance to other teachers in the implementation and adaptation of curricula to the group and individual needs of children in a Head Start classroom; and

"(II) have—

"(aa) a baccalaureate or advanced degree in early childhood education; or

"(bb) a baccalaureate or advanced degree and coursework equivalent to a major relating to early childhood education, with experience in teaching preschool-age children; and

"(ii) Head Start teaching assistants nationwide in center-based programs have—

"(I) at least a child development associate credential;

"(II) enrolled in a program leading to an associate or baccalaureate degree; or

"(III) enrolled in a child development associate credential program to be completed within 2 years.

"(C) PROGRESS.—

"(i) IMPLEMENTATION.—The Secretary shall—

"(I) Require Head Start agencies to—

"(aa) describe continuing progress each year toward achieving the goals described in (A) and (B); and

"(bb) annually submit to the Secretary a report indicating the number and percentage of personnel described in subparagraphs (A) and (B) in center-based programs with child development associate credentials or associate, baccalaureate, or advanced degrees;

"(II) Compile and submit a summary of all program reports described in subclause (I)(bb) to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate; and

"(III) Not impose any penalties or sanctions on any individual Head Start agency, program or staff in the monitoring of local agencies and programs under this subchapter not meeting the requirements of subparagraph (A) or (B).

"(D) CONSTRUCTION.—In this paragraph a reference to a Head Start agency, or its program, services, facility, or personnel, shall not be considered to be a reference to an Early Head Start agency, or its program, services, facility, or personnel.

"(3) ALTERNATIVE CREDENTIALING REQUIREMENTS.—The Secretary shall ensure that, for center-based programs, each Head Start classroom that does not have a teacher that meets the qualifications described in clause (i) or (ii) of paragraph (2)(A) is assigned one teacher who has the following during the period specified;

"(A) Through September 30, 2011—

"(i) a child development associate credential that is appropriate to the age of children being served in center-based programs;

"(ii) a State-awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential;

"(iii) an associate degree in early childhood education;

"(iv) an associate degree in a related field and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children;

"(v) a baccalaureate degree and has been admitted into the Teach For America program, passed a rigorous early childhood content exam such as the Praxis II, participated in a Teach For America summer training institute that includes teaching preschool children, and is receiving ongoing professional development and support from Teach For America's professional staff.

"(B) As of October 1, 2011—

"(i) an associate degree in early childhood education;

"(ii) an associate degree in a related field and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children; or

"(iii) a baccalaureate degree and has been admitted into the Teach For America program, passed a rigorous early childhood content exam, such as the Praxis II, participated in a Teach For America's professional staff.

"(4) WAIVER.—On request, the Secretary shall grant—

"(A) through September 30, 2011, a 180-day waiver ending on or before September 30, 2011, of the requirements of paragraph (3)(A) for a Head Start agency that can demonstrate that the agency has attempted unsuccessfully to recruit an individual who has the qualifications described in clauses (i) through (iv) of paragraph (3)(A) with respect to an individual who—

"(i) is enrolled in a program that grants a credential, certificate, or degree described in clauses (i) through (iv) of paragraph (3)(A); and

"(ii) will receive such credential, certificate, or degree under the teens of such program not later than 180 days after beginning employment as a teacher with such agency; and

"(B) as of October 1, 2011, a 3-year waiver of the requirements of paragraph (3)(B) for a Head Start agency that can demonstrate that—

"(i) the agency has attempted unsuccessfully to recruit an individual who has the qualifications described in clause (i) or (ii) of such paragraph, with respect to an individual who is enrolled in a program that grants a degree described in clause (i) or (ii) of such paragraph and will receive such degree in a reasonable time; and

"(ii) each Head Start classroom has a teacher who has, at a minimum—

"(I) a child development associate credential that is appropriate to the age of children being served in center-based programs; or

"(II) a State-awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential."

415. The Senate amendment includes qualification requirements for curriculum specialists and education coordinators. The House bill does not have a similar provision.

House recedes/Senate recedes with an amendment to strike.

416. The Senate amendment includes qualifications for teaching assistants. The House bill does not include a similar provision.

House recedes/Senate recedes with an amendment to strike.

417. The Senate amendment contains a requirement for professional development. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to insert "by the program" after the word "evaluated".

418. The House bill and the Senate amendment contain similar provisions.

House recedes/Senate recedes with an amendment to strike.

419. The House bill and the Senate amendment contain minimum degree requirement for teachers but have different dates of enactment and different populations of teachers.

House recedes/Senate recedes with an amendment to strike.

424a. The House bill and the Senate amendment both contain service requirements in exchange for financial assistance from Head Start programs.

House recedes.

424b. Senate amendment includes Head Start centers in addition to Head Start agencies. The House bill does not include a similar provision.

House recedes.

425. The House bill includes provisions prohibiting funds being used at diploma mills. The Senate amendment does not contain a similar provision.

Senate recedes.

426. The House bill includes provisions for Teach for America while the Senate amendment does not include a similar provision.

Senate recedes.

427. The House bill and the Senate amendment make changes to current requirements for family service workers.

Senate recedes with an amendment to insert a new paragraph (5) to read:

"(5) promote the use of appropriate strategies to meet the needs of special populations (including populations of limited English proficient children);".

428. The House bill and the Senate amendment contain similar provisions.

Senate recedes with an amendment to insert at the end: "The agency and the employee shall implement the plan to the extent feasible and practicable."

429. The House bill requires procedures prior to the hire of an individual in Head Start programs.

The Senate amendment does not include a similar provision.

Senate recedes.

430. The House bill contains a loan forgiveness program for Head Start teachers. The Senate amendment does not include a similar provision.

House recedes.

*Section 20. Research, demonstrations, and evaluation*

431. The House bill and the Senate amendment contain similar provisions. The House bill requires ideas to be based on scientifically-based research.

Senate recedes with an amendment to strike "based research" and insert "valid research".

432. The House bill and the Senate amendment make technical conforming changes.

433. The Senate amendment includes provisions to promote good oral health and vision. The House bill does not include similar provisions.

House recedes.

434. The Senate amendment makes this technical and conforming change, similar throughout the bill. The House bill does not include similar provisions.

House recedes/Senate recedes with and amendment to use "early childhood education and development services or programs".

435. The Senate amendment makes a technical change to redesignate paragraphs. The House bill does not include a similar provision.

436. The House bill strikes the use of SIPP, NLSY, and SPD for gathering data and conducting analysis on Head Start. The Senate amendment does not include similar provisions.

Senate recedes.

437. The House bill and the Senate amendment contain similar provisions.

Senate recedes with amendment to strike and insert—

"(10)(A) contribute to understanding the impact of Head Start services delivered in classrooms which include both children with disabilities and children without disabilities on all of the children; and

(B) disseminate promising practices for increasing the availability and quality of such services and such classrooms.";

438. The Senate amendment makes technical changes to redesignate paragraphs. The House bill does not contain a similar provision.

439. The Senate amendment makes conforming changes, similar throughout the bill. The House bill does not contain a similar provision.

House recedes/Senate recedes with an amendment to use "early childhood education and development services or programs".

440. The Senate amendment makes conforming changes, similar throughout the bill. The House bill does not contain a similar provision.

Senate recedes.

441. The House bill and the Senate amendment contain identical provisions.

442. The Senate amendment makes conforming changes, similar throughout the bill. The House bill does not contain similar provisions.

House recedes/Senate recedes with an amendment to use term "early childhood education and development services and programs".

443. The House bill and the Senate amendment include similar provisions.

Senate recedes.

444. The House bill and the Senate amendment contain similar provisions. The House bill provides for the study not less than one year after the date of enactment.

Senate recedes.

445. The House bill and the Senate amendment contain similar provisions. The Senate amendment modifies the issue date for the report, from 2008 to 2011.

House recedes with an amendment to strike "2011" and insert "2010".

446. The House bill and the Senate amendment contain similar provisions.

Senate recedes.

447. The House bill and the Senate amendment contain similar provisions.

House recedes.

448. The House bill and the Senate amendment contain similar provisions.

Senate recedes.

449. The House bill includes a provision to address home languages. The Senate amendment does not include a similar provision.

Senate recedes with an amendment to strike and insert—

"the languages in which Head Start and Early Head Start teachers are fluent, in relation to the population, and instructional needs, of the children served"

450. The House bill and the Senate amendment contain similar provisions.

Senate recedes.

451. The House bill and the Senate amendment contain identical provisions.

452. The Senate amendment provides for a research study of diverse populations in Head Start programs. The House bill does not contain a similar amendment.

House recedes.

453. The Senate amendment requires the Secretary to base any revisions or development of assessments on the NAS panel study. The House bill does not contain similar provisions.

House recedes with an amendment to—

in (j)(1)(A) to strike "the" before "Head Start"

in (j)(1)(B) to strike "develop as necessary" and to insert ", consistent with section 641(a)(2)(C)(ii)" after "described in section 641A" in (j)(2) strike the header "DEVELOPMENT AND REFINEMENT" and insert "INFORM AND REVISE" and strike "developing and revising" and insert "informing and revising"

454. The House bill includes provisions to address hurricanes Katrina and Rita. The Senate amendment does not contain similar provisions.

Senate recedes with amendment to strike and insert—

"(m) Program Emergency Preparedness.—

"(1) PURPOSE.—The purpose of this subsection is to evaluate the emergency preparedness of the Head Start, including Early Head Start programs and make recommendations for how Head Start shall enhance its readiness to respond to an emergency.

"(2) STUDY.—The Secretary shall evaluate the preparedness of the Head Start, Early Head Start programs to respond appropriately in the event of a large-scale emergency, such as the hurricanes Katrina, Rita, and Wilma, the terrorist attacks of September 11th, 2001 or other incidents where assistance may be warranted under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(3) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of the Improving Head Start for School Readiness Act of 2007, the Secretary shall prepare and submit to Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing the results of the evaluation required under paragraph (2), including—

"(A) recommendations for improvements to Federal, state, and local preparedness and response capabilities to large-scale emergencies, including those that were developed in response to hurricanes Katrina, Rita, and Wilma, as they relate to Head Start and Early Head Start programs, and the Secretary's plans to implement such recommendations;

"(B) an evaluation of Head Start procedures for informing families of children in Head Start about the program protocols for response to a large-scale emergency, including procedures for communicating with such families in the event of a large-scale emergency;

"(C) an evaluation of such procedures for staff training on state and local evacuation and emergency protocols; and

"(D) an evaluation of procedures for Head Start agencies and the Secretary to coordinate with appropriate Federal, state, and local emergency management agencies in the event of a large scale emergency and recommendations to improve such procedures."

### *Section 21. Reports*

455. The House bill and the Senate amendment contain similar provisions.

House recedes with an amendment to insert ", homeless children, children in foster care" after "proficient children".

456. The House bill and the Senate amendment contain similar provisions.

Senate recedes.

457. The Senate amendment includes vision care. The House bill does not contain a similar provision.

House recedes.

458. The Senate amendment makes conforming changes. The House bill does not contain a similar provision.

House recedes with an amendment to strike modification to (D)(ii).

459. The Senate amendment makes conforming changes. The House bill does not include a similar provision.

460. The House bill includes a report on the expenditures of HHS, under section 640(a)(2). The Senate amendment does not contain a similar provision.

House recedes.

461. The House bill includes a report on fiscal protocol. The Senate amendment does not contain a similar provision.

Senate recedes.

462. The House bill includes a report on the use of IEPs. The Senate amendment does not contain similar provisions.

House recedes/Senate recedes with an amendment to strike and insert—

"(e) DISABILITY-RELATED SERVICES.—

"(1) IN GENERAL. The Secretary shall track the provision of disability-related services for children, in order to—

"(A) determine whether Head Start agencies are making timely referrals to the State or local agency responsible for providing services under Section 619 or Part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

"(B) identify barriers to timely evaluations and eligibility determination by the State and local agency responsible for Individuals with Disabilities Education Act; and

"(C) determine under what circumstances and for what length of time Head Start agencies are providing disability-related services for children who have not been determined to be eligible children with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"(2) REPORT.—Not later than 1 year after the date of the enactment of the Improving Head Start for School Readiness Act of 2007, the Secretary shall provide a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the activities described in paragraph (1).

463. The House bill includes a report on obesity prevention. The Senate amendment does not contain a similar provision.

Senate recedes with an amendment to strike and insert—

"(f) EVALUATION AND RECOMMENDATIONS REGARDING OBESITY PREVENTION.—Not later than 1 year after the date of the improving Head Start for School Readiness Act of 2007 the Secretary shall submit to the Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the Secretary's progress on assisting program efforts to prevent and reduce obesity in children who participate in Head Start programs, including progress on implementing initiatives within the Head Start program to prevent and reduce obesity in such children."

### *Section 22. Comparability of wages*

464. The House bill and the Senate amendment change section structure and House bill adds a heading.

House recedes with an amendment to insert a heading for subsection (a) to read "Comparability of Wages".

465. The House bill and the Senate amendment contain similar provisions. The House bill adds a heading.

Senate recedes with an amendment to strike and insert—

"(b) LIMITATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, no Federal funds may be used to pay any part of the compensation of an individual employed by a Head Start agency, if such compensation, including non-Federal funds, exceeds an amount equal to the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code.

"(2) COMPENSATION.—In this subsection, the term 'compensation'—

"(A) includes salary, bonuses, periodic payments, severance pay, the value of any vacation time, the value of a compensatory or paid leave benefit not excluded by subparagraph (B), and the fair market of any employee perquisite or benefit not excluded by subparagraph (B); and

"(B) excludes any Head Start agency expenditure for a health, medical, life insurance, disability, retirement, or any other employee welfare or pension benefit.".

466. The House bill includes a limitation on Head Start funds. The Senate amendment does not contain a similar provision.

House recedes.

### *Section 23. Limitation with respect to certain unlawful activities*

467. The Senate amendment makes a technical change. The House bill does not include a similar provision.

House recedes.

### *Section 24. Political activities*

468. The Senate amendment permits voter registration in Head Start agencies. The House bill does not include a similar provision.

House recedes with an amendment to insert at the end of (b).

"No funds appropriated under this subchapter may be used to conduct voter registration activities. Nothing in this subchapter prohibits the availability of Head Start facilities during hours of operation for the use of any non-partisan organization do increase the number of eligible citizens who register to vote in elections for Federal office."

The Conferees intend to continue the prohibition against Head Start teachers, employees and administrators from conducting voter registration activity on-site during hours of operation. Although they may participate in civic activities on their own time, the Conferees believe that the focus of Head Start employees during work hours should remain on improving the school readiness of Head Start children. Outside, nonpartisan organizations, however, are permitted under this section to use Head Start facilities nonintrusively to conduct voter registration.

469. The Senate amendment makes a conforming change to the Children's Health Act. The House bill does not include a similar provision.

Senate recedes.

### *Section 25. Parental consent requirement for health services*

470. The House bill and the Senate amendment contain similar provisions.

House recedes.

### *Section 26. Centers of excellence in early childhood*

471. The Senate amendment includes an authorization for the creation of Centers of Excellence for Head Start centers to be nominated by the Governor and designated by the Secretary to serve as model Head Start programs. The House bill does not include similar provisions.

House recedes with an amendment to—

insert "(other than section 657B)" after "subchapter" in Section 639; and

strike and insert into a new section as follows:

**"SEC. 657B. CENTERS OF EXCELLENCE IN EARLY CHILDHOOD.**

"(a) DEFINITION.—In this section, the term 'center of excellence' means a Center of Excellence in Early Childhood designated under subsection (b).

"(b) DESIGNATION AND BONUS GRANTS.—The Secretary shall, subject to the availability of funds under this section, establish a program under which the Secretary shall—

"(1) designate not more than 200 exemplary Head Start agencies (including Early Head Start agencies, Indian Head Start agencies, and migrant and seasonal Head Start agencies) as Centers of Excellence in Early Childhood; and

"(2) make bonus grants to the centers of excellence to carry out the activities described in subsection (d).

"(c) APPLICATION AND DESIGNATION.—

"(1) APPLICATION.—

"(A) NOMINATION AND SUBMISSION.—

"(i) IN GENERAL.—To be eligible to receive a designation as a center of excellence under subsection (b), except as provided in clause (ii), a Head Start agency in a State shall be nominated by the Governor of the State, after selection for nomination by such Governor through a competitive process, and shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(ii) INDIAN AND MIGRANT AND SEASONAL HEAD START PROGRAMS.—In the case of an Indian Head Start agency or a migrant or seasonal Head Start agency, to be eligible to receive a designation as a center of excellence under subsection (b), such an agency shall be nominated by the head of the appropriate regional office of the Department of Health and Human Services and shall submit an application to the Secretary in accordance with clause (i).

"(B) CONTENTS.—At a minimum, the application shall include—

"(i) evidence that the Head Start program carried out by the agency involved has significantly improved the school readiness of children who have participated in the program;

"(ii) evidence that the program meets or exceeds standards described section 641A(a)(I), as evidenced by the results of monitoring reviews described in section 641A(c), and has no findings of deficiencies in the preceding three years;

"(iii) evidence that the program is making progress toward meeting the requirements described in section 648A;

"(iv) An assurance that the Head Start agency will develop a collaborative partnership with the State (or a State agency) and other providers of early childhood education and development programs and services in the local community involved to conduct activities under (d)(1);

"(v) a nomination letter from the Governor, or appropriate regional office, demonstrating the agency's ability to provide the coordination, transition, and training services of the program to be carried out under the bonus grant involved, including coordination of activities with State and local agencies that provide early childhood education and development to children and families in the community served by the agency, and carry out the activities described under subsection (d)(1)(A); and

"(vi) a description of how the center involved, in order to expand accessibility and continuity of quality early childhood education and development services and programs, will coordinate activities, as appropriate, assisted under this section with—

"(I) programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

"(II) the Early Head Start programs carried out under section 645A;

"(III) Early Reading First and Even Start programs carried out under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.);

"(IV) other preschool programs carried out under title I of that Act (20 U.S.C. 6301 et seq.);

"(V) programs carried out under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

"(VI) State prekindergarten programs; and

"(VII) other programs of early childhood education and development.

"(2) SELECTION.—In selecting agencies to designate as centers of excellence under subsection (b), the Secretary shall designate not less than 1 from each of the 50 States, the District of Columbia, an Indian Head Start program, a migrant or seasonal Head Start program, and the Commonwealth of Puerto Rico.

"(3) PRIORITY.—In making bonus grant determinations under this section, the Secretary shall give priority to agencies that, through their applications, demonstrate that their programs are of exceptional quality and would serve as exemplary models for programs in the same geographic region. The Secretary may also consider the populations served by the applicants, such as agencies that serve large proportions of limited English proficient children or other underserved populations, and may make bonus grants to agencies that do an exceptional job meeting the needs of children in such populations.

"(4) TERM OF DESIGNATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall designate a Head Start agency as a center of excellence for a 5-year term. During the period of that designation, subject to the availability of appropriations, the agency shall be eligible to receive a bonus grant under subsection (b).

"(B) REVOCATION.—The Secretary may revoke an agency's designation under subsection (b) if the Secretary determines that the agency is not demonstrating adequate performance or has had findings of deficiencies described in paragraph (1)(B)(ii).

"(5) AMOUNT OF BONUS GRANT.—The Secretary shall base the amount of funding provided through a bonus grant made under subsection (b) to a center of excellence on the number of children eligible for Head Start services in the community involved. The Secretary shall, subject to the availability of funding, make such a bonus grant in an amount of not less than $200,000 per year.

"(d) USE OF FUNDS.—

"(1) ACTIVITIES.—A center of excellence that receives a bonus grant under subsection (b)—

"(A) shall use no less than 15% of the funds made available through the bonus grant to disseminate to other Head Start agencies in the State involved, best practices for achieving early academic success, including—

"(i) best practices for achieving school readiness, including developing early literacy and mathematics skills, for children at risk for school difficulties;

"(ii) best practices for achieving the acquisition of the English language for limited English proficient children, if appropriate to the population served; and

"(iii) best practices for providing high-quality comprehensive services for eligible children and their families;

"(B) may use the funds made available through the bonus grant—

"(i) to provide Head Start services to additional eligible children;

"(ii) to better meet the needs of working families in the community served by the center by serving more children in existing Early Head Start programs (existing as of the date the center is designated under this section) or in full-working-day, full calendar year Head Start programs;

"(iii) to further coordinate early childhood education and development programs and services and social services available in the community served by the center for at-risk children (birth through age 8), their families, and pregnant women;

"(iv) to provide professional development for Head Start teachers and staff, including joint training, for Head Start teachers and staff, child care providers, public and private preschool and elementary school teachers, and other providers of early childhood education and development programs;

"(v) to provide effective transitions between Head Start programs and elementary schools and to facilitate ongoing communication between Head Start and elementary school teachers concerning children receiving Head Start services to improve their ability to work effectively with low-income, at-risk children and their families;

" (vi) to develop or maintain partnerships with institutions of higher education and nonprofit organizations, including community-based organizations, that recruit, train, place, and support college students to serve as mentors and reading partners to preschool children in Head Start programs; and

"(vii) to carry out other activities determined by the center to improve the overall quality of the Head Start program carried out by the agency and the program carried out under the bonus grant involved.

"(e) RESEARCH AND REPORTS.—

"(1) RESEARCH.—The Secretary shall, subject to the availability of funds to carry out this subsection, award a grant or contract to an independent organization to conduct research on the ability of the centers of excellence to use the funds received under this section to improve the school readiness of children receiving Head Start services, and to positively impact school results in the earliest grades. The organization shall also conduct research to measure the success of the centers of excellence at encouraging the center's delegate agencies, additional Head Start agencies, and other providers of early childhood education and development programs in the communities involved to meet measurable improvement goals, particularly in the area of school readiness.

"(2) RESEARCH REPORT.—Not later than 48 months after the date of enactment of the Head Start for School Readiness Act, the organization shall prepare and submit to the Secretary and Congress a report containing the results of the research described in paragraph (1).

"(3) REPORTS TO THE SECRETARY.—Centers of excellence shall annually submit to the Secretary, at such time and in such manner as the Secretary may require, a report containing a description of the activities the center carried out with funds received under this section, including a description of how such funds improved services for children and families.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to make bonus grants to centers of excellence under subsection (b) to carry out activities described in subsection (d) and research activities described in subsection (e).".

### *Section 27. General provisions*

472. The House bill and the Senate amendment contain similar provisions. The House bill requires written consent for each specific health care service. The Senate amendment also requires consent for referral to services.

House recedes with an amendment to strike "Rule of Construction" and insert "General Provisions".

473. The House bill requires consent for any health care services. The Senate amendment does not include similar provisions.

House recedes.

### *Section 28. Compliance with Improper Payments Information Act of 2002*

474. The Senate amendment includes a provision on improper payments. The House bill does not include a similar provision.

House recedes.

## COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, this conference report contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

GEORGE MILLER,
DALE E. KILDEE,
LYNN WOOLSEY,
DANNY K. DAVIS,
RAÚL M. GRIJALVA,
LINDA T. SÁNCHEZ,
JOHN P. SARBANES,
JOE SESTAK,
DAVID LOEBSACK,
MAZIE K. HIRONO,
CAROL SHEA-PORTER,
HOWARD "BUCK" MCKEON,
MICHAEL N. CASTLE,
LUIS FORTUÑO,
RIC KELLER,
JOE WILSON,
C. W. BOUSTANY,
DEAN HELLER,
*Managers on the Part of the House.*

TED KENNEDY,
CHRIS DODD,
TOM HARKIN,
BARBARA A. MIKULSKI,

JEFF BINGAMAN,
PATTY MURRAY,
JACK REED,
HILLARY RODHAM CLINTON,
BARACK OBAMA,
BERNARD SANDERS,
SHERROD BROWN,
MICHAEL B. ENZI,
JUDD GREGG,
LAMAR ALEXANDER,
RICHARD BURR,
JOHNNY ISAKSON,
LISA MURKOWSKI,
ORRIN HATCH,
PAT ROBERTS,
WAYNE ALLARD,
*Managers on the Part of the Senate.*

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□ 1345

## APPOINTMENT OF GENERAL COUNSEL OF THE HOUSE

The SPEAKER pro tempore (Mr. PERLMUTTER). Pursuant to clause 8 of rule II, and the order of House of January 4, 2007, the Chair announces the Speaker's appointment of Mr. Irvin B. Nathan as General Counsel of the United States House of Representatives, effective November 12, 2007.

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## LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I would yield to my friend, the majority leader, for an update on next week's schedule.

Mr. HOYER. I thank the distinguished whip for yielding.

Mr. Speaker, on Monday the House will not be in session so that we can observe Veterans Day in honor of those who have sacrificed for our country, served our country so ably and well, and to remember those who have paid the ultimate price for our freedoms that we enjoy today.

On Tuesday, the House will meet at 10:30 for morning-hour debate and noon for legislative business.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business and 9 a.m. on Friday. We will consider several bills under suspension of the rules. A list of those bills, of course, will be announced by the close of business today.

Under rules, we expect to consider H.R. 3915, Mortgage Reform and Anti-Predatory Lending Act, and the conference report on H.R. 1429, Improving Head Start Act. In addition, we hope to be able to consider additional conference reports as they become available. And in light of the fact it's our last week before the Thanksgiving break, if there are other items that come to our attention, we will try to move those forward as well. But we don't have notice of those at this point in time.

I thank the gentleman for yielding.

Mr. BLUNT. I thank you for that information. I certainly agree with your observation about our veterans and the appropriateness of us taking the day on Monday to honor them.

On that issue, we went to conference this week on two different bills, and my impression was, based on the combination of the Military Construction and Veterans bill with Labor-HHS, that that veterans part of that bill was probably done. I'm wondering if the gentleman has any sense of how we can reinitiate a conference on that bill so that we can get the veterans and the military quality of life, military construction money passed. Is there a plan to go to conference there?

Mr. HOYER. I can't represent to the gentleman the specific plan because I have not gotten that from Mr. OBEY, what his thoughts are on that or what his discussions have been with Senator BYRD or with the subcommittee Chairs in both of the bodies. However, we certainly intend to move that forward, as the gentleman suggests, as quickly as possible.

Mr. BLUNT. Well, I appreciate that. And I would think since essentially it appears that bill has already been conferenced, since it was included with the Labor-HHS bill in conference, that it should be pretty easy to do and hope that we can do it. The President has announced he would sign that bill. The difference in this year's spending and last year's is about $18.5 million dollars a day, and I would hope we could get there.

On the trade agreement this week, I thought we had a significant bipartisan vote on the Peru Trade Agreement. There are three other agreements out there that have been negotiated, and I wonder if the leader has any sense of when we might be able to look toward any of those bills coming to the floor.

And I would yield.

Mr. HOYER. I thank my friend for that question on the trade bills. We did have a bipartisan vote on the Peru Trade Agreement which incorporated, as we had urged, both worker protections and environmental protections. And with respect to the other three agreements which have been negotiated, Panama, Colombia and South Korea, frankly, we don't yet know. As the gentleman knows, with respect to the agreement with Panama, the complication really doesn't regard the trade agreement as much as it regards the concern that many people have on both sides of the aisle that the Speaker or President of the Panamanian Parliament is under indictment in the United States with an extradition request for the murder of an American soldier. That, obviously, has complicated the consideration of that agreement.

With respect to Colombia, frankly, I want to tell the gentleman, I don't expect Colombia to come up until next year or South Korea to come up before next year. We obviously have, after next week, we hope, a short time left to go, maybe six, seven legislative days. So it would be unrealistic to expect us to be able to move these agreements within that time frame. But if we could resolve, I think, the issue regarding Panama, that might be possible.

Mr. BLUNT. I appreciate that. I'd also say that I was heartened by the good work that Chairman RANGEL and Mr. MCCRERY and others did on the Peru agreement, and certainly, I think I want to continue to reach out to you and the chairman and others who'd like to get things done so these bills could come to the floor.

Colombia is the one that was negotiated next, and because of the Panama complication, it may even be more likely that that could come next.

I would be pleased to yield to Mr. RANGEL for any thoughts he has on that topic.

Mr. RANGEL. Well, it was about the Panama complication, because it was my understanding, to a large extent, that it would be the administration to make the decision or to respond to the answer that you asked of the majority leader. And it's because of the complication that they'll have to decide, politically, as to how they want to handle it, because it goes beyond a trade agreement. It's involved with State Department policy.

And I always get the impression, since the FTA with Korea that's been left out of the discussion with me, that when the administration believes it has completed its negotiation on the executive level, then they too would be coming back to the Congress.

And of course Colombia has its own special problems, which we can talk about at a different time. So I just wanted to say, as it relates to Panama and Korea, it was my impression that the administration has to make some major decisions before we can respond.

Mr. BLUNT. Well, I appreciate that. And I do know that the chairman has worked hard with the U.S. Trade Ambassador and others, and I'm appreciative of that. And the administration, as this process works, will decide whether to send those up, but I know that they will do that in significant consultation with the chairman and ranking member and, I hope, others in the leadership. And these are important discussions.

I thought we had a significant step in the right direction for our neighborhood this week. To have all of the leaders of both parties vote for a trade agreement was a good sign about the future of our relationships with Panama and, I hope, a good sign about how we approach more of these trade agreements.

The other question I had also relates just on the Armenian resolution. I know that a lot of things have happened in regard to that resolution. But

I also know that the leader, 3 or 4 weeks ago, maybe it was 4 weeks ago, said that that resolution would be on the floor by November 16. I know it wasn't announced today. I wonder, has any decision been made on advancing that resolution?

And I would yield to my friend.

Mr. HOYER. I thank the gentleman for his question. I did say that. He's correct. However, the principal proponents of that resolution, obviously, the relationship with Turkey is a very important one for the United States. It is a critical time in the Middle East. Turkey has been, obviously, a great help in some respects, sometimes. And so the principal sponsors of that resolution have written a letter to the Speaker and myself and asked us not to move forward with that resolution at this time. But it is obviously still a matter of great concern to the Speaker, to myself and, frankly, the majority of this House who are sponsors of this resolution.

But in answer to the gentleman's question, I do not expect it to move forward any time soon.

Mr. BLUNT. I appreciate that. What I believe will be my last question, Mr. Leader, is on Tuesday, knowing this is the last week before there is a break, and we may not stay with the normal procedure, should we expect anything beyond suspension bills on Tuesday? Do you think there's any likelihood, not possibility, but any likelihood of a rule bill as early as Tuesday?

Mr. HOYER. It is possible. And the reason I say it's possible is because a lot of Members, obviously, would like to get out. It's Thanksgiving week. We're leaving. And I'm not sure whether it's a majority of your side or the majority, but I think there's probably unanimity that if we could see our way clear to finishing the business that we have by Thursday, they would prefer to work Tuesday night than they would prefer to work on Friday day. So I want to say to my friend it's possible, to facilitate the work. We're going to be talking about that later on today, and maybe even over the weekend, where we are. So I want to say to the gentleman, it's possible.

Mr. BLUNT. Well, we'd be pleased to be notified as early as you know about it. And I think you're absolutely right, that Members would be pleased to work a little longer days this week to get some time at home with their families during the holidays.

## ADJOURNMENT TO TUESDAY, NOVEMBER 13, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1400

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## U.S. NAVAL ACADEMY FOOTBALL TEAM'S HISTORIC VICTORY OVER NOTRE DAME

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, I rise to acknowledge an historic victory that occurred over last weekend, when the United States Naval Academy football team, for the first time in 43 years, upset the University of Notre Dame.

As we recognize the accomplishments of this Midshipmen football team, we also recognize the commitment that each middie has made to our country. I ask my colleagues to join me in honoring the Midshipmen for their historic victory over the Fighting Irish.

It is in this spirit that I submit further remarks for inclusion in the CONGRESSIONAL RECORD as well as an editorial from the Baltimore Sun recognizing the extraordinary accomplishment of these young men.

And also for the record, I would like to say, Go Navy. Beat Army.

Mr. Speaker, I rise today to recognize the United States Naval Academy Football Team for Saturday's thrilling victory over the University of Notre Dame.

The Midshipmen defeated the Fighting Irish 46–44 in triple-overtime, marking the first Navy victory in the annual match-up since 1963.

A tradition since 1927, the Navy-Notre Dame series is the longest uninterrupted intersectional series in Division I college football. This year's installment of this great football rivalry was, for the first time, tied at the end of regulation and featured 90 combined points, the most ever in the 80-year-old series.

The Midshipmen victory in the third overtime snapped Notre Dame's 43-year win streak in harrowing fashion. Navy made what appeared to be its last stand against the Fighting Irish Offense, stopping a Notre Dame attempt at a two-point conversion to tie the game. A controversial pass interference call allowed Notre Dame one more chance to force a fourth overtime. It looked as though the streak was destined to continue.

But the Midshipmen again held their ground and defeated Notre Dame. On this Saturday, the disadvantages that a service academy team has to overcome relative to its "Big Name" Division I competition did not matter. The Naval Academy does not have an exclusive television contract. Its recruiters cannot promise top-tier high school seniors access to a network of NFL scouts and alumni.

When the United States Naval Academy beat the University of Notre Dame, a team of young men celebrated an athletic victory that had escaped two generations of Midshipmen—two generations of Academy graduates who led our Navy and our country through the Cold War and into the twenty-first century.

As we recognize the accomplishment of this Midshipmen Football team, we also recognize the commitment that each Middie has made to our country.

I ask my colleagues to join me in honoring the Midshipmen for their historic victory over the Fighting Irish. It is in this spirit that I submit for inclusion in the CONGRESSIONAL RECORD this editorial from the Baltimore Sun recognizing the extraordinary accomplishment of these young men. For the record, "Go Navy. Beat Army."

[From the Baltimore Sun, Nov. 6, 2007]

### ONE FOR THE MIDDIES

Please forgive the irrepressible grins, the sunny outlook and the other outward signs of deep satisfaction displayed this week by fans of U.S. Naval Academy football. Navy's 46-44 triple-overtime victory over the Fighting Irish on Saturday in South Bend, Ind., was bound to have a lasting effect. Beating a rival once every 43 years will do that.

The Notre Dame-Navy match-up is one of the more lopsided annual events in college football. One fields a team of high school all-Americans, the other with future Navy and Marine Corps officers. Unless Roger Staubach is behind center taking snaps (as he was for Navy in 1963), the results are generally predictable.

But the combination of a solid Navy team with a potent offense and postseason ambitions opposed by a Notre Dame squad mired in a losing season of record-setting proportions helped turn the unthinkable into the wonderful—at least from the Midshipmen's perspective.

No doubt coach Paul Johnson will tell his players that this was just one victory and Navy needs more wins to get to another bowl game. And, of course, their fans will expect them to beat a certain military academy from the Hudson River Valley next month. No season would be complete without a win over West Point.

Nevertheless, this is a moment to savor. Even a Notre Dame fan has to admit it's nice to see an underdog come out on top once in a while. Navy still needs a 60-year winning streak to even its career record against the Irish. That's not likely, but at least it doesn't seem quite as improbable today.

## REMEMBERING OUR VETERANS

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Mr. Speaker, the Good Book tells us if you owe debts, pay debts; if honor, then honor; if respect, then respect. And this weekend, Sunday specifically, millions of Americans will gather in places large and small in this country to pay a debt of gratitude that we owe to the American soldier.

And I rise today like all of those who will gather in ceremonies and parades, surrounding people wearing mothballed uniforms and gray hair, to celebrate Veterans Day. Memorial Day is that day in the spring when we remember those who did not come home; Veterans Day is the day in the fall when we remember those who did.

A close friend of my late father, a combat veteran, said to me once poignantly, I think your dad never got over the guilt of coming home. While we remember those who served and fell this weekend, we will remember those who carry the burden of veterans; who fired shots in anger; who wore the uniform of the United States of America; and who, every day of their lives thereafter, carry the burden of that poignant service and significant loss.

To veterans all across America and especially those in eastern Indiana, we will remember you this Veterans Day.

## THE TEMPORARY TAX RELIEF ACT OF 2007

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am very proud to have been one of those today to support the Temporary Tax Relief Act of 2007.

Let me call the roll so we will understand what this bill does.

First of all, I am gratified that 1.270 million projected AMT returns by the State of Texas, those who will file their returns will get a benefit in my State because this bill has been passed today.

I am equally delighted that this bill looks out for a lot of America's taxpayers. Twelve million children will be helped by expanding the child tax credit. Eleven million families will be helped through the State and local sales tax deduction, and that is a bunch of families in the State of Texas. 3.4 million teachers will be able to deduct their classroom expenses, and that will help a lot of Texas teachers. And we will provide thousands of American troops in combat with tax relief under the earned income tax credit. In addition, some $8 billion will be utilized to help the real estate industry as well.

The Temporary Tax Relief Act of 2007 is the right thing to do to help pay for the AMT reduction.

## HONORING OUR VETERANS AND CALLING FOR A VETERANS FUNDING BILL

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I rise today to honor our veterans.

This Sunday is Veterans Day. As a veteran myself and the son of a combat-wounded veteran, I believe it is very, very important that we as a nation take time and honor those who have served in our armed services.

It is a fact that we all understand that freedom comes at a price and that it is those who put on the uniform and serve that preserve freedom for us and so many others around the world.

It's unfortunate that I have to rise as well and express my concern over our failure to move a veterans bill through this body to fund the Department of Veterans Affairs. Thanksgiving is less than 2 weeks ago, and as a physician who volunteers his time in a veterans clinic in his congressional district, I can say that I know that we can put our partisan differences behind us, put them aside, and we can come together and finally pass a veterans funding bill. I regret that we have not been able to do that today so late in the year right before Veterans Day.

Let's see if we can get that work done next week.

## GARDNER-WEBB UNIVERSITY

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Mr. Speaker, what a proud day for the Bulldogs of Gardner-Webb University.

My constituents, the Bulldogs, defeated the seven-time national champs Kentucky Wildcats in basketball just the other night by 18 points. Gardner-Webb University, a school of 4,000 students located in Boiling Springs, North Carolina, in my district, showed no fear in front of 23,000 cheering and hostile Wildcat fans in Kentucky's famed Rupp Arena. What a great night.

I come to the floor to congratulate Gardner-Webb University; the basketball team at Gardner-Webb University; the Bulldogs, generally speaking, the great students there at Gardner-Webb; and the president of the college, Frank Bonner; as well as the coach, Rick Scruggs, for their momentous basketball victory.

Let me tell you something. The Bulldogs have proven once again that with enough hard work and dedication, any obstacle can be overcome. And it also proves that no basketball team from North Carolina is ever really the underdog.

With that, I congratulate the Bulldogs. I congratulate Gardner-Webb University and the great basketball team and the students that they have.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## CONGRESS MUST ACT TO HELP BRING ABOUT THE REDEPLOYMENT OF OUR TROOPS OUT OF IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, throughout most of our history, the world has admired the United States for our dedication to freedom, international law, and human rights. But today America's prestige is in the pits because of the administration's reckless occupation of Iraq.

The resignation last week of the Under Secretary for Public Diplomacy at the State Department brought new attention to our low standing in the world. The Under Secretary was hired in 2005 to improve our image in the world with a public relations campaign. But the effort failed. It failed because no amount of spin could overcome the catastrophic consequences of our occupation of Iraq.

Today, according to the Pew Global Attitudes Project, our image in the world is actually worse than it was before the public relations campaign began. Pew surveyed 33 countries and found that the United States is viewed less favorably in 26 of those countries. To be fair to the Under Secretary, her bosses in the White House had done a good job of trashing America's image in the world long before she started her job.

At the beginning of this decade, Mr. Speaker, the United States was viewed very favorably in many countries. But not anymore. For example, 78 percent of the German people viewed the United States favorably in the year 2000. Now it's just 37 percent. In Spain we have gone from a favorability rating of 50 percent to 23 percent. In Great Britain we have gone from 83 percent to 56 percent. And in France we have gone from 62 to 39.

In the Muslim world, we have just about fallen off the charts. In Turkey, for example, we have gone from 52 percent to just 12 percent.

And, most tragically, our occupation of Iraq has undermined support for American leadership in the fight against terrorism. In fact, less than half the people in all the countries I just cited are now willing to follow our lead.

We shouldn't be surprised by this. It is much harder to convince others to get behind us in the fight against terrorism when they actually believe that we are the threat to peace ourselves. And it's much harder for us to fight many other world problems, including poverty, disease, lack of education, and global warming when our standing in the world has hit rock bottom.

This foreign policy disaster is the result of a White House that has run amok for nearly 7 years. When you tear up your treaties, walk away from your friends, condone torture, go to war under false pretenses, and carelessly throw around words like "World War III," you don't make America stronger; you make America weaker by destroying our credibility and undermining our moral authority.

The American people understand this, and they are demanding a new course for our Nation. They know the administration will never give us that; so they are looking to Congress to do the job. So far we have failed, but we have the power to turn things around, the power of the purse. We must use it, and we must use it to insist that any further funding for Iraq be dedicated to bringing our troops home. We must fully fund the safe, orderly, and timely redeployment of our troops out of Iraq. And we must also force the withdrawal of all of our military contractors who are acting like thugs in our Nation. We have a chance. We have a chance right now. If we don't take advantage of it, we will have failed our children and we will have failed America.

□ 1415

## U.S. GOVERNMENT MUST PROTECT ITS PEOPLE

The SPEAKER pro tempore (Mr. PERLMUTTER). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, it is the first duty of government, especially our government, to protect the people. That is why governments are formed throughout the world. That is why the United States was formed, to protect the people who live in this great country of ours.

This weekend, we honor the veterans that have served in our military throughout all of its wars. It started on the 11th hour of the 11th day of the 11th month of 1918, which was called Armistice Day, to end the war to end all wars, World War I. We now call it Veterans Day, where we honor those who went to war and came home.

Now America is engaged in wars in lands far, far away. We are engaged in the war in Iraq, we are engaged in the war in Afghanistan, and Mr. Speaker, it is my opinion that the finest military that has ever existed in the history of the world is fighting for American values in Iraq and Afghanistan, the American warriors.

You know, they are fighting in the deserts of Iraq, the mountains of Afghanistan. But we are also engaged in a war closer to home, that for some reason many have missed it, and it's the border war that we have on our southern border.

You see, our people who live in the southern part of the United States, and I happen to be one of them, I'm from the State of Texas, they are concerned about a constant invasion into our homeland by people that come here without permission. These people are coming into this country and they are colonizing our Nation. I have been to the southern border of Texas and Mexico over a dozen times. I've been to the border in Arizona, the border in California with Mexico, and every time I go to the border, the situation is worse. It is, by any definition, a war zone.

In the American town of Laredo, across the river, in Nuevo Laredo, it is a hostile and violent place. In the year 2005, there were 147 murders in Nuevo Laredo, many of them peace officers, and not one case has been solved. There have been 400 kidnappings; 41 of those have been American citizens kidnapped in Mexico, and not one case, not one has been solved by law enforcement.

It is a violent place. We have the three drug cartels coming in from Mexico, bringing that cancer into our country, and they are violent because it's all about money. And now they're working with the human coyotes, and they smuggle drugs and people into our country, all because of the almighty dollar.

We have reports of the Mexican military that have come across our border in arrogance and defiance, coming here to apparently help the drug smugglers bring in the drugs. But be that as it may, Homeland Security seems to be blissfully silent about the problem on the southern border with Mexico. And I ask the question, why? Is it because of political reasons? What do we owe the nation of Mexico? Our government, Homeland Security, owes the American public public defense.

It is the first duty of government to protect the homeland, and that includes the invasion by people without permission from our southern border. Thousands of people a day come in here without our permission, and I'm here to say that it's our obligation as a Nation to protect the southern border.

There has been legislation, bipartisan, that has been introduced this week to move that direction; 8,000 more border agents, using the military surveillance; also, requiring that American departments such as Social Security, Homeland Security and the IRS work together to prevent people from fraudulently trying to become American citizens, and of course, requiring more immigration judges. And I think we personally should use the National Guard and put them on the southern border as well. Whatever it takes, by lawful means, to secure the Nation's homeland, we owe that to the Nation, we owe that to the veterans who fought all over the world, and we owe it to the veterans who are on the southern border with Mexico to make sure that we protect our country, the dignity and sovereignty of this Nation.

And that's just the way it is.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1429, IMPROVING HEAD START FOR SCHOOL READINESS ACT OF 2007

Ms. MATSUI, from the Committee on Rules, submitted a privileged report (Rept. No. 110-440) on the resolution (H. Res. 813) providing for consideration of the conference report to accompany the bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## HONORING OUR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. How often do many Americans read the historic documents like the Declaration of Independence or our Constitution? The Declaration of Independence indicates that we hold these truths to be self-evident, that we all are created equal, with certain inalienable rights of life and liberty and the pursuit of happiness.

In the opening words of the Constitution, it says that we have gathered to form a more perfect union. What better exhibit of a perfect union, of the opportunity for happiness, than the veterans and members of the United States military who serve us now on the front lines?

So I rise today to pay special tribute to them. I look forward to returning to my district in Houston and joining the commemoration on this coming Sunday, and as well, marching with veterans, riding in military vehicles, getting the sense of their life and their dedication. I look forward to paying tribute to them in Houston's Freedom Fest and celebrating with some of the teary-eyed veterans, family members who have come to celebrate and to simply say thank you.

My presence here today on this floor is an example of the free country in which we live. The discourse of democracy is protected by those who fight today and those who have fought in wars gone by. And so it is appropriate that I rise today and embrace all of our veterans from sea to shining sea, to be able to say to you, thank you, and thank you to your families for the sacrifice of being away from them, mothers and fathers, husbands and wives, children that you have missed because you have served our country.

I rise in support of the homeless veterans. And today in Houston we have what we call a "stand-down," where veterans come and celebrate those who walk the streets and are homeless.

I look forward to the passage of the most timely and largest Veterans bill in the history of this Nation. Democrats were the leaders on this, and we will get it passed, and we will provide a thank you for our veterans.

I rise also to acknowledge that there are those still fighting on the front lines, and in particular, in Iraq. I claim today, as I have done from the very day that this war was pronounced, I want our soldiers to come home. I want our heroes to come home. And I have a memory of the great excitement, through pictures, of course, of the celebration of the World War II veterans. Who could ever forget that famous kiss in Times Square in New York? But since that time, I have not been satisfied by the way we have honored our veterans, our soldiers who have come home. And so I have filed H.R. 4020, the Military Success Act of 2007, that calls on the Nation to welcome home our Iraqi soldiers with a proclamation and celebration, with funding going to local and State jurisdictions so that we can have a day of celebration. I want to see those kisses in the town square. I want to see those colorful ribbons. I want to make sure that we understand that when a soldier comes home, it should not be in the dark of night on a lonely airplane or a lonely bus going into a lonely town.

So I ask my colleagues and Americans, veterans organizations, to support H.R. 4020 to celebrate the soldiers and to provide a celebration for each returning battle group that comes home from any war that they fight on behalf of America and they have lost lives and they have dedicated themselves to this Nation.

And because of that, Mr. Speaker, I also stand today to beg President Musharraf in Pakistan to release former Prime Minister Bhutto from house arrest. I acknowledge the Pakistani Army for the work that they have done on the border, some having lost their life, along with our soldiers in Afghanistan, but I ask the President of Pakistan, an ally of the United States, to understand that if you have democracy, it is a painful experience. And even when there are those against you, you must stand for democratic principles in your own way. Pakistan is a Muslim country that promotes democracy.

And so I ask President Musharraf to release the former Prime Minister Bhutto from house arrest, to release the lawyers from detention, and the political prisoners, to restore the constitution, to restore the democratic rule, and to release the emergency rule.

No, I don't expect for us to invade Pakistan, I don't expect for us to invade Iran, but I do expect for this State Department and this President to take this seriously.

In this legislation, H. Res. 810, I have asked for a diplomatic team of those from the Defense Department, those from the State Department to form a team, fly to Pakistan, sit down with our ally, and demand, yes demand, because of the $11 billion we've given them, the right for democracy to return to Pakistan.

I believe that this is the way to run our foreign policy. Bring our soldiers home, and celebrate them in honor.

## REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2008 THROUGH 2012

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, under section 303(b) of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for the House Committee on Ways and Means for fiscal year 2008, and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocation and aggregates for the purposes of section 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to the bill H.R. 3996, The Temporary Tax Relief Act of 2007. Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

Any questions may be directed to Ellen Balis or Gail Millar.

JOHN M. SPRATT, JR.

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

| | Fiscal Year 2007 | Fiscal Year 2008[1] | Fiscal Years 2008–2012 |
|---|---|---|---|
| Current Aggregates:[2] | | | |
| Budget Authority | 2,250,680 | 2,350,996 | ([3]) |
| Outlays | 2,263,759 | 2,353,954 | ([3]) |
| Revenues | 1,900,340 | 2,015,841 | 11,137,671 |
| Change in the Temporary Tax Relief Act (H.R. 3996): | | | |
| Budget Authority | 0 | 127 | ([3]) |
| Outlays | 0 | 127 | ([3]) |
| Revenues | 0 | −17,782 | 3,087 |
| Revised Aggregates: | | | |
| Budget Authority | 2,250,680 | 2,351,123 | ([3]) |
| Outlays | 2,263,759 | 2,354,081 | ([3]) |
| Revenues | 1,900,340 | 1,998,059 | 11,140,758 |

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

[3] = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

| House Committee | 2007 | | 2008 | | 2008–2012 Total | |
|---|---|---|---|---|---|---|
| | BA | Outlays | BA | Outlays | BA | Outlays |
| Current allocation: | | | | | | |
| Ways and Means | 0 | 0 | 532 | 532 | 37 | 37 |
| Change in the Temporary Tax Relief Act (H.R. 3996): | | | | | | |
| Ways and Means | 0 | 0 | 127 | 127 | 2,707 | 2,707 |
| Revised allocation: | | | | | | |
| Ways and Means | 0 | 0 | 659 | 659 | 2,744 | 2,744 |

## IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, again I thank you for recognizing me to address you here on the floor of the United States House of Representatives; that never is an event for me that goes without profound appreciation for the privilege to stand here in this place that so many have stood in and engaged in this great deliberative body that we have.

I appreciate this opportunity that we have with technology that's available today to address you at the close of business, in fact, at the close of the week, and to be confident that the messages that flow forth from the floor of this Chamber echo not just in your ears, Mr. Speaker, but across this country.

And I would submit that, in this Nation that we have today, we have a greater opportunity to have a more representative form of our constitutional Republic than we had, perhaps, when the Founders established this country and drafted our declaration and used that foundation to draft our Constitution. At that time, the communications were limited to word of mouth and letters and newspapers that couldn't be produced at anywhere near the rate that we can produce communications today.

Today, we are real-time communications globally. And when we speak in this Chamber or do a press conference and talk to a radio or television station, or when any of the leaders do across the country, that echoes sometimes around the world. If the President holds a press conference, it echoes around the world.

And here we have that opportunity to speak to and address the issues of our day in a fashion that we can be confident that the American people, those that are interested in the subject matter that we raise, are having this conversation amongst themselves as well. And it takes place with cell phones and e-mail and Web pages and telephone calls and across the coffee table and at work and at school and at play and at ball games and at church, the aspects of our lives where we interchange with our ideas.

And we need to remember, as Members of Congress, that we come here to stand for and stand up for and represent the principles that have made this a great Nation, and that our debate needs to be a debate always with the idea in mind of what's the best policy for the United States of America, not necessarily what's the best politics for any individual Member of this Congress. And we have great appreciation and respect for this national conversation that takes place.

I would point out, Mr. Speaker, that the best example that I can think of in my time here in this Congress has been the national conversation that we've had on immigration. And of course we've had our debates that have gone on here for some years, and they have gotten very intense here on the floor of the House of Representatives, but the pivotal moment actually came over in the Senate several times this year, but late May is the one that stands out in my mind.

And as the discussion took place, the Wall Street Journal would write one thing and the New York Times would sometimes mirror that, and the Washington Times would have a different opinion and the National Review would have a different opinion. And as these opinions were merging, Americans were reading those articles. They were listening to the news stories on CNN, Fox News and the other major networks. And as these subjects came up and this discussion of what we're going to do, as Congressman POE spoke about the need to secure our border and enforce our immigration laws, that debate was taking place on our airwaves, on talk radio, in the print media, on television. It was taking place here on the floor of the House of Representatives, and it was taking place in those workplaces and all the way across the spectrum of American life.

And what we were having was a national conversation, a national conversation that often turned into an intense debate and sometimes a shouting match from one American to another. But as that went on, we tested our ideas. And as we raised up issues that we said were facts, and those facts were raised up with an opportunity for those who disagreed to challenge those facts, maybe present their own, Americans came to a consensus conclusion. And when it came to the consensus conclusion, that was when the crucible of the comprehensive immigration bill was before the United States Senate.

☐ 1430

As it came before the United States Senate, the American people, having had a national conversation throughout all that media that I talked about, person-to-person, face-to-face decided we do not want an amnesty plan. We don't want a comprehensive immigration plan. I call it often a comprehensive amnesty plan. We want to make sure that we defend the rule of law, and whatever we do with legal immigration needs to be predicated upon the requirement that we establish the rule of law and that those who might be beneficiaries of a change in immigration law would be those people who have not violated our laws.

That was the principle that caused the American people to weigh in, that was the principle that shut down the switchboards in the United States Senate, that is the principle that has gotten their attention over there a couple of times since then, and it is this national conversation where we are able to reach out and listen to and understand and benefit from the wisdom of the American people.

Our judgment is endorsed by the virtue that we have been elected to represent our constituents. But we need to use our most sound judgment. We also need to listen to our constituents and listen to this national conversation and make a decision on what is good for this country, the State that we are from and the district that we represent, and most likely we are better off if we go through it in that order.

Well, that issue, Mr. Speaker, has several times come to a conclusion in the Senate and they haven't had the votes to move that comprehensive immigration reform plan that I called comprehensive amnesty. I bring that up to illustrate how a national conversation brings us to a consensus. Sometimes we haven't reached a consensus here on this floor, and that is when you will see the divisive votes, the contested votes, and sometimes we do reach a consensus, and that is when the board is all green up here behind us, or almost all green when there are a few dissenters. That is generally the policy that is the best policy to follow. Meanwhile, some of us will stand on principle; some of us will be unwilling to move because we have taken our stand.

Well, I am watching also a dynamic here in America, Mr. Speaker, and this dynamic is such that the division of the American people looks to me like occasionally it's brought out because of legislation that is introduced and brought to the floor of this House. Now, when a baby is born anywhere in the world, they have kind of an equal chance of coming up on one side or the other of this philosophy, when they ask the question, Is your glass half full or is your glass half empty? In some places, teenagers start to answer that question for themselves. If they believe their glass is half empty, chances are they are going to look over at someone else whose glass has more in it and point to them and say, But if they hadn't gone ahead to fill their glass, mine would have filled automatically.

That is the class-envy side, that is the "poor me" side, that is the side that thinks that this economy and the privileges and the rights of being an American citizen are a zero sum game and that somehow there are only so many benefits to spread around so you always have to take from those that "have" and give it to the "have-nots." It's kind of the Robin Hood theory of how they approach the tax policy or the benefits policy.

Well, Mr. Speaker, I would submit that here on the floor of the House today we had one of those issues. This issue was the tax relief, the alternative minimum tax patch, this patch that was brought by Chairman RANGEL. The oddest thing, the oddest thing that I have seen is that, first of all, the alternative minimum tax is the tax that was brought in decades ago to make sure that those who were the wealthiest among us paid a little more than their fair share; and because it was an index for inflation, more and more people earned a little more and picked up through the inflation factor a higher income and found that they had crept into the alternative minimum tax bracket. Common, ordinary, middle-income, slightly upper-middle-income Americans ending up paying the alternative minimum tax.

The irony is that we have an SCHIP bill out here someplace waiting to come back and land again here on the floor of the House, the State Children's Health Insurance Program. That is the program that taxes American taxpayers to subsidize health insurance benefits for mostly children, but not exclusively children, in America, and the policy that was passed off the floor of the House of Representatives advanced by Speaker PELOSI and most, if not all, Democrats was that 400 percent of poverty that we would subsidize out of the taxpayers' dollars, up to 400 percent of poverty the health insurance premiums for children in this country, most of whom had health insurance and all of whom had access to health care.

Well, the irony of that 400 percent of poverty piece was that there were 70,000 families in America that would be receiving the SCHIP benefit because they didn't have enough money presumably to pay the health insurance premiums for their children, but they had 70,000 families that were so wealthy that they would pay the alternative minimum tax.

I find it utterly ironic that here on this floor, within the same month, within the short compressed period of time, that might be days, certainly won't be longer than weeks, which is that to subsidize health insurance premiums for families making 400 percent of poverty, which, in my district would be, even at 300 percent of poverty, at $77,625, or very close to that. At least it's over $77,000. At 400 percent of poverty, it's over $103,000. We would subsidize health insurance premiums for those kids whose parents have plenty of money to pay the premium in order to crowd them off the private insurance roles and put them onto a government-funded taxpayer roll; and at the same time we would do that, 70,000 families would be the families that would also have to pay the alternative minimum tax.

If you want to look at the spectrum across which you have to go to close the gap on socialism, one can argue we are only helping the poor amongst us. So it's not socialism until everybody fits into the same category and we provide socialized medicine, socialized health care. Look at some of this things that have happened in Great Britain, nationalized utilities, for example. Those kind of things that would make Karl Marx happy, if you start from the poor and work your way up to the rich. I would argue that those that were paying the alternative minimum tax would, by definition, not be the poor among us. That is the reason for the alternative minimum tax, to tax the more wealthy among us.

But if they didn't have enough money to pay for the health insurance premiums for their children, is it because the alternative minimum tax took too big a bite out of their paycheck? Presumably so.

So we have to subsidize the health insurance premiums of those families that are paying the alternative minimum tax, the tax on the rich, because by the time we get done taxing them, they don't have enough money to buy the health insurance for their kids. That closes the gap on socialism, Mr. Speaker. I don't know that there is an argument left that this Congress hasn't advanced this to the point where there's a majority of votes in this Congress that would take us all the way, all the way to please the Marxist philosophy of "from each according to his ability, to each according to his need."

Let me quote one who was not known as a conservative, but a President from Georgia, Jimmy Carter, who said, "I believe that people that work should live better than those that don't." It's interesting that a person of my persuasion would remember Jimmy Carter saying something like that. I remember it because he was in Iowa campaigning for the Presidency a generation ago, and I believed him. I don't know what he has done to demonstrate his belief in that statement. But, Mr. Speaker, I want to state in the RECORD I believe that those that work should live better than those that don't. If we take from those that work and give to those who don't, we need to take care of those people that can't help themselves, we need to take care of them to a minimum standard; but we don't need to raise them up to a level to those that work the hardest or most productive, not because it isn't a nice, fine and shining ideal that makes us feel good and makes me feel all warm and fuzzy inside, but because we destroy the motivation of the most productive people among us.

The key to America's success has been that you could pull yourself up by your bootstraps; that you could grow up in a poor family and have access to a good education, whether it's public or private, a good education, and in this country, if you want to go to college and have the ability, you can go to college and you can ply your trade and you can go from the soup line, all the way up to be a CEO on a Fortune 500 company. If you don't like that path, you can start your own business, be an entrepreneur and create your own Fortune 500 company. You can go from sweeping the floor to owning the floor. That is America.

But if we take away the incentive, if we reward the people who don't produce equivalent to those who do produce extraordinarily, then we have killed the goose that lays the golden egg, we have destroyed the motivation, and the people that would be superachievers will either stop being superachievers and sit back and go golfing or fishing the rest of their lives, or they will go to a country that does reward their kind of excellence and their kind of performance.

So I believe, Mr. Speaker, that we need to always preserve a climate that is good for entrepreneurs, always preserve a climate that is low in taxation, low in regulation, that has faith in the good of humanity and recognizes that Americans are the most giving people in the world, that we donate a greater share of our income and we contribute a greater share in however you want to measure it, by percentage or by dollars, to other countries in foreign aid. We send more missionaries throughout the world and we follow them with our dollars and support them with our dollars because we care about humanity and we want to export our values to those corners of the world so they can have the opportunity to excel and live the kind of life that we have had the privilege to live here.

But to destroy this, to pass a piece of legislation in the alternative minimum tax, it does another thing that is unique, Mr. Speaker. What it does is it pays for a tax cut with a tax increase. That is something new and unique to the debate and the dialog here on the floor. I have the data here that shows that there are $82.5 billion in permanent tax increases that are incorporated into this alternative minimum tax, AMT, patch, and temporary relief turns into $82.5 billion in new tax increases, Mr. Speaker. It has a marriage penalty that is included in it as well.

This bill that passed off of this floor today is inconsistent with American values and undermines American values. It rewards people with the wrong incentives and it misses the opportunity for the right incentive. In fact, we should repeal the alternative minimum tax. We should do so on the spot, without regard to recovering any of that revenue because it's not revenue that was calculated to be part of our revenue stream today. It's an additional tax, a tax recalculated on a tax.

I have gone through that. I have gone through that process of getting that surprise years ago when I was actually a struggling business, trying to make a go of it; and because my income jumped from a meager existence in a couple of years to a pretty reasonable existence the following year, I got hit with the alternative minimum tax and that is when it was brought to my attention, and it was clear out of the intention of this Congress to do that on the alternative minimum tax.

We need to get rid of the AMT, we don't need to just patch it, and we surely don't need to put a permanent tax increase of $82.5 billion on the books and then say somehow that we are solving the problem. When you pay for a temporary tax cut with a permanent tax increase, that is not a tax cut, that is a stealth tax increase. I said it out loud. It's no longer stealth.

That is something that divides Americans. Why are we pitting Americans against Americans here in this Congress, Mr. Speaker? Shouldn't we be about unifying Americans, shouldn't we be about pulling ourselves together, finding ways that we can reach an agreement and setting up a policy and tax in particular that rewards people that work, gives them an opportunity? The philosophy that flows from the Speaker's gavel on down on the other side of the aisle, Mr. Speaker, is a philosophy of class envy, meanwhile, all the while, while the deep-pocket people that fund it are elitists.

So as I watch this unfold, it's an effort I think that divides us and doesn't unite us. I want a tax policy that pulls us together. You can listen to some of the philosophers in the early years of America's existence, and Alexander Tyler comes to mind. Some of the quotes that have been attributed to de Toqueville come to mind. But the idea that when Americans figure out that they can vote themselves benefits from the public Treasury, on that day our constitutional Republic ceases to exist.

You see reports that will show, this is some years ago, I haven't had it refreshed in the last few years, only 44 percent of Americans pay taxes and the rest may or may not file a tax return but aren't actually paying taxes. The number that I have in my memory is 44 percent of Americans don't pay taxes. That is some years ago. As that number grows, and it's surely larger today than it was then when I first read that quote, as that number grows and gets to that point, the tipping point across the other side of that great divide of 50 percent is when a majority of Americans realize I am not paying these taxes; why do I care about my taxes, I am on the benefit side.

□ 1445

Now, if 51 percent of Americans are on the benefit side and they're collecting more in taxes than they're paying, then it's to their interest to lobby and pressure and leverage their Member of Congress to increase the benefits out of the pockets of somebody else. That's the transfer payment.

And so we get down to this point where this constitutional republic gets closer to being a pure democracy. And a pure democracy is best described as, you will remember the Greek city-states where all eligible males of age could go and vote and that was their definition, and each vote counted the same, so that was as close as we've seen in history to a pure democracy.

But a democracy by definition, Mr. Speaker, and I'll give this definition, is the equivalent of two wolves and a sheep taking a vote on what's for dinner. You know what's going to happen. The sheep is going to be for dinner. So just having the majority doesn't make it right. That's why we have the Bill of Rights. That's why we have protections for people that are guaranteed in the Constitution, because if it were a pure democracy, it would have been easy to set up a pure democracy. The Founders saw that. They studied the Greek city-states. I recall going to the National Archives and walking through a display where they had the pottery from the Greek era, from, say, 2,500, 3,000 years ago, and how they actually would banish a demagogue from the Greek city-state because he was so effective in selling the things that he believed in that the people got all swept up in the demagoguery—that's where the term comes from—and they would vote something that was perhaps irrational but they believed that they were in the momentum and they would cast the votes and the city-state would go the wrong direction. When they recognized what the demagogue had done to sell them the bad package, then they had the black ball system, whereby each one who could vote in the city-state could walk by with a white marble and a black marble, one piece of pottery, one vessel, was to vote in and the other one was to discard. And if a demagogue, one that was labeled to be a demagogue received three of those black balls, then he was banished from the Greek city-state for 7 years. They did that to protect themselves from those skilled orators that could move the populace. When they saw that, that's the thumbnail sketch of the studies of the Greek city-states in the pure democracy, our Founders concluded they wanted a constitutional republic, not a democracy. That's why we have this constitutional representative republic today.

But in order to get the republic established in the Constitution, they had to write in the protection of the rights, the Bill of Rights. Those rights are there to be constitutionally protected, because the Founders knew that two wolves and a sheep taking a vote on what's for dinner wasn't going to yield a nation that could subsist very long. Well, if our constitutional republic, our representative form of government, has now devolved down to the point where it is more a democracy and it is less a constitutional republic and if Members of this Congress don't see their job as a duty to stand up for those principles and those rights and have a long-term vision on what's good for America, but if they simply vote their constituents and come what may with any kind of long-term plan or based upon any principles, or if they can come here to the floor and vote for something that they know to be unconstitutional because that's what their constituents want, Mr. Speaker, I will submit this republic will not very long last.

As I see what's happening with the alternative minimum tax and we are taking from those that produce to spread those dollars across others who are, I think, pretty well taken care of at the time, we've taken away the incentive to produce and we've reduced this down into a pile of spoils in the middle, the general fund, that's being squabbled over by an ever divergent group of minority classes that are lining themselves up to demand more from the taxpayers of America.

It has only been just a little over 40 years since John F. Kennedy said, ask not what your country can do for you but ask what you can do for your country and here we are squabbling over how we're going to run a tax increase for $82.5 billion, permanent, in order to say we did something about the alternative minimum tax right within this same period of time that we're dealing with an SCHIP program and having passed off of this a 400 percent of poverty benefit, negotiated it down thankfully out of the Senate to 300 percent of poverty, that's still way too much, that is irresponsible and again pits Americans against Americans and the depth of the debate that the other side can go on SCHIP is, it's for the kids.

Well, that's nice that it is for the kids. We're all for the kids. So what's your other point? I'd like to hear it. Is it more than for the kids? Yes, it's for the politics, Mr. Speaker, as well as the kids. And those who believe that they should lay the cornerstone of socialized medicine and see to it that children in America are all covered by the taxpayer's dollar rather than the responsibility of the parents and with the help of, in most cases, their employers.

If this becomes a responsibility and entitlement for the taxpayers to fund health insurance for kids, then pretty soon there's no distinction between a health insurance subsidy out of the taxpayers and just simply funding the health care for children. The distinction blurs and at some point there's no distinction, then, between Medicaid, which provides for those kids in poor families and adults, and providing health care for all kids in America. If you pay their insurance premium, you're paying their health care.

This majority on the Speaker PELOSI side of the aisle wants to pay for almost all, if not all, of the health insurance premiums for the kids in America. And if you do that, you know that there will not be private health insurance any longer in this country, and you know that eventually there will not be, either, insurance plans. It will just simply be government-funded health care for all kids in America.

Bill Clinton knew that. He knew that when he stood on this floor on September 22, 1993, and addressed a joint session of Congress and laid out his strategy and health care plan. And if you'll remember from that address that he gave to the Nation—it was essentially unprecedented, a joint session of Congress to speak about health care—from that address to the Nation, he convened the Hillary Hearings and those meetings, some of them in public, some of them in private. And that was another case, Mr. Speaker, where the American people started to pay attention. They didn't get to see everything that went on. A lot of it was behind closed doors and a lot of the staff work that went on was certainly behind closed doors. We still can't get that information. It's still locked up in the Archives and we're still waiting for President Clinton to issue a letter request to release that information so we can evaluate what went on behind the scenes.

But the American people knew this. They did not want socialized health care in America. They understood what happened in places like Great Britain and Canada and they want to have a private system that will allow individuals to make some of their own and they should be able to make all of their own health care decisions. And so the American people rose up even then and rejected the plan that came out that has become known as Hillary-care. That's another example of a national conversation, Mr. Speaker, that went on at that time not with the benefit of very much e-mail, not with the benefit of the Internet in an effective way but with the benefit of television and radio and print media and telephones and conversations that were going on at church, at play, at work and across this country. The American people came to a consensus and said, we don't want Hillary-care, rejected it, and so preserved a measure of the private care that we have today. Another example of how a national conversation comes together.

We are engaged in this right now, Mr. Speaker. The alternative minimum tax is not a fix, all in the same environment as the SCHIP debate which is designed to lay the cornerstone of socialized medicine, bring people over to the dependency side of this and whenever we make people more dependent, they become less self-reliant by definition and when that happens, we lose the vitality of the American people. We need to understand why we have this vitality. The vitality of the American people comes from a number of things. I call them the pillars of American exceptionalism. Some of this vitality is because we have an excellent educational system in this country. Perhaps I'll return to that a little bit later, Mr. Speaker.

But I would point out, also, that we have a culture here, a culture where we raise our children to study hard, to work hard, to save, to invest, to be creative, to be risk takers, to be entrepreneurs. All of that fits within the umbrella definition of working to achieve the American Dream. Each of us has a different definition of what that American Dream means to us. My sons have a different view than I had. I have a different view than my father had. But that's something in our culture that we raise our children to. And I will define this American Dream this way: to leave this country and this world a better place than when you found it. To always build, build, build, work to improve, grow this economy, improve the infrastructure, build the systems here that give our children more opportunity than we had. And every generation of Americans have had that opportunity that's been greater than the opportunity that their parents had, which was better than the opportunity that their grandparents had and so on back to the beginnings of the Founders. That's the American Dream, to create and build a country that's better than it was.

So this vitality that we have, it's tied into our Judeo-Christian values, it's tied to western civilization, it's tied to free enterprise capitalism and property rights, not just the property rights to own your house but the right to invent a widget or a gadget and take it to the patent office and get it patented, to protect your copyrights, to protect your trademarks and those things. Solid currency, property rights, constitutional rights, a tradition of free enterprise capitalism, all of that ties together to make this the best place in the world to do business and the best place in the world to raise your children. And when we pass policies that diminish that, that would punish people for producing and then reward people for not producing, yes, it's good to take care of the kids but those kids don't need that help when their parents are making $103,000 a year. And they probably don't need that help if their parents are making $77,000 a year. And they may be doing just fine if their parents are making $51,625 a year. They're not coming to me saying, I can't make it on only $51,000 a year.

But we would push them off their private health insurance, we would crowd them out and we would say to their parents, Don't work so hard because we're going to tax you if you produce too much.

So I submit, Mr. Speaker, we need to get to a tax policy that recognizes the merits and the uniqueness of American exceptionalism, a tax policy that recognizes that when 51 percent of Americans are no longer paying taxes but they're voting for the people that will give them benefits out of the public Treasury, maybe on that day our constitutional republic will cease to exist.

But maybe we've passed that point now and maybe there's a way to get back. So I'll submit here's a way to get back. Let's pass the FairTax. Let's take a look and understand this. Ronald Reagan once said that what you tax, you get less of. He also said what you subsidize you get more of. So if we subsidize dependency, we're going to have more dependency. But if we tax production, we're going to have less production.

And this might be a revelation to some people on the other side of the aisle, Mr. Speaker, but the Federal Government has the first lien on all productivity in America. If you walk into your factory and punch the clock at 8 o'clock next Monday morning, as soon as you punch that time card in there, Uncle Sam's hand goes out and he's standing there waiting to get his due. He taxes your work, your labor, your productivity from the first second of the first day of the week and he will tax it until such time as he gets his due. Then he puts it in his pocket and you can go off and go to work for the State, then for the county, then perhaps for the city, and some time pretty late in the week you get to make a little bit of money to feed your kids.

The first lien on all productivity in America is Uncle Sam, hand out, you punch the time card. Maybe you put that savings that you have that's left out of what he doesn't tax and you put that in a bank account or invest it maybe in the stock market, maybe in a mutual fund. Well, there's the interest. There's the dividends. Guess what. Uncle Sam's hand is out for that, too. Maybe you invest in a business. You decide you're going to manufacture automobiles or widgets or computers, or sometimes we say in my part of the district, layovers to catch muddlers. If you do that, Uncle Sam is there to tax the profit on it and he'll tax the labor that goes into it.

We have a real misunderstanding here when we decide we're going to tax corporations or businesses that provide goods and services, because something that we know, Mr. Speaker, is that business, and particularly corporations—let me put those both together without drawing a distinction between them—businesses and corporations do not pay taxes. They have to pass those taxes along to people. Consumers pay taxes.

But the government has a first lien on all productivity. So we tax that productivity, whether it is capital gains, if you buy a farm for $1,000 an acre and sell it for $2,000 an acre, Uncle Sam wants to tax that thousand dollars profit. And if you sell some stock shares and you paid $5,000 and they had a good earnings and you collect $10,000 for them, Uncle Sam wants to tax the difference, the $5,000 in profit.

□ 1500

And he wants to tax your passbook savings account, and does. And he has a first lien on your Social Security income, on your pension income, earnings, savings, investment dividends, capital gains. He taxes everything that is indexed to productivity in America. A first lien on all productivity in America. And why?

Don't we understand here in this Congress that what you tax you get less of. Why wouldn't we consider the idea of taking the tax off of all productivity in America and put it on consumption? I won't say that we have too much consumption, because that keeps the economic wheels turning; but we have too little savings and investment. If we tax consumption, we will get more savings and more investment and we will have more capital and we will be better positioned to take care of our own retirement and our own health care through our working years and perhaps on through retirement.

If we do this idea of totally reforming our Tax Code and shifting it over to a fair tax, a national sales tax, a consumption tax on all goods and services in America, why would we not do that? That would be the fairest way. I am reluctant to use the word "fair" because anybody who has raised two or more children knows there is no such thing as "fair." You will begin to understand that fairness is in the perception of the one who utters the word.

Going to the fair tax, the national sales tax, H.R. 25 does this: it untaxes the poor and it makes everybody in America a taxpayer at the same time. It preserves our constitutional Republic because every little kid growing up in America, when they buy their baseball cards or Barbie Doll clothes, they will have to put a couple of dimes up for Uncle Sam.

If you wonder how this works within the mind-set of young people, I will tell you a story of a young little man, Michael Dicks. And he can be very proud of his father. He was 8 years old when I heard this story so I suspect he is 9 or 10 right now.

He had saved money to buy some Skittles. He went into the store with his money, 89 cents. That was the price. He got the candy Skittles off the shelf and put them on the counter. And the lady rang it up and said, 96 cents.

He said 96 cents? But I only have 89 cents. They are 89 cents. It says on the box.

Yes, but you have to pay the tax, so that is 96 cents.

The tax? And he turned to his father and said, Dad, I have to pay tax on Skittles?

Mr. Speaker, yes, this young man, Michael Dicks, learned he had to pay tax on Skittles because that is the sales tax in Iowa because we do tax candy and not other types of food. So he understood it costs money to fund the government. The 7 cents that got added on was a 7-cent lesson that rang up in the mind of Michael Dicks who now knows you have to fund the government. He learned at the age of 8. He will probably remember for a lifetime.

I don't know the balance of the story, but the next time he reaches in his pocket to buy something, he will know he has to pay the tax. That factors into his transaction on whether he will spend the money.

I will submit, Mr. Speaker, if every little kid growing up in America has to reach into their pocket for a couple of dimes for Uncle Sam, if they have to dig the 7 cents out for the tax, if they turn to their father and say, Dad, I have to pay tax on Skittles, these young men and women will grow up understanding that government is expensive and they will put less demands on government, and they will put less demands on their Members of Congress, less demand on their Governors and State Representatives and State Senators and less demand on their county and city governments, and they will be more personally self-reliant and they will be more generous in their contributions to society because they understand it is not somebody else paying the tax, it is they that are paying the tax. They have to dig in their pocket to pay the tax.

And those billions of transactions laid across millions of kids growing up eventually percolates into this Congress where we will have people who come down to this floor and understand that government is not the solution to everything. It is not the be all, end all. It is not the place to fight out class envy battles. It is the place to ask for more personal responsibility. It is the place to show spending restraint. We need some restraint on spending.

It is not a place to grow and blow this budget, to create more of a dependency class. It is not a place to say we want to take some funds here that seem to be anonymous coming out of somebody else and spread them across somebody out here that we claim has a need for the purpose of moving us closer to socialism, and it does, Mr. Speaker.

No, this is the kind of country that is great and was made great by individuals who took personal responsibility, who were creative entrepreneurs, who were wonderful mothers and fathers who understood the dream of our Founders and this gift that God has given this country, that is reflected through the work that our Founders did in the Declaration and the Constitution.

Mr. Speaker, we are going backwards in this 110th Congress. We are creating more dependency, not less. SCHIP is one, and the alternative minimum tax is another.

While all of this is going on, we passed several pieces of energy legislation that takes us in the wrong direction again, that makes us more dependent, not less.

There has not been a piece of energy legislation that has come across the floor of this Congress that did anything except increase the cost of energy, that made energy more scarce, that made the cost of a Btu higher than it was before.

I have listened to all of the debates and the arguments, and nobody really stood up over there and said I think it is a good idea to increase the cost of gasoline or heating oil for the homes.

But what they really say is a convoluted argument that gets this goal. As I listen between the lines, I have become convinced that there are significant Members on that side of the aisle, Mr. Speaker, that really do want to see energy prices higher, energy prices higher, more cost per Btu. Why? Because they believe if energy is higher in cost, people will use less of it. They will park their car and ride their bicycle. And meanwhile, some of the people who are advocating such a thing are living in mansions with large carbon footprints, way beyond anything I could make in my meager life here.

So the idea of more expensive energy, you need to come clean on that. If you believe in that, stand up and say so. I believe you believe in that.

So as energy gets more expensive, we are going the wrong way. The right way to go with energy is to grow the size of the energy pie. There are X number of Btus on the market. If you think of that in a pie chart, coal, nuclear, solar, gas, and diesel fuel. And then we look into some that I like even better, ethanol, biodiesel and wind, those renewable energies that get attached to solar, and I think hydroelectric should be considered a renewable energy as well because it is very environmentally friendly and we could make more of it if we could get there politically.

If you add up all of those pieces of the pie and envision them as slices of the overall pie, and there is another slice, and that is energy conservation. But we don't need a pie this big, we need a pie this big. We need to add to the Btus on the market, the overall energy, and change the overall proportion so it is a larger slice for ethanol, a larger slice for biodiesel, a larger slice for wind, and where we can make a cash flow, a larger slice for solar. And clean-burning coal technology has a home here that we have to be supportive of for a long time to come.

All of those things add more Btus to the market. When you do that, the laws of supply and demand, and maybe some people on that side of the aisle believe they have repealed since they have taken over the gavels in this Congress, I will submit it is always supply and demand in the end.

Unless you can repeal the law of supply and demand, we will see the Btus get cheaper. The overall cost of our energy per unit of energy will get cheaper if we put more of it on the market.

So we increase the volume of energy we are producing, we put it on the market and that will slow the increase in the cost. And if we do it effectively enough, it will reduce the cost of our energy.

I will submit this, Mr. Speaker, we need more gas. We need more diesel fuel. We need to drill in ANWR and the Outer Continental Shelf. We need to work some kind of transactions so we have access to the developing oil fields in the world. The Chinese are doing that in an effective fashion. They have built a pipeline from Kazakhstan into China. The Chinese are in the Western Hemisphere drilling for oil that we won't go get. While we prohibit drilling offshore in places off the Outer Continental Shelf within the 200-mile range. Some say with Chinese assistance, they are drilling closer to America than we can drill to America. I haven't verified that, but I intend to verify that particular thing.

So we need to grow the size of the energy pie. If we do that, the cost will be cheaper, not greater. It will take down some of the prices of our energy. Energy is interrelated. The cost of gasoline is related to the cost of diesel fuel, is related to the cost of ethanol to biodiesel, to the overall cost of natural gas to the propane component that is there. And the more energy we can put on the market, the better off we are. And the more we can increase the conservation, the less demand there is for that energy.

We need to have a coherent energy policy in this Congress, not one that is haphazard or one that has a subliminal wish over here that is unspoken that we should increase the cost of energy because then we will have less people driving cars and more people riding bicycles. That takes us back to pre-Garden of Eden standards of technology, and I reject that.

And I will raise the issue, to rebut Cornell University and the University of California Berkley who have rolled out a study that argues that ethanol consumes more energy than it creates. That is simply not a fact, Mr. Speaker.

I wouldn't know why anyone would go to a place like Cornell or University of California Berkley to get their ethanol facts. Come to Iowa. We are the number one ethanol production State in the Union. The United States of America has surpassed Brazil in ethanol production some 2½ years ago. People think you should go to Brazil to pick up on their technology. I wasn't all that impressed with what I saw there. But we can be impressed with what we developed in the corn belt. And it is not just Iowa. Minnesota took a good lead, and it is flowing into States like Nebraska and Illinois.

We have state-of-the-art technology, and we are improving on it yet that brings us a significant amount of efficiency in converting corn to ethanol. There will be a limit to the number of gallons we can produce. But it works like this. Cornell and UC Berkley took a position that it took substantially more energy to produce a gallon of ethanol out of a bushel of corn than you got out of the gallon of ethanol.

Mr. Speaker, it is important that we understand that energy needs to be in the kind of composition that we can utilize it. And so if we have gasoline that is liquid and we can put it into our tank and drive down the road, we can utilize it.

If we have coal in the ground and it is 100 feet below the surface, it is not easy to utilize. But we mine it. Sometimes we mine it and sometimes we open pit it. We do harvest that coal. Then we convert the coal. We run it through a grinder and run it through a series of plates that pulverize the coal and inject it into a fire to turn it heat so we can turn the heat into steam and the live steam then is converted into kinetic energy which spins the generator that sends the electricity down the wires that goes into the electric motor. That is a long way from coal underground in Wyoming to spinning an electric motor in some place like Georgia. By the way, that coal from Wyoming does get to Georgia to do just what I said.

But that is converting an energy source into a usable form. The usable form turns out to be the electricity way on the other end of that process. And look how far gasoline has to travel to get into the tank. You have to drill a hole and get down into that crude oil. You have to pump out that crude oil and send it to the refinery and crack that gas out of that crude oil into a form that you can get it up to the gas station and into the pump, through the nozzle so you can get it into your tank so you can burn the gas to turn it into energy to drive your car down the road.

□ 1515

We do the same thing with ethanol. So this energy that's required to convert ethanol, there are several ways to measure it but it comes to this. It takes energy to get a barrel of crude oil to the refinery, let's say in Texas, and it takes energy to get a bushel of corn to the gates of the ethanol plant in Iowa. But once you set that barrel of crude oil down at the refinery or that bushel of corn down at the ethanol plant, now it takes energy to get it out.

People say that it takes more to get the energy out of ethanol than you get out of it. Mr. Speaker, I'm here to quote into the RECORD the real numbers, and it works out to be something like this. There's something about 110,000 Btus of energy in a gallon of gasoline, and there's something like 76,100 Btus of energy in a gallon of ethanol. It's about a .7 factor. There's less energy in a gallon of ethanol than there is a gallon of gasoline. We know that. We factor that in.

But if you think of a gallon of gasoline or gallon of ethanol, of each containing 100,000 Btus, that's kind of in the ballpark of the energy you get out of a gallon, and if you compare the Btus straight up, then to get 100,000 Btus out of a barrel of crude oil, one of those $96 barrel of crude oil, if you factor the energy it takes to convert the crude oil to 100,000 Btus of energy, it will take 130,000 Btus to convert that crude oil to get 100,000 Btus of energy. It takes 130,000 Btus to get 100,000 Btus out of a barrel of crude oil in the form of gasoline. More energy required to crack it out and turn it into gas than you get in the gas itself.

But on the other side, at the gate of the ethanol plant, if you have a bushel of corn, the energy required to convert that corn into 100,000 Btus of ethanol, roughly a gallon equivalent but matched up exactly to the gasoline, is 67,000 Btus of energy to get the corn into 100,000 Btus of energy in ethanol.

So those numbers work out this way. Two jugs here, one with ethanol in it, one with gas in it, each with 100,000 Btus of energy. The gas jug took 130,000 Btus to produce that. The ethanol took 67,000 Btus to convert that to 100,000 Btus of energy. So it's roughly twice as much energy to turn crude oil into a gasoline equivalent yield result as it is to turn corn into ethanol. That's the fact. That's the facts that places like Cornell and University of California Berkeley don't seem to understand so well, Mr. Speaker.

I want to make sure that went into the CONGRESSIONAL RECORD, but overall is this, we need to grow the size of the energy pie. We need to drill in ANWR because that's our oil, and there's no better place it could be. We need to go to the Outer Continental Shelf and drill the Outer Continental Shelf where we have 406 trillion cubic feet of natural gas. And that natural gas, by the way, is 90 percent of the feedstock that's required, 90 percent of the overall cost to produce nitrogen, which is the fertilizer foundation for the food we eat. We should not be dependent upon the Venezuelans or the Russians for their fertilizer that would essentially slow down or potentially control the food in the world.

We should pass a fair tax so that we can take our tax off of all production and put it on consumption. And we should not do class envy things like a temporary patch for this alternative minimum tax that turns it into a permanent tax increase of $82.5 billion. We should not pay for temporary tax cuts with permanent tax increases.

We should not be subsidizing health insurance for kids and families that are making $103,000 a year or more. We should be rewarding those that work better than those that don't so we can maintain this vitality of American exceptionalism.

And we should be downright grateful that we have had in the past, but not today, a logical immigration policy that was designed to enhance the economic, the social, and the cultural well-being of the United States of America and reached out across the world, and from every country, from every civilization, we received the cream of the crop. The people that came here had to overcome burdens and hurdles and difficulties to get here. That meant they had to have a dream. They had to have a dream that sometimes they sold themselves into servitude to come here and maybe for 7 years they worked to pay off their passage into the United States.

I have a great-great-grandfather, multiple greats back, that did that and landed in Baltimore as an indentured servant. But the people that had a dream found a way to come here, and those that sorted themselves out from their societies, and maybe it was for religious freedom and maybe it was for economic freedom, and hopefully it was for both, they came here and established a culture that's a Judeo-Christian Western civilization culture that recognizes that this is a great country that protects individuals' rights.

And we have, because we've skimmed the cream off of the Nations in the world and brought their vitality here and because we have the rights that are identified in the Bill of Rights and in our Constitution, because we have a Judeo-Christian Western civilization, Protestant work ethic culture that the Catholics have done a great job of jumping on board with and a number of other denominations as well, we have this vitality here that makes us the unchallenged greatest Nation in the world.

And it's our duty, Mr. Speaker, to preserve and protect and promote that great blessing that we have inherited here. That's our duty on the floor of this Congress. That's what should come to the floor as the policy unfolds, not class envy but lifting each of us up and keeping faith with God and with our Founders.

I thank you, Mr. Speaker, for the privilege to address you and the floor of the House.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 21 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1600

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. JONES of Ohio) at 4 p.m.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MCCOLLUM of Minnesota (at the request of Mr. HOYER) for today from noon to 2 p.m.

Mr. HOBSON (at the request of Mr. BOEHNER) for today on account of official business.

Mr. JONES of North Carolina (at the request of Mr. BOEHNER) for today on account of personal reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, November 16.

Mr. JONES of North Carolina, for 5 minutes, November 16.

Mr. PENCE, for 5 minutes, today.

## ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3222. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

## ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10:30 a.m. on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 4 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Tuesday, November 13, 2007, at 10:30 a.m., for morning-hour debate.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4067. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Emerald Ash Borer; Quarantined Areas; Maryland [Docket No. APHIS-2007-0028] received October 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4068. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Strategic Materials Protection Board's report from its July 17 meeting, pursuant to Public Law 109-364, section 843; to the Committee on Armed Services.

4069. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received October 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4070. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — FLOOD MITIGATION ASSISTANCE [Docket ID FEMA-2007-0003] (RIN: 1660-AA00) received November 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4071. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — FLOOD MITIGATION GRANTS AND HAZARD MITIGATION PLANNING [Docket ID FEMA-2006-0010] (RIN: 1660-AA36) received November 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4072. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — HUD Office of Hearings and Appeals Conforming Amendments; and Technical Correction to Part 15 Regulations [Docket No. FR-5137-F-01] (RIN: 2501-AD32) received October 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4073. A letter from the Department of Labor, transmitting the Department's final rule — Sealing of Abandoned Areas (RIN: 1219-AB52) received October 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4074. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 11-07 informing of an intent to sign a Project Arrangement Number Four Concerning an Apache Attack Helicopter Canopy Removal System Replacement Detention Cord with the Government of Great Britain, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

4075. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-07 informing of an intent to sign the Wideband Global Satellite Communications Memorandum of Understanding between the United States and Australia, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

4076. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

4077. A communication from the President of the United States, transmitting notification that the national emergency with respect to Iran originally declared on November 14, 1979, by Executive Order 12170, is to continue in effect beyond November 14, 2007, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 110–75); to the Committee on Foreign Affairs and ordered to be printed.

4078. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report concerning efforts made by the United Nations and the Specialized Agencies to employ an adequate number of Americans during 2006, pursuant to Public Law 102-138, section 181; to the Committee on Foreign Affairs.

4079. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

4080. A letter from the Under Secretary for Policy, Department of Defense, transmitting the Department's notification of the intention to obligate additional funds to Armenia under the Cooperative Threat Reduction Biological Threat Reduction-FSU Program Area, pursuant to Public Law 104-106, section 1205; to the Committee on Foreign Affairs.

4081. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on Foreign Affairs.

4082. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-20; Small Entity Compliance Guide [Docket FAR-2007-002; Sequence 5] received October 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4083. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-029, Federal Funding Accountability and Transparency Act (FFATA) — Reporting Requirement of Subcontractor Award Data [FAC 2005-20; FAR Case 2006-029; Docket 2007-0001; Sequence 5] (RIN: 9000-AK72) received October 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4084. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-20; Introduction [Docket FAR-2007-002, Sequence 5] received October 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4085. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's commercial activities inventory for FY 2007, as required under the Federal Activities Inventory Reform Act of 1998; to the Committee on Oversight and Government Reform.

4086. A letter from the Acting Director, U.S. Trade and Development Agency, transmitting the Agency's Strategic Plan for Fiscal Years 2008 through 2012, pursuant to the Government Performance and Results Act (GPRA) of 1993, Pub. L. 103-62; to the Committee on Oversight and Government Reform.

4087. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Montana Regulatory Program [MT-025-FOR] received October 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4088. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Piperia yadonii (Yadon's piperia) (RIN: 1018-AU34) received October 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4089. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting As required by Section 417(b) of the USA Patriot Act of 2001 (Public Law 107-56), the annual report on the status of the implementation of machine-readable passports (MRPs) in countries participating in the Visa Waiver Program (VWP); to the Committee on the Judiciary.

4090. A letter from the Director, Congress Watch Division, Public Citizen, transmitting the Public Citizen's report entitled, "The Arbitration Trap: How Credit Card Companies Ensnare Consumers"; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KILDEE: Committee of Conference. Conference report on H.R. 1429. A bill to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes (Rept. 110-439). Ordered to be printed.

Ms. CASTOR: Committee of Rules. House Resolution 813. Resolution providing for consideration of the conference report to accompany the bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes (Rept. 110-440). Referred to the House Calendar.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3915. A bill to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes; with an amendment (Rept. 110-441). Referred to the Committee of the Whole House on the State of the Union.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3887. Referral to the Committee on the Judiciary extended for a period ending not later than November 20, 2007.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WALBERG (for himself, Mr. CAMP of Michigan, Mr. MCCOTTER, Mr. EHLERS, Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mr. GORDON, Mrs. JONES of Ohio, Mr. HOLDEN, Mr. DEFAZIO, Mrs. CAPITO, Mr. KUHL of New York, Mr. HAYES, Mr. ROHRABACHER, Mr. DAVID DAVIS of Tennessee, Mr. CONAWAY, Mr. SALI, Mr. ROYCE, and Mr. SOUDER):

H.R. 4130. A bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs.

By Ms. RICHARDSON (for herself, Ms. WATSON, Ms. CLARKE, Mr. HASTINGS of Florida, Mr. SERRANO, Mr. FARR, Mr. EHLERS, Mr. CONYERS, Mr. AL GREEN of Texas, Mr. FALEOMAVAEGA, Ms. CORRINE BROWN of Florida, Mr. CLEAVER, Mr. THOMPSON of Mississippi, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Ms. BALDWIN, Mr. LEWIS of Georgia, Ms. LEE, Ms. MCCOLLUM of Minnesota, Ms. HARMAN, Ms. SUTTON, Ms. JACKSON-LEE of Texas, Mr. SHERMAN, Mr. CUMMINGS, Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mrs. CHRISTENSEN, Mr. DAVIS of Alabama, Mr. JOHNSON of Georgia, Mr. PAYNE, Mr. WYNN, Ms. CARSON, Mr. ELLISON, Mr. JEFFERSON, Ms. KILPATRICK, Mr. FATTAH, Mr. TOWNS, Mr. MOORE of Kansas, Mrs. JONES of Ohio, Ms. NORTON, Mr. MEEK of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. RANGEL, Mr. BERMAN, Mr. WATT, Mr. KENNEDY, Mr. ROHRABACHER, Mr. CALVERT, Mr. MCNERNEY, Mr. STARK, Mr. ISSA, and Mr. DAVIS of Illinois):

H.R. 4131. A bill to designate a portion of California State Route 91 located in Los Angeles County, California, as the "Juanita Millender-McDonald Highway"; to the Committee on Transportation and Infrastructure.

By Mr. KIRK (for himself, Mr. ROSKAM, and Mrs. BIGGERT):

H.R. 4132. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion of gain from the sale or exchange of a principal residence to $1,000,000; to the Committee on Ways and Means.

By Mr. PENCE (for himself, Mr. PITTS, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, Mr. FORTENBERRY, Mr. AKIN, Mr. GARRETT of New Jersey, Mr. BURTON of Indiana, Mr. BRADY of Texas, Mr. GINGREY, Mr. BROUN of Georgia, Mr. HERGER, Mr. HOEKSTRA, Mr. CHABOT, Mr. LAMBORN, Mr. SENSENBRENNER, Mr. DOOLITTLE, Mr. DAVID DAVIS of Tennessee, Mr. GOODE, Mr. WELDON of Florida, Mr. JORDAN, Mr. KLINE of Minnesota, Mr. WALBERG, Mr. FEENEY, Mr. INGLIS of South Carolina, Mr. RYAN of Wisconsin, Mr. MANZULLO, Mr. CAMPBELL of California, Mrs. MUSGRAVE, Mr. SALI, Mr. FORTUÑO, Mr. BARTLETT of Maryland, Mr. FLAKE, and Mr. CONAWAY):

H.R. 4133. A bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. YOUNG of Alaska, Ms. BERKLEY, Mrs. MCCARTHY of New York, Mr. CHABOT, Mr. SIRES, Ms. DELAURO, Mr. DAVIS of Alabama, Ms. BORDALLO, Mr. ELLSWORTH, Mrs. LOWEY, Mr. REHBERG, Mr. CASTLE, Mr. MCINTYRE, Mr. KENNEDY, Ms. KILPATRICK, Mr. MICHAUD, Mr. ROTHMAN, Mr. BOOZMAN, and Mr. BRADY of Pennsylvania):

H.R. 4134. A bill to direct the Attorney General to provide grants for Internet crime prevention education programs; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 4135. A bill to establish the Family Foreclosure Rescue Corporation to provide emergency relief to refinance home mortgages of homeowners in foreclosure or default; to the Committee on Financial Services.

By Mr. CARNEY:

H.R. 4136. A bill to amend title 18 of the United States Code to clarify the scope of the child pornography laws, and for other purposes; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself and Mr. HINOJOSA):

H.R. 4137. A bill to amend and extend the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on the Judiciary, Science and Technology, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Ms. GINNY BROWN-WAITE of Florida, Mr. LATOURETTE, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Ms. SCHWARTZ, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. BISHOP of New York, Mr. ABERCROMBIE, Mr. BISHOP of Georgia, Ms. HIRONO, Ms. BALDWIN, Mr. SPRATT, Mr. PERLMUTTER, Mr. COHEN, and Mr. DEFAZIO):

H.R. 4138. A bill to amend title XVIII of the Social Security Act to impose minimum nurse staffing ratios in Medicare participating hospitals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE (for himself, Mr. HARE, and Mr. LOEBSACK):

H.R. 4139. A bill to amend the Higher Education Act of 1965 to improve participation in higher education of, and increase opportunities in employment for, residents of rural areas; to the Committee on Education and Labor.

By Mr. DICKS:

H.R. 4140. A bill to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. GARRETT of New Jersey (for himself, Mr. DOOLITTLE, Mr. GINGREY, and Ms. BORDALLO):

H.R. 4141. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide a plot allowance for spouses and children of certain veterans who are buried in State cemeteries; to the Committee on Veterans' Affairs.

By Mr. GARRETT of New Jersey:

H.R. 4142. A bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GINGREY (for himself and Mr. PRICE of Georgia):

H.R. 4143. A bill to authorize the Secretary of Veterans Affairs to carry out a major medical facility project in Atlanta, Georgia; to the Committee on Veterans' Affairs.

By Mr. GOODE:

H.R. 4144. A bill to require those applying for, and renewing, SCHIP, TAA, and ATAA benefits to present documentation proving both citizenship and identity in order to receive those benefits; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 4145. A bill to amend the Help America Vote Act of 2002 to clarify the treatment of provisional ballots cast in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HONDA (for himself, Mr. HALL of New York, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. SOUDER, Mr. MCDERMOTT, Mr. NADLER, Ms. GINNY BROWN-WAITE of Florida, Ms. WOOLSEY, and Mr. CONYERS):

H.R. 4146. A bill to amend title 38, United States Code, to clarify the availability of emergency medical care for veterans in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Mr. KING of New York (for himself and Mr. BISHOP of New York):

H.R. 4147. A bill to direct the Attorney General to provide grants for the implementation of the Sex Offender Registration Tips Program; to the Committee on the Judiciary.

By Mr. LAMPSON:

H.R. 4148. A bill to amend title 10, United States Code, to provide for the eligibility of reserve component members supporting contingency operations for educational assistance based on cumulative days of active duty service; to the Committee on Armed Services.

By Mr. PATRICK MURPHY of Pennsylvania:

H.R. 4149. A bill to limit excessive fluctuations in tuition to help students and families plan for college costs; to the Committee on Education and Labor.

By Mr. POMEROY:

H.R. 4150. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments by excluding from income a portion of such payments; to the Committee on Ways and Means.

By Mr. REYES:

H.R. 4151. A bill to expand the public awareness of science, technology, engineering, and math and encourage Americans to study and enter those fields as a matter of strategic importance for the United States; to the Committee on Education and Labor.

By Mr. SARBANES:

H.R. 4152. A bill to provide loan forgiveness under the Federal Perkins Loan program for Federal, State, and local firefighters; to the Committee on Education and Labor.

By Mr. BURGESS:

H. Con. Res. 252. Concurrent resolution expressing the sense of Congress that no Federal or State requirement to increase energy efficient lighting in public buildings should require a hospital, school, day care center, mental health facility, or nursing home to install or utilize such energy efficient lighting if the lighting contains mercury; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. BACA, Mr. BECERRA, Mr. COSTA, Mr. FORTUÑO, Mr. GRIJALVA, Mr. ORTIZ, Mr. PASTOR, Mr. RODRIGUEZ, Mr. REYES, Mr. SERRANO, Ms. SOLIS, Mr. SIRES, and Ms. VELÁZQUEZ):

H. Con. Res. 253. Concurrent resolution recognizing the service, courage, and patriotism of Hispanic Americans who have served and continue to serve as members of the United States Armed Forces; to the Committee on Armed Services.

By Mr. KIND (for himself and Mr. BRADY of Texas):

H. Res. 814. A resolution encouraging the elimination of fishing subsidies that contribute to overcapacity in the world's commercial fishing fleets and lead to overfishing of global fish stocks; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mr. DUNCAN, Ms. WASSERMAN SCHULTZ, Mr. CAPUANO, and Mr. MATHESON):

H. Res. 815. A resolution expressing the sense of the House of Representatives that staff-led tours of the United States Capitol should be preserved; to the Committee on House Administration.

By Mr. UDALL of Colorado (for himself, Ms. DEGETTE, Mr. LAMBORN, Mrs. MUSGRAVE, Mr. PERLMUTTER, Mr. SALAZAR, and Mr. TANCREDO):

H. Res. 816. A resolution congratulating the Colorado Rockies on winning the National League Championship and playing in the 2007 World Series; to the Committee on Oversight and Government Reform.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 333: Mr. WYNN and Mr. BOUCHER.

H.R. 460: Mr. JOHNSON of Georgia.

H.R. 463: Mr. ALTMIRE.

H.R. 618: Mr. LUCAS and Mr. HASTERT.

H.R. 627: Mr. TIM MURPHY of Pennsylvania.

H.R. 648: Mr. MORAN of Kansas and Mr. BOUCHER.

H.R. 650: Mr. WYNN.

H.R. 676: Mr. CAPUANO.

H.R. 688: Mr. FILNER.

H.R. 741: Mr. GOODE.

H.R. 818: Mr. ENGLISH of Pennsylvania and Mr. COHEN.

H.R. 1166: Mr. YOUNG of Alaska, Mr. BOUCHER, and Mr. THOMPSON of Mississippi.

H.R. 1174: Ms. ESHOO and Mr. FRANK of Massachusetts.

H.R. 1245: Mr. SESTAK.

H.R. 1295: Mr. GOODLATTE and Mr. SOUDER.

H.R. 1363: Mr. THOMPSON of Mississippi and Mr. HOLT.

H.R. 1391: Mr. VAN HOLLEN.

H.R. 1399: Mr. REICHERT.

H.R. 1460: Mr. LOEBSACK.

H.R. 1479: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1711: Mr. TIM MURPHY of Pennsylvania and Mr. HASTINGS of Florida.

H.R. 1792: Mr. PEARCE.

H.R. 2020: Mr. SHULER.

H.R. 2050: Mr. MORAN of Virginia.

H.R. 2073: Mr. JEFFERSON and Ms. DELAURO.

H.R. 2091: Mr. PAUL.

H.R. 2131: Mr. ABERCROMBIE.

H.R. 2166: Mr. PLATTS and Mr. YOUNG of Alaska.

H.R. 2220: Mr. TERRY.

H.R. 2231: Mr. MCGOVERN and Mr. ALTMIRE.

H.R. 2303: Mr. ROSS.

H.R. 2470: Mr. KANJORSKI, Mr. YOUNG of Alaska, and Mr. PLATTS.

H.R. 2846: Mr. THOMPSON of Mississippi and Mr. HINOJOSA.

H.R. 2915: Mrs. DAVIS of California.

H.R. 2927: Mrs. Wilson of New Mexico and Mr. MCNULTY.

H.R. 2933: Mr. CONAWAY.

H.R. 3010: Mr. DOYLE, Mr. BERMAN, Mr. WEXLER, Mr. HONDA, Mr. WELCH of Vermont, Ms. MCCOLLUM of Minnesota, and Mrs. MALONEY of New York.

H.R. 3080: Mr. GERLACH and Mr. PAUL.

H.R. 3130: Mr. DEFAZIO, Mr. DOGGETT, Ms. BORDALLO, Mr. WAMP, Ms. HIRONO, Mr. DAVIS of Illinois, and Mr. CLEAVER.

H.R. 3168: Mr. FATTAH.

H.R. 3232: Mr. MICA, Mr. CONYERS, Mr. OLVER, Mrs. SCHMIDT, and Mr. HALL of Texas.

H.R. 3326: Mr. FRANK of Massachusetts.

H.R. 3385: Mr. WEINER and Mr. STARK.

H.R. 3402: Mr. SIRES.

H.R. 3418: Mrs. BIGGERT.

H.R. 3533: Ms. HARMAN, Mr. BOYD of Florida, and Mr. SIRES.

H.R. 3546: Mr. YARMUTH, Ms. GIFFORDS, and Mr. MICHAUD.

H.R. 3591: Mr. HIGGINS.

H.R. 3635: Mr. TOWNS, Mrs. CHRISTENSEN, and Mr. JEFFERSON.

H.R. 3645: Mr. ALTMIRE.

H.R. 3660: Mr. MARSHALL, Mrs. MUSGRAVE, and Mr. COLE of Oklahoma.

H.R. 3663: Mr. MOORE of Kansas, Ms. KILPATRICK, Ms. ZOE LOFGREN of California, Mr. CAPUANO, and Mr. MCGOVERN.

H.R. 3670: Ms. WOOLSEY, Mrs. CAPPS, Mr. COSTA, Mrs. NAPOLITANO, and Ms. ROYBAL-ALLARD.

H.R. 3691: Mr. YARMUTH and Mr. PASTOR.

H.R. 3700: Mr. RAMSTAD.

H.R. 3738: Mr. DENT.

H.R. 3749: Mr. DEFAZIO, Mr. DOGGETT, Ms. BORDALLO, Mr. WAMP, Ms. HIRONO,Mr. DAVIS of Illinois, and Mr. CLEAVER.

H.R. 3779: Mr. HALL of Texas.

H.R. 3781: Mr. WALBERG.

H.R. 3793: Mr. UDALL of Colorado, Mr. LARSEN of Washington, Mr. LOEBSACK, Mr. SHUSTER, Mr. MELANCON, Ms. SOLIS, Mr. ELLISON, Mrs. NAPOLITANO, Mr. COURTNEY, Ms. HERSETH SANDLIN, Ms. MCCOLLUM of Minnesota, Mr. TAYLOR, Ms. HIRONO, Mr. MEEK of Florida, Mrs. JONES of Ohio, Ms. MOORE of Wisconsin, Ms. LINDA T. SÁNCHEZ of California, Mr. COOPER, Mr. SPRATT, Mr. SERRANO, Mr. CRAMER, and Ms. CLARKE.

H.R. 3824: Mr. PRICE of North Carolina.

H.R. 3846: Ms. WATSON.

H.R. 3874: Mr. BAKER, Mr. SPACE, and Mr. JOHNSON of Georgia.

H.R. 3887: Mr. MURPHY of Connecticut.

H.R. 3890: Mr. VAN HOLLEN.

H.R. 3915: Ms. CLARKE.

H.R. 4053: Ms. SUTTON.

H.R. 4088: Mr. MARCHANT, Mr. FORTENBERRY, Mr. CAMPBELL of California, Mr. CONAWAY, Mr. HALL of Texas, and Mrs. DRAKE.

H.R. 4096: Mr. CALVERT and Mr. DOOLITTLE.

H.R. 4104: Mr. BISHOP of Utah, Mrs. CUBIN, Mr. SMITH of Texas, Mr. FLAKE, and Mr. BUYER.

H. Con. Res. 108: Ms. JACKSON-LEE of Texas.

H. Con. Res. 122: Mr. WELCH of Vermont.

H. Con. Res. 147: Ms. WOOLSEY and Mr. FARR.

H. Con. Res. 211: Mr. LANTOS, Mr. WYNN, Mr. KIRK, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 228: Mr. BERMAN.

H. Con. Res. 235: Mr. POE and Mrs. WILSON of New Mexico.

H. Con. Res. 239: Mr. PAUL.

H. Con. Res. 244: Mr. STUPAK, Mr. WALBERG, Mr. HALL of Texas, Mr. LOEBSACK, Mrs. CAPITO, Mr. ROGERS of Kentucky, Mr. OBERSTAR, Mr. LATOURETTE, Mr. THOMPSON of California, Mr. BARRETT of South Carolina, Mr. LATHAM, Mr. SIRES, Mr. MICHAUD, Mr. GINGREY, Mr. CRAMER, Mr. TIBERI, Mr. MCHUGH, Mr. HAYES, Mrs. GILLIBRAND, Mr. BISHOP of Utah, and Mr. JORDAN of Ohio.

H. Con. Res. 249: Mr. WHITFIELD, Mr. PEARCE, Mr. ETHERIDGE, Ms. CARSON, Mrs. DAVIS of California, Mr. MCHUGH, Mr. AL GREEN of Texas, Mr. LATHAM, Ms. NORTON, and Mrs. MYRICK.

H. Res. 111: Ms. HERSETH SANDLIN, Mr. DANIEL E. LUNGREN of California, and Mr. GILCHREST.

H. Res. 356: Ms. SUTTON, Mr. FILNER, Ms. GINNY BROWN-WAITE of Florida, and Mr. DOOLITTLE.

H. Res. 365: Mr. BERMAN and Mr. MCCARTHY of California.

H. Res. 543: Mr. VAN HOLLEN.

H. Res. 684: Mr. MCCOTTER.

H. Res. 690: Mr. PENCE and Mr. WELDON of Florida.

H. Res. 760: Mr. SPACE.

H. Res. 783: Mr. POE.

H. Res. 786: Mr. TERRY.

H. Res. 800: Mr. DEAL of Georgia, Mrs. DRAKE, Mr. WHITFIELD, Mr. YOUNG of Alaska, and Mrs. MUSGRAVE.

H. Res. 803: Mr. CAPUANO, Ms. TSONGAS, Mr. WAXMAN, Mr. DICKS, Ms. MATSUI, Mr. THOMPSON of California, Mrs. JONES of Ohio, Mr. KAGEN, Mr. MOORE of Kansas, Mr. MURTHA, Mr. FATTAH, Mr. GENE GREEN of Texas, Mr. SCOTT of Georgia, Mr. KENNEDY, Ms. KAPTUR, Mr. SPACE, Mr. PETERSON of Minnesota, Ms. HIRONO, Mr. HALL of New York, Ms. SHEA-PORTER, Mr. PERLMUTTER, Mrs. LOWEY, Mr. KILDEE, Mr. CROWLEY, Mr. BUTTERFIELD, Mr. VISCLOSKY, Mr. BECERRA, Mr. WYNN, Mr. STUPAK, Mr. LEWIS of Georgia, Ms. LEE, Mr. VAN HOLLEN, Mr. BISHOP of Georgia, Ms. SCHWARTZ, Ms. KILPATRICK, Mr. BLUMENAUER, Mr. INSLEE, Mr. OLVER, Mr. LYNCH, Mr. LOEBSACK, Mr. WILSON of Ohio, Mr. COHEN, Ms. WATSON, Ms. CLARKE, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. VELÁZQUEZ, Ms. BERKLEY, Mr. FILNER, Mr. STARK, Mr. JACKSON of Illinois, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. WU, Mr. ORTIZ, Mr. DEFAZIO, Mr. MCNERNEY, Mr. MEEK of Florida, Mr. DAVIS of Alabama, Mr. MORAN of Virginia, Ms. MOORE of Wisconsin, Mr. PALLONE, Mr. FARR, and Mr. BERMAN.

H. Res. 811: Mrs. CAPPS, Mr. FORTENBERRY, Ms. SCHWARTZ, Mr. HOLT, Mr. POMEROY, Mr. WELDON of Florida, Mr. DELAHUNT, Mr. SKELTON, Mr. ETHERIDGE, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. WATT, Mr. DICKS, Mr. GILCHREST, Mr. WEXLER, Mr. BLUMENAUER, Mr. VAN HOLLEN, Mr. NEAL of Massachusetts, Mr. HINCHEY, Mr. MCDERMOTT, Mr. HILL, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. COSTA, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. PRICE of Georgia, Mr. BLUNT, Mr. WAMP, Ms. HIRONO, and Mr. ROHRABACHER.

H. Res. 812: Mr. DELAHUNT, Ms. LORETTA SANCHEZ of California, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. CHANDLER, Mr. CLAY, Mr. BISHOP of New York, Mr. DOYLE, Mr. STUPAK, Mrs. JONES of Ohio, Ms. HIRONO, Mr. PERLMUTTER, Mr. COSTA, Mr. MILLER of North Carolina, Mr. HARE, Ms. LEE, Mr. ABERCROMBIE, Mr. ANDREWS, Ms. KAPTUR, Mr. LARSON of Connecticut, Mr. CAPUANO, Mr. PASCRELL, Ms. HERSETH SANDLIN, Mr. MELANCON, Mr. TANNER, Mr. WEXLER, Mr. VAN HOLLEN, Mr. RODRIGUEZ, Ms. DELAURO, Mr. ORTIZ, Mr. HONDA, Mrs. NAPOLITANO, Mr. REYES, Mr. BERMAN, Mr. MICHAUD, Mr. TOWNS, Mr. BACA, Mrs. DAVIS of California, Ms. GIFFORDS, Mr. MEEKs of New York, Mr. FARR, and Mr. AL GREEN of Texas.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 3 by Mr. PENCE on House Resolution 694: Bobby Jindal.

# EXTENSIONS OF REMARKS

## LIEF ERICKSON RECOGNIZED FOR VOLUNTEER EFFORTS

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. POE. Madam Speaker, Mr. Lief Erickson, of Houston, TX, was recently recognized by the NAACP when he was given the ALEX award or Award for Legal Excellence. The award was named after Congressman Alexander Green who was president of the Houston branch of the NAACP for 10 years.

The award is presented to individuals who have made a significant contribution to the NAACP's Houston legal programs, people who have demonstrated a commitment to pro bono legal services within the community or to people whose legal contributions significantly impacted persons in the community served by the NAACP.

The path to being recognized with this prestigious award began a long time ago when Erickson was living in Houston in 1977 and working as a carpet layer. He met a young up-and-coming lawyer who recognized his potential and encouraged him to become a lawyer to make a difference in the community.

With only a 10th grade education and rugged determination, Erickson decided to become an attorney. After obtaining his high school equivalency diploma, he enrolled in the University of St. Thomas and earned a Bachelors Degree in psychology. He later entered and graduated from Texas Southern University's Thurgood Marshall Law School. I had the pleasure of swearing him in as an attorney marking this great accomplishment. It was a long journey in Erickson's life to go from high school dropout to attorney.

After completing law school, he worked for a private law firm for 2 years and then became a prosecutor for the Drug Task Force in Waller County, Texas. Two years later, Erickson realized that his heart and conscience were better suited for criminal defense to assist the downtrodden and disenfranchised. Since 2000, Erickson has defended more than 3,000 clients. He has also devoted his weekends over 13 months to give back to the community as a volunteer to help the NAACP with criminal defense cases in their pro bono legal redress clinic. From 10 a.m. to 2 p.m. on Saturdays he volunteers to assist walk-in clients with consultation and legal advice. By donating his weekends to serve others, he is a shining example of service above self.

It is for his generous volunteer efforts that the NAACP recognized Mr. Erickson with the ALEX Award. I salute Lief Erickson for his spirit of service and volunteerism.

And that's just the way it is.

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## HONORING MAJOR GENERAL RONALD H. MARKARIAN

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. RADANOVICH. Madam Speaker, I rise today to honor MG (California Retired) Ronald Markarian for his dedicated service to the veterans of Fresno, California.

Major General Markarian was born and raised in the Fresno area and graduated from California State University, Fresno. While in college he joined the Army National Guard, where he served for 3 years with the Heavy Mortar Company of the 185th Infantry Regiment. He entered the Air Force upon graduating from college. While in the Air Force, Major General Markarian served in many positions, including a position at the Pentagon, as Chief of Air Reconnaissance Systems and as Director of the USAF Intelligence Reserve Forces. After 30 years of military service, he retired in August 1980 as a colonel.

Immediately after retirement, Major General Markarian became a member of the California State Military Reserve and was assigned to the headquarters, State Military Reserve at the California Military Department in Sacramento, where he was eventually appointed Commanding General of the State Military Reserve. In July 1990, he was promoted to Major General. After nearly 46 years of uniformed military service, Major General Markarian retired in October 1995. His service to his community and the veterans did not stop upon his retirement.

Major General Markarian has received many awards, including two Legion of Merit awards and the Bronze Star. He has received awards from many military organizations, including the Association of the U.S. Army's National Golden Eagle Award and National Distinguished Service Award, and he was the 2002 recipient of the organization's Anthony Drexel Biddle Award, President's Award. Major General Markarian has also graduated from several military schools and holds a master's degree in public administration from George Washington University.

Major General Markarian is active in community affairs and has served in a variety of leadership roles in military, veteran and public service organizations. He served on several State and Federal boards and has been the Director of the United States Selective Service System in California since his appointment in 1987. He was instrumental in founding the Association of the United States Army, AUSA, Chapter 6105 in 1982, and served as the first president of the chapter. He later served two additional terms. In total, he served 15 years as president. During his last presidency, the chapter was designated Best Chapter in AUSA for 7 consecutive years, from 2000 to 2006. He also served as the AUSA sixth region president and an AUSA national trustee.

Madam Speaker, I rise today in honor of MG Ronald Markarian for his tireless service to the military and veteran community. I invite my colleagues to join me in wishing Major General Markarian many years of continued success.

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## HONORING WILLIE JAMES WHISENHUNT, RPH, AS THE 2007 TRIBUTE TO COMMUNITY HEALTH CHAMPIONS HONOREE BY THE WEST FRESNO HEALTHCARE COALITION

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. COSTA. Madam Speaker, I rise today to congratulate Willie James Whisenhunt, RPh for being named a 2007 honoree at the Tribute to Health Champions reception by the West Fresno Healthcare Coalition. A mere 3 days after arriving in our fair city, Mr. Whisenhunt opened the Westside Pharmacy. More than 30 years later his career and contributions to the area are impressive and most deserving of this honor.

Mr. Whisenhunt was born in Vredenburgh, AL, the eldest of three children. His father, a carpenter, died when Mr. Whisenhunt was 10, and he was raised by his grandparents, uncle and aunt. His family taught him the value of hard work, commitment, and unconditional love. He received his high school diploma from Escambia County Training School, later receiving his bachelor's of science in pharmaceuticals from Xavier University of Louisiana.

Community service has always been a focus in Mr. Whisenhunt's life, particularly his commitment to the youth of west Fresno. He has sponsored various athletic teams at Edison High School, including both the women's and men's baseball teams. He has helped southwest Fresno students by aiding speech teams and academic decathlons. He has been a mentor to our youth, promoting higher education in the community, encouraging students to pursue careers in science and funding trips to historically black colleges and our Nation's Capital. Outside the boundaries of west Fresno, he has served in various leadership positions, holding the distinction of being the only African American president of the Fresno-Madera Pharmacists Association.

Furthermore, Mr. Whisenhunt has been a lifelong supporter to the United Negro College Fund, the Southern Poverty Law Center, and the Silesian Society of Don Bosco. In 2006, he received the Health Care Professional of the Year Small Business Award from the Fresno Black Expo.

Willie James Whisenhunt is a great man and a true example of the American Dream. It

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

is with great pride that I congratulate him for receiving this distinguished award and for all that he does on behalf of west Fresno.

## TRIBUTE TO JACKSON HOLCOMB

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate a student from Gilbert Middle School in Ames, IA, for a recent academic accomplishment.

Jackson Holcomb received a distinguished award at the Belin-Blank Recognition Ceremony on October 6, 2007, at the University of Iowa. Jackson's award is in honor of his top one percent score on the Belin-Blank Exceptional Student Talent Search EXPLORE test. This test measures academic development in English, mathematics, reading, and science reasoning.

Jackson's parents, Todd and Jane Holcomb, and his teachers are also to be commended and congratulated for this great accomplishment. They have instilled the importance and value of education in Jackson that has helped him to excel in school and beyond.

I commend Jackson Holcomb for his hard work in the classroom. I consider it an honor to represent Jackson and his family in Congress, and I wish him continued success in his academic studies.

## TRIBUTE TO TOM COHEN

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the deeds of an outstanding American, Mr. Tom Cohen, who was recognized October 30, 2007, for his great humanitarian efforts and tremendous support of the worthwhile work of Orphans International.

Mr. Cohen's work with Orphans International began after his family was struck with terrible tragedy. In 2004, he lost his beloved son-in-law, Cresenta Fernando, Ph.D., in the December tsunami, which devastated his native country of Sri Lanka. Out of this awful loss, Tom saw an opportunity to keep Cresenta's memory alive by helping to improve the lives of disadvantaged children throughout Sri Lanka.

Mr. Cohen began working with Jim Luce, the founder and executive director of the non-profit organization Orphans International, which had established projects that were helping to meet the needs of children in other parts of the world. Together, they created a branch of the organization that would serve the most vulnerable children of Sri Lanka in honor of Cresenta.

Orphans International Sri Lanka, or OI Sri Lanka, is a part of Orphans International Worldwide's network. This organization works to meet the physical, emotional, educational, and social needs of children who are victims of natural disasters, armed conflicts, and other crises that have taken away their parents, homes, and their chances for a better life.

Mr. Cohen is not only a compassionate philanthropist, but also an accomplished professional. As the head of compliance at Bear Steams, he has helped contribute to that company's great success.

Mr. Cohen's work for Orphans International has been a family effort. Tom's wife Donna Cohen has worked tirelessly with him to raise funds for this worthwhile goal, and to support their daughter Ariele Cohen in her role as the president of the OI Sri Lanka Board of Directors and a member of the OI America Advisory Board.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated humanitarians like Tom Cohen. I am proud to represent such a fine man in Congress.

Madam Speaker, I ask that you join our colleagues, everyone involved in Orphans International, Tom's family and friends, and me in recognizing Tom Cohen's outstanding service to the global community.

## IN TRIBUTE TO MRS. HELEN WILLIS' RETIREMENT FROM CIVIL SERVICE

### HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. EVERETT. Madam Speaker, on the occasion of her retirement from the Department of the Air Force, I want to take this opportunity to honor Mrs. Helen R. Willis for 32 years of dedicated service to our country.

Mrs. Willis, the daughter of an uneducated man who exuded a lot of wisdom inspired her to pursue her education and graduate from Tuskegee Institute, "the pride of the swift, growing south."

Since her arrival at Maxwell Air Force Base in 1975, Mrs. Willis has trained over 1,000 active duty military members to become Air Force Medical Laboratory Technicians. Her demonstrated technical expertise, proficiency and ceaseless dedication to her profession resulted in 16 "Superb" ratings, considered exceptional by the College of American Pathologists' standards. Mrs. Willis' determination and passion for the profession she believed in was always perfectly packaged by her charm and eloquence. She has been an inspiration to thousands and her legacy will never be forgotten.

Madam Speaker, I join my colleagues in expressing our sincere appreciation to Mrs. Willis for her outstanding service to Maxwell Air Force Base and our country. We wish her and her husband Dr. Edward Willis the best as Mrs. Willis transitions into a new life. Mrs. Willis is a true professional and a credit to herself and the United States Air Force.

## TRIBUTE TO MR. HAROLD MATZNER

### HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mrs. BONO. Madam Speaker, I rise today to recognize and pay tribute to a dear friend and constituent, Mr. Harold Matzner. On November 17 of this year, Mr. Matzner will be honored as the 2007 Good Samaritan of the Year by the Desert Samaritans of the Coachella Valley in our great State of California, and I am pleased to extend my sincere congratulations to Harold for this well-deserved recognition.

Mr. Matzner has been a resident of Palm Springs for over 25 years, and during this time he has established himself as one of the outstanding philanthropic and civic leaders in our community. Harold's generosity is legendary. His energy, passion, and tireless advocacy for numerous worthwhile causes benefit all those who live in and visit Palm Springs.

A close friend and neighbor, Harold was also an invaluable supporter of the Palm Springs International Film Festival. The festival was founded by my late husband, the Honorable Sonny Bono, when he served as mayor of the city of Palm Springs.

Harold is widely credited with revitalizing the festival and ensuring its continued success as a member of the festival board, board chairman, vice-chairman and, most recently, as chairman emeritus. Without his devotion to the festival and impressive business acumen, the festival would simply not have attained its current status as one of the premier celebrations of the art of cinema in the United States.

In addition to his efforts on behalf of the Film Festival, Harold serves as chairman of the McCallum Theater, is an executive committee member of the Palm Springs Art Museum, and chairman of the Palm Springs Tennis Club Members Association. But his contributions to the community are not limited to these leadership roles. Harold is also a driving force in support of the Stroke Recovery Center, Temple Isaiah, Desert Aids Project, and Animal Samaritans, along with many other charitable causes.

Harold has established a long and successful business career as CEO of a major branding, advertising, and marketing company, and as the owner of a local Palm Springs landmark restaurant, Spencer's at the Mountain. He brings the same commitment to success to both his business ventures and his philanthropic activities, and our community has been greatly enhanced by his generosity of spirit and hard work.

Countless community and civic leaders have benefitted from Harold's insightful guidance and counsel. He is truly one of our community's treasures, and I am greatly honored to pay tribute to him today for his achievements and contributions to the citizens of the desert.

I want to join with the rest of our community in extending my appreciation and congratulations to Harold for this most fitting honor. And I encourage my colleagues to join me in celebrating this remarkable man, my dear friend, Harold Matzner.

## HONORING JOHN AND JUNE ROGERS

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate John and June Rogers upon being named the 2007 Citizens of the Year. Mr. and Mrs. Rogers will be honored on November 11, 2007, at the 59th annual Citizen of the Year dinner in Modesto, CA.

John Rogers was born in San Francisco, CA. He graduated from Willamette University in Oregon in 1963 with a bachelors degree in psychology and received his masters degree in counseling and guidance from the University of Colorado, Greeley in 1976. In 1963, Mr. Rogers was commissioned as a rated pilot in the Air Force and attended primary pilot training at Williams Air Force Base, receiving his wings in 1964. While in the Air Force he was stationed around the United States and spent 1 year in South Vietnam. He retired from the Air Force as colonel in 1989 from Travis Air Force Base in California.

June Rogers was born and raised in Modesto, CA, and attended Modesto Junior College. She and John met in Modesto and were married, turning her into an Air Force wife as she moved around with him for 26 years. While on base, she volunteered with many organizations; including Family Service Agency, the Red Cross and the military base thrift shop. Mrs. Rogers was also active in the Squadron Wives Organization, the Officer's Wives Club and the Catholic Women of the Chapel.

Mrs. Rogers was chosen as one of the Outstanding Women in the Community and honored by Catholic Charities as their Honoree of the Year at the Bishops Celebration of Charities Banquet. Mr. Rogers is the president of the United Samaritans Foundation in Turlock, CA. He continues to fly as a charted pilot and owns an interest in Sky Trek Aviation in Modesto. He contributes and has been honored by numerous organizations; including the Boy and Girl Scouts, various art groups and the Gallo Art Center for the Arts.

Upon Mr. Rogers' retirement Mr. and Mrs. Rogers moved back to the Modesto area, and continued to serve their community. Mrs. Rogers serves her church as the communion minister's scheduler, she is active on the Liturgy Committee and has served on many Church committees. Also, she is a member of Catholic Social Services and Catholic Charities.

Also adding to their long list of contributions, they founded an organization to assist the needy in their community. The organization serves 45,000 lunches per month. The facility also has showers for the homeless, a clothes closet and a pantry for those in need. The homeless are allowed to use the address and phone number to stay in contact and receive mail. This facility also houses homeless women and children for up to 1 year. They help the family to get their lives back on track, learn employment skills, parenting skills, and budgeting skills.

Madam Speaker, I rise today to commend and congratulate John and June Rogers upon being awarded with the 2007 Citizens of the Year Award. I invite my colleagues to join me in wishing Mr. and Mrs. Rogers many years of continued success.

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## RESOLUTION TO PRESERVE STAFF-LED TOURS

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. MORAN of Virginia. Madam Speaker, today I, along with my colleagues JOHN DUNCAN Jr., DEBBIE WASSERMAN SHULTZ, MICHAEL CAPUANO, and JIM MATHESON are introducing a resolution expressing the sense of the House of Representatives that staff-led tours of the United States Capitol should be preserved.

Staff-led tours are a long standing tradition and can be documented as far back as 40 years ago. I suspect they date back even earlier, and perhaps existed when the Capitol was first constructed when Congressmen had constituents or friends visit the Capitol and their staff would take them to view the magnificence of the Capitol when the Member was not available. Senate Historian Richard Baker asserts that staff-led tours have always existed. Regardless of exactly when staff-led tours began, it has become an honored and well-worn custom.

While there is no chronicle of when staff-led tours first Began, tours given by professional staff, known as the Capitol Guide Service were established in 1876. Upon establishment of the Capitol Guide Service, there was a 25 cent fee for getting a guided tour of the Capitol. Tom Nottingham, a well known member of the Capitol Preservation Society was an outspoken activist against the fee and advocated for a free and open Capitol. Finally in 1971, through the Legislative Reorganization Act, tours of the Capitol were offered free of charge.

Since that date, visitors have been able to visit their Member offices prior to going to the Capitol. Members or someone from their personal staff often accompany these visitors to the Capitol. It is important to note that the Capitol Guide Service has existed for over 100 years now and they have co-existed with staff-led tours without any controversy or incident.

As a Representative of a congressional district in close proximity to the United States Capitol, not only do my constituents come and visit the Capitol, but also friends and family of my constituents often join in these special tours conducted by my staff. As most Members will affirm, it is a joy to have all these visitors come and see for the first time the U.S. Capitol.

Recently, a constituent contacted my office requesting a Capitol tour. On our way through the Cannon Tunnel to see the artwork on display from the Congressional Art Competition, it turned out that her nephew, whom she had never met, had his drawing on display at the Cannon Tunnel. She was able to connect with her nephew and family through the ability to receive a personalized tour through my office. Had this option not been available, she would have had a hard time getting a personalized tour, and would not have been able to stop and get a good look at her nephew's award-winning artwork.

Also, observing constituent's State statue has become one of the hallmarks of staff-led tours. Perhaps one of the greatest examples is the statue of King Kamehameha the Great, one of the most impressive statues in Statuary Hall and one that brings much pride to visiting Hawaiians. Tours conducted through the Capitol Guide Service average around 40 people per tour and it is very difficult for professional staff to accommodate personal requests. We have an obligation to provide constituent services here in the House of Representatives and at our respective districts. Anecdotes of memorable tours can be recalled by all Members and by staff who have led a tour of the Capitol. The honor and privilege of providing this service to our constituents is not something that should be compromised.

I understand but disagree with the concerns of those that might want to do away with staff-led tours. Since the 1995 Oklahoma City bombing, the Capitol Police increased security. Since the attacks of September 11th, the security of the Capitol was increased further. Even with all these security improvements, we have managed to preserve the right of our constituents to continue touring the Capitol with congressional staff. We cannot and should not let fear of the uncertain end this time honored tradition.

The resolution we introduce today recognizes the sentiment of many of us in Congress that staff-led tours are a long established tradition in the Capitol and an important part of constituent services. Staff-led Capitol tours must continue and the opening of the Capitol Visitor's Center should not change this policy. I urge my colleagues to support this resolution calling for the preservation of staff-led tours.

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## HONORING DR. FITZALBERT MICHAEL MARIUS, AS THE 2007 TRIBUTE TO COMMUNITY HEALTH CHAMPIONS HONOREE BY THE WEST FRESNO HEALTHCARE COALITION

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. COSTA. Madam Speaker, I rise today to congratulate Dr. Fitzalbert Michael Marius of Fresno, CA, for being named a 2007 Honoree at the Tribute to Health Champions reception, held by the West Fresno Healthcare Coalition. As an original member of the first open-heart surgery team at Valley Children's Hospital, his medical career is impressive and he is most deserving of this honor.

Born in Colón, Panama, to parents of West Indian decent, Dr. Marius moved to America as a young boy and chased the American dream of bettering himself by attending college. A true patriot, he left the university to serve in the United States Army in World War II, returning undeterred to not only finish his undergraduate education, but also complete medical school.

After receiving his M.D. from Howard University Medical School in Washington, DC, Dr. Marius spent a year in the cardiac surgery program at Stanford University's Lane Hospital in San Francisco. Throughout his career, Dr. Marius has performed general, vascular, and thoracic surgery in Fresno. In addition, Dr. Marius has been actively involved with the Sickle Cell Support Group in southwest Fresno and continues to work with the heart surgery teams of St. Agnes Hospital, the Fresno Heart Hospital and Community Hospital.

Dr. Fitzalbert Marius personifies the principles and integrity of our Valley. He is a role model for all of us, especially our Valley's upcoming generation of medical professionals. It is with great pride that I recognize him for all that he has done on behalf of our community and congratulate him for receiving this distinguished award.

## TRIBUTE TO ED KNIGHT AND C.J. BROWN

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. LATHAM. Madam Speaker, I rise today to recognize the efforts of several individuals and groups in Boone, Iowa, for their contributions to the Muscular Dystrophy Association: Fire Chief Ed Knight and the Firefighters of Boone, and interim Wal-Mart manager C.J. Brown and Wal-Mart of Boone.

The Muscular Dystrophy Association (MDA) is a national voluntary health agency which is dedicated to conquering neuromuscular diseases and is funded almost entirely by individual private contributors. MDA seeks no government grants or fees from those it serves. Muscular dystrophy is not a specific disease, but actually a term that encompasses a variety of hereditary muscle destroying disorders that vary in inheritance pattern, age of onset, initial muscles attacked, and rate of progression. These muscle debilitating diseases affect over one million Americans including 560 families in Central Iowa and 38 families in Boone County.

The Boone Firefighters recently raised money for MDA through their annual golf tournament, and Wal-Mart of Boone generously matched the first $1000 raised. I admire all the hard work and contributions made during this fundraiser to aid those who are stricken with this disease. It truly is a sign of the great compassion Iowans show to those in need.

It is a great honor to represent the Boone Firefighters and all the employees of the Wal-Mart of Boone in the U.S. Congress, and I know my colleagues join me in recognizing them for yet another job well done.

## REDUCING RECIDIVISM RATES TO BETTER PROTECT OUR FAMILIES AND CHILDREN

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. RANGEL. Madam Speaker, I rise today to urge that more be done to reduce the rates of recidivism in our Nation's swelling prisons. We must work—intelligently and compassionately—to better reintegrate former prisoners into our society, and the Second Chance Act of 2007 is effective on both counts. It intelligently saves taxpayer dollars and works to bolster public safety, investing resources in a consortium of services proven to keep ex-offenders on the right path. It compassionately addresses the prevalence of substance abuse and poor mental health in that group, and strives to strengthen broken families so that children may stand to benefit.

Our prison system is a revolving door, leaving many without the ample skill or support necessary to become productive members of society. It's why a staggering majority of state prisoners are released only to find themselves back behind bars at least 3 years later. An increasing number of formerly incarcerated citizens are without suitable education, physical and mental health, employment, or mentoring services—the kind this measure would assist in providing.

A central tenet of our criminal justice system is rehabilitation. We must not abandon that fruitful and moral imperative. About 650,000 people are released from prison each year, and it is incumbent upon us to take preventive measures for the sake of our communities and our children. We owe it to them to do far, far more.

## HOMEOWNERS EXEMPTION UPDATE ACT OF 2007

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. KIRK. Madam Speaker, 1997 brought a presidential crisis, Slobodan Milosevic, and Princess Diana's death. It wasn't the greatest year, but it was the last time Congress managed to update the homeowners' exemption for the sale of a residence. It should not take more than five Congresses and over a decade to update the homeowner's exemption.

Since that time, the average value of an American home is up 104 percent. A $500,000 home in 1997 would now cost over $1 million. A decade later, middle-class homeowners in high-cost areas are handed a tax bill when they sell their homes because the home ownership exemption is still stuck at $250,000 for individuals and $500,000 for a couple.

What does $250,000 buy for a growing family in today's market? Less than they need.

It is time to update the exemption for homeowners so that they are not pushed into higher tax brackets because Congress failed to update the law. That is why I am introducing the Homeowners Exemption Update Act of 2007, which raises the exemption to $500,000 per individual and $1,000,000 per couple.

Local leaders in Illinois are proposing more than ten new taxes of over $1 billion. Today, this body passed a $72 billion tax increase. Taxpayers deserve relief as the economy begins to slow, not a smattering of new taxes. My legislation eases the growing burden facing American families today.

I urge my colleagues to support this legislation and stand up for homeowners across the country.

## PERSONAL EXPLANATION

### HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. WESTMORELAND. Madam Speaker, I stayed at home due to an ongoing medical condition of a family member. As a result, I missed a number of votes. Had I been present, I would have voted the following:

"Aye" on Closing Portions of the Conference Report Making appropriations for the Department of Defense for the fiscal year ending September 30, 2008 (rollcall No. 1034)

"Aye" on a Motion to Suspend the Rules and Pass, as Amended National Heroes Credit Protection Act (rollcall No. 1035)

"Aye" on a Motion to Suspend the Rules and Agree to Recognizing the contributions of Native American veterans and calling upon the President to issue a proclamation urging the people of the United States to observe a day in honor of Native American veterans. (rollcall No. 1036)

"Nay" on a Motion to Table a resolution raising a question of the privileges of the House. (rollcall No. 1037)

"Nay" on ordering the previous question on a resolution raising a question of the privileges of the House. (rollcall No. 1038)

"Nay" on a resolution raising a question of the privileges of the House. (rollcall No. 1039)

"Aye" on Passage, Objections of the President Not Withstanding, of the Water Resources Development Act (rollcall No. 1040)

"Aye" on Motion to Suspend the Rules and Agree, as Amended, to Expressing the sense of Congress that Congress and the President should increase basic pay for members of the Armed Forces. (rollcall No. 1041)

"Aye" on Motion to Suspend the Rules and Agree, as Amended, to Heroes Earnings Assistance and Relief Tax Act (rollcall No. 1042)

"Nay" on Motion to Suspend the Rules and Agree, as Amended, to Kids in Disasters Wellbeing, Safety, and Health Act of 2007 (rollcall No. 1043)

"Nay" on Will the House now consider the resolution providing for consideration of the conference report to accompany the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies. (rollcall No. 1044)

"Aye" on Motion to Instruct Conferees on the Improving Head Start Act (rollcall No. 1045)

"Aye" on motion to suspend the rules and agree, as amended, to Congratulating Nicolas Sarkozy on his election to the presidency of France. (rollcall No. 1046)

"Nay" on Ordering the Previous Question Providing for consideration of the conference report to accompany the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies. (rollcall No. 1047)

"Nay" on Agreeing to the Resolution Providing for consideration of the conference report to accompany the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies. (rollcall No. 1048)

"Aye" on Motion to Adjourn (rollcall No. 1049)

"Nay" on Agreeing to the Conference Report Making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for fiscal year ending September 30, 2008, and for other purposes (rollcall No. 1050)

"Aye" on Motion to Adjourn (rollcall No. 1051)

"Nay" on Ordering the Previous Question Providing for consideration of H.R. 3685, to prohibit employment discrimination on the basis of sexual orientation. (rollcall No. 1052)

"Nay" on Agreeing to the Resolution providing for consideration of H.R. 3685, to prohibit employment discrimination on the basis of sexual orientation. (rollcall No. 1053)

"Aye" on Agreeing to the Amendment of Rep. GEORGE MILLER (rollcall No. 1054)

"Aye" on Agreeing to the Amendment of Rep. MARK SOUDER (rollcall No. 1055)

"Aye" on Motion to Recommit with Instructions the Employment Non-Discrimination Act (ENDA) (rollcall No. 1056)

"Nay" on Passage of the Employment Non-Discrimination Act (ENDA) (rollcall No. 1057)

"Aye" on motion to suspend the rules and agree, as amended, to recognizing the close relationship between the United States and the Republic of San Marino. (rollcall No. 1058)

"Aye" on motion to Instruct Conferees on Departments of Commerce and Justice, and Science, and Related Agencies Appropriations for FY 2008 (rollcall No. 1076)

"Nay" on Ordering the Previous Question for Providing for the consideration of H.R. 3996, Temporary Tax Relief Act (rollcall No. 1077)

"Nay" on Agreeing to the Resolution providing for the consideration of H.R. 3996, Temporary Tax Relief Act (rollcall No. 1078)

"Nay" on Approving the Journal (rollcall No. 1079)

"Aye" on Motion to Adjourn (rollcall No. 1080)

"Nay" on Passage of the Temporary Tax Relief Act of 2007 (rollcall No. 1081)

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## IN MEMORIAL OF SHERIFF JOHN HAYWOOD BAKER, JR.

### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. ETHERIDGE. Madam Speaker, today I rise to honor the life of Sheriff John Haywood Baker, Jr., who died October 31, 2007. In his passing I lost a good friend, and North Carolina lost one of its most outstanding citizens and a man who was instrumental in his community, county, and State.

A native son of Raleigh, North Carolina, Sheriff Baker was known for his larger-than-life, 6-foot-7 stature and booming voice. John became the first black sheriff in North Carolina since Reconstruction and held the office from 1978 until 2002. During his 24 years as Sheriff he helped create the John H. Baker Jr. Charter School. This school allows young jailed offenders to get an education. John wasn't the only law enforcement officer in the family as the son of the late Lousie S. Baker and John H. Baker, Sr. John, Sr. was the first African American police officer in the city of Raleigh. At an early age John was taught to have compassion, gentleness, sensitivity for others. These were life skills that he carried with him throughout his life.

John grew up in the Oberlin community of Raleigh and attended Ligon High School. He graduated from North Carolina Central University in 1958. That same year, he was drafted 56th overall by the Los Angeles Rams. Over the next 11 years, the defensive end/defensive tackle went on to play for the Philadelphia Eagles, Pittsburgh Steelers, and Detroit Lions. While playing in the NFL, John displayed his leadership abilities. He was named defensive captain of the Pittsburgh Steelers, MVP of the team, and selected as a NFL All-Star. He was inducted into the North Carolina Hall of Fame, in 1972, for one of the most defining moments of his career. While a Pittsburgh Steeler John tackled football legend Y.A. Tittle, quarterback of the New York Giants, leaving him bloody and battered in the end zone. The tackle is the subject of a famous picture that became part of sports history.

In the off season, John would work with the Raleigh Police Department as a youth counselor. When he retired from the NFL, he became the first black man appointed to the North Carolina State Parole Board, as the Associate Director for Training and Standards Council. He was also an Administrative Aide to U.S. Senator Robert Morgan. John was a member of several organizations; he was a life member of the NAACP, a member of the Board of Trustees of Shaw University, a member of Alpha Phi Alpha Fraternity, just to name a few. John leaves to cherish his memory a devoted wife of 48 years, Juanita H. Baker, his 2 children Jonnita B. Williams, John H. Baker, III, and his Goddaughter Ada H. Roach.

Madam Speaker, Sheriff John H. Baker had a commitment to excellence in everything he did, and he had a way of bringing out excellence in everyone around him. He was a respected and a successful dedicated public servant, and a great North Carolinian. It is fitting that we honor him and his family today.

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## PERSONAL EXPLANATION

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. SHUSTER. Madam Speaker, on rollcall No. 1056, the Motion to Recommit with Instructions on H.R. 3685, I was not present. Had I been present, I would have voted "yes."

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## TRIBUTE TO WALTER M. DUZZNY

### HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. RYAN of Ohio. Madam Speaker, I rise today to honor Walter M. Duzzny. Walter, who has served as the Director of Mahoning County Emergency Management and Communications for 25 years, is retiring at the end of this month.

Walter Duzzny has dedicated over thirty-four years to public service. He began his career in Emergency Management and has made great contributions to the field ever since. As the first Director of the Disaster Services and Preparedness Agency, Walter influenced the Agency to adopt an "all-hazards" concept, which resulted in the development of a County HazMat team and Safety Service and Support Centers. Thanks to Walter's hard work and dedication toward the Agency, Mahoning County has the proper tools to implement preparatory, response, and recovery strategies in the event of an emergency.

Walter has contributed to Mahoning County in more ways than one. He has remained an active member of the community through his participation in several organizations. As a retired Army Reserve Colonel, Walter serves as the President of the local chapter of the National Reserve Officers Association. He also serves on the Board of St. Peter and Paul Ukrainian Orthodox Church and remains a member of several other organizations.

Walter's accomplishments have positively impacted Emergency Management on local and national levels. His innovative drive and valuable contributions will be greatly missed.

I wish Walter all the best in his retirement.

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## HONORING CENTRAL VALLEY SAFETY SOCIETY

### HON. GEORGE RADANOVICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. RADANOVICH. Madam Speaker, I rise today to commend the Central Valley Safety Society for their commitment to serving the Central Valley.

The Central Valley Safety Society, CVSS, was created as a non-profit organization in 1996 to provide safety and human resource professionals with a place to exchange ideas and information, for the professional enhancement of members and to recognize those who excel in safety and health. CVSS is based in the Central Valley and is the only group of its kind from Los Angeles to Modesto. The long time organizational members include; Pelco, Rich Products, The Fresno bee, Fresno Metropolitan Flood Control District, Fresno County EOC and Clovis Cemetery District.

CVSS holds nine monthly luncheon meetings in downtown Fresno. Typically, there are twenty to thirty members present to discuss topics that cover a range issues from Heat Illness Protection, Hazardous Materials and Health and Wellness Programs. The speakers are typically volunteers from the community. Over the past eight years, the organization has partnered with similar organizations in the Fresno area, such as; Ag Safe, Human Recourse Association of Central California, Fresno County Employer Advisory Council and California State University SHRM Student Chapter. CVSS has partnered with these and other organizations to plan and participate in a half-day human resource and safety seminar and it is held annually in October.

Madam Speaker, I rise today to commend the Central Valley Safety Society for their commitment to serving the Central Valley. I invite my colleagues to join me in wishing the organization many years of continued success.

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## HONORING LA'VERA ETHRIDGE-WILLIAMS, AS THE 2007 TRIBUTE TO COMMUNITY HEALTH CHAMPIONS HONOREE BY THE WEST FRESNO HEALTHCARE COALITION

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. COSTA. Madam Speaker, I rise today to congratulate La'Vera Ethridge-Williams of Fresno, California, for being named a 2007 Honoree at the West Fresno Healthcare Coalition's Tribute to Health Champions reception. As a principal advocate for childcare in Fresno County, La'Vera is a woman of great vision, and is certainly most deserving of this honor.

Born in Boley, Oklahoma, La'Vera moved to Fresno, where she attended Fresno City College, and then California State University, Fresno. Recognizing the need for a child care facility in West Fresno she submitted a proposal to the California Department of Health and Welfare. After 4 long years, her dream became a reality when her first private child care center designed specifically for infants was inaugurated.

La'Vera opened a chain of daycare centers geared to the education of young children, providing not only a service to the community, but also employment opportunities for West Fresno residents. Mrs. Ethridge-Williams' emphasis has always been on the health, nutrition, and education of children. Her involvement in the health arena has also led her to become one of the founding members of the Sickle Cell Support Group in Fresno, California.

La'Vera Ethridge Williams is a woman of great principle and integrity. She is a role model for all of us, especially those in the childcare industry. I have known La'Vera and her family for years and know they care deeply and contribute daily to make our Valley a better place to live. It is with great pride that I congratulate her for all that she does on behalf of the West Fresno community and for receiving this distinguished award.

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## PERSONAL EXPLANATION

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. ROTHMAN. Madam Speaker, on Thursday, November 8, 2007, I was unable to be present in the Capitol due to the death of a family member and thus missed rollcall votes Nos. 1060 through 1067. Had I been present, I would have voted in the following manner:

On rollcall vote No. 1060, on H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act, I would have voted "nay." I believe the Peru Free Trade Agreement, FTA, is another fundamentally flawed trade agreement. I oppose this FTA because it includes many of the same provisions from the original NAFTA that left workers terribly unprotected, led to the outsourcing of millions of U.S. jobs, and allowed companies to ignore environmental protections here and abroad that are vital to people's health and safety. It's going to hurt workers here and in Peru. I regret that I was unable to be here, due to the devastating loss of a beloved family member, to cast a vote against it.

On rollcall votes Nos. 1061, 1062, 1063, and 1064, the procedural votes on the Rule for Consideration of the Conference Report on H.R. 3222, the Fiscal Year 2008 Department of Defense Appropriations bill, as well as the Conference Report itself, I would have voted "aye." As a member of the House Appropriations Committee's Subcommittee on Defense and therefore, a Conferee on this bill, I voted for it in Conference and strongly support this critical bill that enhances America's security by providing our service men and women with the tools they need to protect our Nation today and giving them the resources and weapons systems they need to fight the threats of tomorrow. This measure also invests in our military personnel by affording them comprehensive health care and ensuring that our wounded warriors are treated with the dignity that they deserve. Had I been present during the consideration of this bill, I would have voted "aye" on both of these measures with great pleasure and pride.

On rollcall votes Nos. 1065 and 1066, which were procedural votes on the Rule for H.R. 3355, the Homeowners' Defense Act of 2007, I would have voted "aye." This bill will improve New Jersey citizens' ability to secure homeowners' insurance, as well as recover from flood or hurricane damage.

On rollcall vote No. 1067, the Motion to instruct Conferees for the Transportation, and Housing and Urban Development and Related Agencies Appropriations Bill for Fiscal Year 2008, I would have voted "aye."

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## RECOGNIZING THE ACHIEVEMENTS OF 32 HONOREES OF THE WEST PALM BEACH URBAN LEAGUE DIVISION OF THE NATIONAL ACHIEVERS SOCIETY NOVEMBER 9, 2007

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize the achievements of 32 exceptional young people who will be honored tomorrow by the West Palm Beach National Urban League for their acceptance into the National Achievers Society. Their accomplishments are evidence that the will to succeed endures in spite of continued prejudice, discrimination, and a public education system that historically and presently places many young minorities at a disadvantage in the classroom and beyond.

The achievements of these young people and the establishment of the National Achievers Society Program are both worthy of Congressional recognition. It is with great pleasure that I recognize the following young men and women for their drive and for setting a hopeful and positive example for our country and their community:

Shauna-Kay Nation; Tatiana Virginia; Demetri Virginia; Reginald Walker; Valeana Andre; Rose D'Haiti; Iesha Brutton; Mecarra Easley; Lucianne Gabriel; Chandra Fulwood; Miranda Renald; Regine Hill; Christina Taylor; Jasmine McGee; Brandon Coombs; Mariah Lewis; Thomas Coates III; Aikeyah Williams; Devondrea Edwards; Antonio Taylor; Marcus Sutton; Gabrielle Alexandre; Natasha Juggar; Seon Lewis; Devin Williamson; Khasara Lewis; Arrianne Morrison; Trevor Thomas; Briana Thomas; Charlene Vieira; Marissa Richards; and Regis Frazier.

The National Achievers Society was founded by community leaders who developed an aggressive national response to the educational and developmental crisis facing young people of color in our country. The authors of this program provided children in grades 3–12 with the opportunity to begin and continue their road to excellence by giving them the resources to achieve in the arts, humanities and sciences.

By supporting adults and young people in the development of the next generation of leaders, the National Young Achievers Society ensures that a child's dream to succeed is able to materialize through hard work and dedication. I have always believed that we must invest in young people if we want to be a strong force on the domestic and international stage in the future. These 32 young men and women are evidence of the remarkable reward that ensues when quality programs and dedicated individuals nurture the minds and spirits of our Nation's most precious resource. Indeed, they are worthy of the recognition and congratulation of the U.S. House of Representatives.

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## HONORING THE ACHIEVEMENTS OF THE WESTERN SPRINGS LITTLE LEAGUE ALL-STARS OF 2007

### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. LIPINSKI. Madam Speaker, I rise today to honor the 12-year-olds of the Western Springs All-Star Little League team for their success in capturing the state championship title of 2007 as well as all of their other momentous achievements during the 2007 season. Their commitment and dedication, never giving up in the face of adversity, set them apart from their competitors and made their community proud.

The 2007 Western Springs All-Star team, featuring neighborhood standouts Jack Toner, Peter Swanson, Christopher O'Reilly, David Reed, Tim Goldrick, Jake Elliot, Bret

Cunningham, Matt Aikens, Charlie Netzel, Andrew Hinds, Eddie Gengo, and Keith Lehmann, began their season with high expectations after winning a state title the year before. They did not disappoint. As they finished their season 15–1, they continued living by their motto: "Never Give Up, Never EVER Give Up."

This winning attitude brought the Western Springs team to another state championship and gave them the inspiration to persevere even in tough times. I would like to recognize the diligence and commitment which have characterized the Western Springs Little League, rising to a consistent high level of perennial success as district champions, and now State champions 2 years in a row.

I rise today, Madam Speaker, to commend the hard work and talent of the 2007 Western Springs All-Star team, their calm under pressure, and their sportsmanship even in defeat. The Western Springs Little League All-Stars of 2007 have made a great accomplishment of which they can all be proud. I send my congratulations to them and their families, as well as my thanks for their hard work and for the tradition of excellence, which they have established in the Third District of Illinois.

## WELCOMING HOME STAFF SERGEANT SCOTT LILLEY

### HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. PEARCE. Madam Speaker. I rise today to welcome a brave American soldier home to New Mexico. SSgt. Scott Lilley is returning to his family in Roswell, NM, after spending 7 months recovering from a serious wound in battle which left shrapnel lodged in his brain.

Staff Sergeant Lilley served his country bravely for 6 months before he was injured when his convoy in Iraq was attacked by small arms fire on April 15, 2007. In the face of enemy fire, he displayed the utmost courage while defending his fellow soldiers. Despite suffering a life threatening wound, Staff Sergeant Lilley continues to be an example of bravery and strength in his recovery.

Over the course of his career the medals and awards collected by Staff Sergeant Lilley included: The Purple Heart, Army Commendation Medal, Air Force Combat Action Medal, Meritorious Unit Award, Air Force Outstanding Unit Award, Air Force Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, and the Global War on Terrorism Service Medal.

Staff Sergeant Lilley was treated by military doctors and transported to Landstuhl Regional Medical Center in Landstuhl, Germany, where he received further medical treatment. Now, 7 months after what could have been a fatal injury, Staff Sergeant Lilley has returned home to be with his family and continue the healing process. Welcome home Scott and God bless you and your family.

## RECOGNIZING MR. JOSEPH CARINCI OF ONEIDA, NY FOR HIS BRAVERY AND SERVICE

### HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. ARCURI. Madam Speaker, I rise today to pay tribute to Joseph Carinci of Oneida, NY. Mr. Carinci is a veteran of the U.S. Navy, Boatswain's Mate Second Class, who served bravely and honorably in World War II.

Joseph Carinci entered the Navy on March 11, 1943, and, at the age of 18, boarded the gun boat USS *Plymouth* for his first sea voyage. On August 4th, the USS *Plymouth* was struck by a German U-boat while escorting a convoy en route to Key West, FL. Mr. Carinci and his shipmates waited for rescue in choppy, shark-infested waters as the ship sank. Tragically, by the time a British rescue ship arrived, Mr. Carinci was among only 85 surviving crew members. Following this harrowing experience, Mr. Carinci served honorably on the destroyer escort USS *Hissem*.

Because of his exemplary service, Joseph Carinci was offered a promotion to the title of Boatswain's Mate First Class. Sadly, he was unable to re-enlist in the Navy and receive his promotion due to family tragedy: His father had recently lost a leg in a railroad accident. Because the Carinci family had already lost a son to the war in France and had another injured in Saipan, Mr. Carinci had no choice but to return home to support his family. He was honorably discharged on December 5, 1945.

Joseph Carinci was awarded the American Campaign Medal, the Asiatic Pacific Campaign Medal, the European-African-Middle Eastern Campaign Medal with Bronze Star Device, the World War II Victory Medal, the Navy Occupation Service Medal with Asia Clasp, and a Combat Action Ribbon.

Madam Speaker, since leaving the service, Mr. Carinci has been an active member of veterans groups in Upstate New York. I am honored to count him as one of my constituents, and I ask my colleagues to join me in honoring Joseph Carinci and the countless other brave Americans who have served this country.

## HONOR OUR NATION'S VETERANS

### HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor our Nation's veterans. This is a day to reflect and give thanks to those who have served the United States of America. Their dedication and courage to protect America's freedoms should never go unnoticed or unappreciated.

This week, I was proud to introduce the Military Service Tax Relief Act, which provides tax relief to members of the military and their families. This bill permanently extends a current provision that allows military members called to active duty to make withdrawals—penalty-free—from their retirement plans. It also continues to allow members of the military to include combat pay as earned income, thus allowing more military members to further capitalize on the Earned Income Tax Credit.

Furthermore, this year, I have been advocating for assured healthcare for veterans and I helped pass the largest budget increase in the 77-year history of the VA, which boosts funding for veterans' services by $6.7 billion over last year's level. This funding will help cover the VA's increasing patient load and improve health care facilities and treatment for service members and veterans.

This money is increasingly important to Florida, where we have 1.8 million veterans. And, last year, over 50 veterans moved to Florida every day, making it the fastest growing veterans' population in the country.

Florida also has over 100,000 returning soldiers who served in Iraq or Afghanistan. In wartime, as our men and women come home, we need to realize that they have new needs, and we must find new solutions to help return them to productivity in the workforce and in our communities.

With the influx of many more disabled soldiers coming home, I supported legislation that includes $62 million to hire new claims processors to address the 400,000 claim backlog and $20 million to help speed up administering initial disability exams.

On this Veterans Day, and on every day, I honor America's veterans and soldiers and continuously express my sincere gratitude for their sacrifices.

## POSTHUMOUSLY HONORING GEORGE F. BAKER, D.D.S., AS THE COMMUNITY HEALTH CHAMPION 2007 HONOREE AT THE TRIBUTE TO COMMUNITY HEALTH CHAMPIONS RECEPTION BY THE WEST FRESNO HEALTHCARE COALITION

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. COSTA. Madam Speaker, I rise today to congratulate George F. Baker, D.D.S. for being posthumously named a 2007 honoree at the Tribute to Health Champions reception by the West Fresno Healthcare Coalition. As a person who helped shape the dental profession and patient care throughout San Joaquin Valley, he is certainly deserving of this honor.

Dr. Baker is fondly remembered by the residents of Southwest Fresno as one of the few dentists who would not hesitate to care for those less fortunate who were served only by publicly funded dental programs. His goal was to ensure that people in rural areas had access to good, affordable dental care. It was this commitment to caring for the underserved which led Dr. Baker to author the initial grant request in the mid 1970's to establish the Firebaugh-Mendota Dental Clinic. Dr. Baker was also a strong supporter and advocate of the UCSF-Fresno Latino Center for Medical Education and Research, a program built to address the persistent shortage of Latino physicians in the community and amongst the medical school faculty. He helped create the dental clinic at the Valley Medical Center and was closely involved in managing and ensuring that indigent families had access to dental services there at all times.

The establishment of a scholarship in his name for entering students at the UCLA School of Dentistry demonstrates the high regard in which Dr. Baker is held. It recognizes the long and outstanding contributions he made to the dental profession and to education in the field of dentistry.

Dr. Baker was a man of great principle and integrity and continues to be a role model for our Valley's newest dental professionals. Along with the memory of his work, his scholarship will enable more dentists to help those in need, as Dr. Baker did for so long. George was my friend and a mentor during my early years in health care for our valley and the political process. His son Tim and daughter Bethany carry on this spirit of community service. It is with great pride that I posthumously honor him for all that he did on behalf of Western Fresno and congratulate him for receiving this distinguished award.

## MARINE CORPS MARATHON CONTINUED

### HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mrs. SCHMIDT. Madam Speaker, I rose last week to share some of the heartwarming stories I heard while competing in the Marine Corps Marathon, and to pay tribute to some of the extraordinary people who participated in the Marathon. I rise today to recognize more brave souls who finished the Marine Corps Marathon and are affiliated with the Marine Corps' Congressional liaison office and the Capitol Hill Running Club: BG Michael Regner, MAJ Tom Wood, MAJ Gerald Thomas, MAJ Toby Patterson, Sgt Hector Rodriguez, Cpl Scott Caudill, 2nd Lt Ingrid Rivera, RADM Mark Ferguson III, CDR Audrey Monish, Dr. Mike Moses, Riley Scott, David Cleary, Tom Sheehy, Michael Hermann, Amy Porter, and Mark Smith.

## PERSONAL EXPLANATION

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Ms. WOOLSEY. Madam Speaker, on November 7, I was unavoidably detained and was not able to record my vote for Rollcall #1058.

Had I been present I would have voted: Rollcall #1058—"yea."

## PERSONAL EXPLANATION

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. MILLER of Florida. Madam Speaker, I would like to offer the reason I missed rollcall vote Nos. 1059 through 1072 on November 7 through 8, 2007. I was down in my district attending the funeral of Sgt. Daniel L. McCall.

If present, I would have voted:

Rollcall vote No. 1059, H. Res. 801—Providing for consideration of the bill (H.R. 3688) to implement the United States-Peru Trade Promotion Agreement "aye";

Rollcall vote No. 1060, final passage on H.R. 3688—United States-Peru Trade Promotion Agreement "aye";

Rollcall vote No. 1061, H. Res. 806—Providing for consideration of the conference report to accompany H.R. 3222, making appropriations for the Department of Defense "nay";

Rollcall vote No. 1062, Ordering the Previous Questions on H. Res 806 "nay";

Rollcall vote No. 1063, H. Res. 806—Rule for Department of Defense Conference "nay";

Rollcall vote No. 1064, final passage on H.R. 3222—Department of Defense Appropriations for FY 2008 "aye";

Rollcall vote No. 1065, Ordering the Previous Questions "nay";

Rollcall vote No. 1066, providing for consideration of the bill (H.R. 3355) to ensure the availability and affordability of homeowners' insurance coverage for catastrophic events "nay";

Rollcall vote No. 1067, On Motion to Instruct Conferees to H.R. 3074 "aye";

Rollcall vote No. 1068, Klein Amdt. to H.R. 3355 "aye";

Rollcall vote No. 1069, Roskam Amdt. to H.R. 3355 "nay";

Rollcall vote No. 1070, Roskam Amdt. to H.R. 3355, "nay";

Rollcall vote No. 1071, Manzullo Amdt. to H.R. 3355, "nay";

Rollcall vote No. 1072, Shays Amdt. to H.R. 3355, "nay".

## PERSONAL EXPLANATION

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. LEVIN. Madam Speaker, yesterday, I was unavoidably absent during rollcall votes 1061 through 1076. Had I been present, I would have voted "yea" on rollcall 1061, "yea" on rollcall 1062, "yea" on rollcall 1063, "yea" on rollcall 1064, "yea" on rollcall 1065, "yea" on rollcall 1066, "yea" on rollcall 1067, "yea" on rollcall 1068, "nay" on rollcall 1069, "nay" on rollcall 1070, "nay" on rollcall 1071, "nay" on rollcall 1072, "nay" on rollcall 1073, "yea" on rollcall 1074, "yea" on rollcall 1075, and "nay" on rollcall 1076.

I was also unavoidably absent on October 30 for rollcalls 1018, 1019 and 1020. Had I been present, I would have voted "yea" on all three rollcalls.

## COMMEMORATING THE 53RD VETERANS DAY

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. RAHALL. Madam Speaker, it was the 11th hour on the 11th day of the 11th month of 1918 when the guns fell silent on European battlefields, echoing the cease-fire agreement between the Allied Nations and German Forces and America's first victory in a battle for freedom in a world at war.

One year later, on November 11, 1919, President Woodrow Wilson proclaimed and commemorated the first Armistice Day. Thirty-five years later, this day would come to be known as Veterans Day—a day in which our Nation takes the time to recognize the service and sacrifice of the men and women who have heeded the call to service in defense of our Nation.

Over the years, our Nation has fought many battles, on many continents, amongst many enemies, and in defense of those who cannot defend themselves. Throughout these battles, our country has seen some of our best and brightest commit the ultimate sacrifice for a cause that they believe in, a cause called freedom.

To many across the world, freedom is a work in progress, a quest toward the ability to do and say what you feel, and live in a world of peace, to provide for your family, and to live without the fear of persecution for your beliefs and ideas. As Americans, we enjoy these freedoms many others do not, because of the unyielding sacrifice made by our brave men and women in uniform who have served our Nation over the course of history to defend our liberty.

Let us take this day to remember those who have served and those who have fallen, who selflessly gave of themselves, knowing that they were protecting and representing the greatest Nation on Earth. Let us remember that it is our duty to see that our veterans have access to quality and affordable healthcare. And let us remember to always honor and recognize all veterans with the respect and admiration that they have earned.

Our veterans, as our soldiers fighting today, remain foremost in the thoughts and minds of West Virginians, and will always remain one of my top Congressional priorities. May God continue to bless all those who have returned and those who have not on this Veterans Day.

## VETERANS DAY: A GRATEFUL NATION REMEMBERS

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in tribute to this Nation's veterans, a distinguished group of Americans which I am so proud to be associated with.

Prior to my election to public office, it was my privilege to work on behalf of veterans for more than 15 years as a chief psychiatric nurse at the Dallas VA Hospital, Day Treatment Center, as well as the Day Hospital in Dallas, TX.

Our 25 million living veterans need Congress' continued support for health care and compensation for those with service-connected disabilities. Educational support, counseling, and employment-assistance programs for those readjusting to civilian life also must be sustained. These programs and others to assist the survivors of those who made the ultimate sacrifice, help acknowledge a debt we can never truly repay.

We cannot hide from the truth that close to 25 percent of our Nation's homeless are veterans, many of whom suffer from chronic mental illness. We also cannot ignore that unemployment rates among service-connected disabled and recently discharged veterans remain unacceptably high, and that it is estimated that over 10,000 Iraq and Afghan veterans suffer symptoms of post-traumatic stress disorder.

I will proudly join millions of North Texans to honor our veterans on November 11th—many of those just returning from Iraq and Afghanistan, others who long ago returned from Europe, Korea, Vietnam, Desert Storm, and all those brave men and women who served elsewhere during the years between these conflicts.

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## TRIBUTE TO BG PAUL W. TIBBETS, JR.

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. WAMP. Madam Speaker, each Veterans Day we recognize and pay tribute to the extraordinary courage of those who have served in our nation's armed forces. The sacrificial service of these brave men and women committed to God, family, and country has preserved the freedom of this great Nation and granted freedom to millions around the world. Though, we must never forget that freedom is not free. The price of freedom is paid for with the lives and blood of the men and women of our Armed Forces.

Just 8 days ago on November 1, 2007, our Nation lost retired BG Paul W. Tibbetts when he died at the age of 92 surrounded by family and friends in Columbus, OH. At a time when our Nation witnessed the rape of Nanking, the Death March to Bataan, and the tragedy of Pearl Harbor, General Tibbetts fulfilled his call to duty and today we honor him for his service.

February 23, 1915, was a significant day in history as it marked the birth of Paul Warfield Tibbetts, Jr. to Mr. Paul and Enola Gay Tibbetts. Just 30 years later their son would command the most famous single military air strike in world history over Hiroshima, Japan, in a plane carrying his mother's namesake.

In one of his very rare interviews, General Tibbetts, offered his perspective on his role in the bombing of Hiroshima. "I'm not proud that I killed 80,000 people, but I'm proud I was able to start with nothing, plan it and have it work as perfectly as it did," he said years later. "You've got to take stock and assess the situation at that time. We were at war, and you use anything at your disposal."

This gives us great insight into the life and legacy of BG Paul W. Tibbetts, whose unwavering commitment epitomized the words of the 18th Century British philosopher John Stuart Mill, "War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. The person who has nothing for which he is willing to fight, nothing which is more important than his own personal safety, is a miserable creature and has no chance of being free unless made and kept so by the exertions of better men than himself."

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## THE WHITE RIBBON CAMPAIGN

### HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. SMITH of Nebraska. Madam Speaker, I rise today to bring attention to the White Ribbon Campaign and call on men everywhere to help stop violence against women.

The White Ribbon Campaign is the largest effort in the world organized by men and aimed at men to say that all forms of violence against women must stop now.

I applaud this grassroots effort of men from all walks of life working together to contribute to this important goal.

One in every four women will experience domestic violence in her life, and an estimated 1.3 million women are victims of physical assault by a partner each year.

I am proud that my home State of Nebraska has long been concerned for women living in fear of violence, and in 1976 was the first State to abolish the marital rape exemption.

We owe our thanks for the important work the men of the White Ribbon Campaign are doing as they work toward the goal of stopping violence against women.

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## RECOGNIZING THE 50TH ANNIVERSARY OF THE OLD HOMESTEAD SUBDIVISION

### HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the historic Old Homestead Subdivision at Eleven Mile and Drake Roads in Farmington Hills, Michigan as they celebrate their 50th Anniversary on November 10, 2007.

The Old Homestead Subdivision takes its name from the original 240-acre tract taken out in 1824 by Mr. Edward Steele. The deed, which was signed by President John Quincy Adams, was granted to the first "homesteader," who was required to clear the wilderness and establish a home while paying $1.25 an acre. It was on this land that Mr. Steele built a home, a farm, and a mill for his family.

It was Edward Steele's grandson, Frank Steele, who would leave the largest mark on this community. After a fire destroyed his grandfather's farmhouse, Frank and his wife, the former Bertha Crosby, the daughter of the first soldier to enlist in the Civil War from Michigan, commissioned a stone house to be built on Eleven Mile Road. They were both active members of the community, where Frank served on the Township Board and as a Justice of the Peace, while Bertha was active in all the local women's organizations. The house stayed within the Steele family until 1989 when it was made part of the Farmington Hills Historic District by Frank's nephew, Robert Bohme.

Throughout the years, the farm land originally purchased by Edward Steele has been sold and developed into country homes for folks seeking solace from the busy city life of Detroit. Stores, cider mills, and inns began to dot the pastoral landscape, bringing commerce to the community. Road development allowed more families to settle into suburban life in Farmington Hills, and like many subdivisions that formed after World War II, the homestead was established on November 10, 1957.

Even with all of the new construction and development that came over the years, the Old Homestead kept hold of the unique features that made it what it is. The Old Homestead remains home to historic Elliot Sprague House, which was built in 1880, and the Erie Prince Sawmill, which now is a cider mill. These mainstays keep the Old Homestead as the quaint neighborhood it was when formed.

Madam Speaker, today I pay tribute to the rich history of the Old Homestead Subdivision. Its contribution to the character of the city of Farmington Hills is beyond measure, and I congratulate the residents on the 50th anniversary of its founding.

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## HOUSTON CRIME STOPPERS

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. POE. Madam Speaker, the safety and security of American communities is a vital ingredient in the preservation of liberties we as a nation hold dear. Nonetheless, individuals occasionally attempt to upset our sense of wellbeing. Holding these criminals accountable for their actions is thus of the utmost importance. Since 1981, Houston Crime Stoppers has tirelessly worked towards keeping our neighborhoods protected through helping law enforcement solve numerous cases.

Imported, from a similar program in Albuquerque, New Mexico, by members of the Exchange Club of Houston, the organization quickly grew into a world leader, assisting to solve felony offences. The success achieved by this group is made possible through the ease of reporting information to the Tip Line. As a result of assigning callers with code numbers, anonymity is easily maintained, while encouraging informants to continue to contact Crime Stoppers. If the information provided leads to an arrest, a financial reward is then given to the appropriate citizens. From 1981 to 2006 over 6.5 million dollars have been paid in cash rewards, a testament towards the large response to Crime Stoppers throughout the Houston community.

Prevention is also a key aspect of Houston Crime Stoppers mission. Serving over 200 area middle and high schools, the Safe School Program works to educate students and administrators about how to recognize dangers. Their focus in particular concerns gang activity, terrorist threats, and possession of dangerous weapons. Students can report serious crimes to officers, through the anonymous tip line before they escalate into perilous situations. These informed campuses are better protected as a result, illustrated alone by the 52 gun related arrests in just the past decade.

A similar initiative sponsored by Crime Stoppers is the Safe Apartment Program. Like preventative programs in area schools, the identifying crime is a major concentration. Complex managers and staff are taught how to recognize and report criminal activity. Residents also can inform officers of offenders in their community, through the Tip Line. This has proven to effectively reduce crime, making the affected neighborhoods increasingly safer.

Operating in partnership with citizens, media, law enforcement, and the criminal justice system, Houston Crime Stoppers is now the number one community based organization dedicated to deciphering and preventing serious crime. Since their 1981 inception, 26,593 cases have been closed as a result of these dedicated citizens. Of these many servings of justice, they solved 817 homicides, 832 murders, and apprehended 8917 felony fugitives. Still, these statistics make up only a portion of the many other transgressions resolved as a result of Houston Crime Stoppers.

And that's just the way it is.

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## HONORING GEORGE BARRETT'S 50 YEARS IN THE LEGAL PROFESSION

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor George E. Barrett for his 50 years of service in Nashville's legal profession. A long-time champion of civil rights, George has gained a reputation as one of Tennessee's foremost judicial consciences.

During the 1950s and 1960s, Nashville was the backdrop for many powerful demonstrations during the Civil Rights Movement, including the famous lunch counter sit-ins. In the midst of that movement, George Barrett earned his law degree blocks away at Vanderbilt University and decided to practice law right there in the city where he grew up.

George made a name for himself as a defender of the underdog. His work on Tennessee's Geier case is a remarkable example of a civil rights issue that George tenaciously took on and saw through its duration of more than three decades.

George has been a friend for many years, and I congratulate him on his 50 years as a fearless attorney. As one of the partners at his law firm wisely suggested, we doubt he will ever actually retire. I wish George many more years of success and happiness in his career and in his personal life.

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## IN RECOGNITION OF NAVSYS CORPORATION, 2007 TIBBETTS AWARD WINNER FOR THE TALON NAMATH PROGRAM

### HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. LAMBORN. Madam Speaker, I rise today to congratulate NAVSYS Corporation for receiving the 2007 Tibbetts Award given in recognition of the successful Talon NAMATH Program. The Tibbetts Award, named for Roland Tibbetts, honors organizations, individuals, and small businesses who demonstrate achievement in the area of Small Business Innovation Research.

Located in my hometown of Colorado Springs, NAVSYS Corporation was founded in 1986 by Dr. Allison Brown. Since its inception, this company has sought to promote the use of Global Positioning System in a variety of applications, both commercial and military. The Talon NAMATH Program for which NAVSYS received the Tibbetts Award has provided crucial support to our military operations in Iraq and Afghanistan.

I am proud to represent such an accomplished business and hope that this achievement by NAVSYS inspires other businesses in my district. Today, I offer my congratulations to NAVSYS and all those who worked so diligently on the Talon NAMATH Program. It is innovations by companies like this that will keep our country secure.

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## PAYING TRIBUTE TO WENDY DARWELL

### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. HINCHEY. Madam Speaker, I rise today to pay tribute to my longtime staff member and dear friend, Wendy Darwell as she prepares to embark on the next adventure in her life. Wendy has served the people of New York's 26th and now 22nd congressional district with great distinction for the past 13 years, holding several positions of responsibility in my office, most importantly as my chief of staff. Wendy's tenure in my office has been defined by a deep commitment to serving the people of New York and a dedication to the operation of our organization, working to ensure efficient and effective service to the residents of my congressional district and the people of our country.

Wendy Darwell originally hailed from the Village of Tivoli in Dutchess County, New York. She attended American University here in Washington and began working in my office as an intern while taking undergraduate courses in 1995. Wendy quickly established herself as an effective member of my staff and quickly worked her way through many positions in my office; first as a legislative correspondent, then as a legislative assistant, press secretary and finally, for the past seven years, as my chief of staff. She is well-known for her grace under pressure, her leadership, and her professionalism and courtesy. Wendy has overseen many significant projects and initiatives that have benefited the country as a whole. But most importantly, she embraced every opportunity to improve the lives of the constituents I represent and did so with compassion and energy. I would not have been able to serve the people of the New York congressional districts I have represented as effectively without the extraordinary leadership and skill contributed by Wendy Darwell.

Madam Speaker, it is with a deep sense of gratitude that I rise today to thank Wendy Darwell for her many years of dedicated service to me, to the people of New York's 26th and 22nd congressional districts, and to this country. She leaves behind a long list of accomplishments and a staff and a congressman who will miss her deeply. I wish her well in her new endeavors and look forward to staying in close contact with her.

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## THE MOST REVEREND CURTIS JOHN GUILLORY

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. POE. Madam Speaker, today I am proud to recognize the Most Reverend Curtis John Guillory, Bishop of the Roman Catholic Diocese of Beaumont. Bishop Guillory was born in Mallet, Louisiana to a family of cotton sharecroppers as the oldest of sixteen children.

He graduated from St. Augustine Seminary in 1964 and was ordained to priesthood in 1972. He holds a Bachelor of Arts Degree and two Master's Degrees, one in Divinity and one in Christian Spirituality. He was ordained as auxiliary Bishop in 1988, and installed as the fifth Bishop of Beaumont in July of 2000. He is the first African-American to be Bishop of Beaumont, and the first African-American ordinary (Bishop with full jurisdiction) of any Diocese in Texas.

His first assignment was to St. Augustine Parish in New Orleans, Louisiana, which was the home parish of Mr. Plessy of Plessy vs. Ferguson—the case that decided, "separate but equal" was constitutional (later overturned by Brown vs. Board of Education).

The Bishop's Episcopal motto is Romans 8:28, which says, "For those who love God, all things work together for good." His hobbies include reading, exercising, and traveling; the latter two came in handy when he carried the Olympic torch in 1996, as it traveled across the country!

As the Vicar of Christ in the Diocese of Beaumont, which includes St. Anthony Cathedral, one of only four Minor Basilicas in Texas, the Bishop carries out his threefold ministry as teacher of doctrine, a priest of sacred worship, and a minister of governance.

Bishop Guillory is known for his frequent visits to parishes and schools. He gives his time freely throughout the community and across the country, and has served on a host of boards, including the USCCB African American Catholics in Washington, DC; Julie Rogers Gift of Life Program in Beaumont, TX; IEA—Inspire, Encourage, Achieve; NCCB Committee on World Missions, Washington, DC; Apostleship of the Sea USA in Washington, DC; Gulf Coast Epilepsy Association; Houston Area Urban League; Housing Opportunities, Inc.; Downtown Houston YMCA; Mental Health Association of Greater Houston; Child Advocates, Inc.

He was also a 2006 recipient of the St. Elizabeth Ann Seton Award for Catholic Education, from the National Catholic Educational Association for the successes of the Catholic schools in the Diocese of Beaumont. This honor is awarded to those whose personal or professional philanthropy of volunteer service has impacted Catholic education in the U.S., and our country's youth in general.

I am proud to recognize the Most Reverend Bishop Curtis Guillory for his distinguished ministry and service. He has helped make our world a better place to live, and I applaud his unwavering compassion dedication to the community and all of humanity.

That's just the way it is.

# SENATE—*Tuesday, November 13, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, our gracious King, You are the one clear power of love in the midst of lesser powers. Thank You for giving us the confidence to know that You hear and answer prayer.

Use the Members of this body as ambassadors of reconciliation. Help them to create laws that will bring wholeness to a fragmented Nation and world so that You might be glorified. Teach them, Lord, how to discover Your love in each other and to see Your beautiful image in all of creation. Lord, settle them down into a contemplative stillness so that they will find joy in righteousness, justice, and charity. May they speak wise words from a reservoir of wisdom that will transform discord into symphonies of peace.

We pray in Your sacred Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, November 13, 2007.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

## MEASURES PLACED ON THE CALENDAR—H.R. 3495 AND H.R. 3685

Mr. REID. Mr. President, I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

> A bill (H.R. 3495) to establish a National Commission on Children and Disasters, and for other purposes.
>
> A bill (H.R. 3685) to prohibit employment discrimination on the basis of sexual orientation.

Mr. REID. I object to any further proceedings at this time, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, we will proceed to executive session to consider the nomination of Robert Dow to be U.S. District Judge. That will take place immediately. The confirmation of that nomination is slated to occur at 10:10 this morning.

Following this vote, the Senate will go into a period of morning business until 12:30. That time is equally divided between the two parties, with the first portion under the control of the minority, with Senator DORGAN controlling 30 minutes of the majority's time.

At 12:30, we will recess for our regular party conferences and reconvene at 2:15. The Senate will then resume consideration of the farm bill.

There are a number of things I am going to speak to the Republican leader about in a few minutes, and then I will have another statement later in the day to talk about what we can expect in the next few days. This is the last week prior to the Thanksgiving holiday. This will be a busy week. We hope it doesn't spill into next week.

Tomorrow, Secretary Rice and Secretary Gates will brief Members on the current situation in the Middle East. That briefing will begin at 2 p.m. in S–407.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## WISDOM OF BENJAMIN FRANKLIN

Mr. McCONNELL. Mr. President, right outside this Chamber stands a statue of Ben Franklin. According to the Office of the Senate Curator, sculptor Hiram Powers received a contract from President James Buchanan himself to sculpt Franklin back in 1859. The statue arrived in the Capitol in 1862 and has been in that spot ever since.

Franklin wrote many famous aphorisms that live on to this day, and I wanted to talk about one of my favorites.

Two hundred eighteen years ago today, Franklin wrote to a friend words that will long outlive most things we say. This is what Franklin had to say:

> Nothing can be said to be certain, except death and taxes.

Proving the aphorism, Franklin died less than a year later.

While we know the certainty of death and taxes, we can do something to ease the burden for the 23 million Americans who will be in for a rather unpleasant surprise on April 15 if Congress doesn't act now to stop the middle-class tax hike, which goes by the rather innocuous name of AMT—a law that was originally intended in 1969 to impose taxes on a handful of high-income individuals who used loopholes in the code to avoid paying any regular income tax.

Congress has known about the need to fix this problem all year long, but the majority hasn't brought a bill to the floor. Now they say it will be December before a bill is brought to the floor.

Now, the consequences of mismanaging this stealth tax are very real. This tax will grab $65 billion out of the pockets of middle-class taxpayers, an average of $2,000 per family. Millions will be hit for the very first time.

The IRS sent a letter warning the majority that unless they act before December, the tax returns of 50 million people and $75 billion in tax refunds will be delayed.

Last week, Democrats in the House of Representatives passed a bill that purports to delay the burden of the AMT for 1 year by socking a massive $80 billion tax increase to the American people. That is the last thing they need right now, and it would be a disastrous jolt to the economy.

Maybe a massive tax hike wrapped in an AMT fix sounds like a very good idea to some people, but I have a message to anyone who thinks that: Such a proposal is dead on arrival in the Senate.

The AMT was never meant to be collected from the millions of Americans whom it will hit this year if we don't act. I say this Congress ought to cut taxes by cutting taxes—cut taxes by cutting taxes—not by raising taxes.

I yield the floor.

## ORDER OF PROCEDURE

Mr. REID. Mr. President, I am going to speak for a short time and then Senator DURBIN wants to speak for a brief time. It is an Illinois judge we are voting on.

So I ask unanimous consent that the vote be put off until after Senator DURBIN speaks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## FISCAL POLICY

Mr. REID. Mr. President, at this point, I will respond to my friend from Kentucky, the distinguished Republican leader.

We have something new in town that has been going on now for almost 11 months, and that is we are paying for things. That is the reason the Clinton economic machine worked as well as it did. When we had a new program, we paid for it. When taxes were decreased, we paid for that.

We are going to go ahead and do the AMT fix, but we are going to do it by paying for it. We cannot continually run this country in the red. I repeat what I have said on a number of other occasions. When President Bush took office 7 years ago, we had a $7 trillion surplus over 10 years. He has driven us into near bankruptcy as a result of his fiscal irresponsibility.

We are responsible. We are going to fix AMT before the end of the year, but we will do it the right way; we are going to pay for it.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## EXECUTIVE SESSION

## NOMINATION OF ROBERT M. DOW, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Robert M. Dow, Jr., to be United States District Judge for the Northern District of Illinois.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:10 a.m. shall be equally divided between the leaders and their designees.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank Senator REID and Senator LEAHY, Chairman of the Senate Judiciary Committee, for bringing Robert Dow up for a vote this morning in the Senate. I enthusiastically support his nomination. If confirmed, he will fill a Federal District Court vacancy in Chicago that has been pending for over a year.

Robert Dow is an outstanding lawyer and an outstanding person. We have a process in Illinois that has worked almost flawlessly for the last 11 years, where we have bipartisan cooperation in screening judicial candidates. We have had the cooperation of the White House and leaders on both sides of the aisle, and we have not run into a problem. Robert Dow is the latest example.

Mr. Dow was recommended for this position by former Speaker of the House DENNIS HASTERT, the Republican leader in our delegation, with the understanding he faced a veto from myself or Senator OBAMA if we objected. Having met the man, having reviewed his background, there is no objection. He is an extraordinarily gifted and talented person.

He is a partner at one of Chicago's largest and most prestigious law firms—Mayer Brown—and he has been named as one of the 21 leading lawyers in the United States in the field of telecom, broadcast, and satellite.

There are many things you can say about Robert Dow, but I think there is one that stands out, as I reflect on what he had to say to us. Robert Dow has received an accolade that is noteworthy. In 2004, he received the annual Pro Bono Service Award from his law firm, which has over 1,500 attorneys, for his personal commitment to unpaid legal work to help those less fortunate.

That means a lot to me. It says he understands that being an attorney is not just a job, it is a profession, and a profession carries with it social responsibilities. His willingness to help the disadvantaged went a long way in convincing me he will bring to the court the kind of temperament and values which are so important.

The nomination of Robert Dow is a tribute to the successful bipartisan approach and the fact both parties look forward to his tenure on the Federal bench and the contributions he will make. Speaker HASTERT, Senator OBAMA, and I stand today excited about the prospect that Mr. Dow will soon fulfill this vacancy, which has been there for too long.

I ask my colleagues to join me in supporting Mr. Dow to be a district court judge in the Northern District of Illinois.

I yield the floor.

Mr. LEAHY. Mr. President, the Senate continues, as we have all year, to make progress filling judicial vacancies when we have the cooperation of the White House. The nomination before us today for a lifetime appointment to the Federal bench is Robert Michael Dow, Jr., for the Northern District of Illinois. He has the support of both home-State Senators. I thank Senators DURBIN and OBAMA for their work in connection with this nomination.

After we consider the confirmation of this nominee today, the Senate will have confirmed 35 nominations for lifetime appointments to the Federal bench this session alone. That matches the total number of judges confirmed for 2004. It exceeds the total number of judicial nominations that a Republican-led Senate confirmed in all of 1999, 2005 or 2006 with a Republican majority; all of 1989; all of 2001; all of 1983, when a Republican-led Senate was considering President Reagan's nominees; all of 1993, when a Democratic-led Senate was considering President Clinton's nominees; and, of course, the entire 1996 session during which a Republican-led Senate did not confirm a single one of President Clinton's circuit nominees.

Already this year, we have confirmed five circuit judges to the Federal bench, including the nominations of Judge Jennifer Walker Elrod and Judge Leslie Southwick who became the fourth and fifth circuit court nominees we confirmed so far this year. That matches the total number of circuit court judges confirmed in all of 1989 and all of 2004, when a Republican-led Senate was considering this President's nominees. It matches the number of President Clinton's circuit court nominations confirmed by this time in 1999 with a Republican-led Senate and is five more than the Republican-led Senate confirmed in the entire 1996 session. That was the session in which not a single circuit court nominee was confirmed. It is more than were confirmed in the entire 1983 and 1993 sessions.

When this nomination is confirmed today, the Senate will have confirmed 135 total Federal judicial nominees in my tenure as Judiciary Chairman. During the Bush Presidency, more circuit judges, more district judges—more total judges—were confirmed in the first 24 months that I served as Judiciary chairman than during the 2-year tenures of either of the two Republican chairmen working with Republican Senate majorities.

The Administrative Office of the U.S. Courts will list 47 judicial vacancies and 14 circuit court vacancies after today's confirmations. At the end of the 109th Congress, the total vacancies when Republicans controlled the Senate were 51 judicial vacancies and 15 circuit court vacancies. Despite the additional 5 vacancies that arose before the start of the 110th Congress, the current vacancy totals under my chairmanship of the Judiciary Committee are below where they were under a Republican led-Judiciary Committee.

The President has sent us only 21 nominations for these remaining vacancies. Twenty-six of these vacancies—more than half—have no nominee. Of the 17 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for nine, more than half of them. Of the 14 circuit court vacancies, six—nearly half—are without a nominee. If the President would decide to work with the Senators from Michigan, Rhode Island, Maryland, California, New Jersey, and Virginia, we could be in position to make even more progress.

Of the 26 vacancies without any nominee, the President has violated the timeline he set for himself at least 18 times—18 have been vacant without so much as a nominee for more than 180 days. The number of violations may in fact be much higher since the President said he would nominate within 180 days of receiving notice that there would be a vacancy or intended retirement rather than from the vacancy itself. We conservatively estimate that he also violated his own rule 7 times in connection with the nominations he has made. That would mean that with respect to the 47 vacancies, the President is out of compliance with his own rule more than half of the time.

Today we consider the nomination of Robert Michael Dow, Jr. He is a partner at the law firm of Mayer, Brown, Rowe & Maw, LLP, where he has worked almost his entire career. He received his B.A. from Yale University where he graduated summa cum laude and his J.D. from Harvard Law School where he graduated cum laude. A Rhodes Scholar, Mr. Dow earned a master and doctorate degrees from Oxford University. Mr. Dow also served as a law clerk to Judge Joel M. Flaum on the United States Court of Appeals for the Seventh Circuit.

I congratulate the nominee and his family on his confirmation today.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. OBAMA. Mr. President, I rise to express my support for the confirmation of Robert M. Dow, Jr. to the U.S. District Court for the Northern District of Illinois.

I am very pleased that this nomination has continued the bipartisan approach to filling judgeships in the Federal district courts—an approach that has served Illinois well.

Mr. Dow has an impressive record of professional achievement and an admirable commitment to public service. He has demonstrated fairness, decency, integrity, and a strong personal character that I expect will benefit the people of Illinois and all those with cases before the Northern District.

Most recently, Mr. Dow was a partner at the Chicago law firm of Mayer Brown. He earned his B.A. from Yale University where he graduated Phi Beta Kappa in 1987, and his J.D. from Harvard Law School, where he graduated cum laude in 1993. Mr. Dow was also a Rhodes Scholar who received degrees in international relations from Oxford University.

Mr. Dow has also distinguished himself in his professional career, where he has received a number of honors and accolades. Mr. Dow has been named a "leading lawyer" 5 years in a row by Chambers USA Guide to America's Leading Business Lawyers. He has been listed the past 2 years as an Illinois Super Lawyer in appellate law, and by the Best Lawyers in America in communications law. Mr. Dow also received an award for excellence in undergraduate teaching when he served as a teaching fellow at Harvard University.

Importantly, Mr. Dow has also been an engaged member of the Chicago community. In 2003, he served as a fellow for Leadership Greater Chicago, which stresses the development of community awareness and partnerships among leaders in the city. He is also an active member in a number of legal and academic associations as well as in his church.

Finally, Mr. Dow has a track record of personal commitment to pro bono service. Early in his career, he provided aid and advice to nonprofit organizations and a local court. Over the years, Mr. Dow has volunteered hundreds of hours to pro bono service, and continues to do so. He recently earned his firm's annual pro bono award. This kind of public service is essential to our legal system. When legal professionals provide voluntary expert legal counsel to those who cannot afford it, it shores up the integrity of our Nation's justice system.

It is good news for Illinois that Robert Dow will be joining the district court. I thank him in advance for his service and congratulate him on his confirmation today.•

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Robert M. Dow, Jr., to be a U.S. district court judge for the Northern District of Illinois.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Illinois (Mr. OBAMA), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. CRAPO), the Senator from Nevada (Mr. ENSIGN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 408 Ex.]

YEAS—86

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
DeMint
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—14

Biden
Burr
Clinton
Coburn
Crapo
Dodd
Ensign
Inhofe
Martinez
McCain
McCaskill
Obama
Roberts
Sanders

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to reconsider is laid on the table. The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will return to legislative session.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until the hour of 12:30 with Senators permitted to speak therein for up to 10 minutes each and the time equally divided between the leaders or their designees, with the Republicans in control of the first half of the time and the majority in control of the second half.

The Senator from Texas.

## VETERANS FUNDING

Mrs. HUTCHISON. Mr. President, I rise to discuss an issue that is important for our country. That is the appropriations bill for Veterans and Military Construction.

The Senate and House Appropriations Committees worked together in a bipartisan way to craft a bill that fully funds the Veterans' Administration and Military Construction for the quality of life of our troops. However, we became bogged down last week because the Senate and House leadership decided they would put forward a combination of bills that have no relationship to each other. The Labor-Health and Human Services bill and the Veterans' Administration-Military Construction bill. Under normal circumstances, that might be fine. We have had omnibus appropriations bills before. But there was one problem. That is, the President had already said he would sign the Veterans bill, but he would veto the Labor-Health and Human Services bill. So the combination of these bills was destined to assure a veto.

The Veterans and the Military Construction legislation should go forward on an expedited basis. I call on this Congress to do that. There is no reason—there is no substantive reason, no commonsense reason—we should delay a bill that has been agreed to by Republicans and Democrats and could easily pass the House and Senate and be sent to the President before the end of this week.

Yesterday we had celebrations all over the country for veterans, saying how much we appreciate their sacrifices and what they have given to our country. Today we come back to work, and we still don't have a Veterans' Administration funding appropriations passed for this year. It is not that the veterans' needs are not going to be funded, because we are in a continuing resolution that assures the basic things will be done. But what isn't going to be done is the new priorities we put in this legislation on a bipartisan basis. We have added more funding for research into protheses, artificial arms and legs, because those are the kinds of injuries our troops are coming home with. They are becoming veterans because, of course, they can no longer serve in Active Duty.

I will digress for one moment and say that when I visit Walter Reed or the Center for the Intrepid in San Antonio where young men and women who have come home injured from Iraq and Afghanistan are being rehabilitated, they complain because they are being put out of Active-Duty military. That is the kind of spirit these young men and women have. They will be maimed. They will have lost arms or legs; they will be burned. Yet they will say: Senator, I want to go back. I want to be with my comrades.

Of course, we are going to take care of those young men and women who have sacrificed so much through our Veterans' Administration. We have new priorities in these bills that will put more into research and rehabilitation for these brave men and women. We also have a new burn unit initiative to do more research on our burn victims. Many of our troops come back with mental health problems. We are establishing more research and centers of excellence for post-traumatic stress syndrome in the bill that has been agreed to.

All I am asking this morning is, why not pass this bill right now? We have a formality of calling a new conference committee on the separate bill. That could be done today. We have agreement. There is no reason not to fund these new priorities. I call on the Senate and House leadership to make it happen. There is no excuse. We have new priorities. We have bipartisan agreement.

My message to the leadership is: Let's trust our committee members. Let's trust the leadership on the committees. Democrats and Republicans came together. We increased the President's budget. We increased his request. He said: OK, because he knew how important it was that we fully fund the health care needs of our veterans.

Let me tell you another priority in this bill. We have heard story after story of people leaving the Active Duty, usually because of injuries, going into the veterans system. But what happens? There is a long delay, sometimes months, before the veterans' benefits kick in. These are injured warriors. In our bill, we have funding so those applications can be processed more quickly. We are trying to streamline leaving the Active-Duty military and going into the veterans system. That is in the bill that is languishing this week in Congress.

I call on our leadership to do the right thing. Let's put politics aside. We can take up the Labor-Health and Human Services bill in due course. But today we have a bill with bipartisan agreement that requires a mere formality of calling the conference committee, having the House pass it, the Senate pass it, and sending it to the President. We can celebrate a joint bipartisan victory with Congress and the President coming together. That is what the American people expect. That is what they are looking for in Washington. When we see the approval ratings of Congress and the President so low, why don't we try a new approach? Why don't we do something everyone can celebrate? That is, fund our veterans and military quality-of-life issues this week. It can be done. I call on the congressional leadership to do it. The President has said he will sign it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Mr. President, first of all, I associate myself with the comments made by the Senator from Texas. She is right. I serve on the Appropriations Committee with her and have worked on veterans issues with her. I very much am joining her in this effort to try to get this veterans bill passed because it is extremely important.

## FINDING SOLUTIONS

Mr. ALLARD. Mr. President, now, this year, the Senate has voted on Iraq over 20 times. We have voted on Iraq in the middle of the night. We have voted on Iraq on a Saturday. We have voted on cloture, points of order, motions to waive, and other permutations of the majority's desire to appease moveon.org and other radical constituencies regarding the war in Iraq.

Although Iraq is important, we have ignored other important business. Just last week, we just sent our first appropriations bills to the President, 38 days into the new fiscal year. We just voted on the Attorney General nominee, 45 days after it was sent to the Senate. We have yet to address next year's veterans health care funding needs, 2 days after Veterans Day.

The uncomfortable fact for those who would have us consider nothing not urged by the radical left is we stayed the course in Iraq, followed the plan for the surge as developed by the Pentagon, and we are now seeing the results there—but none here. Every day the situation improves some in Iraq. Every day there are more new stories showing that the country is moving somewhat out of its depths.

Allow me to read some of the news reports.

USA Today, November 13:

> The number of roadside bombs found in Iraq declined dramatically in August and September.

Here is the New York Times, November 8:

> American forces have routed Al Qaeda in Mesopotamia, the Iraqi militant network, from every neighborhood of Baghdad, a top American general said today, allowing American troops involved in the "surge" to depart as planned.

Here is a quote from the Washington Post of November 8:

> The drop in violence caused by the U.S. troop increase In Iraq has prompted refugees to begin returning to their homes, American and Iraqi officials said Wednesday.

This is from the Associated Press, November 8:

> Dramatic progress seen in Baghdad neighborhood.

And back to USA Today, from November 7:

> With security improving In Iraq, commanders are now considering how to reduce

the U.S. presence without losing hard-fought security gains.

So we are seeing progress in our task in Iraq. But the business we set aside here in the Senate on other important issues is left alone.

Every day our gas prices rise because we have not made meaningful efforts to improve our Nation's energy independence. Every day we grow closer to the looming entitlement spending crisis. Every day we draw closer to the expiration of the tax cuts that did so much to buoy our economy in the face of 9/11 and the Internet bubble crash of earlier this decade and even now help us ride through the oil and housing shocks to our economy. Every day we see greater lawlessness on our borders and confront a greater illegal immigration problem because we have not passed significant border security funding.

The Senate is sometimes referred to as the world's greatest deliberative body. But that compliment is not supposed to summarize the sole responsibility of this institution. We are not just here to deliberate and ruminate and ponder; we are also supposed to act. Meaningless vote after vote on ultimately pointless proposals is good politics, perhaps, but not good government. It is not suitable for the Senate to spend weeks and weeks ignoring the people's business so that we can score political points and mouth the key shibboleths on the war on terror or by appeasing special interest groups.

SCHIP expired on September 30. It is imperative that Congress reauthorize the current program to ensure children of lower income families still receive health coverage. Yet we make due with a short-term reauthorization so that political points can be scored at the expense of sound policy and practical government.

The farm bill expired on September 30, and we are here trying to squeeze in the work required to reauthorize it in the weeks before Thanksgiving, when we still have all but two appropriations bills to pass.

It is obviously too late to fix things this session. I know we will be here to the point where we are shopping for holiday presents at the Senate Gift Shop rather than back home. But I hope the American people are taking notice of what little we have accomplished this year and demand better next year. We must stop mining the Nation's problems for partisan sound bites and try to find solutions.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Thank you, Mr. President.

(The remarks of Mr. BARRASSO pertaining to the introduction of S. 2334 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BARRASSO. Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. Thank you very much, Mr. President.

## LAW OF THE SEA TREATY

Mr. VITTER. Mr. President, I wish to address the Senate and, indeed, our fellow citizens around America today about a very important matter before the Senate, the Law of the Sea Treaty. We have been studying this treaty in great detail in the Foreign Relations Committee, and it is a matter that could eventually come before the entire Senate.

I started this process, looked at the treaty, began to read it with a completely open mind. But as I got into the details of it—the significant details that would govern our laws, our activity—if we were to become a full participant in the treaty, many concerns began to mount in my mind. So I wish to come before the full Senate and before the American people to outline some of those concerns in great detail.

To begin with, let me say there are many good, productive, positive provisions of the Law of the Sea Treaty. I strongly support the same provisions the U.S. Navy supports and that personnel and admirals from the Navy have testified in favor of. That is really not the issue. The issue is the treaty as a whole and all of the provisions taken together and whether we should pass the treaty as a whole because we have no choice but to consider the whole, not simply one provision or the other.

This treaty has been around for many years—in fact, decades. It was negotiated decades ago. President Reagan, during his administration—very correctly, I think—rejected the treaty as it stood then. Because of that bold rejection, negotiators went back to the bargaining table and changed some significant aspects of the treaty. Now, those were improvements, but they don't in any way affect the main concerns I have about the Law of the Sea Treaty, and that is the fundamental baseline threat that the United States would be ceding our autonomy, our control over our own future to other international organizations that often don't have our best interests in mind.

So that is my fundamental concern. The renegotiation doesn't change that in any way. The testimony of the Navy doesn't even touch on that because it is about other provisions of the treaty. But my main concern with the Law of the Sea Treaty is the United States cedes autonomy to binding international tribunals—gives up American prerogatives, U.S. power, to binding international tribunals which, in the current international context, I do not think would often have our best interests in mind.

So why do I say that? Well, it is very important to look at the specific provisions of the treaty. We have been debating and discussing this in the Foreign Relations Committee. We have had numerous so-called expert witnesses. I am constantly shocked about how many participants in this discussion, quite frankly, including many expert witnesses, clearly haven't read all of the significant and important provisions of the treaty.

One of the most important provisions of the treaty has to do with these arbitral tribunals, these courts, if you will, that would have binding authority over all treaty participants, including the United States if the United States were to become a full treaty participant. So in other words, when disputes arise under the treaty, how do you resolve the dispute? You go to court. That court, if you will, that special tribunal, has binding authority over the parties to the dispute.

There are different sorts of these tribunals. One sort is called a special arbitral tribunal. Under that, under Annex VIII, the United States, again, cedes binding authority to these special tribunals in disputes about fisheries, the marine environment, marine scientific research, and navigation.

What is wrong with that? Well, I think what is wrong with it—or at least the threat it poses to the United States becomes clear when you look at the nature of this tribunal. It is a 5-person body and simple majority rules. Now, who appoints the people? Well, both parties to a dispute pick 2 panelists. So if we were brought into court, if you will, by another country, that other country opposing our views, opposing our interests, would pick 2 panelists, and we would pick 2 panelists. What about the fifth panelist? That is obviously important because it could well be the tie-breaking vote.

Under the treaty, the parties are supposed to try to agree on that fifth panelist. But if the parties can't agree—and, of course, that is a distinct possibility—the party taking us into court, the other country, could then flatout refuse to agree with any of our suggestions and choices no matter how reasonable.

Then what happens? Well, then the U.N. Secretary General picks the fifth panelist. He picks the tie-breaking vote.

I will be very honest with my colleagues; I don't feel comfortable with that. In the current international context, when we have been opposed so often at the U.N., when countries gang up on us, quite frankly, so often in forums such as the U.N., I don't feel comfortable with the Secretary General of the U.N. picking the tie breaker and essentially determining our fate.

There are other types of tribunals under the Law of the Sea Treaty. The next type is simply called a general arbitral tribunal. It is under Annex VII of the treaty. Again, the fundamental issue and the fundamental problem in my mind is, under that annex, under the provisions of the treaty, if the United States were to become a full partner in the treaty, the United States would cede, again, binding authority to these other sorts of tribunals regarding all other disputes.

So, in other words, the first type of arbitral tribunal would cover the four issue areas that I mentioned a few minutes ago. This general tribunal would cover all other disputes.

Now, how is this tribunal made up? Very similar, in fact, to the others. Again, a five-person body, simple majority rules. Both parties to the dispute, in this case, pick one panelist. So if we were hauled into international court, if you will, by another country, that other country would pick one panelist, and we would pick one panelist. Again, similar to the other tribunal. Then both parties together would try to agree on the other three panelists. Obviously, those three would compose a majority of the five. But if the parties can't agree—and, once again, if our opposing country, the country that has hauled us into court, doesn't want to agree to any of our ideas, any of our suggestions no matter how reasonable, it can just stand firm and not agree. In that case, those three members of the tribunal—a majority of the tribunal—would be chosen by the Law of the Sea lead bureaucrat, the head of the Law of the Sea under the treaty, an international bureaucrat similar in background and attitudes in many instances to the Secretary General of the U.N. Again, it is the same fundamental problem in my mind in that we are ceding our autonomy, we are ceding binding decisions that can be very significant in terms of our fate, our interests, our values, to this international court dominated by, controlled by, potentially, international bureaucrats.

Why is this a threat? What sort of disputes could arise that could go to these binding courts, or binding tribunals, panels? Well, one area that is clearly covered by the treaty is pollution. One would think that could be reasonable and necessary and natural with regard to pollution in the open ocean—this is a Law of the Sea Treaty, after all—but it also applies to pollution from land-based sources, and that comes as a great surprise to most people when they find that out. But that is why it is useful to read the treaty because when you read the treaty you actually find out some of these things.

Article 213 of the treaty is entitled—very frankly, very simply, very directly—"Enforcement With Respect to Pollution From Land-Based Sources."

That article says:

> States shall enforce their laws and regulations in accordance with Article 207—

That is fair enough. We pass our laws; we should enforce them—

> and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards, to prevent, reduce, and control pollution of the marine environment from land-based sources.

Well, wait a minute. I thought Congress and other political bodies in the United States determine our domestic laws, including about pollution from land-based sources. This is a distinct departure from that. This is a mandate in an international treaty saying: We shall adopt other laws to enforce international notions, international standards about pollution.

Another applicable article is Article 207, and under 207(1) it, again, says:

> States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources, taking into account internationally agreed upon rules, standards and recommended practices and procedures.

Once again, my reaction when I read that is, wait a minute. I thought Congress was in charge of environmental policy in the United States. I thought State legislatures, where appropriate, were in charge of that policy—bodies elected by the people. Isn't that what democracy is about? Well, this is a distinct departure. This is internationalizing many of those issues with mandates in the Law of the Sea Treaty that go beyond what we may think is the best law in these areas, and that we conform to certain international decisions.

Again, the title of the article couldn't be clearer: "Enforcement With Respect to Pollution From Land-Based Sources." Again, this is just one example of an issue area where the United States could well be ceding autonomy, ceding authority to other folks outside our borders who don't necessarily have our values, our notions, our best interests in mind.

What sort of situation could arise from this? Well, I think the situation that would undoubtedly arise is an outbreak of international lawyering and litigation—trying to move decisions that are presently before elected political bodies in the United States to the international arena. Many folks who have studied this phenomenon call it "lawfare." Again, not "warfare" but using international law to oppose us and battle our interests and move those decisions from the domestic political environment to an international tribunal, an international stage that very often doesn't have our best interests in mind. Again, U.S. autonomy gives way to international litigation.

This isn't a wild conjecture on my part. This isn't something I am imagining or seeing in the future. This is something that many international lawyers and activists are actively licking their lips over and looking forward to. In fact, there was a Law Review article published several months ago that was very straightforward about this phenomenon that would occur if we become a party to the treaty. The author of this Law Review article said very clearly:

> Climate change litigation—

One example of environmental issues, environmental litigation—

> in national and international fora is emerging as an alternative means by which to hold States and private actors accountable for climate change damages. The United Nations convention on the Law of the Sea is a promising instrument through which such action might be taken, given its broad definition of pollution to the marine environment and the dispute resolution mechanisms contained within its provisions.

That is exactly what I am talking about. That policy, that issue now is subject to our determination, and Congress is subject to the activity of other elected bodies in the United States, but under the Law of the Sea Treaty, it would be moved to an international forum, to international litigation, to lawfare, in many cases, against the values and interests of the United States.

We have great disagreement and debate in this body about significant issues such as climate change. That is legitimate in a democracy; we should have those debates, and we should hash out those differences, and we should make the best determinations and policies we can on behalf of the American people. But that is something very different from pushing those issues and those decisions outside of the United States to international courts, to international tribunals over which we essentially have no control.

There are other issue areas that could be the subject of this sort of international litigation, other countries hauling us into court to oppose our values and interests.

Another topic where this could happen—and this gives me grave concern—has to do with military activities. I actively asked many of the expert witnesses in our hearings before the Senate Foreign Relations Committee about it. What would prevent another country from hauling us into international court—that court, that tribunal having binding authority over us, if we become a part of the treaty—to try to stop, prevent, hamstring us with regard to military activity?

The response was immediate: There is a clear exception in the Law of the Sea Treaty that excepts military activities. That is true. Article 298 excludes "military activities" from the

Law of the Sea Treaty's binding dispute resolution.

The experts didn't have a good answer to my next question. It was logical. The next question is: OK, who determines what is a military activity and what is not a military activity? If there is an exclusion regarding military activities, then this term is pretty darn important. Who defines this term? Who applies this term on a case-by-case basis?

When I asked that to the experts before the committee, there was a fair amount of silence. And then, after some consultation with the lawyers behind the experts, the answer came: Well, we believe we define what is a military activity—we, the United States.

The next logical question: Where does the treaty say that? Where is that spelled out in the treaty? It is not. The treaty is completely silent on the issue. So the treaty excludes military activities, but it doesn't say what is military activity and what is not a military activity. The treaty doesn't determine who determines what is and is not a military activity.

Here in the United States, when two parties go to court, there is often a dispute in the beginning of the lawsuit about whether that particular court has jurisdiction. Guess who decides whether that court has jurisdiction. That court decides if it has jurisdiction. If the same thing were to occur in the Law of the Sea Treaty, who decides that? The international court, the tribunal, would decide, and it would decide that crucial threshold issue against our opinion, against our interests; and there we are again before a binding international tribunal, which could have grave effects on what we consider our military activities.

Another final area of concern I will highlight that could come up as a subject of this sort of international litigation is intelligence activities. Post-9/11, perhaps nothing is more important to our security, to the defense of our values and our way of life, than our necessary intelligence activities.

That gave rise to an obvious question I asked the experts before the committee: Would intelligence activities be covered by the Law of the Sea Treaty? And could these international tribunals, with binding authority on us, have that binding authority over our intelligence activities?

Once again, I would have thought this was a simple and obvious question, but it caused a long period of silence from the witnesses who were there to testify in favor of the treaty. Finally, after long periods of silence and much consultation with the lawyers behind them, the answer was: Well, we believe our intelligence activities fall under the military exemption. So we believe intelligence activities would not go to court, would not go to this international court with binding authority, because we believe it falls under the military exemption.

Again, an obvious followup question: Great. Where in the treaty does it say that? Long silence. Long pause. Consultation with the lawyers behind the experts. Well, the treaty doesn't say that. Does the treaty say anything about intelligence? The treaty doesn't mention intelligence—whether it is covered under the military exemption.

I have to tell you, that again gave me great pause and concern, because I immediately thought of this place—the Senate, the House, Capitol Hill—where intelligence is considered an entirely separate subject matter from military. When we are up here debating matters and sending matters to committees, there is an Intelligence Committee that handles intelligence. There is a completely separate Armed Services Committee that handles military matters. Intelligence isn't subsumed under military. Intelligence issues don't go to the Armed Services Committee. It is a completely separate category. So why should it necessarily be different in the Law of the Sea Treaty? I think an argument could be made—a very logical, forceful argument—that intelligence activities aren't excluded under the treaty.

Intelligence activities are different from military activities, just as they are considered different up here on Capitol Hill. Guess what. Intelligence activities could make the subject of this international law against us—before countries calling us into international court, before the international tribunals that would have binding authority on us—very disconcerting, particularly in a post-9/11 world, where our intelligence activities are so absolutely crucial to our national defense and our activities necessary to preserve our values and way of life.

Again, there are many significant issues that arise under the Law of the Sea Treaty debate. Hopefully, we will have a full opportunity to discuss these issues I brought up today, and more. But these issues I have discussed today are the heart of my concern with the treaty, and the heart of that concern is simply that the United States would be ceding our autonomy, our control over our own future and destiny to international bureaucrats, to international courts, who very often would not have our best interests in mind and would not share our perspectives or our values.

That is something very serious to consider when you are talking about environmental policy, which has always been the subject of debate in elected bodies within the United States; when you are talking about military activities, which are so important, particularly in a post-9/11 world; and when you are talking about intelligence activities, similarly crucial to our security, and defense of our way of life in a post-9/11 world.

I hope the Senate takes a very long, very hard look at this treaty. I hope every individual Senator will do something quite unusual, which is read the treaty, open the book, look at the details, think for yourself. Once I began that process several months ago, the concerns over this treaty—particularly with regard to U.S. autonomy—began to mount and multiply in my own mind. Every Senator has an obligation to pick up the treaty itself, read it personally, and think through these concerns, because the results, if things proceed as I have outlined, could be disastrous.

With that, I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Democrats control the time until the hour of 12:30.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

## PRESIDENTIAL VETO

Mr. President, last week, Congress took bold action on behalf of American families by sending an appropriations bill to the President that has important new investments in the everyday needs and hopes and dreams of the American people. It is a bill that funds our investments in education, health care, and in American jobs. These are not optional investments. They are not just nice little programs that can be funded 1 year and cast aside the next. These investments are about hope and opportunity for our children. They are about the dignity of middle-class and working families all across America. They are about our national strength. Unfortunately, it appears once again that the everyday concerns of the American people have fallen on deaf ears in the White House. This morning, the President vetoed this pro-family, pro-child, pro-worker legislation.

In fact, the White House says this bill is irresponsible and reckless. I ask: What is irresponsible and reckless about making sure our children receive the best education in the world? What is irresponsible and reckless about finding a cure for cancer so families no longer see that disease claim their mothers and fathers, brothers and sisters before their time? What is irresponsible and reckless about giving our workers the training and the skills they need to get good jobs and support their families? If anything is irresponsible and reckless, it is the President's choices.

The President insists on continuing to spend billions of dollars on a failed policy in Iraq, but he refuses to deliver the relief America's families need. This morning, the President signed a Defense appropriations bill that includes a 10-percent increase in funding compared to last year, but he vetoed a bill that includes an increase of half that amount that would fund cancer research, investment in our schools, job training, and protection for our workers.

Let's take a closer look at what the President has vetoed.

The bill provides long overdue funding for education. Year after year, the White House and the Republican leadership in Congress have failed to make the needed new investments for better teachers and stronger schools. In fact, under Republican control, commitment to the education of our children has continued to go down.

This chart shows in 2002, the year No Child Left Behind was passed, there was funding at $7.7 billion. We wanted reform and resources. We got it that time once it was passed. This chart shows the gradual diminution of support for funding under Republican Congresses and a Republican Senate. Now we see the beginning of the Democratic resolution and now the Democratic conference report and an increase. The President's request, $1.5 billion less; the Democratic conference report, $3.2 billion. And we the find the legislation vetoed.

This bill finally reverses that course of reductions over recent years under this administration. So it delivers the largest increase in title I funding since we passed No Child Left Behind. Again, we had the increase at the time of passage of the act and then a decline in resources, and now we see in 2008 there is an increase in the title I program for the neediest children in America. That was vetoed this morning.

This bill delivers the largest increase in funding for education. That is funding that goes to the children who have fallen the furthest behind and need the most help. It pays for teachers, improved curriculum, tutors, and a whole array of actions that can help students do well in school.

It provides $4.5 billion in additional funding in education compared to the President's budget. How can the President of the United States say he will leave no child behind when he has vetoed the very bill that will enable us to do that?

We are working in Congress to renew the No Child Left Behind reforms and to make them work better, but we cannot do it with a "tin cup" education budget. This President seems to think we can improve our schools on the cheap. The President says $4.5 billion more to students is too much. Yet he is proposing 35 times that much for the war in Iraq. He wants us to say yes to $158 billion for Iraq, while he says no to $4.5 billion for American school children.

In Iraq, anything goes. The sky's the limit. Billions and billions and billions of dollars for Iraq. But here in America, right at home, a modest investment in our school children gets a veto.

This bill includes $1 billion for high-quality programs that help children after school; afterschool programs which are so important for children. Afterschool programs assist children with their homework, give them extra tutorial work, and give support when their parents are at work.

These funds will help 1.4 million needy children who need a place to go after the school day ends. These are programs that help hard-working parents, improve student lives, and keep communities safe by decreasing drug use and violence.

We can help these school children after school for the cost of 2½ days in Iraq. But the President says no.

The bill includes $3 billion to improve the quality of our teachers. Those funds will be used to hire 30,000 more teachers to reduce class sizes. How many days of hearings have we had that demonstrate smaller class sizes and well-trained teachers are absolutely essential? How many times do we have to learn that lesson? We understand that lesson. We have tried to, with bipartisan support, get these funds into this legislation to improve the support for our teachers.

These funds, as I mentioned, hire 30,000 more teachers. They will be used for mentoring 100,000 beginning teachers and professional development for an additional 200,000 teachers who will go into underserved communities across this country. We can do all of that for the cost of a single week in Iraq. But the President says no.

This bill includes $500 million to help our struggling schools turn around. Improving our schools means supporting them. We can provide support for our neediest schools for about the cost of a day in Iraq. We can take those schools that are falling further behind for a range of reasons—they may need restructuring, they may need additional assistance or targeted assistance, but whatever they need, they need to have this kind of assistance. But the President says no.

The bill includes $7 billion to provide high-quality early education through Head Start. This week, the Congress will pass a Head Start bill that will strengthen the program to make Head Start even better. Those funds will be used to ensure that nearly 1 million children are ready to learn when they enter kindergarten. These funds build a basic foundation for learning that will help these low-income and minority children for the rest of their lives. We can fund this program for the cost of a little more than 2 weeks in Iraq.

We are going to have a conference report, virtually a unanimous conference report where we have worked out the differences, that we will pass in the Senate at the end of this week. The House is taking it up on Thursday. We will pass it the end of this week or the early part of next week. It includes so many of the recommendations of early education. We need high-quality individuals working in Head Start and working on the curriculum. We need to coordinate the various services for our children in the early years, to smooth out the transition process from early education programs to kindergarten.

We are beginning to get that seamless web of services that we all understand are critical. We are providing assistance in education and supports for children at the earliest ages. This continues on to kindergarten through 12th grade so children are ready for college and work. That is what we are desirous of, a continuum. Read that magnificent book of Jack Shonkoff, who is now at Harvard, formerly with the Heller School at Brandeis, "From Neurons to Neighborhoods." It brings together the three great studies that were done by the Institute of Medicine about the developing of a child's brain, the synapsis, the cognitive and social abilities to deal with their social conditions, the development of knowledge, a sense of inquiry and curiosity that develops and settles in a child's brain.

One cannot read that book and not understand that some of the best investments we make in education is in early education. We have taken so many of the lessons of that extraordinary document and have worked them through, Democrats and Republicans alike, in our conference. We will make real progress, but we need to invest the resources to do that. But when we came to do it and even as we work in Congress to improve the vital program, for the equivalent of 2 weeks in Iraq, the President said no.

This same misguided rationale applies to other investments in the bill as well. The President's veto means squandered opportunities for progress on the major health challenges the American people face. I recently spoke to a gathering of leading cancer researchers who are making extraordinary progress against this deadly disease. They have helped cancer become, in many cases, a treatable illness instead of a death sentence. Every day, they are fighting to help Americans with cancer live longer and longer and healthier lives.

We have seen for the first time, in recent years, where the total number of cancer cases are going down. In the previous 20 years, we saw some modification of those numbers going up.

When evaluated against the change in the age of our population and other indicators, it showed we were making some progress that was encouraging. But the most important and significant has been in recent years, where we see the total number of cases are going down.

You cannot tell me that is not the result of the extraordinary investment that was made in the Congress in recent years in doubling the NIH budget, with all of the progress we have made in mapping the human genome, sequencing the genes, various extraordinary breakthroughs that have come about. There are so many well-qualified, peer-reviewed projects that are on the desk at the NIH that will not be funded. These could offer hope for families in this country who have been touched by the devastation of cancer.

We provided in this legislation nearly $5 billion to fund more than 6,800 research grants to help win this fight. The President's veto tells Americans battling cancer that their fight for life is not a priority for the Nation. He tells patients they must wait a little longer, dream a little less, and hope a little more faintly for the breakthroughs that this research can bring.

On and on down the line, the President vetoed urgently needed research in heart disease, diabetes, asthma, infectious disease, mental health, and many other areas. The President would rather squander billions in Iraq than invest in the research that could bring progress against these diseases and relief for millions of our fellow citizens.

But the damage does not stop with the impact of this veto on the cures of the future. Patients today will feel the bite of the President's veto.

Community Health Centers make quality health care possible for millions of Americans who cannot afford health insurance. A veto of the $2 billion for community health centers included in this bill means that 15 million low-income people will be denied their opportunity for health care. This, at a time when we are seeing the total number of uninsured increasing. The only reason it has not increased more is because of the CHIP program. If we didn't have the CHIP program, the 47 million with no coverage would have been increased a good deal more. But if we look at the total number of Americans who are without health insurance over the course of the years, it is 75 million Americans out of a population of 300 million who sometime during the course of the year who lack adequate coverage, including 45 million who have no health care coverage at all. Those numbers are going up.

Where do individuals go? They go to their neighborhood health centers. We have had remarkable bipartisan support in the expansion of these programs, but when we tried to put in the resources, some $2 billion for these centers included in this bill, it was vetoed. The Centers for Disease Control are on call to protect us 24 hours a day, 7 days a week. When there is an outbreak or disaster, CDC is there.

In my own community, in Massachusetts, over the weekend our water supply was closed down because E. coli had penetrated the water system. And here, with all of the various health challenges we have going on there is obviously a role for the FDA, but there is also a role for the Centers for Disease Control, which is extremely well led at the present time. They provide such importance when we are considering the pandemic dangers for this country, let alone the pandemic dangers as a result of terrorism with biologics and chemicals. It will be the Centers for Disease Control that we are going to call on; our first responders. But, no, the President's veto means our Nation's health readiness will be weakened and our progress against disease will be halted.

Training of new doctors and nurses, assistance to hospitals in rural and underserved communities, improving health information technology, immunizations programs, and on and on. The President has the same response to each of them: veto, veto, veto.

The President's veto will also be devastating to America's workers. With globalization and layoffs and corporations cutting benefits, Americans are worried about their jobs. The least we can do is make sure they are safe on the job and treated with dignity.

This bill provides the funds needed to enforce the labor laws that keep our workers safe and give them a level playing field. This bill has a very modest increase for OSHA, the Occupational Health and Safety Administration. Since the implementation of this law, the number of deaths has been cut by more than half in America. This is from $490 million to $501 million. This is the very minor increase in MSHA, the Mine Safety Health Administration, from $313 million to $340 million. Have we forgotten what happened in the Sago mines in West Virginia or out in Utah, where scores of individuals lost their lives? And here we have the agency that is challenged with new legislation that reflected a bipartisan effort here in this body, Republicans and Democrats coming together making the recommendations, and making these recommendations as well, in order that we would have safety in the workforce. Yet that is vetoed.

Just last week, three workers were killed in an explosion in a powerplant in Salem, Massachusetts. Terrible incidents like this are all too common. Every year, more than 5,700 workers are killed, with more than 4,000 injured or made ill on the job. Workers everywhere—at powerplants, coal mines, hospitals, and construction sites—rely on our Federal agencies to protect them and make sure they can return home to their families each night.

But the President's veto takes bad employers off the hook and puts American workers at risk. We won't have the needed funds this bill provides to inspect workplaces and enforce our safety laws. Millions of workers' safety and very lives will be at risk.

The veto of this bill is also devastating to veterans. We just observed Veterans Day. Each year, nearly 320,000 brave servicemembers return to civilian life, many coming from Iraq and Afghanistan. Sadly, our hearing in the Labor Committee last week showed they faced daunting challenges.

Tens of thousands of Reserve and National Guard members have lost their benefits, and even their jobs because they served their country. That is why this bill provides $228 million to help our veterans find jobs, receive training—and protect their right to return to their former jobs. This is guaranteed in the law but not adequately fulfilled at this present time. The President's veto takes away this modest welcome mat and slams the door in our veterans' faces.

All Americans are certainly familiar with what happened at Walter Reed, but there are so many other aspects that we are continuing to support. Senator MURKOWSKI, Senator MURRAY, and many of our colleagues on the appropriate committees are making extraordinary efforts to help address these issues for our service men and women. But we must all recognize that one out of four of the homeless today is a veteran. One out of four of the homeless is a veteran. And if veterans return to the United States without a job, with lost backpay, or lost health insurance, there is a rapid spiral right down into destitution and poverty and homelessness and, in some instances, suicide and other horrific behavior.

What about other American workers who want to upgrade their skills to compete and win in the global economy? This bill says we should not cast workers and their dreams aside. It rejects the President's cut and includes $2.9 billion for job training. But the President's veto, again, leaves these hard-working Americans out in the cold.

In my State of Massachusetts, there are 92,640 jobs that needed workers at the end of last year, and there are 178,000 people who didn't have jobs and were on the unemployment lists. It should be pretty understandable that if we can get those people trained and place them into productive employment, they are going to be productive, useful, and valuable workers in our communities. Their hopes and dreams for their families will be enhanced. And, through taxes, they will increase additional tax revenues for the future. That kind of investment is necessary. But what happens, Mr. President? We see those programs have been effectively vetoed.

This appropriations bill is about the strength and the well-being of American families. By vetoing the bill, the President is turning his back on the priorities of America's families—their hopes, their dreams, and their opportunities. But we will not give up on providing the solutions that are so desperately needed. We will continue to work with our colleagues in the Senate and the House and chart a new course and fight for the real needs of all Americans.

This battle is not over. It has only just begun.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, am I allotted a certain amount of time in morning business?

The PRESIDING OFFICER. The Senator is to be recognized for up to 30 minutes.

## TORTURE

Mr. DORGAN. Mr. President, I shall not take all that time, but I wanted to talk about a couple of things this morning. Before I do that, I want to express my appreciation for the comments of my colleague from Massachusetts, Senator KENNEDY, about what our priorities seem to be and what they should be with respect to fiscal policy and appropriations bills as well as the larger priorities of our country.

Let me now talk briefly about the vote that occurred last week on the confirmation of Attorney General Mukasey. I wish to talk about it because I think a very important issue that needs to be discussed—and we have not really discussed it much on the floor of the Senate—is the issue of torture.

I don't think the issue of torture, for this country, is negotiable. And, I don't think it is a very difficult question.

But, before I talk about the issue of torture specifically, let me just describe what I think represents the great strength of this country, and the great strength of this country does not include a willingness or an allowance to torture anybody anywhere.

We were engaged in a long, difficult Cold War for decades. That struggle against the Soviet Union and totalitarianism lasted a long time. But it wasn't, in the end, bombs and bullets that won that war; it was American values that won that war. It was the idea of our country, and the idea of our country is rooted in the Constitution. People are free. They believe what they want. They are able to say what they want. The Government has to respect the rights of everyone.

That is the embroidery and the framework of our Government and our Constitution. America is an idea, with a written Constitution and a Bill of Rights, that protects people, and stands for liberty, human rights, and human dignity.

In fact, those values of this country were so strong that even during the Cold War those values shined a light of hope into the darkest cells in the Soviet Union, in the gulag prisons, in the outermost reaches of Siberia. We know that because people who were in those dark cells came out from behind the Iron Curtain and told us of the ray of hope they saw from this country.

Millions of political prisoners were held, often in solitary confinement in the Soviet Union, simply for thinking and speaking freely. Many were there for years, swept off the streets in the Soviet Union, never to be heard from again.

Often, they weren't charged. When they were, they were convicted after show trials because they had no rights.

But some survived, and they talked about how important the idea and the values were that embodied this country called the United States. America gave them hope. The idea of America reached to the farthest and darkest places on this planet. It always has, and it has offered hope.

Now, it is true that this country is not perfect. We all understand that. But it is also true that what we stand for is very important in terms of the message we send around the world. It is important for our self-respect, and it is important for what we believe America to be.

It is troubling to me that polls that are done around the world show that so many in the world now are very concerned about our country, with views that are very negative about the United States, and these views are held by historic foes but also historic friends. That is something which should concern all of us. We have to hold ourselves to a higher standard. We always have, and we should hold ourselves to a higher standard.

The issue of torture was an issue that arose because of the questions asked a candidate, a nominee, for Attorney General. There are some who believe under certain circumstances, apparently, torture is all right or appropriate or sanctioned. I am not one of them, and I would think most Americans would not believe that.

George Washington led the Continental Army in the War for Independence. After a large number of his troops were captured, he and his troops saw Hessian mercenaries, fighting for the British, slaughter unarmed prisoners from the Continental Army. They saw that, and yet George Washington refused to treat Hessian prisoners the same way. He insisted we were different and we would treat people the way we should be treated.

That is America's birthright. It has always been the case. And that is why the discussion about torture is so very important. It is why the discussions about treatment of detainees, about enemy combatants, about habeas corpus, and about the power of the executive branch in this country are important as well.

The Attorney General's post is very important. I met with the nominee and I liked him. I talked to him about his commendable experience in Government as a Federal Judge. But his inability to answer the basic questions about waterboarding and torture were very troubling to me. I don't understand that inability, and I don't think, from my standpoint, that issue is negotiable. Torture is not what America is about.

Some say or some imply that being against torture is somehow being soft on terrorists. That is as despicable as it is wrong. Being against torture is being for an America that is better than its enemies. Being against torture is being for an America that continues to be a beacon of hope around the world for doing the right thing, and it is being for an America that stands for the rule of law and human dignity and human rights.

So I wanted to make the point, after the debate we had last week, that this is not an irrelevant issue. It is an issue that defines our country. It is an issue about who we are, the value system of this great country of ours.

## FISCAL POLICY

Mr. DORGAN. Mr. President, let me describe a couple of things that represent front-page news these days. Regrettably, I believe, these things threaten the potential future prosperity of our country and require an urgent response on the part of the President and the Congress.

The economy and fiscal policy of this administration—and the lack of regulatory interest on the part of this administration—has led us to an abyss that is very troublesome. We see the dollar dropping in value to other currencies. We see a dramatic trade deficit of $2 billion a day, that we are buying from other countries more than we are selling to other countries. We see a fiscal policy budget deficit that the President says is coming down. The only way he can say the deficit is significantly coming down is that he is taking all of the surplus Social Security revenues that are supposed to go into the Social Security trust fund and using every dollar of that surplus as an offset against other revenue and other spending in order to show a much lower deficit. We are far off track in trade policy and fiscal policy, and now we have in front of us a proposal for $196 billion in emergency spending—none of it paid for. That will bring us very close to three-quarters of a trillion dollars that the President has requested on an emergency basis—none of it paid for. That is not conservatism. We have a responsibility to begin paying for these costs. We send soldiers to war and the President says to the American people: You go shopping and do your part for the American economy.

That should not happen. What should happen is when we send soldiers to go to war and ask them to wear the uniform of their country and go in harm's way, we should, as a responsible Congress and President, pay for the costs as we go.

I don't understand it. The President is down there at the White House saying $22 billion additional for the kinds of things that invest in our country—he says I am opposed to that. He said I will veto 10 of your bills, if necessary. He said, I am opposed to that $22 billion of your bills, half of which is invested in health care. Then he says, by the way, I want $196 billion on the other side, none of it paid for, for my priorities, and he says: But that is for the troops.

I am sorry, it is not just for the troops. A substantial portion of that is for the contractors. There is dramatic evidence of the greatest waste, fraud, and abuse in the history of this country going to contractors who are profiteering, regrettably, during a war. For a long while I have believed—we have had votes in the Senate and all on the other side of the aisle have voted against it—that we should have a Truman-type committee, such as the one Harry Truman led many decades ago, that began to investigate the waste, fraud, and abuse in contracting that is existing, that is fleecing the American taxpayer, undermining the American troops, going on under the nose of this administration, and nobody seems to care.

With respect to a fiscal policy that is out of control, let me describe the second portion of that, and that is an administration that doesn't want regulators to regulate. I understand some do not like regulation, but this administration has gone way beyond the pale in saying to regulators, look the other way.

Here is what is happening. This morning you read the newspaper and see that subprime loans are beginning to have a big impact on all Americans because it is beginning to have an impact on the economy. What does all this mean, subprime lending?

Let me describe it to you. Again, the regulators were asleep, didn't do anything, didn't care very much. Here is what has been going on. We have had mortgage companies that used to be kind of the slow, little companies that would lend you money for your home, down on the street corner someplace, not much going on, somebody who was a thoughtful person with a pencil above their ear, they were wearing a white shirt and suspenders. You would sit down and say, I need a home loan. They would be glad to help you and they would sit down and work out a home loan for you. That was the way home loans worked.

All of a sudden, home loans have changed. All of a sudden it is a go-go industry. This is what they started doing. It is unbelievable. This is an advertisement from the biggest home lending company in this country: Homeowners, do you want to refinance and get cash? Countrywide has a great reason to do it now. A no cost finance. It has no points, no applications fee, no credit reporting and no third party fees. No title, no escrow, or appraisal fees. Absolutely no closing costs. So you wind up with a lot more cash.

Here is another company that had a different thing to say, Zoom Credit:

> Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will pre-approve you for a car loan, a home loan or a credit card. Even if your credit's in the tank. Zoom Credit's like money in the bank. Zoom Credit specializes in credit repair and debt consolidation, too. Bankruptcy, slow credit, no credit—who cares?

This is an ad from a mortgage company.

Millenia Mortgage had to say in their advertisement:

> Twelve months No Mortgage Payment. That's right. We will give you the money to make your first 12 payments if you call in the next 7 days. We pay it for you.

Let me describe what all this means and what they were doing. I will do it with respect to the largest mortgage lending company. Angelo Mozilo created Countrywide Finance, the biggest mortgage company in our country. They are the ones, along with others, who helped create the riskier loans and in many cases targeted those loans to those who could not repay.

> Do you have less than perfect credit? Late mortgage payments? Denied by other lenders? Call us.

That was one of Countrywide's advertisements. Let me say again:

> Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us—

Countrywide says.

So they began to attract borrowers through advertising, and then they had brokers on the phone soliciting, calling somebody up, saying: Let's talk about a new mortgage. We can get some cash for you and reduce your interest rates. So they created "affordability loans," a new category; then adjustable rate mortgages; then interest-rate-only loans; then reduced documentation or no-documentation loans. When I heard that one, I thought, What does that mean? It means just what it says: If you want to get a loan, a home mortgage, and you don't want to document your income, they say that is fine, we will give you a no-doc loan. You will pay a little higher interest rate, but we will certainly give you a mortgage if you don't have documentation.

One of the new mortgages they began to offer is interest-only loans so the borrower is required to pay interest charges only. They deferred any principal payment to much later; and then they came up with a pay option adjustable rate mortgage, which allowed the borrower to pay only a portion of the interest, none of the principal, just a portion of the interest, and defer all of it to the end of the loan. This means you might end up paying much more for the house than the house is worth.

All these fancy things—what they were saying to potential borrowers was, if you have bad credit, come to us because we have an instrument for you.

This is about greed, by the way, because the brokers and the banks made extraordinary amount of money. So what they did was they created a circumstance where they would loan to people something called subprime loans. There is evidence they put people into subprime loans, even though they could have qualified for prime loans. Why? Because subprime loans paid more. Then they rolled these subprime loans, in many cases for people who couldn't repay, and they would set the interest rate ridiculously low—pay 2 percent interest rate, for example, and then it will reset in 24 months, 36 months, and when it resets, it will reset way up here, but in the meantime here is your monthly payment.

They were quoting monthly payments without the escrow, so they were recording ridiculously low payments. In some cases, they were quoting interest only loans, some cases with only partial interest, in other cases at ridiculously low rates that were going to reset at a high rate, and then they would attach prepayment penalties to them so they could lock people in. And then what they did is they rolled this up like sausage.

There was a story about how there used to be sawdust in with meat when they rolled sausage up so you didn't know what you were eating. It was good filler, apparently. They rolled these up as securities with the subprime loans, the prime loans, rolled them up as a security, sliced them up to be sold.

Guess what. The big investors out there liked this stuff. It paid pretty high rates at this point because you were able to have prepayment penalties and a whole series of things. They are buying these things without having the foggiest idea what is in them. The rating agencies are rating them as OK. So you have the folks investing in the securities that represent these subprimes. Then all of a sudden it is discovered people are not able to pay. They can't make their house payments. The interest rate gets reset. It is way up. They don't have a ghost of a chance of making the house payment, and then they stand around scratching their head wondering what happened. I will tell you what happened, a carnival of greed on the part of the mortgage brokers, bank security firms—all of them, a total carnival of greed. Now they are all walking around scratching their head, trying to figure out what do we do next.

Well, Merrill Lynch, for example, lost $8.4 billion, I guess it was, 2 weeks ago, so they fired their CEO. I believe he got $161 million in securities and retirement benefits—as he went out the door.

Last week it was CitiGroup that fired their CEO. There was a pretty substantial benefit.

That is going on all over the country. By the way, the head of the company that is the largest company, Mr. Mozilo, in the midst of all this, head of the largest company that is engaged in all this, Countrywide, earned $142 million last year. He was celebrated as the executive—Fortune Magazine's prestigious Company of the Year. The Horatio Alger award. He made $142 million last year and the New York Times reports that he was selling $138 million of his stock in the company as he was talking about how well the company was doing.

This subprime scandal is all about greed. It is not new. It happened in the savings and loan industry. It has happened in other areas. It is now happening with respect to this mortgage industry scandal. The administration, of course, doesn't want anybody looking over anybody's shoulder, so there has been no regulation. You have hedge funds buying into these things. They are unregulated, by and large. There is no regulation, no oversight, Katy-bar-the-door, do what you want to do, the private sector will be fine.

It is not fine. This is having a significant and serious impact on this country's economy. I am going to come back to this in a moment, but let me describe the other issue that is happening.

We wake up this morning and oil is $90 to $100 a barrel. You ask why is that the case? Why is oil $90 to $100 a barrel? Once again, it is lack of oversight. Here we have a futures market on which oil is bought and sold. This futures market has now become an unbelievable orgy of speculation.

I was reading yesterday from an article, an analyst from the Oppenheimer Company in New York, was talking about the price of oil. He says:

> I'm absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. Oil speculators include the largest financial institutions of the world. I call it the world's largest gambling hall. It is open 24-7. Unfortunately there are segments of the market that are unregulated. This is like a highway with no cops, no speed limit, and everybody is going 120 miles an hour.

What is happening with oil? It is interesting, if you take a look at this unbelievable speculation that is going on in the futures market. You have industrial banks in this country, investment banks. They are actually buying tanks to store oil. This takes the oil off the market. They are doing this because they believe that the price of oil will be higher in the future. So they take oil off the market now, store it, and sell it later for a profit. This creates an upward pressure on price. You now have hedge funds hip deep in the futures markets. They didn't used to be. It used to be that the futures market for oil had a relationship to the supply and demand with respect to oil. There were other tensions in various parts of the world that might affect it some, but not like we have seen recently. As is the case in most areas, this has gotten way out of hand. There is no way that current supply-and-demand relationships with oil justify $100 a barrel. It is a futures market that is propelled by unbelievable speculation in search of profits by a whole range of interests, especially now including hedge funds and investment banks and others.

The question is, who are the victims of all of this? The victims are people, the people who drive up to the gas pump. The victims on the subprime market are the people who cannot repay a mortgage; and somebody says maybe they should have known better. Maybe so, but when a broker is going to make a $30,000 commission by writing a $1 million mortgage and selling over the phone 2 percent interest rates, I am telling you there are a whole lot of folks who get sucked into that.

The point here is we face a situation in several areas where there is a total, complete lack of common sense. There is this little book written by Robert Fulghum a long while ago that would, in my judgment, provide some benefit to some people. The title of the book is, "All I Really Need To Know I Learned In Kindergarten." The lessons are not unusual. The lessons are: Play fair, don't hit, don't take what is not yours, wash your hands, flush—you know, the things I learned in kindergarten; the things that are important.

We could write a primer on "All The Things I Really Need To Know I Learned In Kindergarten." We could write that primer and instantly people would say you can't have an oil futures market that is rampant in speculation with hedge funds and others now pushing up the price of oil having little to do with supply and demand. You can't have a mortgage industry in which the mortgage companies decide they are going to provide loans to people who cannot afford to repay the loan and make very big profits and lock them in with a prepayment penalty. They are all fat and happy and making a massive amount of money. You can't have that without a significant consequence to our economy.

What do I suggest? It is simple. Let's sober up a little bit on fiscal policy in this administration and this Congress. Maybe we can say to the President: You want $196 billion. OK. You tell us how you want to pay for it. Send us the recommendation, and we will certainly take a look at that. We want to do everything that needs to be done to support our troops. But a substantial portion is not going to support our troops. It is going to support big contractors that have been bilking the taxpayer for a long time. We are going to take a hard look at that and investigate it and get to the bottom of it.

We need to get back on track in trade and fiscal policy. Ignoring it might feel good, but it is not the right thing for the future.

With respect to the issue of subprime lending and futures markets, if that doesn't persuade Members of this body there needs to be some thoughtful, sensible regulation, then I don't know what will. I chaired the hearings on Enron. It was to my subcommittee that Ken Lay came on behalf of Enron, raised his hand, and took the fifth amendment. Mr. Lay is dead. Many of the folks who worked with him at Enron are in prison. But I understand what happened in that scandal. The American public, again, was a victim. They got fleeced. In Enron's case, they were manipulating markets to drive up the cost of electricity on the west coast and bilk people out of billions of dollars. What did it mean? It meant we had to put in place some regulations to prevent that from happening again. What does this mean, the subprime scandal that exists, and its impact on the economy? It means we have to put in place some regulations to prevent this sort of thing from happening. People have profited in a very unholy way at the expense of a lot of victims across the country.

What does it mean when people go up to the gas pump this afternoon and pay a substantial amount for a tank of gasoline at a time when the price of oil is running toward $100 a barrel and the futures market is driving that price up, having very little to do with supply and demand but more to do with an orgy of speculation? It means we ought to care about that. It means there ought to be some regulatory oversight.

This administration has a lot to answer for, as does the Congress. I am pleased to be a part of the majority, and we are working hard to try to respond to and deal with these issues. But these issues are not going to go away. The prosperity of this country's future is at stake. We need to get it right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

## VETERANS DAY 2007

Mr. AKAKA. Mr. President, over the past weekend, our Nation observed

Veterans Day, a day to commemorate the connection between the American people and America's veterans. This connection is something that the American people are always aware of at the bottom of their hearts, though it may not always be in the front of our minds as we go about our daily lives.

We Americans often define ourselves by the freedoms we enjoy. America's veterans are men and women who sacrificed some of their own freedoms to serve and defend our Nation. The connection between these two groups—the defended and the defenders—may not always be visible, but it cannot be denied. Veterans Day gave us the opportunity to recall that connection, to honor those who wore the uniform of our country.

As chairman of the Committee on Veterans' Affairs, it has been my privilege to work alongside other leaders in answering a simple question: How do we best honor veterans? Having so recently celebrated Veterans Day, I am pleased to report on the committee's work in the areas of legislation and oversight to try to answer that question.

The Committee on Veterans' Affairs has worked diligently to fulfill its oversight and legislative responsibilities, demonstrated in part by our hearing and meeting schedule. We have held 40 hearings and meetings, including 7 field hearings, since our organizational meeting in January. The committee has heard from 220 witnesses, and reported 4 nominees to the Senate, each of whom was later confirmed.

At our committee's very first meeting, I discussed my agenda to work with other members to bring the Department of Defense and the Department of Veterans Affairs together to provide a seamless transition for veterans from DOD to VA. We focused on seamless transition and set an agenda to pursue the issue in the coming year. These actions were taken long before the horrible news reports about conditions at Walter Reed shocked the country into action. Our foresight positioned the committee, in collaboration with the Senate Armed Services Committee, to craft legislation that attacked the flaws within the DOD and VA systems. I am pleased that our legislative responses were incorporated into the National Defense Authorization Act. I look forward to seeing them become law.

Two weeks after the organizational meeting, the committee held its first hearing, which was on VA and DOD cooperation and collaboration. We heard testimony from officials from VA and DOD, as well as the personal stories of veterans who slipped through the cracks during their transition from military service to veterans status. This would be the first of a number of hearings the committee would hold on VA and DOD cooperation and collaboration. Later hearings on this issue focused on specific areas such as health care, education, information technology, and benefits.

In February, I contacted DOD on behalf of VA's Polytrauma Center health care providers so as to ensure that VA providers had easy and appropriate access to DOD's Joint Patient Tracking Application. This medical information sharing application is important to data sharing between VA and DOD. I was pleased when DOD responded shortly thereafter, providing assurance that they would resume their important data sharing practices.

The decision to focus on cooperation and collaboration between DOD and VA was made well before news broke on the deplorable conditions at Walter Reed. As these news stories moved questions about veterans care into the forefront of America's attention, our committee put our focus on the total system of care, involving DOD and VA.

Shortly after the press revelations of problems at Walter Reed Army Medical Center, I visited Walter Reed, along with my good friend and colleague, Senator CARL LEVIN, chairman of the Senate Armed Services Committee. On the way back to the Capitol from that visit, we agreed to hold an unprecedented joint hearing of the Armed Services and Veterans' Affairs Committee on the issue of DOD–VA cooperation and collaboration. On April 12, we held that hearing, further pursuing answers both about what was happening at Walter Reed and how we could fix it and about the overall state of the relationship between the two Departments.

From that hearing and subsequent work on the problems at Walter Reed and elsewhere in both the DOD and VA systems, and how those problems affected wounded servicemembers, it was clear that a commonsense approach was needed.

One specific focus of that effort was on how to reform the DOD disability system so as to promote greater uniformity among the services and between the services and VA. On April 30, I introduced S. 1252, a bill that would mandate a number of changes to the DOD disability evaluation system, including uniform use of the Veterans Affairs rating schedule across the military services, inclusion of all conditions which render a member unfit when making a disability rating, uniform training of Medical Evaluation Board/Physical Evaluation Board personnel, and accountability by DOD to ensure compliance with disability rating regulations and policies.

Just as veterans and servicemembers benefit when VA and DOD work together, the Committee on Veterans' Affairs and the Senate Committee on Armed Services saw an opportunity to collaborate on legislative solutions. All of the provisions of S. 1252 were included as part of S. 1606, the joint SVAC and SASC proposed Dignified Treatment of Wounded Warriors Act of 2007, which was later included in the 2008 National Defense Authorization Act.

While demands on VA have dramatically increased over recent years, VA funding has not. To allow the hard working men and women of VA to do their jobs without having to worry about whether there will be sufficient funding, we have sought a substantial increase to VA funding. I am pleased that the funding level in VA's fiscal year 2008 appropriations bill amounts to the largest funding increase in the history of the Department.

The appropriations bill also includes significant increases that will enable the Veterans Benefits Administration to pay for up to 3,100 new full-time employees. I hope the VBA will use these funds to attack the current backlog of veterans' claims aggressively. I will continue to work with my colleagues to enact this historic and long overdue increase in funding for veterans.

In working on the legislative front, the committee has taken a collaborative approach with other Members of the Senate and the House of Representatives. Our focus has been on getting good law enacted, whatever the vehicle. I am pleased to report on the committee's progress on many pieces of legislation, some of which have already been enacted into law.

As we continue to pursue adequate funds to pay for the true cost of war, we must also recognize that the nature of the battles our troops are fighting has changed as well. VA health care must be better prepared to address traumatic brain injury, the signature wound of the current war. To improve VA's diagnosis, treatment, and rehabilitation for traumatic brain injuries, I introduced S. 1233, the proposed Traumatic Brain Injury and Health Programs Improvements Act of 2007. This bill, amended to include a number of other health care provisions, was reported by the committee. In addition, many of the provisions of S. 1233 were later incorporated into the Wounded Warriors Act and the National Defense Authorization Act.

S. 1233 would increase access to VA health care for combat veterans, extending the period of eligibility during which recently released or discharged combat veterans have unfettered access to VA care from 2 to 5 years. This provision will help ensure that these newest combat veterans have more time to identify and deal with invisible wounds, such as traumatic brain injury and PTSD. Another key provision of the bill relating to the treatment of invisible wounds is a requirement that VA provide a servicemember with a mental health evaluation within 30 days of making such a request.

S. 1233 also would enhance care for older veterans already in the VA system. It would repeal the 2003 VA regulation which barred Priority 8 veterans, so-called "higher-income" veterans, from enrolling in the VA health care system, essentially re-opening the system to these veterans. Many issues have been raised this year with regard to access to VA care for veterans residing in more rural areas, and S. 1233 includes an entire section aimed at looking at ways to increase access for rural veterans.

I am also very proud of the provisions in S. 1233 that seek to expand and enhance services for homeless veterans. We all recognize the sad reality that veterans suffer disproportionately from homelessness. S. 1233 would not only increase the resources available to community-based entities that provide reintegration services to those who are already homeless, it would also provide supportive services to low-income veterans to help prevent homelessness.

This bill also contains a significant increase in the travel reimbursement benefit paid to certain veterans who are forced to commute long distances to access care at VA facilities. The current mileage reimbursement rate is only 11 cents per mile, and this rate has not been increased since 1978. The committee bill would increase the rate to 28 cents per mile—a substantial increase and one that will hopefully help ease the financial burden for those who have to travel sometimes hundreds of miles to get to a VA hospital or clinic.

Two other health care bills that I introduced this year are currently moving through the committee process—S. 2160, the proposed Veterans Pain Care Act of 2007, and S. 2162, the proposed Mental Health Improvements Act of 2007. The committee is scheduled to mark up both of these bills, along with two others, tomorrow. I hope to see each of them passed by the end of this year.

For too many veterans, returning home from battle will not bring an end to conflict. They will return home, but the things they have done and seen in combat will follow them. Invisible wounds such as PTSD are complicated and can manifest themselves in many different ways. Studies have estimated that as many as 1 out of every 5 Iraq war veterans are likely to suffer from readjustment issues. It is clear that action is necessary on the part of Congress to ensure that VA is equipped to deal with these issues.

In April, the committee held a hearing dedicated to veterans' mental health concerns and VA's response. We heard very compelling testimony from witnesses who suffered the consequences of invisible wounds in their families and their own lives. Randall Omvig spoke of his son's suicide upon returning from Iraq. Tony Bailey spoke of his son's struggle with substance abuse, and of his ultimate death from it. Patrick Campbell shared his own experience with PTSD and the experiences of his fellow servicemembers. Their touching and often painful stories put human faces on an issue that is to often reduced to numbers.

The proposed Mental Health Improvements Act is a direct outgrowth of that hearing and the testimony given by those who have suffered with mental health issues and by their family members. The bill addresses the immediate needs of veterans by ensuring high quality mental health services at VA facilities and in their communities. The measure also seeks to address the plight of veterans who suffer both from PTSD and substance abuse.

S. 2160, the proposed Veterans Pain Care Act of 2007, would enhance VA's pain management program. It is estimated that nearly 30 percent of Americans—some 86 million people—suffer from chronic or acute pain every year. A recent study conducted by VA researchers in Connecticut found that nearly 50 percent of veteran patients that are seen at VA facilities reported that they experience pain regularly.

While pain increases in severity with age, it is also a growing problem among younger veterans who have been injured in the wars in Iraq and Afghanistan. Many of these veterans are coming home with severe injuries—often traumatic brain injuries—that require intensive rehabilitation. In some cases, younger veterans will have to live with the long-term effects of their injuries, of which pain is a large and debilitating part.

Pain management is an area of health care that by many accounts is not yet to up to par, in both the private and public sectors. S. 2160 would standardize VA's pain management program on a national, systemwide level, by requiring VA to establish a pain care initiative at every VA health care facility. Every hospital and clinic would be required to employ a professionally recognized pain assessment tool or process, and ensure that every patient who is determined to be in chronic or acute pain is treated appropriately. The bill also calls for comprehensive research on pain management to improve care for chronic pain.

During this session, I introduced S. 1163, the proposed Blinded Veterans Paired Organ Act of 2007, a bill that would offer enhanced benefits to veterans who suffer from service-connected impairment of vision. The bill was amended in committee and the language that was favorably reported to the full Senate was inserted into H.R. 797, the House companion, and passed on November 2. The Senate-passed H.R. 797 would broaden the benefit eligibility requirements for two distinct groups of veterans with impaired vision due to service—those with service-connected blindness in one eye who subsequently suffer loss of vision in the other eye later in life and those who receive special monthly compensation for multiple disabilities, including vision impairment.

The amended bill also includes a series of provisions that would enhance memorial and burial benefits for veterans and private cemeteries, including permanently authorizing VA to provide government headstones or markers for the privately marked graves of veterans interred at private cemeteries; instructing VA to design a medallion or other device to signify a decedent's veteran status, to be placed on a privately purchased headstone or marker, as an alternative to a Government-Furnished headstone or marker; extending the time limit for States to be reimbursed for the unclaimed remains of veterans; and authorizing $5 million for operational and maintenance expenses at State cemeteries. The provisions in the bill are fully paid for through legislative repeal of a Court of Veterans Appeals decision which inappropriately extended a needs-based benefit to a population that Congress did not intend to receive it.

Because inflation erodes the value of the dollar, Congress is responsible for adjusting compensation for service-connected disabilities. This year I sponsored S. 423, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 2007. The veterans' COLA legislation ensures that the purchasing power of veterans' benefits, including compensation for veterans and assistance for their survivors, is maintained. This annual COLA is done in recognition of the Nation's gratitude towards veterans young and old for their service and sacrifices.

As the sponsor of the Senate version of this bill, I was pleased to support the passage of the House companion, H.R. 1284. I applaud Congress and the President for their work in making it law as of Monday, November 5, 2007. I hope veterans, including the 17,000 recipients of compensation who are served by VA's Honolulu Regional Office, benefit from this demonstration of our appreciation.

Oversight investigations carried out by committee staff uncovered concerns in the veterans' benefits system as well. To improve the benefits system, the committee reported S. 1315, the proposed Veterans' Benefits Enhancement Act of 2007. This bill would improve veterans' life insurance, adaptable housing, education benefits, and provide the committee with more oversight data. It would also address a 60-year wrong that is still being done to Filipino veterans who served under the U.S. Armed Forces during World War II.

In the years since the end of the Second World War, Filipino veterans and their advocates, especially my distinguished colleague, Senator INOUYE, have worked tirelessly to secure these veterans the status they were promised when they agreed to fight under U.S. command in defense of their homeland and to protect U.S. interests in the region.

This bill would also more than double the maximum amount of Veterans Mortgage Life Insurance that a service-connected disabled veteran may purchase from $90,000 to $200,000. The VMLI program was established in 1971 and is available to those service-connected disabled veterans who have received specially adapted housing grants from VA. In the event of the veteran's death, the veteran's family is protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased.

The measure would also establish a new program of insurance for service-connected disabled veterans that would provide up to a maximum of $50,000 in level premium term life insurance coverage. This new program would be available to service-connected disabled veterans who are less than 65 years of age at the time of application. Under the new program, eligible service-connected veterans would be able to purchase, in increments of $10,000, up to a maximum amount of $50,000 in insurance.

S. 1315 would also increase the amount of supplemental life insurance available to totally disabled veterans by 50 percent, from $20,000 to $30,000. This provision stems from S. 643, the proposed Disabled Veterans Insurance Act of 2007, which I introduced in February of this year. Many totally disabled veterans find it difficult to obtain commercial life insurance. This legislation will give totally disabled veterans better life insurance, a small measure of support for veterans who sacrificed so much.

In addition, this bill would expand eligibility for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance. This insurance program went into effect on December 1, 2005. All insured servicemembers under SGLI from that point forward were covered under traumatic injury protection regardless of where their injuries occur. However, individuals sustaining traumatic injuries between October 7, 2001, and November 30, 2005, which were not incurred as a direct result of Operations Enduring or Iraqi Freedom, are not eligible for a retroactive payment under the traumatic injury protection program. S. 1315 would expand eligibility to these individuals.

The reported bill would allow for home improvements for totally disabled servicemembers prior to release from active duty. This provision is very important because many servicemembers return home to finish their rehabilitation and recuperation prior to discharge from the military. Their homes need to be adapted so that they can live comfortably and independently.

S. 1315 also contains a number of provisions derived from S. 1215 which I introduced on April 25 that would make four small but necessary changes in existing laws relating to education and employment. First, it would restore the funding cap on the amount of funding available for State Approving Agencies to the fiscal year 2007 level of $19 million. Without this restoration, these entities that assist VA in approving programs of education would be facing a reduction of more than 30 percent beginning in fiscal year 2008. It is particularly important for SAAs to have adequate resources as more veterans return to civilian life and begin to use their educational benefits.

Second, it would update the special unemployment study required to be submitted by the Secretary of Labor to the Congress by requiring that it cover veterans of Post 9/11 Global Operations. It would also require the report to be submitted on an annual, rather than a biennial, basis. By updating this report, we will have more data available to us on more recent groups of veterans those who served and are serving in the Gulf War and Post 9/11 Global Operations. This should better help us assess the needs of current veterans entering the work force and develop appropriate responses.

Third, the bill would extend for 2 years a temporary increase in the monthly educational assistance allowance for apprenticeship or other on-the-job training. Eliminating the temporary increase would mean a monthly benefit rate cut on veterans enrolled in this type of training and remove marketable incentive to encourage individuals to accept trainee positions they might not otherwise consider.

Finally, the bill would provide for a waiver of the residency requirement for State veterans' employment and training directors. By giving the Secretary of Labor the ability to waive the 2-year residency requirement, this provision would help ensure that the best qualified individuals from any state may be considered for SDVET vacancies.

Both S. 1233 and S. 1315 were reported to the Senate in late August and have been pending floor action ever since. It is most unfortunate that we have been unable to reach agreement to proceed to their consideration, due in part to an abrupt and unexpected change in the minority committee leadership. Late last week, just days before Veterans Day, the other side of the aisle affirmatively blocked consideration of this important legislation that has the support of a majority of the members of the Veterans' Affairs Committee. Let me be clear—I do not expect all Members to support or agree with these bills, only to allow for their consideration by the full Senate. If members have amendments to offer, bring them forward. We can then craft an agreement under which the Senate might do its work and debate these bills.

One final legislative item that I wish to mention—recently, I worked with my colleague Senator WEBB on a matter of symbolic and real importance to servicemen and women as well as to veterans. Concerned that the Department of the Army was in a rush to replace the Tomb of the Unknown at Arlington National Cemetery, I introduced an amendment to the National Defense Authorization Act requiring the Army to prepare a comprehensive report for Congress before any further action could be taken. I am hopeful that this provision will be in the final agreement on the NDAA and look forward to the report, and its recommendations on how to best steward this national treasure.

As chairman of the Senate Veterans' Affairs Committee, I am mindful of the employment issues facing veterans, members of the Guard and Reserves, and their families as they seek to move from the military to the civilian workforce. Making this transition is never easy, and for younger veterans it can be particularly difficult. For members of the National Guard and Reserves, returning to a job they previously held may be challenging for a variety of reasons. For family members, the uncertainty of multiple and extended deployments poses different obstacles. Finally, the obstacles facing those who are disabled during their service can sometimes seem overwhelming. The needs of these individuals deserve our utmost attention and resources.

The committee has held two oversight hearings on employment issues this session. The more recent of the two hearings focused specifically on the Uniformed Services Employment and Re-employment Rights Act of 1994, or USERRA. As our troops are returning home from battle, many of them seek to return to the jobs that they held prior to their military service, particularly those serving in Guard and Reserve units. I must admit to being particularly upset at the volume of USERRA claims related to Federal service. It is simply wrong that individuals who were sent to war by their government should, upon their return, be put in the position of having to do battle with that same government in order to regain their jobs and benefits.

It is well known that veterans make good employees. Despite the challenges many face, veterans across the country are working and excelling in the labor force. They know how to work and they bring with them a wealth of expertise and experience. I believe the employment data supports my belief since rates of unemployment for veterans generally are lower than their nonveteran counterpart. However, the rate of unemployment for younger veterans and those recently separated from active duty tends to be higher than their nonveteran peers. I pledge to continue to pursue these issues aggressively in the months ahead.

The issues regarding veterans' educational benefits are especially important to me. Having attended college at the University of Hawaii under the original World War II GI bill, I know the value of this important benefit first hand.

The complexity and the importance of the issues surrounding the various education assistance programs administered by VA have been heard at two hearings this session. I plan to build off of the findings from both hearings for the committee's future work in this area. Educational assistance benefit has an important role in terms of a readjustment benefit for returning veterans and servicemembers. Properly tailored, these same benefits form an important keystone in recruiting and retaining high caliber young men and women in the Armed Forces. The balance between these twin goals is very complex and needs careful examination.

I am concerned that the current structure of benefits has some flaws. It is disturbing to me that servicemembers who are in the line of fire and who place their own safety in jeopardy in service to our country have to pay for their educational benefits. It is also disturbing that members of the Guard and Reserve who complete multiple deployments in combat situations run the risk of having no educational benefits available to them.

I do not expect to see a quick or easy answer for veterans' education benefits reform. I believe we will need to build a foundation for cooperation, compromise and consensus building. That will take some time. But I believe this process has begun, and that by working together, we will be able to develop something that is really meaningful to veterans, their families, and their futures.

As I noted earlier, the committee held seven field hearings over the year. The first, chaired by Senator BROWN, was held on May 29, 2007, in New Philadelphia, OH, and focused on the issues facing veterans in the rural areas of Appalachia. Two months later, the committee held its second field hearing, chaired by Senator TESTOR, again focusing on the needs of rural veterans. This hearing was held on July 21, 2007, in Great Falls, MT. These hearings, along with the insights of our committee members, enabled the committee to develop and mark up legislation to address certain issues facing rural veterans.

On August 17, 2007, Senator MURRAY chaired a field hearing in Tacoma, WA. The hearing focused on the mental health care services available to veterans and servicemembers in the State of Washington.

In August, I chaired a series of field hearings in my home State of Hawaii, on the islands of Maui, Oahu, and the Big Island. These hearings brought high-ranking VA officials from Washington, DC, to examine the state of VA services for Hawaii's veterans and returning servicemembers.

On August 28, 2007, the committee held a field hearing in Augusta, GA, on cooperation and collaboration between VA and DOD, chaired by Senator ISAKSON. The specific focus of the hearing was on VA and DOD care for wounded servicemembers returning from Afghanistan and Iraq.

The committee has also carried out aggressive oversight activity during this session. Since January, the majority staff has conducted 95 days of oversight involving 28 trips to 18 states as well as to Korea, Guam and American Samoa. Oversight investigations have included visits to 9 separate VA regional offices.

During these nine visits, oversight staff reviewed a total of 119 individual veteran claim files, including 45 claim files for members of the National Guard and various Reserve units. Claims were selected for review based upon claims for service-connected disability due to traumatic brain injuries, posttraumatic stress disorder, or musculoskeletal conditions. In particular, the reviews were conducted to identify any systemic problems impeding the fair and efficient adjudication of veterans' claims.

On a national level, one of the most critical issues identified by the claims review was a VA regulation which resulted in the denial of a rating higher than 10 percent for almost all traumatic brain injuries, or TBI, claims. As noted earlier, TBI has been described as a signature wound of the current conflicts. Medical evidence supports the view that severe long-term consequences can result from blast injuries involving improvised explosive devices, or IED, such as those used in Iraq and Afghanistan. Despite this, VA adjudicators believed that they could not authorize a rating in excess of 10 percent, or $115 per month, because of a current VA regulation.

Upon learning of this problem, I contacted VA's Under Secretary for Benefits, Daniel Cooper, to ask why veterans with migraine headaches were eligible for higher disability ratings than combat veterans with TBI. I was pleased when Under Secretary Cooper informed me that VA adjudicators have been instructed to stop limiting ratings to 10 percent if not warranted. However, because Under Secretary Cooper's instruction is not binding upon the Board of Veterans Appeals or the United States Court of Appeals for Veterans Claims, I also wrote to the Acting Secretary for Veterans Affairs, Gordon Mansfield, to ask that the "10 percent and no more" regulation be rescinded. I understand that VA is now working on new regulations for the adjunction of TBI claims which will hopefully resolve this matter. I will continue to monitor these claims and VA's actions.

In addition to the restrictive instruction in the rating schedule, it appears that neither the military services nor VA are providing comprehensive and thorough evaluations of veterans with mild and moderate TBI. While veterans who are being treated at polytrauma centers appear to be getting appropriate diagnosis and treatment, this is not true for veterans with significant, but less severe injuries. I believe that it is imperative that veterans with silent wounds, such as mild and moderate TBI have a comprehensive evaluation of their signs and symptoms by appropriate medical specialists. New data, such as the recently released information from VA that nearly 6 percent of the veterans from Iraq and Afghanistan screened have sustained traumatic brain injuries, adds to the importance of legislation that improves VA's ability to respond aggressively.

Review of service medical records for claims involving PTSD indicated poor follow-up, assessment and referral of servicemembers who endorsed symptoms of PTSD on postdeployment surveys. This matter has been noted by the GAO and others. In some cases, veterans were discharged for a "personality disorder" which was not manifested prior to combat exposure and with no evaluation of classic PTSD symptoms. In other cases, veterans with significant psychiatric symptoms were not considered for a military disability retirement, but were awarded benefits by VA upon discharge.

The committee's oversight investigations indicate that VA generally did a better assessment of claims for service-connected PTSD than the military services. However, for some disorders, VA will not grant service-connection for the small number of veterans who were diagnosed with PTSD during military service without independent verification of the stressor which gave rise to the diagnosis by military doctors. Some veterans who served in Iraq, but did not receive a medal acknowledging their participation in combat, have experienced difficulty establishing their "personal participation in combat" in order to validate the existence of a combat stressor.

Under current law, veterans who allege disabilities related to their combat experience may prove their claim without presentation of official military documents. In order to clarify this issue and provide combat veterans with the benefits intended, I recently introduced S. 2309, the proposed Compensation for Combat Veterans Act. This bill would provide that service in a combat zone, recognized as such under the Internal Revenue Code, shall be sufficient proof that the veteran engaged in combat for purposes of the relaxed evidentiary requirement. I hope that we will be able to address this issue in the coming months.

There is no question that the Guard and Reserve have experienced difficulties due to our current combat engagements, in a fashion quite similar to branches such as the Army and Marine Corps. There is some concern that members of the National Guard and Reserve units receive less favorable consideration of their service-connected claims than members of the Armed Forces. While oversight investigations did not substantiate allegations of less favorable treatment for Guard and Reserve claimants, other issues may require further analysis. Many regional office staff reported significant difficulties in obtaining copies of the medical records of members of the Guard and Reserve. As a result, I wrote to the National Guard Bureau to express my deep concern about a policy that I had been told exists in some states that requires National Guard members to sign a release form before their Service Medical Records can be shared with VA for purposes of adjudicating a claim for compensation benefits. Acting upon my request, the National Guard Bureau sent guidance to the field that removes the requirement that servicemembers sign release forms to have their records provided to VA.

VA cannot be expected to end the benefits backlog if it lacks the staff to adjudicate veterans claims. While VA froze hiring in this area, there has been an increase in the number and complexity of claims received. As a consequence, the backlog has ballooned beyond already disconcerting levels. Although the infusion of additional monies for staff should improve the situation, some offices have too few experienced staff compared to the number of new hires. Oversight studies have found that less experienced staff is more likely to make errors on veterans' claims.

In some cases, service medical records are maintained in an electronic format and are not provided to VA adjudicators in any form. In other cases, medical reports are scanned into the Veterans Health Administration electronic records, but are not able to be viewed by VA adjudicators who use a CAPRI system to access VHA records. I have questioned VA about the need to make these records available to VBA and am awaiting a response.

While the committee does much direct oversight, as chairman, I also rely on the VA's inspector general. Indeed, the IG has consistently served as the committee's right hand in the execution of our oversight responsibilities. In the last year alone, the IG has provided us with a number of professional inquests and reports on issues of critical importance to veterans' health care. In the areas of traumatic brain injury, mental health, and substance abuse, among others, the IG has identified the problems and solutions with an insightfulness that few can match. The IG has also responded to my investigation requests in an efficient and collegial manner. The IG is, without question, the central gear in VA's internal controls and quality assurance mechanism.

All American's have a role to play in honoring veterans. Ordinary citizens give in extraordinary ways, such as volunteering at VA hospitals and VA shelters, and supporting local Veterans Service Organizations. For those of us who serve in Congress, we have a special privilege and responsibility to honor veterans by ensuring that they receive the benefits and care they have earned through service. This Congress has done much for veterans already, but there is more to be done.

The Committee on Veterans' Affairs will continue to do its share throughout this Congress. To name just two items of pending business, we will hold a markup tomorrow on pending legislation, including a bill that is designed to improve significantly VA's programs which address the mental health needs of veterans, especially those recently returned from combat, and second, the Committee is preparing to consider the nomination of Dr. James Peake to become Secretary of Veterans Affairs.

I close with this thought: On the battlefield, one never leaves behind a fallen comrade. Similarly, veterans should never be left behind by a system designed to care for and honor them. We cannot stand by while veterans who have fought for our country have to fight to get the care and benefits they have earned through their service. The Committee on Veterans' Affairs will respond to whatever challenges may arise in our work on behalf of those who rose up to defend and serve our Nation. To our veterans: Our thoughts, prayers, gratitude, honor and pride are with you, not only on Veterans Day, but always.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:28 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER.)

The PRESIDING OFFICER. Who seeks recognition?

Mr. CHAMBLISS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent to speak for up to 10 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. REED. Thank you, Mr. President.

## NOMINATION OF MICHAEL MUKASEY

Mr. REED. Mr. President, last week, this Senate deliberated and voted on the nomination of Judge Mukasey for the position of Attorney General of the United States. I opposed that nomination, and I believe it is appropriate to indicate formally and officially and publicly my concerns and my rationale for this vote.

This was not a decision that was made lightly. The Constitution gives the President the unfettered right to submit nominees to the Senate, but the Constitution also gives the Senate not only the right but the obligation to provide advice and consent on such nominations.

We do not name a President's Cabinet, but it does not mean we are merely rubberstamps for his proposals. Senatorial consent must rest on a careful review of a nominee's record and a thoughtful analysis of a nominees's ability to serve not just the President but the American people.

As I have said in the past, unlike other Cabinet positions, the Attorney General has a very special role—decisively poised at the juncture between the executive branch and the judicial branch. In addition to being a member of the President's Cabinet, the Attorney General is also an officer of the Federal courts and the chief enforcer of laws enacted by Congress.

He is, in effect, the people's lawyer, responsible for fully, fairly, and vigorously enforcing our Nation's laws and the Constitution for the good of all Americans.

Although I believe Judge Mukasey to be an intellectually gifted and legally skilled individual, I am very concerned about his ability to not just enforce the letter of the law but also to recognize and to carry out the true spirit of the law.

Frankly, I found Judge Mukasey's lawyerly responses to questions regarding the legality of various interrogation techniques, in particular waterboarding, evasive and, frankly, disturbing.

Waterboarding is not a new technique, and it is clearly illegal. As four former Judge Advocates General of the military services recently wrote to Senator LEAHY, in their words:

> In the course of the Senate Judiciary Committee's consideration of President Bush's nominee for the post of Attorney General, there has been much discussion, but little clarity, about the legality of "waterboarding" under United States and international law. We write because this issue above all demands clarity: Waterboarding is inhumane, it is torture, and it is illegal.

These gentlemen have devoted themselves to their country, as soldiers and sailors and aviators, and also as attorneys. At the crux of their service was the realization that what we espoused, what we stood for, would also be the standard we would claim for American soldiers and aviators and sailors and marines if they were in the hands of hostile forces. It is clear in their eyes—and should be clear in our eyes—that waterboarding is inhumane, it is torture, and it is illegal.

It is illegal under the Geneva Conventions, under U.S. laws, and the Army Field Manual. The U.S. Government has repeatedly condemned the use of water torture and has severely punished those who have applied it against our forces.

As Evan Wallach—a judge in the U.S. Court of International Trade and a former JAG who trained soldiers on their legal obligations—wrote in an opinion piece in the Washington Post, it was for such activities as waterboarding that members of Japan's military and Government elite were convicted of torture in the Tokyo war crimes trials.

The law is clear about this horrifying interrogation technique. Waterboarding is illegal torture and, to suggest otherwise, damages the very fabric of international principle and more importantly, of what we would claim and demand for our own soldiers and sailors and marines.

Now, Judge Mukasey was given several opportunities to clearly state that waterboarding is illegal. Instead, he went through a lengthy legal analysis regarding how he might determine if a certain interrogation technique was legal and then told us that if Congress actually wrote a law stating that a particular technique is illegal, he would follow the law. I found the last declaration almost nonsensical. This is the minimum requirement we would expect of any citizen of this country, that if we passed a law, they would follow the law.

I think we expect much more from the Attorney General. We expect him to be a moral compass as well as a wise legal advisor. We expect he would be able to conclude, as these other experts and as our history has shown, that this technique is indeed illegal. We need an Attorney General who has the ability to both lead the Department of Justice and to tell the President when he is crossing his boundaries. We do not need a legal enabler to the President. We need an Attorney General who will stand up for his obligation to the Constitution, and make this his foremost obligation, rather than his obligation to the President.

Not definitively stating that a technique such as waterboarding is illegal demonstrates to me that Judge Mukasey does not have those qualities we need in an Attorney General. As we learned from Attorney General Gonzales, we need someone who is willing to stand up to the President instead of helping the President negotiate around either the letter or the spirit of the Constitution.

This is not just an academic exercise. If the question of whether waterboarding is illegal torture was asked of the parents of American soldiers, their answer would be quite clear: Of course, it is. If it was applied to the spouse or the loved one of a soldier—their answer would be: Of course, it is. I think those people are as expert as Judge Mukasey and certainly much more candid.

I also think we have risked a great deal in the administration's embrace of these techniques because today, as we look around the world, there are many nations that do not even need that kind of suggestion to embark on the torture of their own citizens. The Burmas of the world and other countries, they will use what we say and do as justification for what they might want to do. I think we have lost the moral high ground during this whole exercise going back several years.

Finally, I would like to mention my concerns about Judge Mukasey's responses to questions regarding executive power. His responses to these questions did nothing to reassure me. In fact, I now believe that Judge Mukasey believes that even a constitutional statute could become unconstitutional if its application constrains the so-called constitutional authority of the President.

As we all know, the genius of our Founding Fathers was not to allow power to be concentrated in the hands of the few. Indeed, they were particularly concerned about a concentration of power in the hands of the President.

Although they made the President the Chief Executive Officer of our Government and the Commander in Chief, the Founding Fathers constrained the President through the very structure of our Government, through both law and treaty. The Attorney General has a duty not just to serve the President but also to support, protect, and defend the Constitution.

I did not vote in support of Alberto Gonzales's nomination to be Attorney General because I was concerned about his ability to serve more than the President—a concern that has been borne out by the events over the last several months. It is largely because of his actions we are in the quandary we are in today with respect to torture and so many other issues.

Instead of protecting our Nation's Constitution and upholding our laws, he engaged in actions that damaged our Nation's core values and put our citizens' rights at risk both here and abroad.

Given the extreme politicization of the Department of Justice, and the demoralization that has followed in his wake, I believe our Nation needs an Attorney General who can help lead us like a beacon of light and help right our country's moral compass as an example again for the rest of the world.

I do not think Judge Mukasey met that standard.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, what is the pending legislation?

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

> A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Pending:

> Harkin amendment No. 3500, in the nature of a substitute.
>
> Reid (for Dorgan-Grassley) amendment No. 3508 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increased funding for certain programs.
>
> Reid amendment No. 3509 (to amendment No. 3508), to change the enactment date.
>
> Reid amendment No. 3510 (to the language proposed to be stricken by amendment No. 3500), to change the enactment date.
>
> Reid amendment No. 3511 (to amendment No. 3510), to change the enactment date.
>
> Motion to commit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions to report back forthwith, with Reid amendment No. 3512.
>
> Reid amendment No. 3512 (to the instructions of the motion to commit to the Committee on Agriculture, Nutrition, and Forestry, with instructions), to change the enactment date.
>
> Reid amendment No. 3513 (to the instructions of the motion to recommit), to change the enactment date.
>
> Reid amendment No. 3514 (to amendment No. 3513), to change the enactment date.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Thank you, Mr. President. We have the farm bill before us. We have been trying for a week to do amendments on the bill. The Republicans have said that because this bill is being handled in such an unusual procedural way, they are not going to let us move forward on this bill.

This bill is being handled similar to every farm bill in the last 30 years. In that entire period, there has only been one time that a nongermane amendment was offered, and that was on the last farm bill when Senator KYL offered an amendment dealing with the estate tax. It was a sense-of-the-Senate resolution. That is it.

So for the minority to cry about this is simply that they are crying about something there is no reason to cry about. We want to move this bill. I had a conversation this morning right over here on the floor with the distinguished Republican leader and the ranking member of the committee, SAXBY CHAMBLISS. At that time, as I understood the conversation, the Republicans had 10 amendments they wanted to do. Let's look at them. We have some we want to do. Let's pare them off, set very short time limits on them, and move this bill.

This is an important bill. If this bill does not move forward—a bill that is being treated similar to every other farm bill in recent history—the reason it is not going forward is the Republicans. If they do not want a farm bill, why don't they say so. They can explain to all the farm organizations around the country that they did not want a farm bill, they wanted us to extend what is now in existence. If that is what they want, why don't they say so?

It is unfortunate we have been unable to move forward on these amendments. The first amendment pending is a bipartisan amendment offered by Senator DORGAN. It is a good amendment. It is one that should be debated and voted on. Another amendment is a complete substitute—that is my understanding—and Senator LUGAR and Senator LAUTENBERG want to do that amendment. Let's debate it, find out what the will of the Senate is, and move on. But to be in this position is really unfair to farm State Senators, to farmers and ranchers, to the Senate, and to our country. If you are unwilling to fight, just say so. If you don't want this bill to come forward, just tell us that. Don't play these games that they are not treating us right procedurally. This is the way this bill is always handled.

So I just think it is something we need to do. It is an important piece of legislation. The committee, on a bipartisan basis, reported this bill out with an overwhelming vote. This is not a Democratic bill; it is a bill reported out by the Agriculture Committee on a bipartisan basis. So I hope this afternoon we can get some work done on the farm bill.

Mr. HARKIN. Will the leader yield?

Mr. REID. I am happy to yield to my friend, the chairman of the Agriculture Committee.

Mr. HARKIN. I thank our majority leader for all the support he has given us in getting this bill through even when we worked in committee and working with the Finance Committee to make sure we had the necessary money to meet our obligations and bringing it to the floor in a timely manner. We had all last week; we couldn't get anything done. We have this week before we go home for the Thanksgiving break. We could finish this bill, I say to our leader, we could finish this bill if we could just get the other side to agree to start the process.

We have an amendment, I say to the leader, before us which we could debate. We could even put a time limit on it. We have another amendment on which we could put a time limit. We could get two or three or four amendments done today. But, I say to the leader, I am very frustrated that we have the farm bill out here, we are ready to go—we have been ready for some time—there are amendments filed, and we would like to get started on it, but we can't until the minority leader agrees to move ahead and says we can bring up some of these amendments and move ahead on them. I just hope we don't waste another whole day.

I ask the leader, is there any way we can get the other side to kind of help move us along? I have talked to my ranking member, Senator CHAMBLISS. He wants to move ahead. He has the desire, as I do. As the leader pointed out, this bill came out of committee on a bipartisan vote. There are going to be amendments, and I may support some and not others, and I am sure my ranking member will support some and not others, but that is the amendment process. I think we have a good bill that is going to wind up getting a lot of support on the Senate floor, and the sooner we get to it, the better off we are.

So I am just kind of perplexed, I guess, as to why the minority leader won't let us move ahead or why we can't get some amendments and time agreements.

Mr. REID. Mr. President, I would say to my friend that we have, as I understand it, 22 amendments upon which the 2 managers have agreed.

Mr. HARKIN. That is right.

Mr. REID. We could take care of those very quickly. There are amendments that, in the minds of the managers, improve the bill. We should get those done. We are unable to move on anything.

The calendar dictates a lot of what happens here in Washington in Congress. We have a limited amount of time. We have 3 very short weeks when we come back after Thanksgiving before Christmas. I say to my friends, we are not going to have time to work on the farm bill when we come back after Christmas. We don't have time. We have to take care of all of our appropriations matters. The funding for this Government runs out on December 14. We have some must-do things that run out at the end of this year. So the record should be spread with the fact that Senate Democrats have been willing and terribly interested in moving this farm bill. If it doesn't go forward, the blame is at the doorstep of my Republican colleagues.

We are in the majority. We Democrats are in the majority, but it is a slim majority. The way the Senate operates, the Republicans can stop us from doing a lot—not everything but a lot. But I would bet, if there were a fair vote and not some arm-flexing exercise, that a vast majority of Democrats and Republicans want this farm bill to move forward. Are they asking me—is this what they are asking—to file cloture on this bill so we can have a cloture vote on it Thursday? Is that what they want? Is that what we are going to be relegated to, filing cloture on this bill without having heard a single amendment? And why? Because they won't let us. Is that what they want? If cloture fails—I know it will fail, not because of Democrats but because of Republicans. We know we have broken records here in this year of this session of Congress by having to file cloture 52 times. Only one of those cloture motions was a bipartisan effort. We did it once. That is all. So I am very disappointed because I don't see what the Republicans are going to gain.

Mr. HARKIN. Mr. President, I say to my leader, if he will yield again, I think we have set a record in committee. In a day and a half, we had a comprehensive, 5-year farm bill passed—in a day and a half. I don't think that has ever been done.

Mr. REID. Mr. President, I say to my friend, that was the culmination of weeks and weeks——

Mr. HARKIN. Months.

Mr. REID. Of meetings between Democrats and Republicans to move this bill along.

Mr. HARKIN. That is right.

Mr. REID. I have great admiration for the Agriculture Committee for getting a bill out of that committee on a bipartisan basis. There are people who want very badly to try to improve this bill, but nothing will be done. It is Tuesday. We have this bridge thing coming, dealing with the Iraq war, tomorrow. Time is wasting. I am beginning to have my doubts, I say to everyone here, because of the intransigence of the Republicans, that we can do a farm bill.

Mr. HARKIN. I hope we can overcome that because, as the leader said, we had great agreement in committee. He is right. We worked weeks and weeks and weeks in meetings with people in getting it all together, and in a day and a half we got it through on a unanimous vote—not one dissenting vote. So we have a good bill.

Mr. REID. Mr. President, I say to my friend, on the floor right now are farm State Senators—Arkansas, Georgia, North Dakota, North Dakota, Iowa—

and in the back of the room is a State that does a lot of agricultural products, the State of New York. Now, as I look around this room, Senator DORGAN is an example. Senator DORGAN's amendment is pending—a bipartisan amendment. He supports this bill. It came out of committee, but he thinks it would be an improvement. Why shouldn't he have an opportunity to offer that amendment and have a debate on it? That is what this is all about. It is unfair to everyone concerned, as I have mentioned before, that we are not able to move on this important piece of legislation. I am from the State of Nevada. We grow alfalfa. We are the largest white onion producer in America. We grow garlic but mostly alfalfa and white onions. This bill is important to those farmers out there. There are things from which they will benefit. I just think it is too bad we can't move forward. This is a bill——

Mr. MCCONNELL. Mr. President, will the majority leader yield?

Mr. REID. Oh, I am sorry. And Kentucky grows things too.

Mr. MCCONNELL. I would just say to my friend, the majority leader, I am on the Agriculture Committee. I am from a farm State. I want a farm bill. We have been discussing how to go forward. If I may be so bold to suggest—I know Senator CHAMBLISS and Senator HARKIN have been working on a list of amendments. I think we ought to see if we can lock in a list. It will be bigger than we would like, but that is the way it always starts. Most of those will go away in one way or another, but at least it would help define the universe. I think that is achievable, hopefully sometime this afternoon, and it will allow us to get started. That is what I would recommend.

Mr. REID. Mr. President, it would be untoward on the Senate floor to walk over and hug the Republican leader, but that is what I feel like doing. I agree with him 100 percent. I think we should try to get a number of amendments locked in, whether it is 5 or 50, whatever it is. I think we should get it done and start moving on this bill.

I have been, as my friend from Kentucky knows, in a minority position more than I would like to admit here in the Senate as the minority Democratic leader. I understand he has certain things to do within his caucus. Whatever was needed to be proven has been proven. Let's move forward on this bill as the Republican leader has outlined. We greet his suggestion with open arms.

Mr. HARKIN. Mr. President, would the leader yield just one more time?

Mr. REID. I yield.

Mr. HARKIN. I would like to ask the minority leader if during this time we are trying to work out a set number of amendments, we know there are two or three amendments that are absolutely going to be offered. One is the one we are on right now. Then there is another one with. I think Senators LUGAR and LAUTENBERG. I am just wondering if we could get time agreements on those.

Mr. REID. I would say to my friend, let's take one step at a time. He has made an offer, and let's see what we can do. He has indicated—the ranking member of the committee is here, you are here, and we will work on that and see if we can get something done in the next little bit.

Mr. MCCONNELL. I thank the majority leader. I think that is a good way to go forward, and we will work on it this afternoon.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, let me just say while the leadership is here, we appreciate their assistance in moving this bill. Senator HARKIN, Senator CONRAD, and I have taken our list of amendments we have out there and we are working through them to try to get down to a reasonable number. One problem, frankly, we are having—and I think maybe on the other side too—is we keep having people come forward with amendments. I would simply say to colleagues on both sides of the aisle that we are going to reach a limit with these amendments, and if you have an amendment, we need to know about it now so we can negotiate and deliberate in good faith relative to the number of amendments that are going to be on this list so that we can pare those amendments down to a reasonable number.

I thank the leadership for working with us.

Mr. DORGAN. Mr. President, would the Senator yield for a question?

Mr. CHAMBLISS. Certainly.

Mr. DORGAN. The important point here is that I think everyone on the floor wants to get this bill passed, and while there will be some amendments, my hope and my expectation—I have one amendment—would be that we would relatively easily get time agreements, have a reasonable number of amendments with time agreements. I think there should be a lot of cooperation on the floor because I think all of us want what you want, and that is to get a piece of legislation passed. This was not easy to get out of the committee. I support this bill. I am going to support a couple of amendments here and there, but by and large I think we are on the right track, and I appreciate hearing the words of the minority leader today on this subject because we need to get this done.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first of all, I am enormously relieved to hear what has been discussed, and I hope in the next few moments that we could agree, first of all, on amendments that have to be voted on for both sides, No. 1; No. 2, that we would agree on time limits, and it is very clear that unless the time for the debate on amendments that must be voted on is limited to 1 hour apiece, on average—some could be a little more, some could be a little less, but if we don't on average have time agreements of 1 hour or less, we cannot finish the work this week; and finally, that we agree to an order. I have seen colleagues who are very interested in some certainty. For example, if we could do Grassley-Dorgan in an hour and a half and then go to Lugar-Lautenberg for an hour and a half to at least begin the process, that would be enormously helpful, and then establish a list in order with time agreements.

I wanted to take a moment to respond, as leadership is working on that kind of proposal, to an article that appeared in the Washington Post this morning that I thought was not telling the whole story about this farm bill. They have asserted that there is all this new spending in the farm bill. They focus just on the spending side of the ledger; they didn't focus at all on how we pay for it.

I want to indicate that it is true that there are increases in this bill. We have increased spending on nutrition by $5.3 billion; on conservation, we have increased resources by $4.5 billion; on energy, by $1.1 billion and then an additional $1.4 billion from the Finance Committee, for a total increase in energy of $2.5 billion.

Where did we find the resources for those additional investments? Well, that is the uses on this side, and the sources are on this side. Over one-third of the money came out of the commodity programs. Commodity programs have been reduced. They have been reduced from the baseline. They have been reduced as a share of total Federal spending. The fact that the press—at least some elements of the press—seem unwilling to tell the American people is that the reduction in commodities—over a third of the money that has been used to give more money for nutrition, more money for conservation, more money for energy, a third of the money came out of commodities.

Almost a third of the money came out of crop insurance. Now, if you are going to tell the story, Washington Post, tell the whole story. These are not just my estimates. These are not KENT CONRAD's numbers, or the committee's numbers; these are the numbers from the CBO. They show, on the 2007 farm bill, commodity programs have been cut by $4.2 billion, crop insurance by $3.7 billion, for a total savings out of the $7.9 billion. That is from these so-called baselines. These are facts.

They also seem to overlook the fact that if you look back on the last farm bill, you will see that the estimate at the time was that the farm bill would take 2.3 percent of total Federal spending. The commodity programs were to take three-quarters of 1 percent. Look at the contrast with this farm bill. With this farm bill, the total share of Federal spending is down from 2⅓ percent to less than 1.9 percent, and commodity programs—the ones that draw all of the conflict and the controversy—have been dramatically reduced to one-quarter of 1 percent of total Federal spending. The Washington Post never mentions these facts.

If we look at commodity program outlays on this chart, here is the baseline at the time of the farm bill. This is what it would cost into the future. Look at the estimates from the CBO on what the commodity programs will cost now. It is a very dramatic reduction in real terms, in relative terms—in whatever terms you want to use. If you are going to report honestly to the American people, then you need to tell them the whole story, not just the story that is the way you want to write it. You have an obligation to people to tell them the whole story so they can make a judgment about what is fair and what is right.

This bill is fiscally responsible. It is paid for. It takes up a much smaller share of total Federal spending than the previous farm bill, and the commodity provisions have been cut by two-thirds as a share of total Federal spending. If you look at where the money goes—I will tell you, I sometimes read these articles and hear broadcasts, and I wonder why don't these reporters tell people where the money is going. You would think this is all for subsidies for rich farmers.

The fact is, the vast majority of the spending in this bill is going to go to nutrition programs; 66 percent of the money in this bill is going to go for nutrition programs. Have you seen any article written by the major mainstream press that has told the American people that fact? Nutrition programs go to every corner of this country. They are 66 percent of the money in this bill. Crop insurance is 7.6 percent. Conservation is 9 percent. Again, conservation is important to every corner of America. When you put conservation and nutrition together, that is 75 percent of the spending in the bill. Commodity programs are only less than 14 percent of what is in this farm bill.

I hope at some point somebody will start to tell the American people the full story. I certainly don't read it in the Washington Post. I have not seen a single story in the Washington Post about agriculture that I thought was fair and balanced. I have not seen one. They are writing with a point of view. They are writing as advocates.

When I grew up, news people felt an obligation to try to tell both sides of the story. But, apparently, those days are gone. Today, if a publication has a point of view, or your television program or television station or network has a point of view, that is how you report it. You report one side of the story. That is not responsible, and it is not telling people what they really need to know to make an informed judgment. It is withholding from people certain information they would need to make any kind of objective judgment. That is what is going on here.

I don't want my colleagues to be fooled or to miss the point that this farm bill is taking much less of total Federal spending than the previous farm bill, and the commodity provisions that, in the last farm bill, were estimated to take three-quarters of 1 percent of Federal spending is down to one-quarter of 1 percent. Why do we need that one-quarter of 1 percent? Very simply, because our major competitors, the Europeans, are providing more than three times as much support to their producers as we provide to ours. This is a fact. The Europeans are providing more than three times as much support to their producers as we provide to ours.

So what happens if you yank this slim rug out from under American producers? Even though we are already outspent more than 3 to 1 by our major competitors, what would happen if we yank that rug out from our producers? Two words: "mass bankruptcy." That is what would happen.

Is anybody paying attention? Do these publications or these news broadcasts give one whit about what happens to the rural economy in America? Why don't they ever report that the Europeans—on export subsidies—are outgunning us more than 80 to 1? That is a fact. But they don't seem to care. They don't seem to care because, I guess, it doesn't affect their economic lives directly. But I represent a State that has farm and ranch families from one side of our State to the other, from one corner of North Dakota to the other. The hard reality is they are out there competing against the French and German farmers, and they can do that. They are ready to do that, to take on a fair fight. But when you ask them to take on not just the French and German farmers but the French Government and the German Government, as well, that is not a fair fight. To say to our farmers and ranchers: You go out there and take on the French and German farmers, and while you are taking on the French and German Governments, your Government is going to be AWOL, absent without leave; your Government is going to declare unilateral disarmament; your Government is going to let you fend for yourself—good luck, Charlie, because the other side is outgunning us more than 3 to 1 already.

But some here say, let's not even put up a fight; let's throw in the towel and let the Europeans take over world agriculture. They are already equal to us in world market share. They are already advancing every day, increasing their market share, while ours slips—they are not alone, by the way. It is also our friends in Brazil, Argentina, and other countries who manage their currencies to secure advantage in terms of agriculture.

How long will it be, I ask these cynics, before America succumbs on the agricultural front the way we have on automobiles, electronics, and all the others, where our foreign competitors have taken the advantaged position? How long? We are right on the brink of it happening now.

This farm bill is an attempt to meet many needs of the American people. As I said, if you look at where the money goes, the overwhelming majority of this money goes for nutrition; 66 percent of the money in this bill goes to nutrition. I hear some of my colleagues from nonfarm States saying, "I don't have a dog in this fight; I don't really care what happens in the farm bill." Really? Then you don't know what is in the bill. Somebody from a nonfarm State who says they don't have anything in this fight simply don't know what is in the bill.

Sixty-six percent of the money goes for nutrition, 9 percent for conservation, and more for research and trade. That is where the money goes in this bill. Commodity programs are a small minority of less than 14 percent. As a share of total Federal spending, the commodity parts of this bill, according to the Congressional Budget Office, will be less than one-quarter of 1 percent of Federal spending. That is a fact. It is an important fact. It is a fact that the Washington Post, apparently, doesn't want people to know because they never report it. They also never report that the vast majority of this money goes to nutrition programs, or that the next biggest category is conservation. They have an agenda, and their agenda is to look down their nose at people who are in production agriculture, farm, and ranch families, who apparently don't have their respect.

It is interesting, they don't write the same kind of article about any other industry that gets help from the Federal Government. Virtually every industry in America has some kind of Federal assistance, whether it is highways for the trucking industry or airports for the airline industry or any of the other things that are done for industry after industry. I don't see them come after them with this same sort of look-down-your-nose arrogance because that is what it is. It is incredible arrogance.

Mr. President, I hope my colleagues will have a chance to pay attention to both sides of the story in this farm program today. They deserve to hear both sides of the story.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. HARKIN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PRESIDENTIAL VETO

Mr. HARKIN. Madam President, earlier today, President Bush vetoed the Labor, Health and Human Services and Education Appropriations bill. I wish I could say I was surprised but, frankly, few actions by this President surprise me anymore. This is a good bill, a bipartisan bill, a bill that cleared both Houses with clear, strong majorities. In fact, the first one cleared here by 75 votes. It is a bill that reflects the critical education, health, job training needs of our country, especially for Americans who are at the bottom rungs of the socio-economic ladder. The bill was endorsed by more than 1,000—actually 1,075, to be exact—health, education, social service, and labor organizations in this country. There are disability groups in this letter, disease advocacy groups, school groups, community action partnerships, religious groups—millions of people across America are represented on this letter. This morning President Bush turned his back on all of them.

He seems to have no problem pouring billions of dollars into Iraq for schools, hospitals, job programs, health needs, but when it comes to those priorities here in America, the President says no. After spending all these billions of dollars on schools, hospitals, job programs, and health needs in Iraq, it is time to start investing some of that money here in America.

The President insists we have to stick to exactly the top number in his budget. Frankly, if we did that, we would be cutting programs such as the Low Income Heating Energy Assistance Program for the elderly at a time when we know fuel prices are going to be extremely high this winter.

The President completely zeroed out the social services block grant and cut the community services block grant by 50 percent.

Under the President's budget, we would be cutting the National Cancer Institute. At a time when we are starting to make some progress in the fight against cancer, Alzheimer's, Parkinson's and so many other things, he cuts funding for the NIH.

Again, we need to put more money into special education to help some of our beleaguered property tax payers in our States.

We have a backlog of several hundred thousand cases in Social Security. People who have paid in all their lives to Social Security, if they have a problem and they have an appeal pending or a case to be heard—there are 700,000 backlogged. It is about a year-and-a-half wait right now to get Social Security. It is unconscionable. We put money in there to reduce the backlog.

We wanted to fund more community health centers as one of the great things we have done in this country to help people who are not getting their health care needs attended to, to get them at their community health care centers. It has done a great job nationally.

We put more money into the Head Start Program. And No Child Left Behind—we put more money in there to meet our needs in title I schools, teacher training.

These are all provisions that were in our bill. As I noted before, it was bipartisan. I worked very closely with Senator SPECTER, our ranking member. There were dozens of provisions and funding increases in the bill that were requested specifically by Republicans, those on the other side of the aisle who requested that we increase funding in these areas. Unfortunately, it seems Mr. Bush is more interested in provoking a confrontation than in governing responsibly. He recently dismissed the funding in this bill as "social spending," as though somehow it pays for ice cream socials or Saturday-night socials or something such as that—social spending. I never heard it referred to like that. It is out of bounds, it is out of touch, it shows how isolated this President has become.

Every dime of additional funding in this bill goes to bedrock essential programs and services that have been shortchanged in the last few years. I mentioned them: community health centers, Head Start, NIH, special education, student aid, social services block grant and community services block grant, Pell grants. These are all things that have been shortchanged. The President's budget would cut NIH, LIHEAP, special education, and eliminate the community services block grant, job training, housing and emergency food assistance for our most needy citizens. Apparently, Mr. Bush sees this as frivolous social spending. I couldn't disagree more.

We have to keep the President's veto this morning in context. During the 6 years Republicans controlled Congress, Mr. Bush did not veto a single appropriations bill, including many that went over his budget. He never vetoed one of them. Now Democrats are in charge. Yes, we have gone over budget in some of the areas I mentioned and not only with the support but the encouragement of Republican Members who wanted to add more money. I guess because the Democrats run Congress now, the President says he will veto them. He did. He vetoed the bill this morning, but he never vetoed one in 6 years even though they were above his request. It smacks of the most blatant form of partisanship and politics. It kind of goes beyond the pale.

A few weeks ago the President sent up a new supplemental spending bill. We will be working on that this week. I don't know if we will pass it this week or when we come back in December. It is more than $196 billion, mostly for Iraq. The Congressional Budget Office now estimates that Mr. Bush's war in Iraq will cost a staggering $1.9 trillion in the next decade. Yet he vetoed this bill, over $12 billion in funding for education, health, biomedical research, and other domestic priorities.

You ask: $1.9 trillion, $12 billion, what does it mean? Look at it this way: Do away with all the zeroes. It means Mr. Bush is asking for $1,900 for Iraq. Yet he vetoed this bill because we spent $12 more than what he wanted. That shows misplaced priorities: $12 billion a month for the war in Iraq, yet he vetoed this bill which is $12 billion for a whole year.

What is most disappointing about the President's veto this morning is his total unwillingness to compromise. Any time we work out bills, we compromise. That is the art of democracy. We compromise. No one around here ever gets everything he or she wants, but we make compromises. We do it in committee; we do it on the floor of the Senate. We do it between the House and the Senate. Then when all is said and done and we work in conference, usually the President will work with us to work out problems. This is where the White House is. Where do we meet? The President never came to our conference—I shouldn't say the President didn't, but his people never came to our conference to offer compromises, where we might meet halfway.

When the President sent down his veto message, he mentioned two things about our bill: One, it had the lifting of his ban on stem cell research; two, it spent more money than he wanted. I thought a compromise might be: OK, we will take off the stem cell stuff, and you agree to the spending priorities we have. We voluntarily, to try to meet the President halfway, said: OK, we will take off the stem cell issue, even though Senator SPECTER and I both believe strongly in it. It passed the committee with only three dissenting votes. The Senate has spoken at least twice in support of an embryonic stem cell bill to take off the handcuffs the President has put on scientists. But even that wasn't enough.

Then we went to conference. We thought: OK, will the President now try to meet us somewhat on the spending part? The answer was no. It was his way or the highway. We either agree totally with the President or he is going to veto it and the White House will put pressure on the House because that is where the bill goes for an override, to keep them from overriding his veto.

It is sad the President has taken that position. Under the Constitution, Congress does have the power to override a veto. It happened last week with the water resources bill. He vetoed it. Both the House and Senate voted over two-thirds, as is constitutionally required, to override the veto. We could do it on this bill that funds education, everything from Head Start, elementary education with title I, No Child Left Behind, elementary and secondary education, college with Pell grants, student loans, forgiveness of loans if you go into certain occupations such as medically underserved areas, legal services, or become a prosecuting attorney—the type of occupations that don't pay a lot of money but are needed in our country.

On health, especially all the biomedical research that was in that bill for NIH, the money for the Centers for Disease Control and Prevention for making sure we get more flu vaccine this year stockpiled, not to mention all of the efforts that CDC is doing in stockpiling other vaccines in case of a terrorist incident, something that might happen—we hope it doesn't, but we have to be prepared for it—that is in this bill he vetoed.

I mentioned things such as low-income heating energy assistance for low-income elderly. This is all in this bill. Now it is up to the House whether they will vote to override the veto. It will be interesting to see how many House Members would vote to override the President on the water resources bill but would not vote to override a bill that deals with health, education, community block grants, NIH, the Centers for Disease Control. It will be interesting.

The Water Resources Development Act was an important bill. I was strongly supportive of it. It goes basically to meet one of the urgent infrastructure needs of the country: Waterways, to make sure we upgrade our locks and dams and make sure they are adequate to the environmental needs and river transportation needs for the next century. It is vital. The Education, Health and Human Services, and Labor appropriations bill is sort of the counterpart of that in terms of the human infrastructure, making sure we have the best educated populace, that we meet the health care needs of people, that we invest in cutting edge research, that we have good job retraining programs.

We just had a case where a Maytag plant, after all these years, closed in Newton, IA. We need job retraining programs. That is in this bill the President vetoed. It is human infrastructure needs.

It will be interesting to see how many House Members vote to override the President when it comes to the physical infrastructure but now will not vote to override the President when it comes to the human infrastructure. I hope it is very few. I hope we get the same number of votes to override the President's veto on this Education, Health and Human Services, and Labor appropriations bill as we got on the water resources bill.

It is a sad day that the President would veto this bill. We went out of our way to meet him halfway, but he said absolutely not. It is his way or nothing else.

That is not the way we do things. The President is not acting responsibly, quite frankly, in this area. I don't know what we can do. If the House overrides the veto, I am pretty certain we would have the votes here to override the veto. We would have to wait for the House to act first. I hope they do, and I hope we get it. I hope we vote to override the veto. But until then, we have to see what the House is going to do.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PRESIDENT'S VETO OF LABOR, HHS APPROPRIATIONS BILL

Mr. DURBIN. Madam President, they say in life you can really judge a person's values by where they put their wealth. Certainly, we all love our families, and we think nothing of spending a lot of money on our children. We all value our health, and we go to great extent to spend whatever is necessary to have a healthy lifestyle and to live on for many years.

The President, today, had a chance to demonstrate his values with his veto pen. He had a chance to decide what priorities we should have in America for our future. We sent him a bill called the Labor, Health and Human Services appropriations bill.

There was a venerable Congressman from Kentucky named Bill Natcher. He served for many years and distinguished himself as never having missed a rollcall vote in his life. I will not get into that side story, but his responsibility in the House Appropriations Committee was to chair the subcommittee that generated this spending bill, the Labor, Health and Human Services bill, the bill that includes education, health care, medical research—programs that really directly reach the people of America. He called it the people's bill. He used to wear these starched white shirts and dark-blue suits and silver-gray ties. He looked like a Senator. He had the gray hair and would stand there and say: This is the people's bill. The people should vote for it. And they did. Overwhelmingly, House Members—Democrats and Republicans—would vote for it because this bill really does reach families everywhere across America.

President Bush decided to veto this bill today. He vetoed the bill, which is rare. Incidentally, he never vetoed a bill until this year. Now, he has, after a long search, found his veto pen and is using it frequently. He vetoed this bill this year because it called for 4 percent more spending than he had asked for—$6 billion.

Madam President, $6 billion is a lot of money, for sure, but not by Federal budget standards. The President, before he vetoed this bill, signed the Defense appropriations bill. That bill was 10 percent over his request, and yet he signed it. When it came to this bill that reaches families and people across America, he said no.

Of course, this President, who says we cannot afford $6 billion for programs for the American people, is asking us for $196 billion for programs for the people of Iraq—$196 billion. It is hard to understand how we cannot afford health care in America, cancer research in America, education in America, worker protection in America, homeless shelters for veterans in America, yet $196 billion for Iraq. I said it before. This President gets up every morning in the White House, opens the window, looks outside and sees Iraq. He doesn't see America, because if he would see America, he would understand the American people across this Nation value so much the priorities he vetoed today.

Yesterday we celebrated Veterans Day. We acknowledged what the men and women who have served this country mean to us, our history, and our future. There were a lot of good speeches given by great politicians talking about how much we value our veterans. Those speeches had hardly been finished when the President returned to the White House to veto this bill.

This bill would have provided funding for employment and health programs for veterans. It is hard to believe in America that one out of four homeless people is a veteran. You see them on the streets of your town, large and small; you see them standing on the highways with little cardboard signs. One out of four of them is a veteran. This bill tried to provide counseling, shelter, ways to give these veterans a place to sleep at night. The President vetoed it and said it was too darn much spending.

This bill would have provided $228 million for veterans employment, $9.5 million for traumatic brain injury, and $23.6 million for the Homeless Veterans Reintegration Programs.

Last night on television I saw a program. James Gandolfini, who was the star of "The Sopranos," had a special documentary; I believe it was called "Alive Day." I think that was the name of it, but you couldn't miss it if you saw it because he invited veterans on this program to be interviewed, veterans of Iraq and Afghanistan who had been injured. These young men and women came and talked about their love of this country, their service to our Nation and what they had been through. This beautiful young woman who had been a lieutenant in the Army had a rocket-propelled grenade explode right next to her, tearing off her right arm and shoulder. She now has a prosthetic arm that appears to be real but of course does not even have function to it, but it is what she uses. It was a touching moment when she talked about what her future would be, this beautiful young woman, this disabled veteran.

There were many amputees—some of them double amputees—talking about trying to put their lives back together. Some of the most painful episodes involve victims of traumatic brain injury. There was one young man with his mother sitting next to him. They showed before pictures, when he was a hard-charging soldier, happy go lucky and a lot of fun, who then sustained a serious traumatic brain injury and now is in a wheelchair. He hopes the day will come when he can once again walk and run. It is hard to imagine we could give tribute to those veterans yesterday and veto a bill today that would have spent just $9.5 million for traumatic brain injury programs, but the President did that this morning.

The President came to Washington and said he wanted to be the education President. We remember it well because he came up with a new term we hadn't heard before called No Child Left Behind; he persuaded leaders on both sides of the aisle to vote for it and produced a new education program for America. This bill provided money to make that program work. It is not enough to identify the problems in our schools and the difficulties facing our children and our students; you need help to make certain you have the best teachers in the classroom, the proper class size, the right equipment at the school.

We also understand early childhood education is essential for kids to succeed. Show me a family where the mom and dad focus on teaching that child to read and read to the child and take the child out and speak to them in adult terms and I will show you a child probably destined to be pretty good in kindergarten. A lot of kids don't have that good fortune; mom and dad are off to work. So the Head Start Program is a way to give them a fighting chance. The bill the President vetoed today included more than $7 billion for the Head Start Program, increasing it by $200 million from last year. The President said we can't afford to increase the Head Start Program.

The bill also included $18 billion for higher education initiatives and student financial aid. How many working families do you know with a child they want to see go to the best school in America, struggling with the idea of how they will pay for it and the debt they will carry out of school? We put money in this bill to help those families help those students, and the President said we can't afford it.

The President's budget would have provided title I funds for 117,000 fewer students and cut the number of new teachers in classrooms by 8,000. So the President says it is wasteful for us to provide title I funds to help children from disadvantaged families—117,000 more—and new teachers and classrooms by 8,000. At the same time, he wants $196 billion for a war in Iraq not paid for.

In Illinois, almost 3,500 students will be left behind by the President's veto, and 200 teachers will not be hired. Will that be better for those schools, those families, those children? Of course not.

The appropriations bill the President vetoed also included $11.3 billion for special ed, kids with special challenges who need special help and with that help have a chance to succeed. The President said we spend too much money on those kids and he vetoed it.

Had Congress provided what the President requested, Federal funding for disabled children would be lower by an average of $117 per child. I have been in schools with special education classes, and I have watched the special care those children need and receive, often one-on-one help. If that teacher is caring and competent, the child has a chance—just a chance—to come out of the shadows of darkness and have a future. That is what this bill is about—a bill the President says America cannot afford.

In the area of health care—this is one I think touches me and most people—we included $29 billion for medical research at 27 institutes and centers at the National Institutes of Health. Senator MIKULSKI knows all about this. This is in her neck of the woods in Maryland. The National Institutes of Health and what they achieve, we put in this bill $29 billion and included $1.4 billion more than the President requested for medical research at NIH.

Ms. MIKULSKI. Madam President, would the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield.

Ms. MIKULSKI. Is the Senator aware the President's budget actually cut NIH by $310 million? He cut the National Institutes of Health projects by $310 million, wiping out research opportunities for those young scientists with breakthrough ideas, as well as those which were ready for advancements; is the Senator aware of that?

Mr. DURBIN. I am aware of it. I will tell my colleagues the Senator from Maryland probably recalls that over the last 10 years or so, this has kind of been an area of real bipartisan cooperation. We may fight like cats and dogs over everything else, but we said: Come on, when it comes to the National Institutes of Health and medical research, Democrats get sick and Republicans get sick, too, and our kids do as well, so let's all join hands and promise we are going to increase the spending for medical research, not just to find the cures but also, as the Senator from Maryland says, to build up the infrastructure of talented professionals who will devote their lives to this medical research. The President says: No, we can't afford it.

Madam President, $1.4 billion, we can't afford to spend $1.4 billion more on cancer research, heart disease, diabetes, Parkinson's, Alzheimer's? We can't afford that? Well, for $12 billion to $15 billion a month, we can obviously afford a war in Iraq, but the President can't find money for the war against disease and death in this country. That is truly unfortunate.

Since I see my colleague from Maryland, I will surrender the floor and give her a chance to speak. I hope this veto today will not go unnoticed. Elections have consequences. In the last election, the American people said: We are going to give you—the Democrats—a majority in the Senate and a majority in the House. Now do something with it.

We have tried. We have succeeded in many areas. But we have run into the opposition of this President more often than not. When we tried to change the course and policy of the war in Iraq, the President used his first veto as President of the United States to veto on foreign policy, to veto that decision. When we tried to change his horrendous decision to stop medical research involving stem cells, he used his veto pen again. When we tried to provide children's health insurance for millions of kids across America who are not poor enough to qualify for Medicaid but not lucky enough to have health insurance in their family, he used his veto pen again. He used it again today.

Why is it a recurring theme that we see this President stopping efforts by this Democratic Congress to address the issues people care about: Health care, making sure we have the best; medical research to find those cures; making sure our schools are preparing the next generation of leaders; making certain that as a country, we move forward in providing health insurance protection for kids. It is a sad moment.

I hope the House of Representatives can rally the votes to override that veto. I hope a few of our Republican friends who joined us in passing this bill, with over 70 votes, if I am not mistaken—I think close to 75 votes—I hope they will stand with us again and override this President's veto—a mistake, a mistake this President made at the expense of America's families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the pending amendments on the farm bill be laid aside and that I be allowed to speak on two important amendments that I will offer at an appropriate time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, today I rise to speak about two very important amendments. I will ask for a vote on both of these amendments at an appropriate time. The first amendment requires the U.S. Government to label any food that comes from a cloned animal or its progeny. The second amendment would increase food safety because I will ask for three studies on the impact of cloned products in our food supply—the impact on trade, the impact on the economy, and the impact on health.

But let me talk about the fundamental problem. See this picture up here? This is Dolly. You remember Dolly, the cloned lamb that burst onto the scene? Dolly is cloned. She has gone from a novelty to a biotech product, to possibly Dolly burger in your food supply. So we have gone from: Hello Dolly, who are you, to being on the verge of having Dolly burgers in our school lunch program, maybe Dolly Braunschweiger in our Meals on Wheels program. Why are we on the verge of doing that? It is because the FDA said it is OK. You remember the FDA. They said OK to Vioxx. They said OK to a lot of things.

It seems, in December of 2006, the FDA announced that milk and meat products from cloned animals are safe for human consumption. Now, I have very serious doubts about that, but I am not a scientist, so I want more science and more research. Most Americans agree with me, that scientists should be able to monitor cloned animals as they enter the food supply. To my dismay, FDA has refused to label cloned food. I believe people have a right to know and a right to make their own decisions.

The American people find cloned food disturbing. A Gallup poll reports over 60 percent of Americans think it is immoral to clone animals. My bill doesn't deal with morality. My bill deals with: When you eat it, you know where it came from. Consumers have a right to know. They have no way to tell if the food comes from a cloned animal, the cloned animal's progeny, such as Dolly, or if it comes from a cow, a pig, a chicken. I want the public to be informed.

I am for consumer choice. If most Americans don't want cloned milk and meat, they should not be required to eat it. I cannot stop the cloning of animals. Maybe that would not be a good idea. I cannot stop the FDA from approving it. I don't believe in meddling at that level. But I can insist on labeling. And if it enters your food supply, whether you buy it at the supermarket or whether you are in a restaurant or whether it is going to be in the child's school lunch program or your elder parents' Meals on Wheels program, you ought to know about it. My amendment would require labeling by the FDA and the Department of Agriculture, to put a label on all food from cloned animals that says this product is from a cloned animal or its progeny. These labels would be at the wholesale level, retail level, or restaurant level, or wherever the U.S. Government acts in calling it nutrition. It would allow the American people to make an informed decision on what they are eating.

You would think I am creating Armageddon. The BioTrade Association has been all over me with the functional equivalent of cleats, running editorial boards, and whispering science as they know it into the ears of the ed boards. If they have such confidence that cloned food is OK, why would they care if it were labeled? If they had such confidence that the American people would be indifferent to labeling, why would they oppose it?

They say it will cost too much. Guess what. They said it about nutritional labeling. They said that about other forms of labeling on our food. I reject those arguments. I believe you want to know this. I really believe you want to know if you are eating cloned food.

Madam President, you know me. You know I am one of the people in the Senate who has stood fairly on the side of science, the technology advancements it brings and the need always for more research. I believe we need more research into what this means. What is the impact and consequence on public health, on individual health, on unborn children, which I know is a great concern to many of our colleagues here? We don't know. Are we going to wake up and, instead of fetal alcohol problems, have the impact of cloned food? I don't know that.

My second amendment would require three studies: a health impact study on cloned foods and do more of it; an economic impact to the United States from adding cloned food to our food supply; a foreign trade impact on exporting food made in the United States from cloned animals.

My amendment also requires scientific peer review of the FDA's decision to improve scientific rigor. It would eliminate and assure there were no conflicts of interest. Many studies done with cloned food were done with the supporters of cloning, and those who would profit from cloning. The FDA received over 13,000 comments when it released its initial decision that food from cloned animals is safe. Many of these comments said more information is needed. Scientists said there is more information needed. The public said more information is needed. I believe we need to listen to the National Academy of Sciences, which is the premier adviser to the Congress and the people on this.

The National Academy of Sciences agrees that cloning is a brand-new science. There may be unknown and unintended consequences. These scientists recommend this technology be monitored and urge postmarket surveillance. You cannot have postmarket surveillance unless it is labeled. If it is mixed in with your food, you won't be able to do this.

The FDA tells us that once they determined cloned food is safe, they would allow it to enter the market. The scientists want this labeling. I believe we are going down a difficult path. In Europe, they call this type of food "Frankenfood." Cloned beef is having a hard time in the marketplace. Do we want the EU to ban all American food products because the people are worried about "Frankenfood" and are worried that this "Frankenfood" has been mingled with the other food? Essentially, they could ban all exports of meat products there. I don't want to hear one more thing coming from the EU that says they don't want to buy our beef or lamb because they are worried that it is "Frankenfood."

Again, I am worried about it. How about having an amendment that mandates a study on the trade impacts?

I also believe in science and research. I believe, therefore, we need to mandate a study now and follow a scientific program based on sound science. Were they accurate? Were they impartial? Were they free of conflict of interest? What additional research needs to be done? We need to be able to also look at the impact on our economy. Are we running a shortage in beef, lamb, and so on, so that we have to go to cloned animals? I don't think so. It seems to be readily available in the American marketplace. I don't know why we need to do this.

People say, well, don't you believe in the FDA? I do. The FDA is in my State. Over a thousand dedicated men and women work there every day. What I also know is that the FDA has been making some pretty big mistakes. They have been making mistakes in their food supply. They cannot stand sentry over spinach and E. coli in our own country. How are they going to monitor Dolly as she makes her way into our food supply? They don't even have enough people to keep an eye on E. coli spreading in spinach in our own country. What about the food coming in from other countries that we don't seem to be able to stand sentry over?

The FDA has not had enough resources in the food supply area. Then they say: Don't worry, honey, we will take care of you. We learned that line a long time ago and we know how false it was. The FDA, I believe, needs more help. They need more research. They need more monitoring, and this is why I am for labeling. Labeling would tell us where these foods go. It would give us the ability to have postmarket surveillance to look at the consequences, some of which might be OK and some of which might be quite questionable. So all I am saying is give the public a right to know and let's do more studies.

I don't know about Dolly. She looks so sad here in this photo, doesn't she? I don't know if she is happy that she is a clone, and I don't know if she is sad that she is a clone. I know whatever happens to Dolly, and whatever breakthrough comes from cloning—and maybe there are wonderful things that I don't know about. I do know that when I sit down on my heart-smart program and bite into a nice juicy roll, I want to know whether I am eating beef, lamb, or a Dolly burger. So my amendment simply says: Give me the right to know; otherwise, I will take further steps to say bah, bah to Dolly burgers.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PRESIDENTIAL VETO

Mr. BYRD. Madam President, today the President, our President, demonstrated once again that he values political posturing more than making America a safer, healthier, more economically strong nation.

This morning, President Bush vetoed a bipartisan, fiscally responsible Labor-HHS-Education bill that increases funding for programs to improve student performance, makes college more affordable, supports lifesaving medical research, and provides relief for families coping with rising home heating costs.

The bill also provides money for veterans employment programs, homeless veterans, and research to help those veterans suffering from traumatic brain injuries.

The President, in an effort to convey the appearance of fiscal discipline, has threatened to veto 10 of the 12 appropriations bills—10 out of 12.

Today the President vetoed the Labor-HHS-Education appropriations bill because Congress chose to increase funding by 5 percent. The hypocrisy of the President's political posturing became even more clear today. This morning, the President signed the Defense appropriations bill which provides a $40 billion, or 10-percent, increase for the Department of Defense. Also, this morning, the President vetoed the Labor-HHS-Education bill because Congress chose to restore irresponsible and shortsighted cuts proposed by the President.

As part of the President's political message, he describes the 5-percent increase for Labor-HHS-Education programs as "bloated" spending. I call it responsible investments in research in cancer, heart disease, diabetes, in educating our children, in providing access to health care to rural America, and to heating the homes of low-income elderly Americans.

The President proposed to cut funding for the National Institutes of Health by $279 million for studying cancer, diabetes, and heart disease. Under the President's budget, the National Institutes of Health would have to eliminate 717 research grants that could lead to cures or treatments for cancer, diabetes, Alzheimer's, and other diseases.

Congress restored those cuts and provided an increase of $1.1 billion. I ask the question: Is increasing spending for the National Institutes of Health by 3.8 percent "bloated" spending? Is it? Of course not.

The President proposed over $3 billion in cuts for educational programs, including special education, Safe and Drug-Free Schools, and improving teacher quality. Congress—that is us—restored those cuts. Is increasing by 3 percent to educate our children bloated spending? I ask the question again. Congress restored those cuts. Is increasing funding by 3 percent to educate our children bloated spending? No.

The President proposed cuts of nearly $1 billion from health programs, such as rural health, preventive health, nurse training, and mental health grants. Congress, on a bipartisan basis, restored those cuts. I ask the question: Is providing an increase of $225 million for community health centers bloated spending? Is it? Certainly not.

The President—our President—proposed to cut low-income home energy assistance by $379 million. Congress restored that cut and provided an increase of $250 million. With the price of a barrel of oil reaching $100, does anyone really think increasing low-income home energy assistance is bloated spending? No.

No Senator will be cold this winter. I will not be cold this winter. You on that side of the aisle will not be cold this winter. We on this side will not be cold this winter. No Senator will be cold at home this winter. The President will not be cold down at the White House. No. Yet the President wants Congress to slash such assistance.

President Bush's Budget Director, Jim Nussle, with whom I met several weeks ago, indicated he would be prepared to negotiate in good faith with Congress over our differences in spending. To my dismay—to my dismay—Director Nussle has not reached out to the leadership of the Appropriations Committees in the House and the Senate in a genuine effort to find common ground.

Now, what is the problem? Why, Mr. President, why, Mr. Nussle, is the $40 billion increase for the Department of Defense fiscally responsible while a $6 billion increase to educate our children and improve the health of our citizens bloated spending?

Now, let's stop—please, let's stop—this charade of political gamesmanship. I say this most respectfully to our President. Let's move forward for the good of the American people. They deserve more from their elected officials.

I suggest to this White House that it stop its intransigence and help us—the elected Representatives of the people in Congress—to enact this vital legislation. Let's sit down together and work out the problems in this bill. Providing for our people's needs should not be a game of us versus them. It should not be a Republican White House versus a Democratic conference. People's lives should not be fodder for ego-driven political games.

Homeless veterans, veterans in need of health care, children in need of education, these must not become the target in a foolish game of kickball. I urge this White House—I plead with this White House—to sit down with the Congress and address the growing unmet needs in this country. If we can build schools and hospitals in Iraq, we can certainly provide health care and education for our own citizens. Nobody wins in a game of chicken, and surely the White House can and ought to work with us—us, in Congress—to stop this charade.

Mr. President, I yield the floor.

Mr. BROWN. Mr. President, I ask to speak for up to 7 minutes in morning business.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. BROWN. Mr. President, November voters in my State of Ohio spoke out for change. They spoke out for a very different and new set of priorities in Washington, priorities that match their own priorities and their own values back home.

Heeding their calls earlier this year, Congress raised the minimum wage, passed potentially lifesaving stem cell legislation, voted to expand access for health insurance to literally 4 million low-income children, and last week, Congress sent to the President the Labor, Health and Human Services bill for his signature, a bipartisan bill that was filled with our national priorities. That bill would increase funding for Head Start and Pell grants and programs that benefit our Nation's veterans.

Earlier today, once again, the President made it clear that this administration and its supporters do not share the priorities of America's middle class. He vetoed lifesaving stem cell legislation, he vetoed expanding access to children's health insurance, and he, today, vetoed the bipartisan bill for Head Start, to give preschool kids a chance. He vetoed the legislation that included Pell grants to give middle-class working families, working-class kids an opportunity to go to college without a huge, onerous burden on them when they leave college. And he vetoed legislation that would matter to our Nation's veterans.

Today's veto was a veto of middle-class families and a veto of our values as a nation. The Labor, Health and Human Services bill funds the priorities that matter most in Ohio and across the Nation—more funding to help low-income children get the best possible start in school, more funding for students hoping to realize their American dream, more funding for programs to help our Nation's veterans with job training, with college costs, and to help with the all too serious issue of traumatic brain injury.

The day after Veterans Day, the day set aside to honor our Nation's veterans, the President vetoed legislation that would benefit those who have sacrificed so much for our great country. That, Mr. President, is unacceptable.

Yesterday, in Cleveland, at the Wade Park Veterans Hospital, I spent the afternoon with veterans from northeast Ohio, listening to them and their concerns. I learned that they need more, not less, assistance from the Federal Government. I heard from a former Ohio National Guardsman living in Jefferson, OH, not far from Ashtabula. Before being deployed to Iraq, he was an engineer and his wife was the vice president of a local company. After being injured in Iraq by an IED, he returned home suffering from a traumatic brain injury, a spinal cord injury, and post-traumatic stress disorder. Unable to work full time because of his injuries, this former National Guardsman, who worked full time before he left, now had to rely on disability compensation to support his family. His wife Julie had to leave her job to care full time for her child and for her husband. His care requires four trips weekly to the nearest VA hospital, a trip of about 110 miles each way.

I heard from a reservist, CPL Anthony Niederiter, of Euclid, OH, who was deployed to Iraq in 2005. Corporal Niederiter shared stories about the need for a better system that helps our military men and women return to civilian life after serving our country. The confusing transition process has caused veteran after veteran to miss filing deadlines for health benefits and educational opportunities.

One veteran, one soldier, told me after he left the military, he applied for dental benefits 32 or 33 days after he left the military. But he found out if you don't apply within 30 days, they are not available. Nobody told him that. Others have been denied educational benefits because they didn't follow the right rules because nobody told them that when they left the military.

Too many commanding officers, after these troops are used up and of no value anymore to the military, just wash their hands of them and look to the next class of military recruits they are going to send off to war, not informing those who are leaving, those who have served their country—frankly, not caring enough to make sure those veterans, those soldiers leaving the Armed Forces have been notified and told of their rights and the benefits they are able to receive—education, health care, and the like.

I heard from Dr. John Schupp, a Cleveland State University professor, who emphasized the importance of doing more, not less, for our veterans. Dr. Schupp founded the SERV Program, a two-semester program at Cleveland State University designed just for veterans. The program helps veterans apply for GI bill benefits, offers veterans-only classes that help ease the transition back into the classroom for many veterans who have not been in a classroom for 6, 8, 10 years or longer. He works with veterans to navigate VA issues and offers a veteran-to-veteran mentoring program.

Mr. President, we need more programs like this. Dr. Schupp's involvement, his brainchild, his program—much of this should be done by the Department of Defense before our soldiers, our marines, and our sailors leave government or military service. Dr. Schupp has taken up the slack, frankly, for much that hasn't been done. We need more programs like this, not just in Ohio but across our great country.

We need more Federal investment in our Nation's veterans. We must continue to honor our heroes from World War II and Korea and Vietnam, while finding ways to care for the new generation of veterans returning from Afghanistan and Iraq—and Kosovo, as one of the veterans came from yesterday. As more and more veterans return from these overseas engagements, especially from Afghanistan and Iraq, we must ensure that this growing group has access to the best care and the best benefits available. They have earned them.

Congress cannot simply wait to correct problems that arise. We can, we must anticipate those problems and address them now, not later. Providing care and support for Ohio's veterans is a moral obligation. Instead of vetoes, our veterans deserve, from their Government, the support they have earned. Congress can start by overriding the veto of the Labor-Health and Human Services appropriations bill.

I strongly encourage my colleagues to stand up for middle-class families, stand up for our communities, stand up for our workers, and to stand up, importantly, for our Nation's veterans. I strongly encourage my colleagues to override this veto.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered. The Senator is recognized to speak as in morning business, without objection.

### GLOBAL WARMING

Mr. SANDERS. Mr. President, as a member of the Senate environmental committee, and also on the Energy Committee, it is my view that the time is long overdue for Congress to go beyond deal-making and politics as usual in addressing the crisis of global warming. The droughts, the floods, and the severe weather disturbances our planet is already experiencing will only get worse, potentially impacting billions of people, if we do not take bold and decisive action in the very near future.

While the Lieberman-Warner cap-and-trade bill is a strong step forward—and I applaud both Senators and I applaud Senator BARBARA BOXER for her entire leadership on global warming—it is my view that legislation as currently written does not go anywhere near far enough in creating the policies the scientific community says we must develop in order to avert a planetary catastrophe.

This legislation is also lacking in paving the way for the transformation of our energy system, away from fossil fuels into energy efficiency and sustainable energy technologies.

Here are some of my concerns about the Lieberman-Warner bill. These are concerns I will be working on in the next number of weeks, trying to improve that legislation. First, virtually all the scientific evidence tells us, at the least, we must reduce greenhouse gas emissions by 80 percent by the year 2050, if we stand a chance to reverse global warming. Unfortunately, the Lieberman-Warner bill, as currently written, under the very best projections, provides a 63-percent reduction. In other words, under the best projections, this bill does not go far enough, according to the scientific community, in giving us a chance to reverse global warming. Secondly, this legislation allows major polluters to continue emitting greenhouse gases for free until the year 2036. In fact, old-fashioned, dirty coal-burning plants could still be built during this period. That is wrong. The right to pollute should not be given away for up to 26 years. Further, in calculating emission reductions, this bill relies much too heavily on "offsets," a process which is difficult to verify and which could lead to the underreporting of emission reductions.

Third, this bill provides a massive amount of corporate welfare to industries that have been major emitters of greenhouse gases, while requiring minimal performance standards and accountability for these same industries. According to a recent report published by Friends of the Earth, the auction and allocation processes of the bill could generate up to $3.6 trillion over a 40-year period. While a large fund does exist in the bill for "low carbon technology," there is no guaranteed allocation for such important technologies as wind, solar, geothermal, hydrogen or for energy efficiency. But there is a guaranteed allotment of $324 billion over a 40-year period for the coal industry through an advanced coal sequestration program and $232 billion for advanced technology vehicles.

The time is late. If Congress is serious about preventing irreversible damage to our planet because of global warming, we need to get our act together. We need to move in a bold and focused manner. Not only are the people of our country looking to us to do that, but so are countries all over the world. The good news is, we can do it.

As Members will recall, in 1941, President Roosevelt and the Congress began the process of rearming America to defeat Naziism and Japanese imperialism. Within a few short years, we had transformed our economy and started producing the tanks and bombs and planes and guns needed to defeat Nazism. We did it because of the leadership of Roosevelt and the Congress. In 1961, President Kennedy called upon our Nation to undertake the seemingly impossible task of sending a man to the Moon. Working with Congress, NASA was greatly expanded. The best scientists and engineers in this country and in the world were assembled to focus on the task. Billions of dollars were appropriated and, in 1969, as we all remember with great pride, Neil Armstrong stepped foot on the Moon. We did it. There was a challenge. We stepped up to the plate. We did it.

As a result of global warming, the challenge we face today is no less daunting and no less consequential. Quite the contrary. Now we are fighting for the future of the planet and the well-being of billions of people in every corner of the world. Once again, if we summon the political courage, I have absolutely no doubt the United States of America can lead the world in resolving this very dangerous crisis. We can do it.

In that context, let me take a moment to suggest some ways we can strengthen the Lieberman-Warner bill—and I look forward to working with those Senators and the entire committee—to aggressively reverse global warming. Most importantly, significant resources in this bill must be explicitly allocated for energy efficiency and sustainable energy, the areas where we can get the greatest and quickest bang for the buck. In terms of energy efficiency, my home city of Burlington, VT—and I have the honor of having been mayor of that city from 1981 to 1989—despite strong economic growth, consumes no more electricity today than it did 16 years ago because of a successful citywide effort on the part of our municipally owned electric company to make our homes, offices, schools, and buildings all over the city more energy efficient. That is what we did in Burlington, VT. In California, which has a strong and growing economy, electric consumption per person has remained steady over the last 20 years because of that State's commitment to energy efficiency. In other words, in Burlington, VT, and the State of California—and I am sure in other communities around the country—despite economic growth, the consumption of electricity does not have to go soaring, if we invest in energy efficiency, if we rally the people to not waste energy.

Numerous studies tell us that by retrofitting older buildings and by establishing strong energy efficiency standards for new construction, we can cut fuel and electric consumption by at least 40 percent. If we want to save energy, that is how we do it. Those savings will increase with such new technologies as LED light bulbs, which consume 1/10th the electricity of an incandescent bulb, while lasting 20 years. These LED light bulbs are on the verge of getting on the market. We have to facilitate that process and get them all over the country as soon as we possibly can.

In terms of saving energy in transportation, it is beyond my comprehension that we are driving automobiles today which get the same mileage per gallon—25 miles per gallon—as cars in this country did 20 years ago. Think of all the technology, all of the changes. Yet we are driving cars today which get the same mileage per gallon as was the case 20 years ago. That is absurd. If Europe and Japan can average over 44 miles per gallon, we can do at least as well. Simply raising CAFE standards to 40 miles per gallon—less than the Europeans, less than the Japanese—will save more oil than we import from Saudi Arabia. How about that? That makes a lot of sense.

Further, we should also be rebuilding and expanding our decaying rail and subway systems and making sure energy-efficient buses are available in rural America so travelers have an alternative to the automobile. Everybody knows the state of the rail system in America today is absolutely unacceptable, way behind Europe, way behind Japan. Subways in large cities need an enormous amount of work. In rural States such as Vermont, there are communities that have virtually no public transportation at all. We have to address that crisis, if we are serious about global warming.

In terms of sustainable energy, the other area we can make tremendous leaps forward, wind power is now the fastest growing source of new energy in the world and in the United States, but we have barely begun to tap its potential. In Denmark, for example, 20 percent of the electricity is produced by wind. We, as a Congress, should be supporting wind energy, not only through the creation of large wind farms in the appropriate areas but through the production of small inexpensive wind turbines which can be used in homes and farms all across rural America. These small turbines can produce up to half the electricity an average home consumes and are now—right now, forget the future—reasonably priced. Without Federal tax credits, which are available, without rebates such as what is being done in California today, a 1.8-kilowatt turbine is now being sold for some $12,000, including installation, with a payback of 5 to 6 years. That is a pretty good deal. If you are not worried about global warming, if you are not worried about carbon emissions, it is a good deal because you are going to save money on your electric bill.

The possibilities for solar energy are virtually unlimited. In Germany, a quarter of a million homes are now producing electricity through rooftop photovoltaic units, and the price per kilowatt is rapidly declining. In California, that State is providing strong incentives so 1 million homes will have photovoltaic rooftop units in the next 10 years. But the potential for solar energy goes far beyond rooftop photovoltaic units. Right now in the State of Nevada, a solar plant is generating 56 megawatts of electricity. What we are now beginning to see developed in the Southwestern part of the country are solar plants which are capable of producing enormous amounts of electricity. According to the National Renewable Energy Laboratory of the U.S. Department of Energy:

> Solar energy represents a huge domestic energy resource for the United States, particularly in the Southwest where the deserts

have some of the best solar resource levels in the world. For example, an area approximately 12% the size of Nevada (15% of federal lands in Nevada) has the potential to supply all of the electric needs of the United States.

Whether that area can in fact supply all the electric needs of the United States, I don't know. But I have recently, in the last couple weeks, talked to people who are involved in these solar plants. They say in the reasonably near future, they can supply 20 percent of the electricity our country needs. There it is, sitting there, ready to happen. Our job is to facilitate that process and make it happen sooner rather than later.

Perhaps most significantly, Pacific Gas & Electric, which to my understanding is the largest electric utility in the country based in California, has recently signed a contract with Solel, an Israeli company, to build a 535-megawatt plant in the Mohave Desert. This plant, which should be operating in 4 years—my understanding is they are going to break ground in 2, and it should be operating in 4 years—will have an output equivalent to a small nuclear powerplant and will produce electricity for some 400,000 homes. This is not a small-time operation. The people I talked to involved in this industry say this is the beginning. Think of what we can do if we provided them with the support they need.

Most importantly, people say: Well, that is a good idea, but unfortunately this electricity is going to be sky high, very expensive.

That is not the case. The price of the electricity generated by this plant to be online in 4 years is competitive with other fuels today and will likely be much cheaper than other fuels in the future.

News reports indicate that the 25-year purchase agreement signed by Pacific Gas and Electric with Solel calls for electricity to be initially generated at about 10 cents per kilowatt, with very minimal increases over the next 25 years—minimal increases because this is a process that does not have all that many moving parts. There it is. It needs maintenance. It needs work. But, unlike gas, unlike oil, you are not looking at a volatile market. There is the Sun. It will shine. So we are talking about a price over a 25-year period which probably will end up being less than 15 cents a kilowatt in the year 2035, which I suspect will be not only very competitive, it will be more than competitive.

The potential for solar plants in the Southwest is extremely strong. While there certainly is no magical silver bullet in the production of new, nonpolluting energy sources, experts tell us we can build dozens of plants in the Southwest, and that this one nongreenhouse gas-emitting source could provide a huge amount of the electricity our country needs.

Geothermal energy is another source of sustainable energy that has huge potential. Mr. President, as you know, geothermal energy is the heat from deep inside the Earth. It is free, it is renewable, and it can be used for electricity generation and direct heating. While geothermal is available at some depth everywhere, it is most accessible in Western States where hydrothermal resources are at shallow depths.

Currently, the United States has approximately 2,900 megawatts of installed capacity, which is just 5 percent—5 percent—of the renewable electricity generation in the United States. The installed geothermal capacity is already expected to double in the near term with projects that are under development, but this is just the tip of the iceberg.

A recent report for the U.S. Department of Energy by the Massachusetts Institute of Technology, MIT, suggests that geothermal could provide 100,000 megawatts of new carbon-free electricity at less than 10 cents per kilowatt hour, comparable to costs for clean coal. Drilling technology from the petroleum industry is the key to unlocking this huge potential. Enhanced geothermal systems tap energy from hot impermeable rocks that are between 2 and 6 miles below the Earth's crust.

So geothermal is another opportunity for us as a nation to be producing large amounts of energy in a way that does not emit carbon dioxide and does not create greenhouse gases.

An investment of $1 billion—less than the price of one coal-fired powerplant—could make this resource commercially viable within 15 years. The potential payoff is huge. It is estimated that electricity from geothermal sources can provide 10 percent of the U.S. base-load energy needs in 2050.

In terms of the future—in terms of the future of our planet—the bad news is that scientists are now telling us they have underestimated the speed and destructive aspects of global warming.

As you remember, Mr. President, the Intergovernmental Panel on Climate Change, which recently won the Nobel Peace Prize, along with former Vice President Al Gore—many of those scientists are now saying their projections were too conservative, that the planet is warming faster than they had anticipated, and the damage will be greater if we do not move boldly to reverse it. That is the bad news.

There is good news, however. The good news is that, at the end of the day, we know how to reverse global warming. We know what to do. What is lacking now is not the scientific knowledge, though more and more knowledge will come, and it is not the technology, though more and more technology will be developed, and sustainable energy will become less and less expensive. But after all is said and done, we know what we have to do. We know how to make our homes and our transportation systems more energy efficient. We are now making great progress in driving down the cost of nonpolluting, sustainable energy technologies. That is what we are doing.

What is lacking now is the political will—the political will to think outside of the box, the political will to envision a new energy system in America which is not based on fossil fuels, the political will to stand up to powerful special interests that are more concerned about their profits than about the well-being of our planet.

So I think not only the children—the young people of our country and the people all over America—but people throughout the world want this Congress to catch up to where they are. They are far ahead of where we are. I think if we have the courage to do the right thing here, we can reverse global warming. In the process, we can create millions of good-paying jobs, we can help restore our position in the international community as a country that is leading and not following on this issue of huge consequence.

Mr. President, I yield back the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President.

Mr. President, I thank Senator HARKIN because I know he is going to be speaking shortly, and I wanted to follow Senator SANDERS.

As the Chair of the Environment Committee, I was very interested in his presentation. I thank him for caring so deeply about global warming. The thing we have to do around here is get a good bill down to the floor. Because everything Senator SANDERS talks about—geothermal, solar—everything he talks about—green jobs—depends on our ability to get a good bill to the floor of the Senate.

What also is interesting is that Senator SANDERS called the Lieberman-Warner bill a very strong bill. I agree with him. It is a very strong bill. And that is before we even make some perfecting amendments out of subcommittee.

I think it is interesting, it is the evening time now. Senator HARKIN is on the floor, and Senator CARDIN is the Presiding Officer. Senator HARKIN is a cosponsor of the Lieberman-Warner bill. Senator HARKIN is truly a great conservationist, as we are going to hear from him. He gave a presentation to us at our caucus lunch that showed how deeply committed he is to this country's environment.

The fact that he is on the Lieberman-Warner bill gave a great lift and a great boost to that piece of legislation. Mr. CARDIN, the Senator from Maryland, sitting in the chair, our Presiding Officer, has played a tremendous role already in moving forward the legislation if we are going to address global warming.

There is not any question that the ravages of global warming are around the corner. Is it going to be 20 years? Is it going to be 10 years? Do we already see it? Some say yes—in Darfur, in some of the weather patterns, in some of the fires, in some of the floods, in some of the droughts—because the scientists tell us that unfettered global warming will lead to extremes in weather. So it is coming down the track right at us.

We have some options in this Senate as to what we are going to do about it. We can hold out for the "perfect" bill. I can say, as someone who wrote a bill with Senator Jeffords, and then Senator SANDERS: Oh, I know which bill is perfect for me; it is the bill I wrote. I know my friends in the Senate each could take their turn at writing a bill, and that bill would be "perfect" for that Senator. But this is a legislative body, and if you have 100 "perfects," and we cannot agree to come together on a very good bill, we get nothing done.

I would suggest that for those who, very well-intentioned, decide to turn their back on a very good bill because it is not their idea of "perfect," I think that is an irresponsible position to find yourself in. I feel very strongly about that.

There is much about the Lieberman-Warner bill I am going to work to strengthen in the full committee. If the bill gets to the floor, I am going to work hard to strengthen it. But I know, as long as it is a very strong bill, we need to move it forward.

So we could hold out for the "perfect." That is very dangerous because that leads to no bill. And no bill—doing nothing about global warming in the face of all the science—would be very irresponsible.

The next thing we could do is have a bill that is very weak. I think a very weak bill is dangerous because people will think, "Oh, they have taken care of global warming," when, in fact, we have not. You may be stuck with a weak bill, and you cannot strengthen it, so that is a problem too.

So it seems to me we could hold out for the "perfect," and that means no bill, we could have a dangerously weak bill, which is a very bad option, or we could have a very good bill. We know that. We have people who are saying: Wait a minute, this bill, Lieberman-Warner, is too weak. We heard some of that on the floor tonight. It is too weak. I want an 80-percent cut in 2050, and it is 65 percent. So is the solution to do nothing? I say no. Then we have many people on the other side who say this bill is too strong. It is kind of like the three bears—what is just right?

I think what is just right is a very strong bill that moves us forward, that asserts the real dangers of global warming, and we know what that is: sea level rise. Those of us who went to Greenland saw what could happen if that sheet melts. We could see huge increases in sea level for all of us who represent coastal States, and the whole country and the world will suffer. The intelligence community, the Department of Defense—they are saying to us: With a few feet rise in sea level, we are going to have refugee problems, we are going to have every problem in the world. So the fact is, we can't turn our backs.

We had a hearing on the public health implications of unfettered global warming. The star witness was the head of the CDC, Julie Gerberding, Dr. Gerberding. She is the top doc of the country. She had very strong views that we have to look at the public health impacts. For example, what is going to happen to our elderly when heat levels rise and they can't seek refuge? What is going to happen to our children when they are swimming in lakes and streams and rivers and those bodies of water are so warm that dangerous amoebas live in those waters? What is going to happen to them? What is going to happen to the people of the world when they can't get the food they need?

So what happened was the White House redacted page after page of their own head of the CDC—they redacted page after page of their own head of the CDC. Her testimony was redacted. When we wrote and asked for it, the answer came back from the White House Counsel: Oh, no, we couldn't possibly send you this. This is a breach of executive privilege and the rest.

Can you believe, Mr. President, that the people of this country who pay the taxes for the CDC employees cannot hear what the top doc has to say about the ravages—the potential ravages—of global warming? This is what we are facing. Yet we see signs that the people who think our bill doesn't go far enough are going to team up with the people who want to kill this legislation. What a tragedy that would be. And who loses? The people of the United States of America. These new technologies that are going to save us, the ones Senator SANDERS talked about—he talked with great passion about solar and wind and all the rest—you are not going to get it, folks, unless you have a bill that puts a price on carbon. If you hold out for your version of the perfect, trust me, it isn't going to happen, and you give false hope to people—false hope to people.

So I would just say to my colleagues who may be listening that we have a golden opportunity in the Environment Committee. We have held more than 20 hearings on global warming. We have this bipartisan bill. We have gotten it through the subcommittee. We are working to make it better, get it through the full committee and onto the floor of the Senate, where we will see where people stand. We will have amendments that range from one extreme to the other, and we will see where people stand on global warming.

I would say to you, Mr. President, coming from a State that has done so much about this already, we are late to the game. We are late to the dance. We are late to the party. But we are not too late, unless everybody stands up and says: If I don't get it my way, then I will show you the highway. We have a lot of that going on already. We have a President who really won't talk to us about anything. He won't talk to us about Iraq; he won't meet us halfway there. He won't talk to us about CHIP; he won't meet us halfway there. He won't talk to us about education funding; he won't meet us halfway there. Won't, won't, won't, won't, won't. He vetoed the Water Resources Development Act. We overrode it. He still has never said he was wrong. There is too much of that. We in the Senate have to show that we are adult enough to admit that the perfect cannot be the enemy of the good, particularly when there is so much at stake.

So I am excited about the work of the Environment Committee, and I am so pleased we had a bipartisan breakthrough. I am so grateful to all the groups out there who are helping us, who are giving us the courage to move forward, because, believe me, special interests are going to be pounding us, pounding us, pounding us.

To wrap this up, there are always people who say no to the science. There are always people who say: Oh, no, HIV doesn't cause AIDS, I don't believe it. There are always people who say cigarette smoking doesn't cause lung cancer. I am sure there were people who said to Jonas Salk: Your vaccine idea is just not going to work. We have to go with the consensus view, and we have it on our side. We know we have to act.

So it is going to be an exciting time in the Environment Committee. It is going to be an exciting time here on the floor when this legislation comes to the floor. I don't know exactly when that will happen, but it will happen, and when it does we will have a chance to fulfill our responsibility not just to our generation but to our kids' generation and our grandkids and future generations. I see young people sitting here on the floor of the Senate helping us out every day. Their generation has so much at stake.

I met with some young people from the UC system, UC Santa Cruz. They are going to 100 percent renewable energy to run UC Santa Cruz, and all of the different campuses, UC campuses, are going to try to do that. So whether we vote here or we don't vote here, the people are way ahead of us. How sad it is if we were to walk away from this challenge because it wasn't just right on page 102 or page 6. It is never going to be perfect, I say to my colleagues, but we have an obligation to come together. We did it with the Clean Water Act years ago, the Safe Drinking Water Act, and the Endangered Species Act. We have really moved forward, and we became a leader in the world. We are behind the world today, and the world is looking to us.

So I am excited about this challenge, and I thank Senator SANDERS for his passion, for coming down and making the case for solar energy, making the case for wind energy. But I will say to him and everyone else within the sound of my voice that it isn't going to happen unless this Congress sets up a cap-and-trade system with mandatory cuts in carbon. It just isn't going to happen the way it should.

Thank you very much, Mr. President, and I thank, Senator HARKIN for this time.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, it is hard to believe, but we are on the farm bill. As any casual observer might notice, we are not doing anything. We sit here with an empty Chamber. The farm bill has now been on the floor for over a week. The farm bill was laid down a week ago yesterday, as a matter of fact, and nothing has happened. Why hasn't anything happened? Because we can't get anything from the other side.

We want to move ahead. We wanted to ask unanimous consent to go ahead with an amendment with a time limit, vote on it, and move to another amendment, but the other side refuses. The Republican leadership refuses to move ahead on the farm bill. I suggested earlier today that we may at least want to have some amendments up. We cannot get consent on the other side. So here we sit. At this rate, we may not have a farm bill.

We worked very hard on it this year. First, on the other side in the House, they got a farm bill passed early. We met and worked hard on it all summer long and worked with the Finance Committee to get extra funds to meet our obligations. I am checking on this right now, but I believe we had a record movement of a farm bill through our committee this year—a day and a half, a short day and a half.

Now, this is my seventh farm bill. I have never seen anything move that fast. It was the result of weeks and weeks and months and months of working with the other side, with everybody working together, hammering out agreements, before we brought it to the committee. That is a good way of doing things around here. You establish relationships, figure out what people need to make sure they take care of their constituents. We came out of committee with not one vote against the farm bill. That never happened before, either, to the best of my memory. We always have a split vote coming out of committee on the farm bill. So it took a day and a half to get it out.

I commend my ranking member, Senator CHAMBLISS, who worked very hard on his side to pull things together. I don't even know how many amendments we had in that day and a half—four, five, or six—not very many. We disposed of them; we either adopted them or not. When we voted the bill out, we didn't have one dissenting vote.

So you would think a bill such as that coming to the floor could be handled rapidly. But then we got here and we wanted to move it, so our majority leader, exercising his right as majority leader, said we will do this bill and we will do relevant amendments. If it is relevant to the farm bill, we will take all comers. Bring them all. That sounds good to me—open debate, open amendments. Bring on the amendments to the farm bill. But the other side said, no, they may have some extraneous amendments dealing with children's health care, estate taxes—I don't know what else. We may have had some on this side too. But we were agreeing that we would not take any non-relevant amendments, whether they were from Democrats or Republicans. I thought that was a pretty good way to proceed, to just focus on the farm bill. The Republican side said no.

We have been locked here for over a week. I say to my friends in farm country—farmers, ranchers, agribusiness, the suppliers, wholesalers, retailers, shippers, those who sell seed, the elevator operators, fertilizer dealers, and those in the livestock industry, who want to know what the farm bill is like so they can plan ahead on whether they are going to milk more cows or fewer cows: Will the milk go to class A or class B? Will we feed more cattle or will we shift to feeding hogs? What is the lay of the land going to be? They need certainty. The livestock market is volatile as it is, but they need some certainty as to what we are going to do here. That is why we worked very hard to get the bill done, hopefully, by December, which is not unusual—except for the last farm bill when I was chairman at that time, the House was in Republican hands and the Senate was Democratic, and we got it through ahead of schedule. But for that one exception, every farm bill comes in late. That is just the nature of things around here, I guess. We usually get them done by December. The present farm bill is expired. We are now on a continuing resolution.

I say to my friends in farm and ranch country, you ought to be calling up the minority leadership and saying we ought to get this farm bill through. We have to get it through. But if we don't move soon, we will have an extension of the present farm bill. We will just extend it. All the work we have done this year will be for naught. We will have to pick it up again some other time. That may be what will happen because of the fact that we cannot get an agreement to move ahead. We are stuck here at 6:20 in the evening, and we have been on the bill 1 week with not one amendment. All we ask is for the other side to bring forth amendments, and we will get ours and start moving.

I know we are trying to work things out. After a while, my patience runs out. Next week, we have Thanksgiving. People want to go home for Thanksgiving. If we don't finish the farm bill this week, it is going to be hard to have a farm bill done before we go home for Christmas. I know what it is like after Thanksgiving when we come back. We have 3 weeks, and we have all our appropriations bills. I am chairman of one of the appropriations subcommittees. We have all that to do. We have the Iraq war funding to consider, and we have some tax bills. Everybody is going to want to get out of here and get home for Christmas.

I say to all those watching, if we don't get a farm bill done this week, it will be hard to get one done this year. Maybe we will have to go into next year sometime to get it done. I hope that doesn't happen, but here we sit with no action, and there are going to be other things to be brought up this week, such as conference reports.

So here we sit. I hope we can reach some agreement and move ahead rapidly. If we don't, it looks as if we may be in for a long continuing resolution on the farm bill—either into next year or beyond. I don't know when we can finally get it done. But it is too important to just leave it go. We would like to get it done. Is there everything in the farm bill I would have wished for? No. Senator CHAMBLISS and every member of the committee could say the same thing. That is the art of compromise. This bill is a good compromise among all regions of the country. I hope we can move ahead.

I want to talk a little about one area of the farm bill about which I feel very passionate. Even though we have done some good things, we haven't done as much as we need to do, considering the enormity of what confronts us in terms of the loss of our soil, the pollution of our water and waterways, and the degradation of whole areas of this country because of intensive cropping or lack of good practices. We are facing a dire circumstance in this country where we are going to lose the productivity of our soil. Almost like global warming, it may reach a point where the scales have tipped so far that to get the productivity back, to clean up our waterways might be almost impossible or will cost so much money that we won't be able to do it.

All of the farmers I have fought for so hard over these last 32 years are what I call the front line of conservationists. Farmers and ranchers want to protect the soil. They want to leave it better for future generations. When you are caught between a rock and a hard place in terms of all of the input costs, what it costs to produce a crop, the demands on those crops, and some negative incentives in the system right now in terms of Government support to farming and ranching—you put all those together, and there is a counterpressure, if you will, from the Government and from society at large against the farmer being a good conservationist.

We are placing tremendous demands on our food and fiber producers in this country—tremendous demands—and, with the ethanol boom and others, even more demand for the productivity of our soil. So what is happening right now, in many cases, is we are pushing it to the limits and beyond the limits to what soil can carry and what our water can carry, and now we have to think about being really good conservationists, not on the scale of the individual farmer but on a national scale.

I wish to take some time to talk about conservation and what is happening in our country at large in terms of conservation and what is happening to our soil and water in America and why we have to do something about it and why little steps, little things aren't going to do it. We need some big steps, big interventions, just as we do on global warming. The previous two speakers talked about that. If we just tinker around the edges, it won't mean anything. It is the same with conservation. We need a national commitment to a conservation ethic to restore, renew, and preserve our waterways, our soil, our wildlife habitats, and, yes, the source of our water. All that needs to be preserved.

I have some pictures I wanted to point to here, some charts to give an idea of what I am talking about. I will bet you, Mr. President, a lot of Americans have seen this first picture somewhere. Every school kid has seen it in a history book. It is reprinted time and time again in one of our periodical magazines, talking about the great Dust Bowl of the 1930s.

What was the Dust Bowl? It took place in the panhandles of Oklahoma, Texas, some in New Mexico, Colorado, Kansas, up into Nebraska, and stretching up into South Dakota. This is one of the famous pictures taken in Cimarron, OK, in 1936 in the Dust Bowl. You can see there is no grass, nothing. You can see that the top of the posts are covered with dust. And there is a farmer and his kids running to take shelter from yet another one of the dust storms. That was in Cimarron County.

The year before that, in 1935, under President Franklin Roosevelt, the Soil Conservation Act passed and the Soil Conservation Service began providing help and service to farmers on conservation.

The next picture shows what happened that year. This is another famous picture, of a dust cloud in Kansas. On April 14, 1935, a dust storm started in eastern Montana, western North Dakota, rumbled through South Dakota into Nebraska, across Kansas into Oklahoma and into Texas. This dust storm was called Black Sunday. It was the biggest dust storm ever. In fact, it was preceded the previous year by a dust storm that swept from west to east that dumped dust on New York City. New York City got so dark it had to turn on its lights. Ships at sea could not dock in New York City because of the dust.

There is a wonderful book that I recommend that was released last year. This book by Timothy Egan is called "The Worst Hard Time: The Untold Story of Those Who Survived the Great American Dust Bowl." I recommend this book.

First of all, it is a great read. He tells a wonderful story about the Dust Bowl, but he tells the history of the whole area and what happened in that area in the 1890s, 1900s, 1910s, 1920s, up to the 1930s. Here is what he said:

> By some estimates, more than 80 million acres in the southern plains were stripped of topsoil.

Mr. President, 80 million acres.

> In less than 20 years, a rich cover that had taken several thousand years to develop was disappearing day by day.

Eighty million acres of grassland turned over, grassland that he says in the book was laid down almost 20,000 years ago. As he said, this was land the buffalo couldn't hurt, the tornadoes, the fires, and the floods struck, but the grasslands stayed, and they came back year after year.

But then there was the land rush. That area was opened up to homesteaders. They came in with plows and new equipment. They plowed it all up, turned it over.

As one person said in Timothy Egan's book, he looked around and said: There is something wrong here; the wrong side is up. The dirt is up and the grass is down and the wind started blowing. And then came Black Sunday, April 14, 1935, the worst dust storm in recorded history. I don't mean in this century; I mean in recorded history, the worst dust storm ever.

Again, when people look at that picture and they read about Black Sunday, they say: That is all over with; we took care of that situation. But look at this next photograph: a dust storm, the same as you saw before, and this time with color photography. That is a dust storm in the same area in Kansas, taken last year. The same huge dust storms rumbling through the plains because we have, once again, stripped the soil bare, turned the wrong side up, and we lack good conservation practices.

Here is another picture. This one could have been in the thirties just as the first picture I showed, but this was taken in South Dakota last year. Here is a fence. We can barely see it. The top of the fence is almost covered, and it stretches as far as the eye can see. That is just dust and a few tumbleweeds. That is South Dakota last year.

I hope we can recall the lessons of the thirties and what putting marginal cropland in production will really cost us.

This farm bill will prohibit allowing newly broken native sod into the Crop Insurance Program. That is vitally important because you cannot be covered under the disaster provisions of this farm bill unless you buy crop insurance. So if you turn over native sod, you cannot get crop insurance on the newly broken land, and you will not get disaster payments, and you will not be eligible then for all the other programs. So there is a strong provision in this bill to at least save some of the native sod because history can and will and does repeat itself, as we have just shown.

That is the dust. Here is the water. This is a cornfield in my part of the country. We can see that it has rained, and there is water running off. It is running probably into a ditch, that ditch drains probably into a small stream, that small stream runs into a bigger river, and that river goes into either the Missouri River or the Mississippi River.

What happens is when this soil and water runs off, it is taking with it phosphorous, and it is taking with it nitrogen, washing down into the river. What happens to it? When it goes down river, it winds up down south of New Orleans. In this next photograph, the red area is called the hypoxic area, the dead zone in the mouth of the Mississippi. This picture was taken by satellite this year. That area in red is now the size of New Jersey. These nutrient levels are so high, that it triggers an explosive growth of algae; when the algae dies, the decomposition process consumes all the oxygen, so all marine life dies—no crabs, no shrimp, no nothing.

So, again, the water we saw running off these fields goes into the Mississippi, and this is what happens to it.

What can be done about it? There are things that can be done about it. This picture show us one. I showed you a picture a little bit ago of the water running off the field. That wouldn't happen here. This is the Boone River watershed, Hamilton County, IA. We see buffer strips along the streams. So if there is a heavy rain, any runoff will be trapped by the trees and the grasslands and whatever else is in between.

Those nutrients are good for trees. It makes them grow. The trees keep the nutrients from going in the water. Practices such as this are promoted by several conservation programs—the Conservation Stewardship Program, the EQIP program, the Environmental Quality Incentives Program, and the Conservation Reserve Program, especially the continuous signup.

What is so important to note is that these are incentives paid to farmers to do these strips. One might say: Why wouldn't farmers just do that on their own? Why? Because of economics. The Senator was present today when I mentioned earlier about my backyard. I happen to be one of a few people who actually lives in the house in which he was born. Not many people can say that. I actually live in the house in which I was born.

A lot of people say: HARKIN, I live in the house I grew up in.

I said: That is not what I said. I live in the house in which I was born. I wasn't born in a hospital. I was born in a house, as were all my five siblings. We lived in a small town in rural Iowa. People were born at home.

In my home, we have a nice backyard with fruit trees. My wife planted a nice garden out there. Ever since I was a kid, I always thought I knew where the end of our garden was to the east, and there has always been a field there, about a 140-acre field with corn and beans.

Because of the high price of corn and the high price of beans, the owner of that property sent a notice to all of us who live around it saying: I just had my property resurveyed, and my property is about 6 feet more into your property than what you think.

He has his rights. No one ever bothered to think about it in the past. We had our garden there, and we had our trees. As a consequence, I am going to have to have some of our bushes and trees taken out and move the line back. I guess I mind a little bit, but the guy is within his rights.

One might think: What does 6 feet mean? Up until now, 6 feet never meant a hoot to any farmer who farmed that land, and it has gone through three or four different hands. No one ever cared about it. Because the demands are now so high on the owner of that property, and I am sure the farmer who farms that land says: You know, that extra 6 feet, I can grow a few more rows of corn in there and get some more money. So before next year we have to move everything back, and they get another 6 feet.

I tell that story to demonstrate the pressures that farmers are under to plow and plant right up to the fence row or anyplace they can get.

I don't know the farmer who owns that land in this photograph, but I can tell you his economic pressures are to plant right up to the stream, to get rid of all that buffer and plant right up to the stream. Why doesn't he? Because he is in a conservation program that is giving him incentives, payments to provide a continuous strip through there. He might have made a little more money if he had planted right up to it, but he has probably a CRP agreement for 10 years, maybe has a CSP contract.

I know a lot of farmers in Iowa who have done buffers like this. You know what, Mr. President. They feel better about it. They feel better about it because they know they are helping keep the water clean. They are farming the way nature really meant for them to farm. But because of economic pressures, they need help.

That is what this farm bill does, it provides some help and support. They get a benefit, but I can tell you, he probably would make more money if he plowed right up to the stream. But he is willing to give up a little bit as long as he gets some help from the Government to put this buffer in. They feel better about it.

What do we get out of it? Cleaner water, fish, not hypoxia down in the Gulf of Mexico. It cleans up our waterways. It preserves our soil for future generations. That is what is in this farm bill, to help them continue to do that.

I talked about the Midwest. How about the East? Here is a farm in Pennsylvania that uses many of our conservation practices. We see strip cropping and contour farming. They have some corn, maybe some alfalfa in there for livestock. It is good conservation practice. It looks as if he has a good rotation practices on this land.

There is one other item in this photograph. We see the city out here. It is encroaching on his farmland. There is a program called the Farmland Protection Program which buys easements on land, permanent easements on land. So that land cannot be converted to development; it has to stay as farmland. Again, here is a farmer. He could be getting CSP, the Conservation Stewardship Program. He may have gotten some EQIP money, and he may be getting farmland protection program money. I don't know. But those are all programs involved in preserving the land. We can see the strip cropping on the hillside and the contour plowing. That is what he has done to hold back the water. Again, part of our farm bill is to provide money for the Farmland Protection Program.

Here is something a little bit closer to where we are here in the Capitol. Any of us who have been around this area for any time knows the Chesapeake Bay is polluted. Now, not all of that Chesapeake Bay pollution is because of farmland. There is a lot of industrial waste coming from factories and from other places up and down—plants, people dumping stuff out and going into the Chesapeake Bay. That has to be stopped. But a big part of the Chesapeake Bay problem is the nutrients coming off a lot of our land, such as livestock waste. It comes from the whole Chesapeake Bay watershed, which extends all the way to New York State. So New York State, New Jersey, Pennsylvania, Delaware, Maryland, a little bit of West Virginia, all that water dumps into the Chesapeake Bay, eventually.

Here is a farm in New Castle County, DE. Again, this is a prime example of conservation of the Chesapeake Bay watershed. Prior to this picture being taken—you can see some wetlands and farm fields in the background—where that wetland is, crops used to grow. So from those fields, nutrients ran off right into the bay. Through conservation programs and through the Wetlands Reserve Program, this farmer has gone back and, with the help of conservation, has put this back into a wetlands, secluded off from the Chesapeake Bay, so any runoff filters through the wetlands. It filters through the wetlands before it gets to the Chesapeake Bay.

If anybody wants to see how a wetlands works, you don't have to go more than about 15 miles from where this Capitol is, southwest of here. There is something called the Huntley Meadows Wetlands Reserve. I recommend it highly for anyone. Go down there and take a stroll through the wetlands. They have done a great job. They have preserved the wetlands, and it is right in the middle of a city. All of a sudden you go from housing developments and busy thoroughfares up Route 1 and down south, and all of a sudden you are in a wetlands area. A lot of the runoff from apartment houses and businesses and parking lots and everything else drains into this wetlands. By the time it gets through and dumps into the Potomac River, it is clean. The wetlands cleans it up. It is 15 miles from here where you can see it happen, Huntley Meadows.

This bill provides $160 million for the Chesapeake Bay to do this kind of work to back up into the farmlands, restore wetlands, and help farmers build the structures and do the things to clean up the Chesapeake Bay. We can do it. This farmer did it in Delaware.

Now, this photo is from Georgia. Well, you can't see much except this shows pine trees back here. All pine trees back here, but in the past they were overgrown and so thick that wildlife could not use it for habitat. So they thinned it out to provided for some wildlife cover in that area. One of Senator CHAMBLISS's priorities was to add a feature to the Conservation Reserve Program that will result in better management of soft wood pine stands currently enrolled in the CRP. The Senate bill invests $84 million in this effort. Again, showing the breadth and the depth of what we are doing on conservation in forested areas in the South, making sure we have good conservation at work there also.

And lest we forget about the West, this is Arizona. This is well-managed grazing land. The Conservation Stewardship Program provides incentives to increase current conservation, use better management practices, such as rotational grazing that better utilizes the resource base and increases wildlife habitat. The Senate bill continues to devote 60 percent of the Environmental Quality Incentives Program to livestock needs.

Again, it is hard to see here, but what we are trying to show with this is that with fences, with rotational grazing, you don't feed down all the grass and don't create areas where the wind blows all the dust, or if they have a heavy rain it runs the soil off. This is good conservation practice and rotational grazing. You graze for a while, then you move them on. But in order to do that, you obviously need some fences, and fences cost money. So we provide that kind of help. If a rancher wants to get involved in good conservation practices with rotational grazing, we help with that. We help with that. So even in the Arizona southwest, we can make a difference.

Well, now you might wonder about this picture. Well, we are all familiar with the problems affecting honeybees and other pollinating species. In this farm bill, we have made strategic changes to help with this issue. In the Conservation Reserve Program, the Conservation Stewardship Program, and the Environmental Quality Incentives Program, we emphasize the creation and improvement of both the native and managed pollinator habitat. We require the Secretary of Agriculture to update conservation standards to include consideration for pollinators. Now, our Senate bill provides clear direction to focus conservation programs on creating, improving, and maintaining pollinator habitats and to revise and update conservation practices to include pollinators.

Again, together these practices will help to establish better pollination. We know we have had a problem with honeybees dying. We don't know exactly what is causing it. They are doing a lot of research on it now. But we do know one thing. In order for our prairies once again to blossom and do all the kinds of conservation work we need, we need that little animal called a honeybee for pollination purposes. So this bill invests in that also.

Coming full circle, when I started off my talk, I showed pictures of the great Dust Bowl in Kansas and places such as that—eastern Colorado. That is where this picture was taken. If you could take a picture of here in 1935, you would see the Dust Bowl. What has happened in this area, obviously a housing development has grown up, but in the foreground you will see grassland. That is a grassland reserve. They can't build houses there. You see a part of it, but this is a huge grassland reserve—protected by an easement that ensures that it stays in agricultural production. Grass will grow there, and livestock will graze, and the grass will hold the soil down, and keep the dust from blowing.

So, again, in this Grassland Reserve Program, there are about a million acres enrolled right now, but we haven't been doing it very long. Remember, I mentioned in the Dust Bowl that 80 million acres—80 million acres—were turned up. We have a million in protected grassland. We have a long way to go. We have a long way to go. But we put in $240 million for the Grassland Reserve Program in this bill to continue the program.

Now, again, I want to digress a little bit on this grassland. You see, one of the other things we are doing in our farm bill is we are providing money for ethanol—cellulosic ethanol. Ethanol not made from row crops, such as corn, but cellulose made from grass, such as this. With the research we are doing, we know we can make ethanol from these grasses. We are getting the right enzymes to make it economical. The scientists and engineers tell me that in 5 years or so we will have an economical means of making cellulosic ethanol. We are already investing in that in several ethanol plants around the country.

Imagine, if you will, this huge area of grasslands in the Plains States, where I showed the picture of the Dust Bowl.

This is the picture I showed earlier of a dust storm in Kansas last year. Now imagine, if you will, that rather than cropping this land, as we do every year, we have grassland. Now, as Timothy Egan pointed out in his book, nature has a way of selecting the best ecosystem over a long period of time. Nature does that, whether it is the rain forest up in the Northwest, the bay area here for shellfish and others, and backwaters, where all the fish life starts, or in the grasslands in the Plains areas. So over thousands and thousands and thousands of years, nature laid down this thin topsoil, and on top of it grew grasses—buffalo grass, blue stem, others—and through selectivity, over periods of time, were the hardiest to grow there. They sent their roots down 20, 30 feet into the ground, and they could withstand years of drought, the worst blizzards, and grass fires that used to sweep across the Plains.

Anyone who has ever read the Laura Ingalls Wilder book "Little House on the Prairie" knows how she talks about the threat of these huge fires sweeping through and all of that kept coming back, the grasslands that were there. Millions of buffalo ranged up and down there and had enough food to sustain them forever, and in 20 years we turned over 80 million acres of it that then dried up and blew away.

But think about this. We are going to have cellulose ethanol made from grass. Ten years from now, fifteen years from now, twenty years from now, we could see much of this land back into grassland. Not for buffalo to graze on but being grown as cellulosic feedstock being cut for ethanol and making fuel for our country. You don't have to plow it up. You leave it there, you cut it, it stays there and grows the next year. We can have the best conservation, we can have our grasslands, and we can produce the fuel we need for this country and do it in a way that is in concert with nature.

So that is why it is so important we get this grassland back and provide the incentives to protect as much of this grass as possible, and that is why we put $240 million into this bill.

The last couple of things I want to show is the Conservation Security Program, now renamed the Conservation Stewardship Program, which has enrolled about 15 million acres since 2002. This was a new program put into the farm bill in 2002. You see, most conservation programs are programs designed to give incentives to someone to take land out of production, put it into grassland, put it in trees, wetlands and buffer strips. And that is an important part of conservation.

But there is a lot of working lands. We need farmers to be better conservationists on working lands, lands that are being cropped. That means, for example, putting on the right amount of fertilizer and other management practices that can make a big difference for the environment.

Through the Conservation Security Program, I saw areas where farmers enrolled, and transitioned to precision agriculture, with equipment guided by the Global Positioning System. They had soil tests done of their farm, and rather than applying the same amount of fertilizer all over, they put the right amount of fertilizer wherever they applied it—more one place, less in another place. They were able to monitor and get the right amount of fertilizer so it wouldn't run off. They were able to buy equipment so they could do minimum tillage, where they didn't have to turn the soil over with the plow. They could combine, cut the cornstalks and leave it right there on the ground.

I visited a farm in southern Iowa this summer that was in the Conservation Security Program. With help the farmer received from the program, he had purchased some equipment to do what I am talking about. Then he took me over his land. He had corn last year. This year, he is planting beans. So he is on a rotation, which is good for the soil. But he left all his cornstalks chopped and laid on the ground. At the time of my visit, there was rain in his area. It rained almost 5 inches—5 inches in about 12 hours. Now that is a heavy rain. We drove all over his land in a four-wheel drive vehicle. He hardly had any soil runoff because that rain would hit those cornstalks on the ground, slide off—he almost had literally no soil runoff.

Right across the road was a farmer who was not in the program and was planting corn up and down the hillsides and there were ditches where the water had taken that soil and run off the farm into other ditches, into streams, and the soil was gone.

The program in the 2002 farm bill was a conservation program to help farmers be better conservationists on land on which they were actually producing crops or livestock. They didn't have to take land out of production. They just had to do things better: minimum tillage, crop rotations, buffer strips, applying with the right amount of fertilizer—that type of thing. For producers who have been able to enroll, it has worked wonderfully.

But there has been one problem. The administration decided to allow enrollment on the basis of a watershed rotation. Over eight years, the program would supposedly cover all the watersheds in the country, but it has fallen far short of that goal. That is the bad news.

The good news is in this farm bill we get off the watershed rotation, and make CSP a national program—producers in every watershed and region of the states would be eligible to enroll, every year. Producers are ranked based upon the level of conservation they are already doing, and how much new conservation they are willing to do as part of the contract. We are strengthening this program.

It is hard to see on this chart, but the conservation security program is in every State in the Nation. It is all over, from Washington, Oregon, California, all across the east coast. A lot of people have said it is mostly for the Midwest. That is not true. On the east coast, on the far west up in Idaho. We even have some in Alaska, even some in Hawaii—again, to protect our soil and other resources.

The point I want to make here is in the last 5 years since we put this program in, we have enrolled 15 million acres. I know that sounds like a lot, but under the new program we have in this bill, with the funding we have, we will enroll 13.2 million acres each year in this program—13.2 million acres every year. We had 15 million acres in 5 years. We will do almost as much every year for the next 5 years. This means by the end of this farm bill we will have about 80 million acres enrolled in this program.

What will that mean? It will mean cleaner water, better wildlife habitats, less soil runoff; a better environment, a healthier environment for farmers, their families, and for all of us. That is why this program is so important.

It is sad to say, the House didn't put anything into this program and actually cut the program from baseline. It is an important program, one that can do a lot of good for our country. But it needs to be funded properly to give producers a fair shot at enrolling for it to do the good it has the potential of doing.

Last, here is the kind of thing we are looking at here. We talked about the soil and the land but it all comes down to people and the kind of people we have farming, and their families. That is what it comes down to. How do we nurture beginning farmers? How do we get young people involved in this?

Here is a young dairy farmer, Matt Fendry. He is 25 years old. He farms near Lanesboro in southeast Minnesota. He is a beginning farmer. He sells his milk through Organic Valley out of Lafarge, WI.

Matt, like many beginning farmers and ranchers, will benefit from the provisions we have in the conservation title. Here is how we do it.

For beginning farmers like Matt Fendry, and socially disadvantaged producers, we have included a special increase in cost-share rates up to 90 percent. So if the young man here wants to do good conservation work on his land—maybe rotational grazing the grassland for his cattle—it probably will cost him a little bit to get some things established. He can get back 90 percent. He only has to put up 10 percent of this money. The Government will come in for 90 percent for a beginning farmer.

Ten percent of our conservation programs will be reserved for beginning farmers. And for the first time we will allow the Secretary of Agriculture to advance up to 30 percent of the value of an EQIP contract to beginning and socially disadvantaged producers so they can purchase the materials they need for conservation work.

Most of the EQIP money that will go to Matt for what he will do for good conservation would come after he does it, maybe a year after. That means he would have to borrow the money, and pay interest. Now we give the Secretary authority to get what he needs, 30 percent up front, so if he needs to put in fencing, buy seed, whatever he needs to get this operation going using good conservation, he can get up front.

I think that is probably the bottom line here on my whole talk this evening, and that is what can we do for conservation. But what can we do to get young people involved in a way so they start from the very beginning, not just being a producer but being an environmentally conscious producer and one who, from the very beginning, protects our soil, our water, and our wildlife habitat? That is the goal of this.

You can see I am very passionate about this. I am passionate because if you read history, you know what we are doing. We saw it in the photos at the beginning of my presentation—we are repeating the mistakes of the past. We are abusing the land and pushing it beyond its productive capacity. As I said—the farmers want to protect their soil and their land. But the economics of agriculture drives producers to produce as much as they can when prices are high. The farm bill has to counter those pressures.

It is not good for this country. It is not good for our society. It is not good for rural America. So we need to make some changes in this farm bill and redirect it and guide it toward more conservation.

Back in 1998, I was wondering why it was that Europe was spending so much of government money on their farmers, yet they were complying with the World Trade Organization restrictions on farm subsidies. We are spending less money on our farmers and somehow we are not complying. I wanted to see what were they doing in Europe different than we were doing. So I traveled around and visited a lot of their farms.

No matter where I went, I saw a pristine countryside. I saw a countryside with small towns that were vibrant. I saw soil that was protected, waterways that were decently clean—some areas better than others. Finally I began to figure it out, what countries like France, Belgium, Germany, Spain, England, and Denmark were doing. They were making "green payments" to farmers, payments to farmers for conservation. Under the WTO, that is in the "green box," which means it doesn't count against WTO limits. So some of the Europeans figure out here is the way we support our farmers, our small towns, our communities, clean up our water, provide for a beautiful countryside, and, guess what, we don't take a hit in the WTO because of that.

That made me think. I come back, traveling around through this country, I see the wind blowing, I see the dust storms, the soil erosion, the hypoxia maps in the Gulf of Mexico, what is happening to the Chesapeake Bay, and I think: Wait a minute, why aren't we doing that?

We have a program now, a direct payment program—$5 billion a year, $25 billion over the life of this farm bill, that started in 1996, of direct payments to farmers. To qualify for direct payments, all you had to do is have base acreage and a certain crop back in 1981 to 1985. You don't have to plant anything to get this money.

Moreover, the bigger you are, and the bigger the base you had, the more money you get. The result is that these payments lead to a cycle. More direct payments means a greater opportunity to expand. More expansion means more direct payments. It is like a black hole, there is nothing to stop it.

I am concerned that this cycle is hurting family farmers. It encourages producers to get bigger and bigger. Yet here we go, $5 billion a year, $25 billion over the life of this. It seems to me it would make much more sense and would be more supported, I think, by the general populace, if we took that money and put it out in green payments to farmers to build the buffer strips, the contours, the wetlands, the grasslands—yes, paying farmers to help them use the right amount of fertilizer and do rotations and things such as that, that help preserve the soil.

Conservation programs are perfectly acceptable under WTO. We get a lot out of it. I am hopeful in the coming weeks, maybe as we go to conference on this farm bill, we can do more for conservation.

I want to say we did a good job on conservation in this bill. I am not denying that. We put good money in conservation. I thank my ranking member, SAXBY CHAMBLISS, and all the others on the committee. It was a hard fight but we got the money in there. But it is not quite enough when you look at all the other things in the farm bill. We moved the ball forward, but I think with the demands on our farmers now, what we see happening around this country, we need an even greater commitment. We need to do a lot more in conservation than we have ever done before or pretty soon the scales will tip so far that the kind of money it is going to take it to do it will be prohibitive.

That is why I take the time of the Senate tonight to talk about conservation. We need a better conservation ethic in this country. As we consider the farm bill, we need to be talking about soil and water conservation, helping farmers be better stewards of the soil and water. I am hopeful as we move into more debate we can make a few changes that will add some money to conservation before we go to conference. We have done a lot in the farm bill, but we have a lot more we can do.

So I ask any Senator out there who has an amendment, if you have not filed it, you better file it because pretty soon we may cut it off.

I am not encouraging amendments, you understand. I am just saying, if you have one, you better get it in in a hurry, and we will take a look at it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. HARKIN. Mr. President, on behalf of Senator REID, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 206, the nomination of James Kunder to be Deputy Administrator of the U.S. Agency for International Development; that the nomination be confirmed; the motion to reconsider be laid on the table; the President be immediately notified of the Senate's action; and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Reserving the right to object, I understand that Senator COBURN, who was on the Senate floor a little earlier, has an objection to this request. On his behalf I would object.

The PRESIDING OFFICER. Objection is heard.

Mr. CHAMBLISS. Mr. President, I would like to say to all of our colleagues, we have worked diligently to try to come together with a list of amendments on the farm bill to try to make sure that we proceed in some sort of regular order over the next several days.

Unfortunately, we have been here all day without being able to consider amendments. It is the unfortunate part of the way we do business in this body, trying to be deliberate, trying to make sure we are fair, not operating under a rule like our colleagues in the House do.

It is the way the Senate is designed to work. I think now it appears our leaders are going to be able to sit down with a list of amendments that have come forward from the majority side of the aisle, a list of amendments that have come forward from the minority side of the aisle, and we are going to be able to agree that these are all of the amendments that can be considered.

There is no agreement that all of them are germane, but there is hopefully going to be an agreement shortly that will allow us to proceed in the regular order for the consideration of amendments. It is a frustrating process that we go through from time to time.

When we were in the majority and our colleagues on the other side of the aisle were in the minority, again, there was many a day that we sat wanting to move forward and not being able to because of the way the process in the Senate works.

I would simply say to our colleagues that I fully expect that we are going to have an agreement, which means we should be able to move forward with the farm bill tomorrow, from an amendment consideration standpoint. Senator HARKIN and I pretty well agreed on the order of a couple of amendments that we will begin with that are critical amendments for consideration.

I am very hopeful that within the next couple of days not only will we make significant progress on the farm bill, but I am very hopeful, as I know Senator HARKIN, Senator CONRAD, and all of us are who have been working very hard together in a bipartisan way to get this bill before our colleagues, to have it considered before we get away from here for Thanksgiving so we can complete it early on in December and, hopefully, get it to the desk of the President in time that farmers and ranchers across this country will know what the farm policy is going to be for the next 5 years versus having to enter into the end-of-the-year process with a big question mark out there.

I simply say, again, we hope that is going to happen. I hope before we leave here in the next several minutes, whatever it may be, that we do have some agreement on the direction in which we are moving with respect to amendments to be offered to the farm bill.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN.) Without objection, it is so ordered.

Mr. THUNE. Mr. President, we are still, as I understand, on the 2007 farm bill. I wanted to speak to one particular title of that bill, if I might, today.

As I have noted before, I support the Food Security and Energy Security Act of 2007, which is currently before the Senate. My hope is that in the not too distant future, we will be able to reach an agreement with regard to amendments so that we can move this process forward.

My fear is, if we do not reach any resolution this week and this gets pushed back until after the Thanksgiving break, that we run a very serious risk that we are not going to be able to get a bill through the Senate, conferenced with the House, before the end of the year.

In my judgment it is incredibly important to farmers and ranchers across this country that we come to some conclusions with this farm bill to give them some certainty, as they approach the 2008 planting season, about what the rules are going to be, what the programs are going to be, how it has perhaps changed from what we currently have in place.

But, in any event, it is, from a timing standpoint, of great importance that we act as soon as we can on the 2007 farm bill. So my hope would be, again, that we reach some resolution between the leadership on both sides as it pertains to amendments, and, of course, I have an amendment dealing with renewable fuel standards that I hope will be able to be included in that list of amendments that we get to debate and ultimately vote on.

But I do want to speak this evening with regard to one particular aspect of this farm bill, and it is an important one. It is one that perhaps has not been emphasized as much in this debate, although the Senator from Iowa, I heard earlier this evening, speaking to the conservation title of the farm bill. But my colleagues and I have spent the better part of the last 2 years listening to our constituents and translating those concerns and suggestions into the farm bill that we have before the Senate today. We have also listened to multiple criticisms, mostly coming from those who are not directly involved in agriculture, telling us what is wrong with this farm bill.

But today I would like to talk about the conservation title because I believe it is just as critical to production agriculture in many respects as the commodity title.

The conservation title of the farm bill comprises only about 9 percent of its total cost. Yet it potentially affects more than 350 million acres of land in the United States.

When I say 9 percent, if you look at total spending in the 2007 farm bill, about 14 percent of the money in the bill is in the commodity title. Those are the programs that support production agriculture. About 9 percent is in this conservation title to which I address my remarks. The balance—about 67 percent or about two-thirds—of the funding in the farm bill actually goes toward nutrition, those aspects of the farm bill that really are very much unrelated to production agriculture. That is where the predominant share of the money is spent. A lot of times when those who criticize farm bills attack the funding that goes toward production agriculture, it is important to realize that most of the money in this bill isn't going to production agriculture. It is not going to the commodity title. It is going, two-thirds of it, to the nutrition title. That is in contrast to the last farm bill, the farm bill we operate under today, where about 28 percent of the funding in the bill goes to the commodity title, production agriculture, and about 54 percent of the funding, under the 2002 farm bill which is currently in effect and which we are hopefully reauthorizing with the 2007 version, goes toward nutrition. Under the new farm bill, the one before us today, about 67 percent of the money would go toward the nutrition title of the bill. I don't think it is fair in many respects when those who would like to criticize this attack it for the money going to the commodity title. That is certainly not the case.

The 9 percent that goes into conservation is important. There probably isn't anything that we do in terms of conservation or environmental stewardship that actually does more to achieve the objectives we all want than this conservation title in the farm bill achieves.

This picture, taken in 2007, is an example of the role played by the farm bill conservation title. What you see in the picture is CRP on the farm. You see also an example of crop production, working literally hand in hand. If you look in the bottom part of the picture, you see Conservation Reserve Program, the land that has been put into native grasses that is in abundance. You see in the center of the photograph a wetland area, some water in the background. Across the way, you see the cornfields that have been planted. The balance that has been struck on this property is seen between conservation, between native grasses, a wetland area that has been managed, and it all being complemented with a corn crop as well. That sort of describes what all of us would like to see when it comes to the way we manage our lands and the way farmers go about incorporating conservation practices into their crop production as well.

The CRP on this farm, the 1.5 million acres enrolled in CRP in South Dakota added 10 million pheasants and $153 million to South Dakota's economy. This year's record corn crop in South Dakota at 556 million bushels is worth an additional $1.8 billion to South Dakota farmers—again, those two working hand in hand in South Dakota achieving record corn crops at the same time that we have a record pheasant crop because of the good conservation practices that have been employed by many of the farmers in our State and which have been in response to, their practices, many of the incentives that were put in place in previous farm bills.

The second picture we have this evening is a picture taken not too long ago in South Dakota, a few months back, in the year 2007, and it tells another story. A lot of people would look at this picture and say: That must be the Great Depression, because when you look at it, that certainly is what it would appear to be. But it is not a scene from the 1930s; it is a scene from last March in 2007. It is an example and a result of what happened when native sod was cropped, because crop insurance provided an unintended incentive to convert marginal pastureland or native sod into cropland. This picture sends a stronger message than any words could about the inherent need to take care of our land. The topsoil you see in the fence line and ditch along this South Dakota field took literally millions of years to create and one dust storm to remove. The damage you see here cannot be undone.

There is a sod saver provision in the farm bill we are considering. It won't prohibit anyone from converting native sod into cropland, but what it does do, what the sod saver provision in this bill does is eliminate the incentives found in current Federal farm policy that encourage unwise farming practices which result in the consequences shown here.

Again, it is not a scene from the 1930s, which at first glance one might expect, but it is a scene literally from last March, calendar year 2007, in South Dakota. It is an example of what can happen when bad practices are undertaken.

The next picture is an example of some of the native sod that is being converted to cropland in South Dakota. For the past 100 years, billions of acres of prairie have been converted to productive farmland. Most native sod that can be productively farmed in South Dakota and other prairie States has already been converted to cropland. We faced a shortage of money to write this farm bill. I don't believe it is a wise use of Federal funds to pay for crop insurance and disaster programs on this type of land. If the farmer who owns this land wants to farm it under this farm bill, he or she is free to do so. But let's not subsidize it. That is an example of land that should not be brought under the plow, and this farm bill prevents crop insurance or disaster program payments from going to a farmer who would convert native prairie ground such as this into cropland.

This is an example of a dust storm that was not limited to the 1930s. This picture was taken in 2005 in South Dakota. Once again, we see the consequences of unwise land stewardship practices disturbingly evident in this picture.

During the 1930s, South Dakota received billions of tons of Kansas and Oklahoma topsoil, much of it still in place in fence lines and fields. The programs we drafted in the conservation title of this farm bill, if funded adequately, will ensure that Kansas and Oklahoma farmers no longer see their topsoil blow to South Dakota and that South Dakota farmers will keep their topsoil in their fields and not in the ditches and fence lines as we saw in the previous picture.

I have stated many times before and I will emphasize once more that production agriculture and conservation should not compete; rather, they should complement each other.

This is another picture of a South Dakota cornfield in CRP. CRP is native grasses in the foreground and then, of course, a cornfield planted toward the background of the picture. Every agricultural area in the country is blessed with productive land and also land that needs help to keep from polluting the water we drink and the air we breathe.

I ask those who are so critical of this farm bill to take a close look at the conservation title and what it offers. In spite of the budget cuts made in drafting this farm bill, which made it more difficult than writing any other farm bill that has ever been written, I am pleased that my colleagues and I have been able to write a farm bill with a sound conservation title.

I will point out once more examples of the benefits of the conservation title in this farm bill: First, protecting and enhancing our soil and our land; secondly, providing an economic alternative to placing costly fertilizer, seed, and chemicals on unproductive cropland; third, enhancing recreation and boosting local economies, which, as I noted earlier, created in our State of South Dakota an abundance of pheasants, 10 million pheasants this year, which is the highest number of pheasants we have seen at any time since the 1960s—they say about 1962 was the last time we had this kind of pheasant numbers in South Dakota—and $153 million to the economy of my State as a result of the recreation value that comes from good, sound conservation practices.

I believe it is very important to take a breather from the controversy surrounding this farm bill and to take a few minutes to focus on the farm bill's proven capabilities to enhance rural America and to improve our Nation's water and soil. The conservation title will do just that. This is one of many reasons this farm bill deserves the support of our colleagues.

I leave my colleagues with the following information regarding the conservation title in the 2002 farm bill. Nationwide, without a conservation title, we would have 13.5 million fewer pheasants, 450 million tons of topsoil disappearing every single year, 2.2 million fewer ducks, an additional 170,000 miles of unprotected streams, and 40 million fewer acres of wildlife habitat. That is the value of a conservation title in the farm bill which accomplishes multiple objectives—protecting and enhancing our soil and land, providing an economic alternative to placing costly fertilizer, seed, and chemicals on unproductive cropland, and enhancing recreation and boosting local economies. Nine percent of the funding in this farm bill goes toward that end. That, when put in a total perspective of what this farm bill spends, is not that much relative to the benefit we accomplish and to the bad things we avoid happening by having a good conservation title.

As this farm bill is debated, we will have amendments at some point when we get an agreement. The amendments will focus on a lot of other areas of the farm bill. Some will focus on the commodity title and trying to move money around within the farm bill.

I am interested in the energy title. I have an amendment to the energy title, and we worked very hard in crafting the energy title in this farm bill to provide the necessary economic incentives for further investment in cellulosic ethanol production. The renewable fuels standard amendment I hope to be able to offer along with Senators DOMENICI AND NELSON of Nebraska and others on a bipartisan basis will make that energy title stronger. It will improve it.

It will give us some headroom to work within the area of renewable energy. The renewable fuels standard put in place back in 2005 called for 7.5 billion gallons of renewable fuel by the year 2012. We are going to hit 7.5 billion gallons by the end of this year if we don't act to increase the renewable fuels standard. We have a terrible crunch that is coming ahead of us. I hope we can get this amendment adopted that raises the renewable fuels standard, moves it to 8.5 billion gallons in the year 2008. It will give us the necessary headroom to keep this wonderful example of renewable energy in this country and a remarkable story going forward.

If we don't do something to address the renewable fuels standard, my fear is we will run into a wall. That would not be good. It would not be good for those who have already invested in ethanol facilities. It would not be good, clearly, for the economy in rural areas and all the jobs that have been created as a result of renewable energy. As importantly, if not more importantly, it will do nothing to lessen our dependence upon foreign sources of energy, which at the end of the day is so important in terms of our policy objectives.

This farm bill, by encouraging more energy production, if we can get the renewable fuels standard added to it, will take us a long way toward lessening our dependence on foreign energy. I would hope before this debate is concluded we will be able to have the amendments adopted and voted on, if not adopted, but certainly a chance to debate these things which we think will make the farm bill stronger. Some of those amendments may deal with the conservation title, but I think this particular title is one that often gets overlooked in the discussion that is held about the farm bill because of the focus on production agriculture and because of the focus on the nutrition title of the bill which really comprises about two-thirds of the total funding of the bill.

But 9 percent of the money that is spent in this farm bill, the conservation value we get from that and the difference it is making in areas all across this country in protecting our critical soil and water resources, in adding to our economy, providing recreational opportunities such as pheasant hunting in South Dakota—this is a very important title of this bill, one that there was great deliberation and consideration given toward coming up with.

I hope at the end of the day we will get the farm bill passed before the end of the year and get this conservation title, along with the other policy changes that are included in the farm bill, implemented into law so our farmers and our ranchers and those who will benefit from the great recreational opportunities that will result from this conservation title will know what the rules are going to be as we approach this next year.

So, again, I have heard many of my colleagues come down and speak on the floor today about different aspects of this bill. My biggest hope and greatest fear at this point is—my biggest hope is we get this thing moving this week. My greatest fear is if we do not, we are not going to get a farm bill this year. So I hope before we leave this week we will come to a resolution about amendments and the way forward and the process we are going to use to get a farm bill adopted.

Mr. President, I yield the floor.

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## VETERANS DAY

Mr. CARDIN. Mr. President, 53 years ago, President Dwight Eisenhower named November 11 "Veterans Day," setting aside that day to honor all Americans who have served our country so honorably in the military, both in war and in peace.

I want to take the opportunity this day of remembrance provides to say to all veterans and their families, thank you for your courage, your character, your strength, and the enduring power of your example. All Americans owe you our gratitude and appreciation for your commitment to and sacrifice for our Nation.

Since our Nation's struggle for freedom more than two centuries ago, nearly 50 million men and women have served in the U.S. military and nearly 25 million of these veterans are alive today. Our thoughts and prayers also are with our veterans of tomorrow—the 1.4 million Americans serving in our Armed Forces, including the more than 189,000 service men and women who are in harm's way in Iraq and Afghanistan. Because of the noble service and tremendous sacrifices of our men and women in uniform, the United States stands as a beacon of democracy, hope, and opportunity to the rest of the world.

At this moment, as we send soldiers to fight overseas, our support for our servicemembers must remain steadfast and strong. Our veterans have earned access to quality health care, affordable educational opportunities, and a chance to thrive once home.

I am proud today to be a part of this Congress that has worked to honor our commitment to our Nation's veterans. In September, the Senate passed the Veterans Affairs Appropriations bill for 2008. The legislation provides nearly 65 billion dollars for the Veterans' Administration. Specifically, the bill makes substantial new investments to improve and strengthen health care for our brave veterans, making critical investments in medical services, including treatment of traumatic brain injury, TBI, and post-traumatic stress disorder, PTSD, for Iraq and Afghanistan veterans; funding for new claims processors to address the backlog of pending disability claims, and the investment in VA repair and maintenance necessary to prevent another Walter Reed type situation. These investments address key shortcomings in our veterans health care system.

Although a minority in the Senate blocked our ability to send that legislation to the President's desk last week, we voted this past Thursday to provide temporary funding at the level the Bush administration requested. That amount is $4 billion less than what we in Congress originally intended. We remain committed to ensuring the VA receives the full $65 billion necessary to provide veterans the care and services they have earned.

But just as important as the quality of care is access to care. My colleague, Senator BARBARA A. MIKULSKI, and I have worked together to secure Federal funding for two new VA community-based clinics in Maryland—one at Andrews Air Force Base in Prince George's County and another at Fort Detrick in Frederick County. Not only will facilities like these help to reduce backlog and waiting times, they will allow more veterans to receive care close to home.

We know, however, that we can and must do more for our Nation's veterans, for those who have given so much to our country. In addition to giving our veterans the benefits they deserve, we must continue to honor their service and keep the memory of our fallen soldiers alive. In that spirit, I introduced bipartisan legislation to grant a Federal charter to the Korean War Veterans Association, S. 1692, the only fraternal veterans' organization in the Unites States devoted exclusively to veterans of the Korean war. This bill unanimously passed the Senate, and I am hopeful it will soon pass the House. Should that happen, it will ensure that the nearly 1.2 million American veterans of the Korean war will receive the Federal recognition they deserve for their dedication and sacrifice.

As elected leaders, we also have an obligation to act as good stewards for our military, exercising wise judgment for its use and providing the equipment, training, and materiel necessary for its success. My colleagues and I have made a good faith effort to act as those stewards.

Just this past Thursday evening, Congress passed a spending bill that provides $460 billion for the Department of Defense, which is $40 billion above the fiscal year 2007 enacted level. Congress directed that money be spent on a pay raise and better medical care and benefits for our troops but also on procuring new equipment for our National Guard, increasing troop strength, and developing the Armed Forces and the tools necessary to engage in the very different types of conflicts we are confronted with in the world today.

In his second inaugural address, a portion of which is engraved on our Veterans' Administration building, President Lincoln said:

> Let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.

I see those words as a charge to us here in Government, laying out the grave and important work we have left to do. But I think these words can serve as a guide to all of us, in every community, today and every day, as we welcome and honor our returned and returning heroes and work toward a more perfect Union.

Mr. KYL. Mr. President, founding Veterans Day in 1954, President Dwight D. Eisenhower called upon Americans to "solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom. . . ." Today, we heed the advice of President Eisenhower and pay respect to all soldiers who have sacrificed to ensure America remains free, safe, and the symbol of democracy around the world.

Throughout history, our soldiers have been asked to abandon their livelihoods to defend America's ideals and freedoms. Our soldiers have shouldered this great responsibility with courage, dedication, and honor. In return, this Nation cannot forget the countless sacrifices our soldiers have made for this country. We commemorate these valiant Americans who have protected the liberties and freedoms that all enjoy today.

Congress must do its part to honor our Nation's soldiers. We are profoundly grateful for the many sacrifices that our soldiers have made in the current war against terrorists and in past conflicts. This includes ensuring all veterans receive proper health care, benefits, rehabilitation, and services. Congress will continue to support our veterans.

We are all forever indebted to our veterans. I, therefore, personally thank all veterans and their families for the sacrifices you all have endured. I salute your valor and am immensely grateful for your service.

## RECOGNIZING THE RUNNIN' BULLDOGS

Mrs. DOLE. Mr. President, it is with great honor that I rise today to proudly recognize the accomplishments of the Gardner-Webb University "Runnin' Bulldogs" of Boiling Springs, NC.

Originally chartered on December 2, 1905, Gardner-Webb has long been known for its excellent academic and athletic programs, which is a testament to its accomplished faculty. As a thriving regional university, Gardner-Webb offers eight unique degree programs on its beautiful 200 acre campus. Led by University President Dr. Frank Bonner, its approximately 4,000 students are some of the brightest minds their generation has to offer and I look forward to witnessing their rise through the ranks in the coming years ahead.

On November 7, 2007, in a truly David versus Goliath story, the Gardner-Webb "Runnin' Bulldogs" basketball team visited storied Rupp Arena to challenge the Kentucky Wildcats, one of college basketball's most successful programs, boasting seven National Championships. Late into the evening it became official, the Bulldogs shocked college basketball by upsetting the #20 ranked Wildcats. The Bulldogs entered the locker room at halftime with an 11 point lead and never looked back. With a final score of 84–68, head coach Rick Scruggs, team staff and the determined players masterfully executed their game plan which will forever be remembered as one the greatest upsets in college basketball history.

I join the university's many loyal supporters, alumni and fans everywhere in commending not only the Bulldogs' outstanding accomplishment last night, but the entire Gardner-Webb community for cultivating an environment that believes that accomplishing anything is not only plausible, but as highlighted last night, is possible.

## TRAVEL RULES

Mrs. FEINSTEIN. Mr. President, I wish to notify all Senators that on Friday, November 9, 2007, the Committee on Rules and Administration approved the request of the Select Committee on Ethics and granted a 3-week extension until December 3, 2007, for the Ethics Committee to issue the initial guidelines implementing the new rules on privately sponsored travel required by Public Law 110-81.

In their letter to the Rules Committee, Senators BOXER and CORNYN note that unless the request is approved, the new travel rules would become effective on November 13, 2007. Due to the scheduling of a number of proposed trips on or shortly after November 13, the Ethics Committee believes that the additional required paperwork would not be submitted in time for review before the trips commence.

The 3-week extension will afford the Ethics Committee additional time to post the proposed new travel guidelines on its Web site. These guidelines will be effective on December 3, 2007, and all privately sponsored travel beginning on or after that date will be required to conform to the new rules and guidelines.

I ask unanimous consent to have the letter from the Ethics Committee dated November 7, 2007, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON ETHICS,
*Washington, DC, November 7, 2007.*

Hon. DIANNE FEINSTEIN,
*Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.*

Hon. ROBERT F. BENNETT,
*Ranking Member, Committee on Rules and Administration, U.S. Senate, Washington, DC.*

DEAR SENATORS FEINSTEIN AND BENNETT: Consistent with the Honest Leadership and Open Government Act of 2007 (the "Act"), the Select Committee on Ethics requests that the Committee on Rules and Administration extends until December 3, 2007, the deadline for the Ethics Committee's formal issuance of the initial guidelines implementing the new rules on privately-sponsored travel. (See Section 544(b)(4) of the Act.)

The legislative history of the Act provides that the new travel requirements "go into effect 60 days after enactment, or the date the Select Committee on Ethics issues the required guidelines under the rules, whichever is later." Without the requested extension, the new travel rules would become effective on November 13, 2007. The Committee has prepared guidelines and new forms that must be completed by Senate members and staff, as well as trip sponsors, 30 days prior to their travel. We would be ready to issue these guidelines·and forms on November 13. However, a number of proposed trips that have been submitted to the Committee for review begin on or shortly after November 13, and it would be highly unlikely that the additional paperwork could be completed for review by the Committee before these trips begin.

If the Committee on Rules and Administration extends the deadline for issuance of the guidelines until December 3, 2007, all privately-sponsored travel beginning on or after that date would be required to conform to the new rules and guidelines.

So that privately-sponsored travel starting on or after December 3, 2007, may meet the requirements of the new travel rules, the Committee intends on November 13, 2007, to post on its Web site a preview of the complete text of the new travel guidelines, and related regulations and forms, that the Committee will issue formally on December 3, 2007, if the Committee on Rules and Administrations grants the requested extension.

Thank you for your prompt attention to this request,

Sincerely,

BARBARA BOXER,
*Chairman.*
JOHN CORNYN,
*Vice Chairman.*

## EMANCIPATION HALL

Mrs. FEINSTEIN. Mr. President, I rise today, as chairman of the Senate Rules and Administration Committee, to voice my support of legislation to name the great hall in the new Capitol Visitor Center "Emancipation Hall."

This legislation—S.1679—was introduced by Senator MARY LANDRIEU on June 21, 2007, and is cosponsored by Senator BARACK OBAMA. I am proud to join them as a cosponsor.

A companion bill has been introduced in the House of Representatives by Representatives ZACH WAMP and JESSE JACKSON. The measure has over 225 cosponsors in the House and last week it was approved by the House Transportation and Infrastructure Committee. It is my understanding that it will soon be taken up by the House, which earlier approved the proposal as part of the fiscal year 2008 legislative branch appropriations bill.

I encourage my colleagues in the Senate to support this legislation.

The naming of "Emancipation Hall" in the new Capitol Visitor Center would be a fitting tribute to the contributions of slaves in the construction of our Nation's Capitol Building. It would also serve to recognize the end of slavery in the United States.

The Capitol Visitor Center is nearing completion, and its Great Hall promises to be a spectacular place—an estimated 3 million people are expected to gather in the area as they come to visit our great Capitol each year.

And through large skylights in the ceiling, visitors will be able to look upwards and gaze upon the grand Capitol dome.

This environment is the perfect place for visitors to reflect upon the construction of the U.S. Capitol, and to recognize the slaves who helped to build it.

The total number of slaves who worked on the Capitol is unknown. But there is evidence that slave workers contributed in a number of important ways to its construction. This includes a slave named Philip Reid who played an important role in the casting of the 19-foot, 15,000-pound bronze Statue of Freedom that rests atop the Capitol dome. Others are memorialized in pay stubs to their owners for work done in the Capitol.

Naming the Great Hall of the Capitol Visitor Center as "Emancipation Hall" would serve to recognize both the brutal truth of our Nation's past and the importance of freedom as a pillar of modern America.

The history of slavery in the United States is a grim chapter in our Nation's history. But the Emancipation Proclamation, issued by President Abraham Lincoln on January 1, 1863, was an important step toward abolishing slavery in the United States.

In the Emancipation Proclamation, President Lincoln declared:

> I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof; will recognize and maintain the freedom of said persons.

While the Emancipation Proclamation did not officially abolish slavery in all of the United States, it was an important commitment by the government to end this centuries-long injustice.

By sustaining the history of this great act, we highlight the importance of freedom. And by naming the Capitol Visitor Center's main entry as "Emancipation Hall," we do so in a significant way that all visitors of our Nation's Capitol Building will notice and respect.

As chairman of the Senate Rules and Administration Committee and the Joint Committee on the Library, which oversees Capitol artwork, I believe it is very important to provide an accurate and diversified image of our Nation for the visitors to our Capitol. The naming of "Emancipation Hall" would be one step toward achieving that.

I also welcome a new report by the congressional Slave Labor Task Force, which has come forward with a number of recommendations for acknowledging and commemorating the work slaves performed in building our Capitol.

I look forward to working with the task force on this issue so people throughout the world will know more about the contribution by slaves toward constructing the building that has become the very foundation of our democracy.

## IDENTITY THEFT ENFORCEMENT AND RESTITUTION ACT

Mr. LEAHY. Mr. President, I am disappointed that some Senator is preventing the Senate from taking an important step forward to combat identity theft and to protect the privacy rights of all Americans by passing the Leahy-Specter Identity Theft Enforcement and Restitution Act of 2007. This bipartisan cyber crime bill, which was requested by the Department of Justice, will provide new tools to Federal prosecutors to combat identity theft and other computer crimes. I know that it is cleared for passage by all Democratic Senators.

The dangers of identity theft and other cyber crimes continue to increase as our Nation becomes more dependent on high technology. In fact, just last week, FBI Director Robert Mueller stated that "[c]yber threats will continue to grow as people become more and more dependent upon digital technology" and "we will be vulnerable to terrible attacks." Prompt Senate action on this bill will bring us one step closer to providing greatly needed tools to the Federal prosecutors and investigators who are on the front lines of the battle against identity theft and other cyber crimes. I urge those objecting to proceeding on this bill to reconsider their actions and allow the bill to be considered and passed.

I thank Senator SPECTER, who has been a valuable partner in combating the growing problem of identity theft for many years, for joining with me to introduce this important privacy bill. I have once again worked in a bipartisan manner with a group of Senators on both sides of the aisle to draft this legislation. I thank Senators DURBIN, GRASSLEY, SCHUMER, BILL NELSON, INOUYE, STEVENS, and FEINSTEIN for joining with us as cosponsors of this important legislation.

I commend Senators BIDEN and HATCH for their contributions in this area. I am pleased that several provisions they have suggested to further strengthen this cyber crime legislation were included by amendment in this bill when it was considered and reported by the Judiciary Committee and that they, too, have now cosponsored our bill.

Senator SPECTER and I have worked closely with the Department of Justice in crafting this bill, and the Leahy-Specter Identity Theft Enforcement and Restitution Act has the strong support of the Department of Justice and the Secret Service. This bill is also supported by a broad coalition of business, high-tech and consumer groups, including Microsoft, Consumers Union, the Cyber Security Industry Alliance, the Business Software Alliance, AARP, and the Chamber of Commerce.

The Identity Theft Enforcement and Restitution Act takes several important and long overdue steps to protect Americans from the growing and evolving threat of identity theft and other cyber crimes. First, to better protect American consumers, our bill provides the victims of identity theft with the ability to seek restitution in Federal court for the loss of time and money spent restoring their credit and remedying the harms of identity theft, so that identity theft victims can be made whole.

Second, because identity theft schemes are much more sophisticated and cunning in today's digital era, our bill also expands the scope of the Federal identity theft statutes so that the law keeps up with the ingenuity of today's identity thieves. Our bill adds three new crimes—passing counterfeit securities, mail theft, and tax fraud—to the list of predicate offenses for aggravated identity theft. And, in order to better deter this kind of criminal activity, our bill also significantly increases the criminal penalties for these crimes. To address the increasing number of computer hacking crimes that involve computers located within the same State, our bill also eliminates the jurisdictional requirement that a computer's information must be stolen through an interstate or foreign communication in order to federally prosecute this crime.

Our bill also addresses the growing problem of the malicious use of spyware to steal sensitive personal information, by eliminating the requirement that the loss resulting from the damage to a victim's computer must exceed $5,000 in order to federally prosecute this offense. The bill also carefully balances this necessary change with the legitimate need to protect innocent actors from frivolous prosecutions and clarifies that the elimination of the $5,000 threshold applies only to criminal cases. In addition, our bill addresses the increasing number of cyber attacks on multiple computers by making it a felony to employ spyware or keyloggers to damage 10 or more computers, regardless of the aggregate amount of damage caused. By making this crime a felony, the bill ensures that the most egregious identity thieves will not escape with minimal punishment under Federal cyber crime laws.

Lastly, our bill strengthens the protections for American businesses, which are more and more becoming the focus of identity thieves, by adding two new causes of action under the cyber extortion statute—threatening to obtain or release information from a protected computer and demanding money in relation to a protected computer—so that this bad conduct can be federally prosecuted. In addition, because a business as well as an individual can be a prime target for identity theft, our bill closes several gaps in the Federal identity theft and the aggravated identity theft statutes to ensure that identity thieves who target a small business or a corporation can be prosecuted under these laws. The bill also adds the remedy of civil and criminal forfeiture to the arsenal of tools to combat cyber crime, and our bill directs the U.S. Sentencing Commission to review its guidelines for identity theft and cyber crime offenses.

The Identity Theft Enforcement and Restitution Act is a good, bipartisan measure to help combat the growing threat of identity theft and other cyber crimes to all Americans. This carefully balanced bill protects the privacy rights of American consumers, the interests of business, and the legitimate needs of law enforcement. This privacy bill also builds upon our prior efforts to enact comprehensive data privacy legislation. The Leahy-Specter Personal Data Privacy and Security Act, S. 495, which Senator SPECTER and I reintroduced earlier this year, would address the growing dangers of identity theft at its source—lax data security and inadequate breach notification. Protecting the privacy and security of American consumers should be one of the Senate's top legislative priorities, and I urge the majority leader to take up that measure at the earliest opportunity.

Again, I thank the bipartisan coalition of Senators who have joined Senator SPECTER and me in supporting this important privacy legislation, as well as the many consumer and business groups that support this bill. I urge whoever is holding up this bipartisan bill to stop delaying this measure so that the Senate can promptly pass this important and much needed privacy bill before the Thanksgiving recess.

I ask unanimous consent that a support letter from the Chamber of Commerce be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
*Washington, DC, November 2, 2007.*

Hon. PATRICK LEAHY,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

Hon. ARLEN SPECTER,
*Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, thanks you for your leadership on issues related to identity theft and other types of cyber crime. The Chamber strongly supports S. 2168, the "Identity Theft Enforcement and Restitution Act of 2007," and congratulates the Committee on the Judiciary for reporting favorably this important legislation.

The Internet today is a major engine of economic growth for the United States. Unfortunately, accompanying this amazing growth has been the continued rise of malicious cyber activity by very coordinated and clever criminal networks. S. 2168 will go a long way to address this very serious issue by giving law enforcement officials much needed tools and resources to combat these criminals.

Once again, the Chamber appreciates your leadership on these issues, and looks forward to working with the Committee to assure passage of S. 2168 by the full Senate.

Sincerely,

R. BRUCE JOSTEN,
*Executive Vice President,*
*Government Affairs.*

## HEALTHY AMERICANS ACT

Mr. LIEBERMAN. Mr. President, today, I join a bipartisan group of Senators in support of the Healthy Americans Act. This legislation marks the beginning of what I hope will be a growing bipartisan effort to address one of our most daunting domestic challenges—health care reform. Historically, the issue of health care and how to solve our growing crisis has divided us, but we must find a way to come together and provide leadership on an issue that is central to the lives and finances of millions of Americans.

There are over 47 million uninsured people in America today; another 16 million are underinsured. Diminished health and shorter life spans due to lack of health insurance cost an estimated $65 to $130 billion annually. Meanwhile, an estimated $35 billion in uncompensated care is delivered to uninsured individuals annually.

The ever-rising costs of health care are being felt by all Americans, not only those who are uninsured. When I speak to constituents in my home State of Connecticut, I am struck by the number of currently insured families who worry about maintaining that coverage. With premiums rising more rapidly than wages, it is increasingly difficult for these families to continue to afford their coverage.

And the costs are certain to continue rising. Health spending between 2006 and 2015 will total $30.3 trillion and will grow at an average rate of 7.2 percent—2.3 percent higher than the average annual GDP growth rate. To bring the growth in health care spending into line with the annual GDP growth rate, we would need to decrease health care spending by $3 trillion over this period.

But while we spend more than any other nation in the world on health care, Americans do not receive the highest quality of care. A 2003 study published in the New England Journal of Medicine found that in the U.S., appropriate medical care is provided to individuals approximately 50 percent of the time.

It is clear that we must work across party and ideological lines to cover those that are uninsured in this Nation, provide health security to those hardworking families with insurance, bring the rising costs of health care under control, and provide high quality care to all. In the past, I have advocated for, and have proposed, targeted reforms to our health care system. I proposed the creation of a program called MediKids to insure all children in America from the moment of their birth to 25 years of age. Families would choose from a menu of private health care plans and pay based on their income. And for the millions of uninsured adults in the U.S., I proposed the establishment of a program called MediChoice, which would create large pools of coverage to bring the cost of health insurance down, and would provide the uninsured, the self-employed, and small business employees with affordable private health insurance options. In addition, my plan would have included a new program called FairCare to reduce racial disparities, increased the number of school-based health centers around the Nation, reinvested in our public health infrastructure, and provided new funds and incentives for the improvement and adoption of health information technology. Lastly, my health care proposal included a new strategic investment in promising breakthroughs in biomedical research to bring new treatments, diagnostics, and cures to the public. I will continue to support these incremental reforms as we move forward.

But as our health care system shows increasing signs of strain and growing numbers of Americans join the ranks of the uninsured, I also believe that we must seriously consider comprehensive, systemic reform to achieve the goal of quality, affordable health care for all Americans.

For that reason, I am proud to support the Healthy Americans Act, a strong proposal that provides this Congress with a bipartisan starting point on health care reform.

The Healthy Americans Act has the potential to offer universal coverage while using a fiscally responsible approach, which I believe are the keys to moving forward in a bipartisan manner. The legislation would reform the tax code in a well-thought out manner to make comprehensive health care reform a true possibility. By realigning key provisions in the Tax Code, this legislation would achieve universal coverage without adding yet another burden to the Federal budget. The legislation would also shield American business from ever-rising health care costs and, by unleashing market forces, protect the economy by reining in overall health care costs—all while reassuring our families that their health care will always be there.

An independent health care consulting group found that through new revenues, savings, and the restructuring of tax credits, the Healthy Americans Act would not result in new Federal spending. The group also projects that the proposal would reduce the annual health spending growth rate by 0.86 percent totaling a savings of $1.48 trillion from 2007–2016, or 4.5 percent of total spending over that time period. Lastly, the group estimates that the proposal would cover 99 percent of all Americans.

The act would establish a centrally financed system of private health insurance for all Americans. Comprehensive coverage policies would be available through new insurance pools, which would harness the power of a reformed health insurance marketplace that would provide individuals with choice and value. The plan would be paid for by eliminating the current employer health benefits tax exclusion, which is estimated to cost the Federal Government approximately $200 billion per year. Instead, subsidies would be provided to lower income and working families to purchase comprehensive coverage. Employers, in turn, would convert the health benefits they currently provide to employees into higher wages that employees would use to buy health insurance. Lastly, individuals would also receive a new health insurance premium tax deduction to prevent tax increases in middle-income workers resulting from the higher wages.

This proposal embodies both the foundation and architecture for building a health care system that will achieve universal coverage. Each of the stakeholders in our health care system—from individual Americans, employers, to insurance companies, health care providers and hospitals—will gain something under this plan. I believe this legislation offers crucial benefits for all stakeholders while calling on them to make equitable, economically efficient contributions to the shared effort of achieving health security for all Americans.

As we move through what I hope will be a successful legislative process, I will be working with my colleagues to ensure that we perfect the balance this bill strives to reach. That effort will be crucial for my home State of Connecticut. First, nearly 60 percent of Americans currently receive coverage through their employers, and in Connecticut, more than 60 percent of our workers are covered through employers. We must move cautiously and ensure we protect coverage for those currently a part of the system that has served us for decades, and provide American businesses with the support necessary to make short-term changes in benefits, in exchange for long-term cost savings and increased competitiveness. At the same time, moving away from a primarily employer-based system of coverage would provide individuals with true portability and stability of coverage, while, again, protecting competitiveness of American businesses against runaway health care coverage costs, in this new global economy.

Second, the legislation as currently drafted would mandate that employers provide employees higher benefits equivalent to the amount that employers currently contribute for employee health care benefits. We should consider the prudence of safeguards following a mandate period in order to prevent employees from facing wage cuts that would reduce their capacity to purchase comprehensive coverage.

Third, a new health premium tax exemption will be created by this legislation so that most workers are not paying higher taxes with the increase in wages, which are to be used for the purchase of health insurance. But in many States, such as mine, the cost of living and cost of health insurance are higher than in other parts of the nation, placing unique pressures on residents of those States. Therefore, I plan to work with Senator WYDEN and the other sponsors of the act to move in a direction that will take account of differences in health insurance coverage costs, as well as in cost of living.

Lastly, the proposal would transition Medicaid and CHIP beneficiaries into the new program. Given the complex health needs of many Medicaid beneficiaries, we must ensure that they have the necessary levels of coverage under any new system. I look forward to working with my colleagues on each of these issues.

I applaud the efforts of my colleagues, Senators WYDEN and BENNETT, and of the bipartisan group that is supporting this legislation, and I am proud to join them. If we put aside partisan politics and muster political will, we can provide the American people with true leadership on this most important domestic policy issue, and can succeed in bringing quality health care to all Americans.

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## INTERNATIONAL EDUCATION WEEK

Mr. FEINGOLD. Mr. President, in honor of the eighth annual International Education Week, which runs Monday, November 12 to 16, 2007, I would like to emphasize the importance of international education and exchange programs and the key role they play in strengthening our own educational system, shaping our young citizens to become successful in our interconnected world, and improving our image as Americans overseas.

In so doing, I want to share a number of stories from my constituents about how their international education and exchange experiences have changed their lives. While I do not have time to read all of their stories, I will ask to have them printed in the RECORD as each and every one of these stories demonstrates how critical it is that we support international education and exchange programs and initiatives.

You will see in all of my constituents' stories a common theme—international education has opened their eyes to the fact that we are an interconnected global community and that we have responsibilities as Americans to reach out to that global community. A constituent, Claire from River Falls, WI, wrote to me that:

> I was an AFS student in high school (in Brazil) and since then firmly believe that if we could lift every 16 year old out of their "comfort zone" and have them live somewhere else in the world for a few months; we'd end war and certainly increase global understanding.

I agree with this statement and firmly believe that if we all stepped out of our "comfort zone," we would be facing a future that is more stable and secure than where we appear to be today.

International education and exchange strengthens our own educational system in a variety of ways. First and foremost, educational exchanges better prepare our children for the workforce and competing in the global economy. Katherine from River Falls shared her experience working through a nongovernmental organization called Building Tomorrow. She wrote:

> While in Uganda [with Building for Tomorrow], I was fortunate enough to have a homestay experience with a Ugandan family . . . I and two other Building Tomorrow members were paired with a doctor because we all had an interest in some aspect of health care . . . This experience was remarkable and contributed to my decision to pursue a career in public health.

International education and exchange strengthens our own educational system. Teachers and students participating in exchange programs are able not only to broaden their own horizons, they also inform their peers of their experiences and thinking and, in so doing, contribute to their school systems for the lasting benefit of others. Sandra, a teacher in Sun Prairie, wrote to me that she participated in two separate Fulbright Hayes Group Projects Abroad and that, "both Fulbright-Hayes Group Projects Abroad inspired me to develop innovative interdisciplinary curriculum units, made infinitely richer by my newly acquired photographs, video footage, cultural artifacts, interview notes, books published outside of the U.S., and personal reflections . . . As a result of ongoing internationally focused literacy programming, my middle school students, including reluctant and struggling readers, seek out books on other cultures and countries, are intrigued by world maps, and pay more attention to world news and global concerns."

International education and exchange programs foster greater cultural understanding. Today's students are tomorrow's leaders—and the better they understand other cultures, the better prepared they will be to make informed and balanced decisions for the benefit of our Nation's and our world's security and well-being. Thanks to the disastrous policies of this administration, anti-American sentiment around the world is at alarming levels. Those policies were based, in part, on inadequate information or misinformation about the rest of the world. As a result, future American leaders are facing a world that is fraught with mistrust. Their overseas experiences today will build relationships for tomorrow. Those experiences will form their future decisions and provide them with a broader appreciation of others' views and interests.

Sarah, a senior at University of Wisconsin Stevens Point, wrote to explain to me about her semester abroad program:

> Traveling and studying abroad in general taught me about American and other cultures, societies, views, and ideas, different forms of government, a greater sense of independence, and how to look at cultures and traditions that are different from my own with an open mind, rather than making judgment[s] before I know all the facts.

As U.S. citizens, many of us have privileges that countless millions of people throughout the world will never experience. International educational opportunities encourage a greater sense of social responsibility to assist those who face lives of poverty, disease, and the effects of natural disasters. Lacey, a 25 year-old graduate of UW Madison, e-mailed me upon her return from spending a summer studying in China which impacted her so much that she is returning to be a volunteer interpreter at the Beijing 2008 Olympics. She wrote:

> I use my travels and the things I learn from each place to bring back to my community with me and try to give back in whatever way I can as much as possible.

Finally, our citizens are our best diplomats. International education and exchange programs offer them the opportunity to reach out to others to reverse negative or inaccurate images that the rest of the world has formed. Kathy from Oshkosh shared with me how her experiences changed her perceptions:

> I recall with distinct clarity a conversation I had with my host mother in Spain about the people of Islam in our country. She was very surprised that I had friends who are Muslim and that I respect their culture and religion. She told me that I changed the way she views Americans . . . Senator Feingold, I am no longer just a citizen of the United States of America. I am a citizen of the World.

Congress has an important role to play in enabling and promoting these experiences for our constituents. I was a strong supporter of the creation of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, an independent commission created in 2004 for the purpose of recommending a program to greatly expand the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing countries. One of my colleagues—Senator DURBIN—has taken an important step in working to implement the commission's published recommendations by introducing the Senator Paul Simon Study Abroad Foundation Act of 2007, S. 991. But this bill is not enough. We also need to be supporting opportunities for every American to study overseas. And if not study, then to volunteer or participate in one-on-one exchanges. Cultural misunderstanding makes our world more dangerous, and, as you have heard from the accounts I have read, it is our citizens who make the biggest, longest lasting change.

As we recognize and celebrate International Education Week, I call on all Americans to take a little time to learn something new this week about another culture, and I encourage all Americans to recognize and support international education and exchange throughout the year.

Mr. President, I ask unanimous consent to have constituent stories printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDITIONAL STORIES

In the summer of 2005 our family, which owns a dairy farm, did an international exchange with a Mexican college student named Ceci.

Boy oh boy did it open our eyes to the cultural differences as well as similarities that we share. Our children later did a reciprocal exchange, and stayed with Ceci's family for 3 weeks, and again this summer we had an opportunity to go visit Ceci's family who live in Queretaro, Mexico. I have also volunteered to speak about this cultural eye opening experience to our local elementary school, and have shared our pictures of the farms we visited while in Queretaro. Very similar. . .

Our countries have so much to offer each other, it sickens me that our government is spending so much money in the name of terrorism to build a wall between our borders. I respect the need to secure our borders, but there should be a diplomatic way in which we could legally allow those seeking work to come here and work. Those who come are following a dream of a job, not a dream to kill Americans. If we were working them to place them in jobs, it would be easier to outline our expectations and track them as well.

ELLEN, *Independence.*

Studying abroad is an opportunity that any student should be able to take advantage of. This past Spring Semester, I had the chance to study abroad in Pamplona, Spain. Never did I imagine it possible for me to study in Spain had it not been for the financial help provided for me in the form of grants and loans. I entered Spain, expecting to learn a language, when I left I had learned and gained so much more. Coming back to the United States, I not only feel more comfortable in my ability to speak Spanish but in the way I present myself. When studying abroad, language can become a barrier, and one must rely on other things such as tone of voice, hand gestures, and more often relationships to understand the culture to its fullest. Having to conquer the hurdle of language while I was abroad, I learned to depend on other strengths and attributes I never knew I had. I can say honestly, that I have gained much more than the experience of learning a language, moreover the growth of a family. Living in the United States, I take a little piece of Spain with me wherever I go, hoping to influence others with my experience.

MARY, *Oshkosh.*

This past summer I completed an internship on the Tibetan Plateau in the Yunnan Province of southwestern China. It was coordinated through UW—River Falls and the China Exploration and Research Society (CERS). The mission of CERS is to conserve the cultural and natural environments of remote China. I aided in this mission by helping to develop eco-tourism plans for one of their current projects. This involved designing nature trails, septic systems, and composting toilets.

Living in a developing country really puts the world into perspective. I now look at my day-to-day life differently than before. It is hard to put into words, but I feel much more content with my decisions and myself. Seeing the lives of the rural Chinese and Tibetan people has shown me how other people live and sustain themselves on very limited resources. They get things done with the tools around them and are patient to let things unfold naturally. When time is taken to look at all the options for solving a problem and all the consequences have been laid out, the likelihood of success based on common sense is far greater.

Studying abroad is a great opportunity and a true life-altering event. It challenges a person right down to their core and really builds character on a newly formed understanding of the world.

NICK, *River Falls.*

I had a once-in-a-life-time opportunity to study abroad in the Wisconsin in Scotland program in the spring of 2006. This experience changed my life. It not only helped me realize what I wanted to do in my life, and gave me the desire to travel, it also changed the way I looked at every aspect of the world. This biggest thing I took away from the program is my view of other cultures. I was naive when I first left to study abroad thinking that any culture that wasn't as "advanced" or "sophisticated" as the U.S. was simply just not wealthy enough to be up to our "standards." I now am adamant that this is not the case. I live by the phrase "different isn't bad, scary, or wrong, it is just different." This experience also helped me realize what I wanted to do with my life. I intend to become a theatre professor, and I want to teach somewhere in the UK. I loved every single aspect of my study abroad experience and cannot wait to go back. Lastly, and perhaps most importantly, I learned something about myself that I would not have learned anywhere else besides in another study abroad experience. I learned my own personal strength. I learned what I was capable of. When I was on holiday in Milan I missed my flight, and it was up to me, not my professor, or my parents, to figure out what to do. I never realized what it was like to be a real adult until I had to take care of myself. It was scary, and it was hard, but I did it. I now have this inner strength of knowing what I accomplished by myself, in a land where no one spoke my native language, and I got myself through it. I will be forever grateful to the University of Wisconsin—Superior and their Wisconsin in Scotland study abroad program for turning me into the strong, well-educated, and open-mined woman that I am today.

NICOLE, *Superior.*

I was fortunate enough to study in another country. At first, when my friends told me about the study abroad program, I was hesitant to sign up for the experience. In the end I had made a decision that would change my life forever. I had decided to study in the Wisconsin in Scotland program. Before that time I had never even been in an airport much less fly to another country. When I was in Scotland, I learned far more about culture than any one could experience from a class or text book. I was place in a foreign world and had to deal with the changes. This is what made me feel more confident about my independence as a person. Soon after my return, my communication and people skills flew through the roof. Thanks to the study abroad program for helping me become the successful person I am today.

*Aaron, Menomonie.*

I am currently a student at the University of Wisconsin—River Falls. Last semester, spring 2007, I was a participant in the "Wisconsin in Scotland Program." It was an amazing experience to be a part of. Not only were we able to enroll in courses which would transfer credit back to our home university, but we could fully absorb a different culture by living in it. One of my friends said it best—you learn more from traveling, especially studying abroad, than you could from years in a classroom with text books. Although Scotland is relatively similar to Wisconsin, volunteering in the community of Dalkeith, visiting with host families, and traveling with new friends offers new challenges. When we flew back in May, I think we all had a new sense of independence, a different look on the influence of the United States on other countries, and an appreciation for what we have at home. Being able to have the opportunity to study abroad is an important, valuable experience.

GENA, *River Falls.*

I am a senior at the University of Wisconsin—River Falls. Two years ago, I spent a semester of my academic career studying Spanish in Queretaro, Mexico. I lived with a host family while I attended the Instituto Tecnologico de Estudios Superiores de Monterrey, and I had an absolutely phenomenal experience. Yes, I developed my language skills significantly, but even more so, I developed an appreciation for the Mexican culture and an understanding of the social and educational problems that cause so many of the Mexican people to emigrate to the United States. My study abroad experience impacted me so greatly that I changed my major from Elementary Education to Spanish Education with a minor in TESOL (Teaching English to Speakers of Other Languages) so that I might work with the growing immigrant population.

THERESA, *River Falls.*

From September 2005 until September 2006 I was on a sabbatical leave from UW—Whitewater in Oman as a senior Fulbright program scholar. I taught business and economics courses at Modern College of Business and Science, which is located in Muscat. In addition, I assisted the College administration and owners in preparing their college for academic accreditation. I participated in English language training of Omani judges (in collaboration with the U.S. Embassy and the Ministry of Justice). My family and I have met many interesting people from different ways of life and had many opportunities to travel throughout the region.

Promoting American values in the Middle East today is very difficult. I believe that my solid work particularly with college students will enhance good will and will bring tangible benefits in the future by developing bilateral business and educational linkages.

TOM, *Whitewater.*

UWM's Fulbright-Hayes summer program offered an opportunity to nurture an interest I've had in the Middle East and North Africa since I was a freshman in college (over a decade now). Like many Americans, I had reservations about traveling to a part of the world that seems hostile to us. My experience with my Moroccan host family proved this perception false. I learned that the legendary warmth and hospitality of the Arab world are not myths. Indeed, my host family gave the impression that their primary enjoyment of material comforts came from sharing them with me, a stranger with strange ways to whom they had opened their home. They eagerly shared their culture with me, and were infinitely patient as a I learned the finer points of Moroccan manners, such as eating with my right hand and remembering to take my shoes off when I walked on a carpet.

After my experiences in Morocco, I find myself having a lot to say when I hear another American declare that Arabs or, more broadly, people in the Muslim world, hate us. Hearing this is frustrating, knowing what I know now, especially when people use it to justify an unjust action on the part of the United States toward countries in the Muslim world. The Moroccans I met went out of their way to distinguish between the U.S. government and the American people when expressing dislike of a particular U.S. government policy or action against a country in their region. They feel that their side of the story is not heard or understood. Since I've been back, I find myself seeking out news coverage of the Middle East and North Africa, waiting to hear those perspectives my Moroccan friends and family shared with me. Their absence only seems to reinforce the "well, they hate us," attitude, since they are often preempted by more extreme viewpoints.

I think that programs like our summer trip to Morocco can expose both sides to new ways of seeing the conflicts that exist between us and that can be a positive first step to better relations.

VALERIE, *Ripon.*

I was selected to participate in the Training of Writers program offered by the National Council on Economic Education (NCEE). This program is part of the Cooperative Education Exchange Program, funded by the U.S. Department of Education, Office of Safe and Drug-Free Schools, and carried out in coordination with the U.S. Department of State.

Briefly, the week I spent in Bucharest was amazing and exceeded all of my expectations! On a professional level, I benefited from the formal goal of the program: creating a pool of qualified economic curriculum writers which provided insights into NCEE curriculum materials, voluntary national content standards in economics, and active learning strategies. This program has already improved my teaching as I re-focus my lessons on meaningful and relevant economics content. (Hence, the reason why I am swamped as I am making adjustments and improvements in my classroom.) On a personal level, the experience of working with international educators was invaluable. We worked as partners in collegial teams creating active, meaningful economic lessons which could be implemented in K-12 classrooms worldwide. The collaboration allowed me to learn about economic education in various countries and build an international network of fellow educators. I will continue to work on this program over the coming months as I refine my lesson with feedback from the U.S. faculty, field-test the lesson in classrooms here in Wisconsin, and finally submit my final lesson to NCEE with revisions based on feedback from teachers involved in the field-testing.

My international experiences through opportunities provided by the NCEE have shown me the importance of working in partnership with people in other countries and building positive collaborative relationships.

ANN, *New Richmond.*

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

## 100TH BIRTHDAY OF GRACE DODD

• Mr. DODD. Mr. President, November 9, 2007, was a very special day for me and my whole family. On that day, my mother, Grace Dodd, would have turned 100 years old. She has been gone for many, many years now; but not a day goes by without her memory. I would like to take this chance to call back those memories and speak about what made her so special.

I have never known a more infectious optimist. More than anything, that is what comes back: her unshakeable confidence that no matter how bad the problem, she could fix it; her lifelong dedication to the bright side; a smile that could turn even the grumpiest person pleasant.

Some kinds of optimism are bought cheaply: they come from sheltering yourself from the world. But the much more valuable, much more lasting kind of optimism comes from embracing the world—and that was my mother's kind. She was a dedicated Latin student, a bundle of energy, a basketball star in high school and at Trinity College in Washington, DC. Her nickname—"the adhesive guard"—testifies, I think, to her persistence on the court and everywhere else.

Born Mary Grace Murphy, she married my father Tom Dodd in 1934, loved him deeply, and gave him six children, of which I was the second-to-last. When my father left home to serve as a prosecutor at the Nuremberg Trials in 1945, he wrote home to his "dearest Grace" every day—sometimes twice a day. His letters are filled with descriptions of the Nazi war criminals, ravaged, postwar Germany, growing conflict between the Americans and the Russians; but above all, they are filled with how much he missed his Grace. Being away from her, he wrote, was the hardest thing he had to do.

I can't help thinking that my mother had an even harder job—raising all of us! But as full as her hands were, raising four boys and two girls, she found time to give herself fully to her community, as well. She served on the local school board, was an early advocate for public kindergarten, and wrote a column in the Hartford newspaper. And with all that, she still had time left over to read avidly, travel widely, and study Spanish.

But my sister Martha said that her greatest talent was something much simpler, something that I think was at the root of everything else in her full life: the ability to take a walk. Not a modern, calorie-burning power-walk; but simply the skill for consciously forgetting the turmoil and bustle of life and taking time to reflect. My mother loved walks—and I think that they are what kept her smile bright and her optimism undimmed for so many years.

I know a great story about that optimism. When I moved back to Connecticut after graduating law school, the driver of the moving van had a hard time finding my new house. My mother was on hand to make sure everything was going smoothly, and as the driver got angrier and angrier, she finally climbed into the cab and said, "I'll show you exactly where it is." As they drove into the dark, she kept insisting, "I can just see it! I can just see it!"—for 4 miles. But she knew exactly where they were going, she calmed the driver's nerves, and she got him there, just as she promised.

Grace Dodd did the same for all of us. Whenever times were tough and the road ahead of us seemed dark, there she was by our side, saying, "I can just see it!" What we are, we owe to her; and on her 100th birthday, the best words we say in response are, "Thank you."•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

## TRIBUTE TO DONALD J. MULVIHILL

• Mr. DODD. Mr. President, I speak in memory of the life of Donald J. Mulvihill, a distinguished lawyer, a proud public servant, and an honored friend of the Dodd family. He recently died at the age of 76.

Donald gave nearly a half century—more than half of his life—to his law firm, Cahill Gordon & Reindel, and the length of his service testifies to his dedication and consummate skill as an attorney. For more than four decades, he managed his firm's Washington office, where he gained a reputation as one of America's leading authorities on federal business regulations.

Donald would tell you, though, that his most successful day at the office came when he was fresh out of law school and assigned to the same office as Grace Conroy, one of Cahill's first female lawyers. "He thought he was getting demoted because they put a woman in his office," Grace would later joke. But Donald's attitude soon changed—he and Grace were married 3 years later, and they spent 45 years together.

Donald's skill in the law led President Johnson to tap him in 1968 to direct a task force on individual acts of violence for the National Commission on the Causes and Prevention of Violence, a council convened in the wake of the assassination of Senator Robert F. Kennedy. Along with Princeton sociologist Mel Tumin, Donald wrote three volumes of the committee's final report, clearly detailing the link between deteriorating urban conditions and a swell in violent crime.

In 1970, he wrote with great insight and penetration on what it means to feel the seductive draw of crime in the inner city, "to be young, poor, male and Negro, to want what the open society claims is available, but mostly to others; to see illegitimate and often violent methods of obtaining material success, and to observe others using these means successfully."

For Donald, that was no mere academic conclusion; with the Eisenhower Foundation, he spent years working to put his recommendations into practice, giving as much energy to the revitalization of urban America as he did to his work in the law.

His example still reminds us: An open society is justly measured by the gap between what it claims is available, and what it provides—between what it promises, and what it delivers.

For his services, Donald Mulvihill will be remembered as a public-spirited leader who combined, in equal proportion, private success and civic duty. But I confess that all of those accomplishments mean comparatively little to me, next to what he did during a few months in 1967.

I was 23, but I can still recall as if it were yesterday the Senate's censure hearings of my father, Senator Tom Dodd. What a painful time that was for my family—but it gave me strength to know that sitting at my father's side, through the whole ordeal, was a talented young lawyer named Donald Mulvihill. I know how thankful my father was for Donald's good counsel.

It was the rare case that Donald didn't win; but still, he won my father's sincere and lasting gratitude. And though Tom Dodd is long gone, my family and I have kept his gratitude alive.

Now Donald is beyond our thanks. But I pledge to remember him, to keep alive his good name, and to hold up his example of a life well lived.●

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(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

## REMEMBERING CHIEF RALPH STURGES

● Mr. DODD. Mr. President, I wish to mark the passing of a true Connecticut leader and a great benefactor of his people: Ralph Sturges, chief of the Mohegan Indian tribe. Chief Sturges was 88.

At various times in his long life, Ralph was a deliveryman, a public relations director, a Civilian Conservation Corps worker, a noted marble sculptor, and a World War II Bronze Star winner—but he found his greatest purpose late in life, leading and reviving Connecticut's Mohegan tribe.

Ralph's work on behalf of the Mohegans—who have called New England home for more than four centuries—was unflagging and successful at long last. When he first sought Federal recognition for the tribe, the Government replied that the Mohegans had ceased to exist in the 1940s. That rang clearly false to Ralph, who knew firsthand that the Mohegan identity was still alive; and under his leadership, the tribe pushed until it was finally recognized in 1994.

The Mohegans were only the ninth tribe ever to be recognized on the basis of documentary evidence—evidence which Ralph and other Mohegan leaders were tireless in collecting. The chairman of the neighboring Mashantucket Pequot tribe called his efforts "an inspiration to native peoples everywhere." The Mohegans honored Ralph by naming him chief for life.

But Ralph was more than a cultural guardian; he was also a shrewd businessman. He understood that a prosperous tribe was more likely to survive into his children's and grandchildren's generations, and beyond; and so he negotiated to build the Mohegan Sun casino on tribal land.

Its popularity testifies to Ralph's economic leadership, and its profits pay for health care and college tuition for all Mohegans. Ralph was proud of the casino's success and spoke plainly about the incentive it created for Mohegans to maintain their cultural identity: "Because Indians are making money, now it's a privilege to be one."

The casino offered the means; but the end was always clear, and it was the end to which Ralph dedicated decades of his life: bringing back a people that had seemed on the verge of fading away. Ralph dealt cannily with Wall Street investors—but took more pleasure in spending afternoons raking the leaves from his tribe's ancient burial ground.

He was a proud product of two cultures, Indian and Western, comfortable in either, taking the best from both. "What probably happened is my father's people were rowing ashore on the Mayflower and my mother's people were probably on the shore throwing stones," Ralph once joked.

He will be remembered as an artist, a businessman, and a wise chief, presiding over his tribe with a feathered talking-stick in one hand and a gavel in the other. The cultures he represented in either hand—and our whole State of Connecticut—are united in honoring Chief Ralph Sturges.●

## ADDITIONAL STATEMENTS

## RECOGNIZING THE 100TH BIRTHDAY OF LAS CRUCES

● Mr. DOMENICI. Mr. President, today I celebrate the 100th birthday of Las Cruces, NM. Being the second largest city in New Mexico, Las Cruces has a lot to be proud of and a lot to celebrate.

Before New Mexico became a State, Las Cruces was making its mark on the world. When it was founded in 1907 as a small railroad town, no one could have foreseen what a major metropolitan area it would become in the southern part of my State. Being sheltered by the Organ Mountains to the east, and the Rio Grande River on the west, Las Cruces boasts 350 days of sunshine a year making it one of AARP's Top 5 Places To Retire. The city also has continued to receive the title of Best Small Metro Area for Business Careers from the Forbes/Milken Institute.

Las Cruces, English translation is "the crosses," is home to the second largest university in New Mexico, New Mexico State University, with a student population of 26,000. NMSU continues to grow and improve upon the various programs and degrees they offer. This university is vital to the strength of Las Cruces. The Dona Ana Community College is located here as well. Their student population is over 4,000 strong. Las Cruces also hosts the nationally acclaimed annual Whole Enchilada Festival. The festival attracts over 40,000 visitors each year. Because of this annual event, Las Cruces holds the Guinness Book of World Records for the world's largest flat enchilada.

Las Cruces has seen a giant explosion in population over the last decade. They have grown from just over 74,000 residents in 2000 to around 87,000 residents in 2006. And the boom in population shows no signs of stopping in the near future. Small and large industries continue to see this budding town as a great place to do business. While it is hard to point to just one industry that has caused the extreme growth, Las Cruces continues to do what it does best, be consistent in its offerings.

To celebrate their 100th birthday, Las Cruces has planned to serve a piece of cake to every resident. They might also make the Guinness Book of World Records for the largest sheet cake after the celebration! The city is planning on cutting this cake at the culmination of an all-day festival at the Downtown Mall. The festival will include live entertainment all day with various acts to include a mariachi band, craft fair, and theatre performances at the Rio Grande Theatre.

Las Cruces has so much to be proud of, and I congratulate them on their 100th birthday. May they celebrate many more. Que Viva Las Cruces muchos mas años!●

## TRIBUTE TO REVEREND EDWIN "D" EDMONDS

• Mr. LIEBERMAN. Mr. President, today I pay tribute to Rev. Edwin "Doc" Edmonds, a retired pastor and civil rights leader from New Haven who passed away Tuesday, November 6. Reverend Edmonds, or "Doc," as his friends called him, was one of the smartest, warmest, and most effective people I have ever had the pleasure to know, and led a truly inspirational life.

Born and raised in Texas, Edwin Edmonds was an excellent student, graduating high school at 15 years of age. In college he began losing his eyesight until he was legally blind. Despite having much difficulty reading and writing his assignments, he prevailed and graduated from Morehouse College in 1938, only 1 year later than expected. He would then go on to earn a bachelor's of sacred theology and a doctorate in social ethics from Boston University. In 1950, he was ordained in the Methodist Church.

While teaching Sociology at Bennett College in Greensboro, NC, Reverend Edmonds became deeply involved with the civil rights movement, where he was elected president of the Greensboro chapter of the National Association for the Advancement of Colored People. In 1958, he met the Reverend Martin Luther King, Jr. and the two exchanged letters until Dr. King's tragic death.

He also was an adviser to the "Greensboro Four," a group of brave college students committed to racial equality who would later lead the famous sit-in at a segregated lunch counter at a Woolworth's department store. This courageous protest is widely believed to be the first sit-in of the civil rights movement. Many Greensboro historians consider Reverend Edmonds a pioneer in the fight for equal rights for the city's minorities.

In 1959, Reverend Edmonds moved to New Haven to become pastor of the Dixwell Avenue Congregational Church, which is now known as the United Church of Christ. As pastor, Mr. Edmonds soon became a fixture in the local community and quickly gained a reputation as one who was always willing to help those in need. His youngest daughter, Toni Walker, who serves as a representative in the Connecticut General Assembly, recalls that people in need often stayed at their home as guests. "As long as they needed help, they were able to get it," Walker remembers.

Reverend Edmonds' congregants all knew that he was around to address not just their spiritual needs, but also everyday needs such as housing and jobs. Under his leadership, the church built a housing development and a creative arts center for the community. In addition, he was involved with many community service groups, such as the Urban League, the New Haven Clergy Association, the Amistad Committee and the New Haven Inter-Faith Ministerial Alliance. He was also a long-time member of the New Haven Board of Education, serving as its chairman from 1979 to 1988.

Even after retiring from the church in 1994, Mr. Edmonds remained active in his community. In 2000, after a meeting with single mothers who had to defer going to school to raise their children, he helped to establish Edwin R. and Maye B. Edmonds Scholarship Fund for single parents.

I bid farewell to "Doc" Edmonds and will keep his friends and family in my thoughts and prayers. I take solace in knowing that he will live on in all the people he helped to inspire to serve their community. As Clifton Graves, an activist and professor in New Haven who has known and looked up to Reverend Edmonds since he was a boy, said of his death: "We mourn this loss, but we celebrate his life and the contributions he made not only to New Haven but to Connecticut and indeed, around the country."•

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## TRIBUTE TO FATHER BONIFACE HARDIN AND SISTER JANE SCHILLING

• Mr. LUGAR. Mr. President, today I pay tribute to 2 Hoosiers who have touched the Indianapolis community and the world through their tireless leadership and commitment to the positive effect that education can have on both individuals and the communities in which they live. Over the years I have admired Father Boniface Hardin and Sister Jane Schilling for their dedication to both their religious calling as well as the more temporal needs of our communities as they worked to fight racial injustice and poverty through education and empowerment.

In 1977, Father Hardin and Sister Jane founded Martin University, an institution dedicated to serving low-income, minority, and adult learners, while at the same time welcoming students of all backgrounds. In the ensuing 30 years, Martin University has changed the lives of thousands of students. It has grown from a converted church and school to a beautiful campus in the Martindale-Brightwood neighborhood of Indianapolis that serves as a tremendous resource to both faculty and students as well as the surrounding community.

As Father Hardin and Sister Jane step down as president and vice president of Martin University, I am hopeful that you will join me, the board of trustees, faculty, staff, students, alumni, and friends of the university in congratulating them on their many years of service to the people of Indianapolis. I wish them both every continuing success as they pursue new and exciting opportunities to offer important service to many more of the people they have dedicated their lives to helping.•

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## RECOGNIZING JACOBY ELLSBURY

• Mr. SMITH. Mr. President, today, on behalf of all Oregonians, I recognize the recent accomplishments of Madras, Oregon's own Jacoby Ellsbury of the World Champion Boston Red Sox.

As a child growing up, I followed the Boston Red Sox closer than any other team. I recall my father telling me stories of the four west coast boys who were members of the Boston Red Sox in the 1940s. He told me about how they put their baseball careers on hold to defend our Nation at war. Two of those west coast boys, Johnny Pesky and Hall of Famer Bobby Doerr, had connections to Oregon and the Pacific Coast League. The story of these four young men from the west coast who became members of the Boston Red Sox was highlighted in the late David Halberstam's book "The Teammates—A Portrait of Friendship." For the four friends, Ted Williams, Bobby Doerr, Johnny Pesky and Dominic DiMaggio, it was about more than baseball. Their story is about the American dream and the bonds of friendship.

I recall Williams, Pesky, Doerr, and DiMaggio when I see Jacoby Ellsbury on the field with his teammates: Dustin Pedroia and Jon Lester. Dustin, the Red Sox second baseman, hails from California and Arizona State University and pitcher Jon Lester grew up in Tacoma, WA. Jacoby hails from the small town of Madras, OR, in the central part of the State and was a first team All-American at Oregon State University in 2005 when he led his team to the College World Series for the first time since 1952. Jacoby's career has blossomed on and off the field since joining the Boston Red Sox organization, and he is considered by many to be one of the game's future superstars.

Jacoby exhibits many of the qualities a young man should emulate. It is apparent that his work ethic, sportsmanship, and dedication to the game he loves have propelled him to the top of the baseball world. I praise his Mom and Dad, Margie and Jim, for a job well done. Oregonians and the Red Sox Nation are very proud of Jacoby Ellsbury.

Finally, I wish to note how proud I am to recognize Jacoby, not only as an American and an Oregonian representing the Boston Red Sox so proudly, but I am equally proud to recognize him as a man of Native American descent, particularly the first of Navajo descent to play in the Major Leagues. The members of the Confederated Tribes of the Warm Springs in Oregon should be extremely proud of Jacoby.

I congratulate Jacoby Ellsbury and his teammates on winning the 2007 World Series and wish him the best of luck as he continues his professional career in Boston.•

### MESSAGE FROM THE HOUSE DURING ADJOURNMENT

### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on November 8, 2007, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3043. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Under authority of the order of the Senate of January 4, 2007, the enrolled bill was signed on November 8, 2007, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD).

### MESSAGE FROM THE HOUSE DURING ADJOURNMENT

### ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on November 9, 2007, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 2602. An act to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility".

The enrolled bill was subsequently signed on November 13, 2007, by the President pro tempore (Mr. BYRD).

H.R. 3222. An act making appropriations for the Department of Defense of the fiscal year ending September 30, 2008, and for other purposes.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bill was signed on November 9, 2007, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD).

### MESSAGES FROM THE HOUSE

At 10:13 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3688. An act to implement the United States-Peru Trade Promotion Agreement.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Messrs. MOLLOHAN, KENNEDY of Rhode Island, FATTAH, RUPPERSBERGER, SCHIFF, HONDA, Ms. DELAURO, Messrs. PRICE of North Carolina, OBEY, FRELINGHUYSEN, CULBERSON, ROGERS of Kentucky, LATHAM, ADERHOLT, and LEWIS of California as managers of the conference on the part of the House.

At 5:33 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3355. An act to ensure the availability and affordability of homeowners' insurance coverage for catastrophic events.

H.R. 3996. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3355. An act to ensure the availability and affordability of homeowners' insurance coverage for catastrophic events; to the Committee on Banking, Housing, and Urban Affairs.

### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 3495. An act to establish a National Commission on Children and Disasters, and for other purposes.

H.R. 3685. An act to prohibit employment discrimination on the basis of sexual orientation.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3688. An act to implement the United States-Peru Trade Promotion Agreement.

### MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 3996. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

S. 2334. A bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2340. A bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

S. 2346. A bill to temporarily increase the portfolio caps applicable to Freddie Mac and Fannie Mae, to provide the necessary financing to curb foreclosures by facilitating the refinancing of at-risk subprime borrowers into safe, affordable loans, and for other purposes.

S. 2348. A bill to ensure control over the United States border and to strengthen enforcement of the immigration laws.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3895. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2007 through September 30, 2007; ordered to lie on the table.

EC–3896. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a quarterly report relative to the status of significant unresolved issues with the Department of Energy's Design and Construction Projects; to the Committee on Armed Services.

EC–3897. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report entitled "Report on the Montgomery G.I. Bill for Members of the Selected Reserve"; to the Committee on Armed Services.

EC–3898. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Z—Truth in Lending" (Docket No. R–1284) received on November 2, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3899. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation M—Consumer Leasing" (Docket No. R–1283) received on November 2, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3900. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation E—Electronic Fund Transfer" (Docket No. R–1282) received on November 2, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3901. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling Modifying Rev. Rul. 2001–62 as a Result of the Addition of Section 417(e)(3)(D) to the Code by PPA '06" (Rev. Rul. 2007–67) received on November 7, 2007; to the Committee on Finance.

EC–3902. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation DD—Truth in Savings" (Docket No . R–1285) received on November 2, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3903. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 58553) received on November 2, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3904. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Model Manufactured Home Installation Standards" (RIN2502–AI25) received on November 2, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3905. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation B—Equal Credit Opportunity" (Docket No. R–1281) received on November 2, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3906. A communication from the Deputy Assistant General Counsel, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Governmental Affairs, received on November 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3907. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Model 31, 31A, 35, 35A, 36, 36A, 55, 55B, and 55C Airplanes, and Model 45 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–227)) received on October 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3908. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska" (RIN0648–XD06) received on November 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3909. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XD08) received on November 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3910. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands" (RIN0648–XD14) received on November 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3911. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XD11) received on November 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3912. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments; Inseason Actions 8 and 9" (RIN0648–XC71) received on November 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3913. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments; Inseason Actions No. 10 and No. 11" (RIN0648–XC77) received on November 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3914. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments; Inseason Actions 5, 6, and 7" (RIN0648–XC69) received on November 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3915. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments; Inseason Actions 3 and 4" (RIN0648–XB09) received on November 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3916. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XC99) received on November 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3917. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XD00) received on November 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3918. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Bluefish Quota Transfer from FL to NJ" (RIN0648–XC67) received on November 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3919. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska" (RIN0648–XD26) received on November 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3920. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Daily Bag Limits for Albacore and Bluefin Tuna Under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species" (RIN0648–AU77) received on November 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3921. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedure for Residential Central Air Conditioners and Heat Pumps" (RIN1904–AB55) received on November 2, 2007; to the Committee on Energy and Natural Resources.

EC–3922. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Loan Guarantees for Projects That Employ Innovative Technologies" (RIN1901–AB21) received on November 2, 2007; to the Committee on Energy and Natural Resources.

EC–3923. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ending September 30, 2007; to the Committee on Environment and Public Works.

EC–3924. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Security Under 6166 Elections" (Notice 2007–90) received on November 2, 2007; to the Committee on Finance.

EC–3925. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "LMSB Division Commission Memorandum—Coordinated Issue: Loss Importation Transaction" (Notice 2007–57) received on October 30, 2007; to the Committee on Finance.

EC–3926. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on November 2, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3927. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to the Biological Threat Reduction-FSU Program Area; to the Committee on Foreign Relations.

EC–3928. A communication from the Deputy Chief, Regulatory Management Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Removal of Receipt Requirement for Certain H and L Adjustment Applicants Returning from a Trip Outside the United States" (RIN1615–AB62) received on November 2, 2007; to the Committee on the Judiciary.

EC–3929. A communication from the Chairman, Board of Trustees, John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, the Inspector General's Report on the organization; to the Committee on Rules and Administration.

EC–3930. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, the Inspector General's report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3931. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-172, "Jobs for D.C. Residents Amendment Act of 2007" received on November 7, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3932. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-135, "Closing of a Portion of a Public Alley in Square 163, S.O. 05-8289, Act of 2007" received on November 7, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3933. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-171, "Housing Support for Teachers Act of 2007" received on November 7, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3934. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on November 6, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3935. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the funding transfers made during fiscal year 2007; to the Committee on Armed Services.

EC-3936. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, the report of the Department's intent to conduct a public-private competition of nonguard security support services nationwide; to the Committee on Armed Services.

EC-3937. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338; to the Committee on Banking, Housing, and Urban Affairs.

EC-3938. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Approved End-Users and Respective Eligible Items for the People's Republic of China Under Authorization Validated End-User" (RIN0694-AE13) received on November 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3939. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Burma: Revision of the Export Administration Regulations" (RIN0694-AE17) received on November 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3940. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Annual Report of the Securities Investor Protection Corporation for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-3941. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "December 2006 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 5 Part I, 6, 7, 8 and 9 of the Commerce Control List; Wassenaar Reporting Requirements; Definitions; Statement of Understanding on Source Code" (RIN0694-AD95) received on November 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3942. A communication from the Deputy Chief Counsel (Regulations), Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Privacy Act of 1974: Implementation of Exemption; Secure Flight Records" (RIN1652-AA48) received on November 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3943. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska" (RIN0648-XD41) received on November 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3944. A communication from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Administration's intent to enter into a contract with FirstLine Transportation Security, Inc., for screening services in New Mexico; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

**The following reports of committees were submitted:**

By Mr. REID (for Mr. DODD), from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2338. An original bill to modernize and update the National Housing Act and enable the Federal Housing Administration to more effectively reach underserved borrowers, and for other purposes (Rept. No. 110-227).

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 2345. An original bill to amend the Internal Revenue Code of 1986 and to extend the financing for the Airport and Airway Trust Fund, and for other purposes (Rept. No. 110-228).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

**The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:**

By Mr. BARRASSO (for himself and Mr. ENZI):

S. 2334. A bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals; read the first time.

By Ms. LANDRIEU:

S. 2335. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide adequate case management services; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 2336. A bill to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building"; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mrs. LINCOLN, Ms. SNOWE, Ms. STABENOW, and Mr. SMITH):

S. 2337. A bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance; to the Committee on Finance.

By Mr. REID (for Mr. DODD):

S. 2338. An original bill to modernize and update the National Housing Act and enable the Federal Housing Administration to more effectively reach underserved borrowers, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 2339. A bill to designate the Department of Veterans Affairs clinic in Alpena, Michigan, as the "Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic"; to the Committee on Veterans' Affairs.

By Mr. MCCONNELL (for himself and Mr. STEVENS):

S. 2340. A bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; read the first time.

By Mr. REID (for Mrs. CLINTON (for herself, Mr. ROCKEFELLER, and Ms. LANDRIEU)):

S. 2341. A bill to provide Individual Development Accounts to support foster youths who are transitioning from the foster care system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON:

S. 2342. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. REED:

S. 2343. A bill to amend the Real Estate Settlement Procedures Act to require mortgage originators to make their fees more transparent; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ:

S. 2344. A bill to create a competitive grant program to provide for age-appropriate Internet education for children; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 2345. An original bill to amend the Internal Revenue Code of 1986 and to extend the financing for the Airport and Airway Trust Fund, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. SCHUMER:

S. 2346. A bill to temporarily increase the portfolio caps applicable to Freddie Mac and Fannie Mae, to provide the necessary financing to curb foreclosures by facilitating the refinancing of at-risk subprime borrowers into safe, affordable loans, and for other purposes; read the first time.

By Mr. REID (for Mr. OBAMA (for himself, Mrs. MCCASKILL, Ms. COLLINS, Mr. KENNEDY, Mrs. MURRAY, Ms. STABENOW, Mr. BINGAMAN, Mr. WYDEN, Mrs. FEINSTEIN, Mr. KERRY, Mr. HARKIN, Mrs. BOXER, Mr. LEAHY, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. SCHUMER, Mr. BROWN, Ms. CANTWELL, and Mrs. CLINTON)):

S. 2347. A bill to restore and protect access to discount drug prices for university-based and safety-net clinics; to the Committee on Finance.

By Mr. CORNYN (for himself and Mr. GRAHAM):

S. 2348. A bill to ensure control over the United States border and to strengthen enforcement of the immigration laws; read the first time.

By Mr. GRAHAM (for himself and Mr. DEMINT):

S.J. Res. 24. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURR (for himself, Mr. BAYH, Mr. SUNUNU, Ms. SNOWE, Mr. FEINGOLD, Mr. MCCAIN, and Mr. HAGEL):

S. Res. 375. A resolution amending Senate Resolution 400, 94th Congress, and Senate Resolution 445, 108th Congress, to improve congressional oversight of the intelligence activities of the United States, to provide a strong, stable, and capable congressional committee structure to provide the intelligence community appropriate oversight, support, and leadership, and to implement a key recommendation of the National Commission on Terrorist Attacks Upon the United States; to the Committee on Rules and Administration.

By Mr. KERRY (for himself, Mr. KENNEDY, Ms. SNOWE, Mr. GREGG, Mr. SUNUNU, Mr. REED, and Ms. COLLINS):

S. Res. 376. A resolution providing the sense of the Senate that the Secretary of Commerce should declare a commercial fishery failure for the groundfish fishery for Massachusetts, Maine, New Hampshire, and Rhode Island and immediately propose regulations to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE (for himself and Mr. COBURN):

S. Res. 377. A resolution recognizing and celebrating the centennial of Oklahoma statehood; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 334

At the request of Mr. WYDEN, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 594

At the request of Mrs. FEINSTEIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 613

At the request of Mr. LUGAR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 613, a bill to enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes.

S. 667

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 937

At the request of Mr. CARDIN, his name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1014

At the request of Mr. ALEXANDER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1014, a bill to amend the Elementary and Secondary Education Act of 1965 to provide parental choice for those students that attend schools that are in need of improvement and have been identified for restructuring.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1233

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1243

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1243, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age.

S. 1299

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1299, a bill to establish on behalf of consumers a fiduciary duty and other standards of care for mortgage brokers and originators, and to establish standards to assess a consumer's ability to repay, and for other purposes.

S. 1363

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 1363, a bill to improve health care for severely injured members and former members of the Armed Forces, and for other purposes.

S. 1386

At the request of Mr. REED, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1386, a bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes.

S. 1394

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1448

At the request of Mr. REED, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1448, a bill to extend the same Federal benefits to law enforcement officers serving private institutions of higher education and rail carriers that apply to law enforcement officers serving units of State and local government.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1551

At the request of Mr. BROWN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1551, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1734

At the request of Mrs. BOXER, the name of the Senator from Arkansas

(Mr. PRYOR) was added as a cosponsor of S. 1734, a bill to provide for prostate cancer imaging research and education.

### S. 1737

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1737, a bill to amend title XVIII of the Social Security Act to provide for a waiver of the 35-mile drive requirement for designations of critical access hospitals.

### S. 1800

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1800, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

### S. 1812

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 1812, a bill to amend the Elementary and Secondary Education Act of 1965 to strengthen mentoring programs, and for other purposes.

### S. 1852

At the request of Mr. INOUYE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1852, a bill to designate the Friday after Thanksgiving of each year as "Native American Heritage Day" in honor of the achievements and contributions of Native Americans to the United States.

### S. 1858

At the request of Mr. LUGAR, his name was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

At the request of Mr. CARDIN, his name was added as a cosponsor of S. 1858, supra.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 1858, supra.

### S. 1880

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1880, a bill to amend the Animal Welfare Act to prohibit dog fighting ventures.

### S. 1921

At the request of Mr. WEBB, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

### S. 1943

At the request of Mr. KENNEDY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1943, a bill to establish uniform standards for interrogation techniques applicable to individuals under the custody or physical control of the United States Government.

### S. 1944

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

### S. 1981

At the request of Mr. REED, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. DURBIN), the Senator from Maine (Ms. COLLINS), the Senator from Vermont (Mr. SANDERS), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1981, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

### S. 1998

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1998, a bill to reduce child marriage, and for other purposes.

### S. 2020

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2007", and for other purposes.

### S. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

### S. 2092

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2092, a bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies.

### S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

### S. 2169

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2169, a bill to temporarily increase the portfolio caps applicable to Freddie Mac and Fannie Mae, to provide the necessary financing to curb foreclosures by facilitating the refinancing of at-risk subprime borrowers into safe, affordable loans, and for other purposes.

### S. 2257

At the request of Ms. MIKULSKI, her name and the names of the Senator from Vermont (Mr. SANDERS), the Senator from Ohio (Mr. BROWN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2257, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.

At the request of Mr. MCCONNELL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2257, supra.

### S. 2267

At the request of Ms. KLOBUCHAR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2267, a bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for eldercare expenses.

### S. 2268

At the request of Ms. KLOBUCHAR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2268, a bill to require issuers of long term care insurance to establish third party review processes for disputed claims.

### S. 2291

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2291, a bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes.

### S. 2310

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 2310, a bill to establish a National Catastrophic Risks Consortium and a National Homeowners' Insurance Stabilization Program, and for other purposes.

### S. 2323

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2323, a bill to provide for the conduct of carbon capture and storage technology research, development, and demonstration projects, and for other purposes.

### S. 2324

At the request of Mrs. MCCASKILL, the names of the Senator from Illinois (Mr. OBAMA), the Senator from New York (Mrs. CLINTON) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2324, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

### S. 2332

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

### S.J. RES. 22

At the request of Mr. CRAPO, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

At the request of Mr. BAUCUS, the names of the Senator from Indiana (Mr. BAYH) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S.J. Res. 22, supra.

### S. RES. 366

At the request of Mr. BAUCUS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 366, a resolution designating November 2007 as "National Methamphetamine Awareness Month", to increase awareness of methamphetamine abuse.

### S. RES. 371

At the request of Mr. COLEMAN, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Kentucky (Mr. BUNNING) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. Res. 371, a resolution expressing the sense of the Senate regarding the issuance of State driver's licenses and other government-issued photo identification to illegal aliens.

### S. RES. 372

At the request of Mr. KERRY, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. Res. 372, a resolution expressing the sense of the Senate on the declaration of a state of emergency in Pakistan.

### AMENDMENT NO. 3508

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 3508 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

### AMENDMENT NO. 3538

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 3538 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

### AMENDMENT NO. 3575

At the request of Mr. COLEMAN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 3575 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

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## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself and Mr. ENZI):

S. 2334. A bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals; read the first time.

Mr. BARRASSO. Mr. President, I would like to take a few minutes today to discuss the issue of giving legal government documents to people who are in the United States illegally.

There is no question our immigration process is broken. People who attempt to enter the United States legally—to work, to join their families—well, they often face bureaucratic redtape and incredible delays. Legal entry into the United States has become more difficult as a result of the events of September 11, 2001. There is no question that should be the case.

Unfortunately, illegal entry remains a significant problem. It is estimated that between 13 million and 20 million people are illegally in the United States. The fact that the estimates are so far apart should in and of itself give us all cause for concern.

What should also give us concern is that there are efforts in the United States today to provide driver's licenses to those in this country illegally. I believe such efforts are inappropriate and are a serious threat to our national security.

There is no question that legally issuing driver's licenses or other government documents to people who are here illegally puts our entire Nation at risk. I am troubled by those who argue that we will be safer if we provide official government papers to those who have come to our country illegally. I believe this is the wrong path. It is the wrong path for us to take, and it is contrary to the lessons we should have learned from the events of September 11.

To receive a driver's license, any State used to require proof that someone could drive and proof of identity through a legally issued government document. This was often done through a notarized birth certificate or a passport. Over time, criminals have found ways to forge these documents, and they made it easier for individuals to illegally acquire identification, such as a driver's license.

Some of the 9/11 hijackers had acquired identification documents through forged papers. It should be a wake-up call to all of us. More must be done to prevent this from happening in the future.

This past year, in the Wyoming State Senate, I worked with Representative Pete Illoway to pass legislation making it a crime to use false documents to conceal a person's identity, to conceal a person's citizenship, or to conceal their resident alien status in order to obtain public resources or public services. We specifically identified driver's licenses in the law in Wyoming because of the significance that document plays in allowing individuals to freely move about the country. The bill was passed by the legislature and was signed into law. The value of legally issued driver's licenses cannot be underestimated in maintaining our national security. In Wyoming, we get it.

I, along with many people in America, cannot understand the arguments supporting the issuance of driver's licenses to illegal immigrants. To me, giving driver's licenses to illegal immigrants will compromise our national security.

We have an immediate situation before us where illegal immigrants in certain parts of the country will be provided government documents that will allow them to freely travel all across our great Nation. It is inconceivable to me that this will make our Nation safer.

The Federal Government has a responsibility to secure our borders and to secure the interior of the United States. Though that effort has come up short over the years, it does not mean we should throw up our hands and do nothing. I believe we must take action—aggressive action—to address this issue.

Today, I am introducing a straightforward legislative proposal. It is S. 2334. It is a straightforward legislative proposal to deal with States that provide driver's licenses to those who are in our Nation illegally. Simply stated, my legislation would require States to verify lawful presence in the United States before granting a driver's license. States that refuse would lose a part of their Federal transportation funds, and those Federal transportation funds would then be redistributed to the States that do follow the law.

I do not know if this is a perfect solution. I do know that issuing driver's licenses to illegal immigrants is wrong. Rewarding illegal immigrants—people who have broken into our country—with a driver's license is a flawed idea. It is an idea that deserves Congress's immediate attention. We cannot allow our country to go down this path. The time for action is today.

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By Ms. LANDRIEU:

S. 2335. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide adequate case management services; to the Committee on Homeland Security and Governmental Affairs.

Ms. LANDRIEU. Mr. President, almost a year ago, we passed a Homeland Security Appropriations bill. Included in that very large piece of legislation was a small provision that probably went beneath most people's notice.

Section 426 of that bill allows Federal funding to provide case management services after a disaster. That has been a tragically absent component to our circumstances in Louisiana. Educated people struggle to find their way through the Byzantine morass that is FEMA individual assistance program, the Small Business Administration's loan program, the Road Home program and their own insurance company's requirements. Think of how all of this seems to working people who are encountering Federal bureaucracy for the first time.

So, we need case management badly. Unfortunately, Section 426 fails the people of my State in two important ways. First, and this predates the change in Congressional leadership, it allows for case management services—but only for future disasters. The legislation that I am introducing today makes Section 426 retroactive to 2005 and will now cover Hurricanes Rita and Katrina, as well as succeeding disasters.

Two years after the disaster, we only distributed half of the Road Home grants. It is obvious that we will need case management services for years to come in Louisiana. It is only common sense to direct these resources to the Gulf Coast today, where they are direly needed.

However, an equally important failing of Section 426 comes from its implementation. In New Orleans and throughout the Gulf Coast, the energy for the recovery effort has truly come from America's faith community. You can see their good work in neighborhoods that are returning in my hometown. You can see them with hammers and nails in the Gulf Coast towns of Mississippi, and you can find them helping thousands of victims of Katrina and Rita to navigate the bureaucratic hurdles between them, and rebuilding their lives.

As we have not had the benefit of Government supported case management, nonprofits and the faith-based community have stepped in to fill the obvious void. Unfortunately, the same community that has been such a lifeline to the people of the Gulf Coast has been barred from competing for Federal funding under Section 426.

This is a shocking turnaround for an administration that has put so much emphasis on including the faith-based community in Government programming. I believe that the instinct to incorporate programs that are organic to the community, and are already working, was a good one. It is clear to me that case management services are prime examples of programs that should incorporate the faith-based community.

So, as you can see, circumstances have compelled me to clarify Congressional intent. The bill I am introducing today does two things. First, it makes Section 426 retroactive to 2005, so that it may cover Hurricanes Katrina and Rita. Secondly, it strikes the phrase "qualified private organizations" which has been misinterpreted to exclude the faith-based community. That phrase has been replaced with "non-profit or faith-based organization with experience in case management services." It is unfortunate that we have arrived at the point where a legislative solution is needed. But nevertheless, I believe that this legislation resolves the problem, and will give comfort to the people of the Gulf Coast that Federal monies are being spent wisely, and given to those that have shown themselves capable and willing to help.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2335

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Case Management Services Improvement Act of 2007".

**SEC. 2. CASE MANAGEMENT SERVICES.**

(a) IN GENERAL.—Section 426 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189d) is amended by striking "qualified private organizations" and inserting "nonprofit or faith-based organizations with experience in case management services".

(b) APPLICABILITY.—Section 426 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189d), as amended by this Act, shall apply to any major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) declared on or after January 1, 2005.

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UNITED METHODIST
COMMITTEE ON RELIEF,
*Washington, DC, October 25, 2007.*

Hon. MARY LANDRIEU,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LANDRIEU, I am writing on behalf of the United Methodist Committee on Relief (UMCOR), to express my strong support for the Case Management Services Improvement Act of 2007.

UMCOR is the not-for-profit global humanitarian aid organization of the United Methodist Church, working in more than 80 countries worldwide, For domestic disasters, UMCOR maintains a corps of trained disaster response specialists for quick reinforcement of local efforts, and keeps a supply of relief materials in warehouses to be dispatched as required. These practices proved invaluable in the aftermath of Hurricane Katrina when, as one of the founding members of the Katrina Aid Today (KAT) coalition, UMCOR played a vital role in helping nearly 200,000 individuals rebuild their lives. UMCOR also served as the KAT's fiscal agent, overseeing the administration of over $70 million in federal funding and an addition contribution of over $70 million in private dollars to Hurricane Katrina's victims.

The broad language currently contained within the Robert T. Stafford Disaster Relief and Emergency Assistance Act offers federal funding to "qualified private organizations" to provide case management services to individuals affected by major disasters. Unfortunately, this language does not recognize the extent to which organizations such as UMCOR have efficiently and effectively provided these services in the past. Through the Case Management Services Improvement Act of 2007, you recognize and highlight the value of the disaster-related case management services provided by mission-driven, faith-based or non-profit organizations, value that can not be duplicated by less-experienced, profit-driven private companies.

Please let me know if the United Methodist Committee on Relief, or the other members of Katrina Aid Today, can be of any assistance as you proceed in getting this important legislation passed. Again, we appreciate the Introduction of this significant bill.

Sincerely,

F. THOMAS HAZELWOOD,
*Assistant General Secretary,*
*UMCOR Emergency Services U.S.*

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OCTOBER 25, 2007.

Hon. MARY LANDRIEU
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LANDRIEU, On behalf of Lutheran Disaster Response, I am writing to express my full support for the Case Management Services Improvement Act of 2007. This legislation is of great importance to all individuals affected by major disasters, as it will allow them to receive case management services from the non-profit and faith-based organizations that have a long and successful history of carrying out these activities,

Lutheran Disaster Response (LDR) is a mission-driven collaborative ministry of the Evangelical Lutheran Church in America and The Lutheran Church-Missouri Synod. We have a long history of effective case management following major disasters, and in partnership with other faith-based, non-profit voluntary organizations such as the United Methodist Committee on Relief, played a vital role in helping nearly 200,000 individuals rebuild their lives in the aftermath of Hurricane Katrina, This collaboration of non-profit voluntary agencies, known as Katrina Aid Today, established a strong partnership with FEMA and effectively administered over $70 million in federal funding to disaster victims. Additionally, we matched this federal funding with another $70 million in private dollars, providing a comprehensive continuum of care that addressed the needs of each survivor,

As you know, the Robert T. Stafford Disaster Relief and Emergency Assistance Act currently offers federal funding to "qualified private organizations" to provide case management services to individuals affected by major disasters, This broad language does not recognize the organizations that have provided these services efficiently in the past, such as Lutheran Disaster Response. Through the Case Management Services Improvement Act of 2007, you recognize and highlight the value of disaster-related case management services provided by mission-driven, faith-based or non-profit organizations, rather than leaving these vital responsibilities to less- experienced private companies that answer to shareholders,

Please let me know if Lutheran Disaster Response, or the other members of Katrina Aid Today, can be of any assistance as you proceed in getting this important legislation passed. Again, we appreciate the introduction of this significant bill.

Sincerely,

HEATHER FELTMAN,
*Director,*
*Lutheran Disaster Response.*

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KATRINA AID TODAY,
*Washington, DC, October 25, 2007.*

Hon. MARY LANDRIEU,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LANDRIEU: I am writing to express my full support for the Case Management Services Improvement Act of 2007 on behalf of United Methodist Committee on Relief's Katrina Aid Today program. This legislation is of great importance to all individuals affected by major disasters, as it will allow them to receive case management services from the non-profit and faith-based organizations that have a long and successful history of carrying out these activities.

Katrina Aid Today (KAT) is a consortium of 10 social service and voluntary organizations, dedicated to helping survivors navigate the system as they recovered from this tragic disruption of their lives. Member organizations include Catholic Charities USA, Lutheran Disaster Response, Episcopal Relief & Development, the United Methodist Committee on Relief, and the Salvation Army, among others. Following Hurricane Katrina, KAT administered over $70 million in federal funding for disaster case management, helping nearly 200,000 individuals rebuild their lives. Additionally, the partner organizations within KAT matched this federal funding with another $70 million in private dollars, providing a comprehensive continuum of care that addressed the needs of each survivor.

Currently, the Robert T. Stafford Disaster Relief and Emergency Assistance Act overlooks the valuable work of the faith-based organizations that have effectively provided these services in the past, by broadly allowing "qualified private organizations" to provide case management services to individuals affected by major disasters. In the Case Management Services Improvement Act of 2007, you recognize the value in having disaster-related case management services provided by mission-driven, faith-based or non-profit organizations such as KAT, rather than leaving these vital responsibilities to less-experienced private companies that must answer to shareholders.

Please let us know if any of the members of Katrina Aid Today can be of any assistance as you proceed in passing the Case Management Services Improvement Act of 2007. Thank you for your efforts and time on this matter.

Sincerely,

JIM COX,
*UMCOR,*
*Executive Director.*

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By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 2336. A bill to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building"; to the Committee on Environment and Public Works.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2336

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. RICHARD B. ANDERSON FEDERAL BUILDING.**

(a) DESIGNATION.—The Federal building located at 138 West First Street, Port Angeles, Washington, shall be known and designated as the "Richard B. Anderson Federal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Richard B. Anderson Federal Building".

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By Mr. GRASSLEY (for himself, Mrs. LINCOLN, Ms. SNOWE, Ms. STABENOW, and Mr. SMITH):

S. 2337. A bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, Saturday, November 10, marked the last day of Long-Term Care Awareness Week—this was a week where our Nation recognized that now more than ever, Americans need to pay attention to long-term care issues. My colleagues Senators LINCOLN, SNOWE, STABENOW, SMITH and I couldn't think of a better way to cap off the Week than by introducing the Long-Term Care Affordability and Security Act of 2007.

Our Nation is graying. Research shows that the elderly population will nearly double by 2030. By 2050, the population of those aged 85 and older will have grown by more than 300 percent. Research also shows that the average age at which individuals need long-term care services, such as home health care or a private room at a nursing home, is 75. Currently, the average annual cost for a private room at a nursing home is more than $75,000. This cost is expected to be in excess of $140,000 by 2030.

Based on these facts, we can see that our Nation needs to prepare its citizens for the challenges they may face in old age. One way to prepare for these challenges is by encouraging more Americans to obtain long-term care insurance coverage. To date, only 10 percent of seniors have long-term care insurance policies, and only 7 percent of all private-sector employees are offered long-term care insurance as a voluntary benefit.

Under current law, employees may pay for certain health-related benefits, which may include health insurance premiums, co-pays, and disability or life insurance, on a pre-tax basis under cafeteria plans and flexible spending arrangements, FSAs. Essentially, an employee may elect to reduce his or her annual salary to pay for these benefits, and the employee doesn't pay taxes on the amounts used to pay these costs. Employees, however, are explicitly prohibited from paying for the cost of long-term care insurance coverage tax-free.

Our bill would allow employers, for the first time, to offer qualified long-term care insurance to employees under FSAs and cafeteria plans. This means employees would be permitted to pay for qualified long-term care insurance premiums on a tax-free basis. This would make it easier for employees to purchase long-term care insurance, which many find unaffordable. This should also encourage younger individuals to purchase long-term care insurance. The younger the person is at the time the long-care insurance contract is purchased, the lower the insurance premium.

An aging Nation has no time to waste in preparing for long-term care, and the need to help people afford long-term care is more pressing than ever. I look forward to working with Senators LINCOLN, SNOWE, STABENOW, SMITH and all of our Senate colleagues toward enacting the Long-Term Care Affordability and Security Act of 2007.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2337

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Long-Term Care Affordability and Security Act of 2007".

**SEC. 2. TREATMENT OF PREMIUMS ON QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.**

(a) IN GENERAL.—

(1) CAFETERIA PLANS.—The last sentence of section 125(f) of the Internal Revenue Code of

1986 (defining qualified benefits) is amended by inserting before the period at the end "; except that such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract".

(2) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 of such Code (relating to contributions by an employer to accident and health plans) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(b) CONFORMING AMENDMENTS.—

(1) Section 6041 of such Code is amended by adding at the end the following new subsection:

"(h) FLEXIBLE SPENDING ARRANGEMENT DEFINED.—For purposes of this section, a flexible spending arrangement is a benefit program which provides employees with coverage under which—

"(1) specified incurred expenses may be reimbursed (subject to reimbursement maximums and other reasonable conditions), and

"(2) the maximum amount of reimbursement which is reasonably available to a participant for such coverage is less than 500 percent of the value of such coverage.

In the case of an insured plan, the maximum amount reasonably available shall be determined on the basis of the underlying coverage.".

(2) The following sections of such Code are each amended by striking "section 106(d)" and inserting "section 106(c)": sections 223(b)(4)(B), 223(d)(4)(C), 223(f)(3)(B), 3231(e)(11), 3306(b)(18), 3401(a)(22), 4973(g)(1), and 4973(g)(2)(B)(i).

(3) Section 6041(f)(1) of such Code is amended by striking "(as defined in section 106(c)(2))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

### SEC. 3. ADDITIONAL CONSUMER PROTECTIONS FOR LONG-TERM CARE INSURANCE.

(a) ADDITIONAL PROTECTIONS APPLICABLE TO LONG-TERM CARE INSURANCE.—Subparagraphs (A) and (B) of section 7702B(g)(2) of the Internal Revenue Code of 1986 (relating to requirements of model regulation and Act) are amended to read as follows:

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to any contract if such contract meets—

"(i) MODEL REGULATION.—The following requirements of the model regulation:

"(I) Section 6A (relating to guaranteed renewal or noncancellability), other than paragraph (5) thereof, and the requirements of section 6B of the model Act relating to such section 6A.

"(II) Section 6B (relating to prohibitions on limitations and exclusions) other than paragraph (7) thereof.

"(III) Section 6C (relating to extension of benefits).

"(IV) Section 6D (relating to continuation or conversion of coverage).

"(V) Section 6E (relating to discontinuance and replacement of policies).

"(VI) Section 7 (relating to unintentional lapse).

"(VII) Section 8 (relating to disclosure), other than sections 8F, 8G, 8H, and 8I thereof.

"(VIII) Section 11 (relating to prohibitions against post-claims underwriting).

"(IX) Section 12 (relating to minimum standards).

"(X) Section 13 (relating to requirement to offer inflation protection).

"(XI) Section 25 (relating to prohibition against preexisting conditions and probationary periods in replacement policies or certificates).

"(XII) The provisions of section 28 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4) of this subsection.

"(ii) MODEL ACT.—The following requirements of the model Act:

"(I) Section 6C (relating to preexisting conditions).

"(II) Section 6D (relating to prior hospitalization).

"(III) The provisions of section 8 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4) of this subsection.

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) MODEL REGULATION.—The term 'model regulation' means the long-term care insurance model regulation promulgated by the National Association of Insurance Commissioners (as adopted as of December 2006).

"(ii) MODEL ACT.—The term 'model Act' means the long-term care insurance model Act promulgated by the National Association of Insurance Commissioners (as adopted as of December 2006).

"(iii) COORDINATION.—Any provision of the model regulation or model Act listed under clause (i) or (ii) of subparagraph (A) shall be treated as including any other provision of such regulation or Act necessary to implement the provision.

"(iv) DETERMINATION.—For purposes of this section and section 4980C, the determination of whether any requirement of a model regulation or the model Act has been met shall be made by the Secretary.".

(b) EXCISE TAX.—Paragraph (1) of section 4980C(c) of the Internal Revenue Code of 1986 (relating to requirements of model provisions) is amended to read as follows:

"(1) REQUIREMENTS OF MODEL PROVISIONS.—

"(A) MODEL REGULATION.—The following requirements of the model regulation must be met:

"(i) Section 9 (relating to required disclosure of rating practices to consumer).

"(ii) Section 14 (relating to application forms and replacement coverage).

"(iii) Section 15 (relating to reporting requirements).

"(iv) Section 22 (relating to filing requirements for marketing).

"(v) Section 23 (relating to standards for marketing), including inaccurate completion of medical histories, other than paragraphs (1), (6), and (9) of section 23C.

"(vi) Section 24 (relating to suitability).

"(vii) Section 27 (relating to the right to reduce coverage and lower premiums).

"(viii) Section 31 (relating to standard format outline of coverage).

"(ix) Section 32 (relating to requirement to deliver shopper's guide).

The requirements referred to in clause (vi) shall not include those portions of the personal worksheet described in Appendix B relating to consumer protection requirements not imposed by section 4980C or 7702B.

"(B) MODEL ACT.—The following requirements of the model Act must be met:

"(i) Section 6F (relating to right to return).

"(ii) Section 6G (relating to outline of coverage).

"(iii) Section 6H (relating to requirements for certificates under group plans).

"(iv) Section 6J (relating to policy summary).

"(v) Section 6K (relating to monthly reports on accelerated death benefits).

"(vi) Section 7 (relating to incontestability period).

"(vii) Section 9 (relating to producer training requirements).

"(C) DEFINITIONS.—For purposes of this paragraph, the terms 'model regulation' and 'model Act' have the meanings given such terms by section 7702B(g)(2)(B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to policies issued more than 1 year after the date of the enactment of this Act.

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By Mr. REID (for Mr. DODD):

S. 2338. An original bill to modernize and update the National Housing Act and enable the Federal Housing Administration to more effectively reach underserved borrowers, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

Mr. DODD. Mr. President, today I come to the floor to report the FHA Modernization Act of 2007. This is vitally important legislation, and I want to take a moment to express my thanks to Senator MARTINEZ for his very close collaboration and support in putting this legislation together. This is an original bill produced by the Senate Banking Committee, and as such, the rules prohibit us from obtaining cosponsors. However, I would like to recognize Senators REED, SCHUMER, BAYH, MENENDEZ, BROWN, KERRY, MURRAY, WHITEHOUSE, MARTINEZ, VOINOVICH, CORNYN, and COLEMAN for their support of this bill and for their offers of cosponsorship.

The mortgage markets—particularly the subprime market—are in the midst of a meltdown. Historically high default and foreclosure rates generated, in significant part, by abusive and predatory lending practices, are threatening millions of American families with the loss of their most significant financial asset—their homes—at a cost of over $160 billion in home equity, according to testimony presented before the Banking Committee.

While these problems are addressed, we need to make sure that credit is available, including for subprime borrowers, on fair terms so that the people of this country have an opportunity to build wealth for the future.

A revitalized, strengthened, and modernized FHA can be and, under this legislation, will be a source of this constructive, wealth-building credit, both for new homeowners and for people who are seeking a way out of the abusive loans in which they are currently trapped.

In short, by providing low-cost credit, without prepayment penalties, without teaser rates, and without other deceptive terms, FHA is a part of the solution to the predatory lending crisis we are experiencing.

Moreover, FHA has traditionally been an important tool for creating new minority homeowners, and for lower-, moderate-, and middle-income families to become homeowners. By modernizing FHA, we will help millions of families achieve their American Dream. FHA is in a strong position to play this role: an independent audit report indicates that FHA has a record $22 billion in capital, and a capital ratio, 6.82 percent, that is more than three times higher the mandated level of 2 percent.

The bill passed by the Committee, and which is being filed today does a number of important things: it raises FHA loan limits so that the program can reach many more people; it lowers downpayment requirements, while still ensuring that people will have a real stake in their new homes; it expands the reverse mortgage program for elderly homeowners by both raising the loan limit and removing the current cap on the number of these mortgages FHA can insure. I know Senators Reed, Crapo, and Allard strongly support this program; it reduces the origination fee that elderly homeowners can be charged for these mortgages by one-quarter, from 2 percent to 1.5 percent making it more affordable for seniors to take out these loans; and, it includes a major overhaul of FHA's manufactured housing program, authored by our colleagues Senators Bayh and Allard.

Taken together, these changes will help make FHA a more relevant and effective program. This legislation is supported by the Mortgage Bankers Association, the National Association of Home Builders, the National Association of Realtors, AARP, the Manufactured Housing Association, the Manufactured Housing Institute, and others. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be placed in the Record, as follows:

## S. 2338

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "FHA Modernization Act of 2007".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—BUILDING AMERICAN HOMEOWNERSHIP

Sec. 101. Short title.
Sec. 102. Maximum principal loan obligation.
Sec. 103. Cash investment requirement and prohibition of seller-funded downpayment assistance.
Sec. 104. Mortgage insurance premiums.
Sec. 105. Rehabilitation loans.
Sec. 106. Discretionary action.
Sec. 107. Insurance of condominiums.
Sec. 108. Mutual Mortgage Insurance Fund.
Sec. 109. Hawaiian home lands and Indian reservations.
Sec. 110. Conforming and technical amendments.
Sec. 111. Insurance of mortgages.
Sec. 112. Home equity conversion mortgages.
Sec. 113. Energy efficient mortgages program.
Sec. 114. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 115. Homeownership preservation.
Sec. 116. Use of FHA savings for improvements in FHA technologies, procedures, processes, program performance, staffing, and salaries.
Sec. 117. Post-purchase housing counseling eligibility improvements.
Sec. 118. Pre-purchase homeownership counseling demonstration.
Sec. 119. Fraud Prevention.
Sec. 120. Limitation on mortgage insurance premium increases.
Sec. 121. Savings provision.
Sec. 122. Implementation.

TITLE II—MANUFACTURED HOUSING LOAN MODERNIZATION

Sec. 201. Short title.
Sec. 202. Purposes.
Sec. 203. Exception to limitation on financial institution portfolio.
Sec. 204. Insurance benefits.
Sec. 205. Maximum loan limits.
Sec. 206. Insurance premiums.
Sec. 207. Technical corrections.
Sec. 208. Revision of underwriting criteria.
Sec. 209. Prohibition against kickbacks and unearned fees.
Sec. 210. Leasehold requirements.

## TITLE I—BUILDING AMERICAN HOMEOWNERSHIP

### SEC. 101. SHORT TITLE.

This title may be cited as the "Building American Homeownership Act of 2007".

### SEC. 102. MAXIMUM PRINCIPAL LOAN OBLIGATION.

Paragraph (2) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by amending subparagraphs (A) and (B) to read as follows:

"(A) not to exceed the lesser of—

"(i) in the case of a 1-family residence, the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect under such section for a 1-family residence; or

"(ii) the dollar amount limitation determined under such section 305(a)(2) for a residence of the applicable size;

except that the dollar amount limitation in effect for any area under this subparagraph may not be less than the greater of (I) the dollar amount limitation in effect under this section for the area on October 21, 1998, or (II) 65 percent of the dollar limitation determined under such section 305(a)(2) for a residence of the applicable size; and

"(B) not to exceed 100 percent of the appraised value of the property."; and

(2) in the matter following subparagraph (B), by striking the second sentence (relating to a definition of "average closing cost") and all that follows through "section 3103A(d) of title 38, United States Code.".

### SEC. 103. CASH INVESTMENT REQUIREMENT AND PROHIBITION OF SELLER-FUNDED DOWNPAYMENT ASSISTANCE.

Paragraph 9 of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended to read as follows:

"(9) Cash Investment Requirement.—

"(A) In General.—A mortgage insured under this section shall be executed by a mortgagor who shall have paid, in cash, on account of the property an amount equal to not less than 1.5 percent of the appraised value of the property or such larger amount as the Secretary may determine.

"(B) Family Members.—For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, that—

"(i) such lien shall be subordinate to the mortgage; and

"(ii) the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property.

"(C) Prohibited Sources.—In no case shall the funds required by subparagraph (A) consist, in whole or in part, of funds provided by any of the following parties before, during, or after closing of the property sale:

"(i) The seller or any other person or entity that financially benefits from the transaction.

"(ii) Any third party or entity that is reimbursed, directly or indirectly, by any of the parties described in clause (i).".

### SEC. 104. MORTGAGE INSURANCE PREMIUMS.

Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "or of the General Insurance Fund" and all that follows through "section 234(c),,"; and

(2) in subparagraph (A)—

(A) by striking "2.25 percent" and inserting "3 percent"; and

(B) by striking "2.0 percent" and inserting "2.75 percent".

### SEC. 105. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking "on" and all that follows through "1978"; and

(2) in paragraph (5)—

(A) by striking "General Insurance Fund" the first place it appears and inserting "Mutual Mortgage Insurance Fund"; and

(B) in the second sentence, by striking the comma and all that follows through "General Insurance Fund".

### SEC. 106. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking "section 202(e) of the National Housing Act" and inserting "this subsection"; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

"(4) the Secretary of Agriculture;"; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

### SEC. 107. INSURANCE OF CONDOMINIUMS.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c), in the first sentence—

(A) by striking "and" before "(2)"; and

(B) by inserting before the period at the end the following: ", and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)"; and

(2) in subsection (g), by striking ", except that" and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before "a first mortgage" insert "(A)";

(2) by striking "or on a leasehold (1)" and inserting "(B) a first mortgage on a leasehold on real estate (i)";

(3) by striking "or (2)" and inserting ", or (ii)"; and

(4) by inserting before the semicolon the following: ", or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project".

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

"(g) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.".

### SEC. 108. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

"(a) MUTUAL MORTGAGE INSURANCE FUND.—

"(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

"(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

"(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

"(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound.

"(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each calendar quarter, which shall specify for mortgages that are obligations of the Fund—

"(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

"(B) the types of loans insured, categorized by risk;

"(C) any significant changes between actual and projected claim and prepayment activity;

"(D) projected versus actual loss rates; and

"(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or on the last day of the first full calendar quarter following the enactment of the Building American Homeownership Act of 2007, whichever is later.

"(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (4), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (7) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under this title as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

"(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

"(A) to minimize the default risk to the Fund and to homeowners by among other actions instituting fraud prevention quality control screening not later than 18 months after the date of enactment of the Building American Homeownership Act of 2007; and

"(B) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.".

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking "Notwithstanding section 202 of this title, the" and inserting "The"; and

(B) by striking "General Insurance Fund" the first place such term appears and all that follows through the end of the subsection and inserting "Mutual Mortgage Insurance Fund.".

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z-20(i)(2)(A)) is amended by striking "General Insurance Fund" and inserting "Mutual Mortgage Insurance Fund".

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking "203(b)" and all that follows through "203(i)" and inserting "203, except as determined by the Secretary".

### SEC. 109. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z-12(c)) is amended—

(1) by striking "General Insurance Fund established in section 519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z-13(f)) is amended—

(1) by striking "General Insurance Fund" the first place it appears through "519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

### SEC. 110. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z-2).

(7) Section 245 (12 U.S.C. 1715z-10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking "shall" and all that follows and inserting "means a metropolitan statistical area as established by the Office of Management and Budget;".

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking "the Trust Territory of the Pacific Islands" and inserting "the Commonwealth of the Northern Mariana Islands".

### SEC. 111. INSURANCE OF MORTGAGES.

Subsection (n)(2) of section 203 of the National Housing Act (12 U.S.C. 1709(n)(2)) is amended—

(1) in subparagraph (A), by inserting "or subordinate mortgage or" before "lien given"; and

(2) in subparagraph (C), by inserting "or subordinate mortgage or" before "lien".

### SEC. 112. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) in subsection (b)(2), insert "'real estate,'" after "'mortgagor',";

(2) in subsection (g)—

(A) by striking the first sentence; and

(B) by striking "established under section 203(b)(2)" and all that follows through "located" and inserting "limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence";

(3) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation"; and

(4) by adding at the end the following new subsection:

"(o) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which that the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

"(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.".

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z-20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting "a first or subordinate mortgage or lien" before "on all stock";

(B) by inserting "unit" after "dwelling"; and

(C) by inserting "a first mortgage or first lien" before "on a leasehold"; and

(2) in paragraph (5), by inserting "a first or subordinate lien on" before "all stock".

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20), as amended by the preceding provisions of this section, is further amended—

(1) by redesignating subsections (k), (l), and (m) as subsections (l), (m), and (n), respectively; and

(2) by inserting after subsection (j) the following new subsection:

"(k) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

"(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

"(A) the costs to the mortgagor; and

"(B) the impact of such fees on the reverse mortgage market;

"(2) be subject to a minimum allowable amount;

"(3) provide that the origination fee may be fully financed with the mortgage;

"(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

"(5) have the same effective date as subsection (o)(2) regarding the limitation on principal obligation.".

(d) STUDY REGARDING PROGRAM COSTS AND CREDIT AVAILABILITY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the costs and availability of credit under the home equity conversion mortgages for elderly homeowners program under section 255 of the National Housing Act (12 U.S.C. 1715z-20) (in this subsection referred to as the "program").

(2) PURPOSE.—The purpose of the study required under paragraph (1) is to help Congress analyze and determine the effects of limiting the amounts of the costs or fees under the program from the amounts charged under the program as of the date of the enactment of this Act.

(3) CONTENT OF REPORT.—The study required under paragraph (1) should focus on—

(A) the cost to mortgagors of participating in the program;

(B) the financial soundness of the program;

(C) the availability of credit under the program; and

(D) the costs to elderly homeowners participating in the program, including—

(i) mortgage insurance premiums charged under the program;

(ii) up-front fees charged under the program; and

(iii) margin rates charged under the program.

(4) TIMING OF REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives setting forth the results and conclusions of the study required under paragraph (1).

### SEC. 113. ENERGY EFFICIENT MORTGAGES PROGRAM.

Section 106(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—

(1) by amending subparagraph (C) to read as follows:

"(C) COSTS OF IMPROVEMENTS.—The cost of cost-effective energy efficiency improvements shall not exceed the greater of—

"(i) 5 percent of the property value (not to exceed 5 percent of the limit established under section 203(b)(2)(A)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A); or

"(ii) 2 percent of the limit established under section 203(b)(2)(B) of such Act."; and

(2) by adding at the end the following:

"(D) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary of Housing and Urban Development under title II of the National Housing Act (12 U.S.C. 1707 et seq.) during the preceding fiscal year.".

### SEC. 114. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

### "SEC. 257. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

"(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

"(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program to first-time homebuyers.

"(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

"(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Building American Homeownership Act of 2007, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.".

(b) GAO REPORT.—Not later than the expiration of the two-year period beginning on the date of the enactment of this title, the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using the automated process established pursuant to section 257 of the National Housing Act (as added by the amendment made by subsection (a) of this section) and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

### SEC. 115. HOMEOWNERSHIP PRESERVATION.

The Secretary of Housing and Urban Development and the Commissioner of the Federal Housing Administration, in consultation with industry, the Neighborhood Reinvestment Corporation, and other entities involved in foreclosure prevention activities, shall—

(1) develop and implement a plan to improve the Federal Housing Administration's loss mitigation process; and

(2) report such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

### SEC. 116. USE OF FHA SAVINGS FOR IMPROVEMENTS IN FHA TECHNOLOGIES, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, STAFFING, AND SALARIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2008 through 2012, $25,000,000, from negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act, to the Secretary of Housing and Urban Development for increasing funding for the purpose of improving technology, processes, program performance, eliminating fraud, and for providing appropriate staffing in connection with the mortgage insurance programs under title II of the National Housing Act.

(b) CERTIFICATION.—The authorization under subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rulemaking in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that—

(1) premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to—

(A) comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund); and

(B) ensure the safety and soundness of the other mortgage insurance funds under such Act; and

(2) any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

(c) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct a study to obtain recommendations from participants in the private residential (both single family and multifamily) mortgage lending business and the secondary market for such mortgages on how best to update and upgrade processes and technologies for the mortgage insurance programs under title II of the National Housing Act so that the procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such processes and technology, and providing appropriate staffing for such mortgage insurance programs.

### SEC. 117. POST-PURCHASE HOUSING COUNSELING ELIGIBILITY IMPROVEMENTS.

Section 106(c)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(4)) is amended:

(1) in subparagraph (C)—

(A) in clause (i), by striking "; or" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(iii) a significant reduction in the income of the household due to divorce or death; or

"(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—

"(I) an unexpected or significant increase in medical expenses;

"(II) a divorce;

"(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance; or

"(IV) a large property-tax increase; or";

(2) by striking the matter that follows subparagraph (C); and

(3) by adding at the end the following:

"(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.".

### SEC. 118. PRE-PURCHASE HOMEOWNERSHIP COUNSELING DEMONSTRATION.

(a) Establishment of Program.—For the period beginning on the date of enactment of this Act and ending on the date that is 3 years after such date of enactment, the Secretary of Housing and Urban Development shall establish and conduct a demonstration program to test the effectiveness of alternative forms of pre-purchase homeownership counseling for eligible homebuyers.

(b) Forms of Counseling.—The Secretary of Housing and Urban Development shall provide to eligible homebuyers pre-purchase homeownership counseling under this section in the form of —

(1) telephone counseling;

(2) individualized in-person counseling;

(3) web-based counseling;

(4) counseling classes; or

(5) any other form or type of counseling that the Secretary may, in his discretion, determine appropriate.

(c) Size of Program.—The Secretary shall make available the pre-purchase homeownership counseling described in subsection (b) to not more than 3,000 eligible homebuyers in any given year.

(d) Incentive to Participate.—The Secretary of Housing and Urban Development may provide incentives to eligible homebuyers to participate in the demonstration program established under subsection (a). Such incentives may include the reduction of any insurance premium charges owed by the eligible homebuyer to the Secretary.

(e) Eligible Homebuyer Defined.—For purposes of this section an "eligible homebuyer" means a first-time homebuyer who has been approved for a home loan with a loan-to-value ratio between 97 percent and 98.5 percent.

(f) Report to Congress.—The Secretary of Housing and Urban Development shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative—

(1) on an annual basis, on the progress and results of the demonstration program established under subsection (a); and

(2) for the period beginning on the date of enactment of this Act and ending on the date that is 5 years after such date of enactment, on the payment history and delinquency rates of eligible homebuyers who participated in the demonstration program.

### SEC. 119. FRAUD PREVENTION.

Section 1014 of title 18, United States Code, is amended in the first sentence—

(1) by inserting "the Federal Housing Administration" before "the Farm Credit Administration"; and

(2) by striking "commitment, or loan" and inserting "commitment, loan, or insurance agreement or application for insurance or a guarantee".

### SEC. 120. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

(a) In General.—Notwithstanding any other provision of law, including any provision of this Act and any amendment made by this Act—

(1) for the period beginning on the date of the enactment of this Act and ending on October 1, 2009, the premiums charged for mortgage insurance under multifamily housing programs under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only if not less than 30 days prior to such increase taking effect, the Secretary of Housing and Urban Development—

(A) notifies the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such increase; and

(B) publishes notice of such increase in the Federal Register.

(b) Waiver.—The Secretary of Housing and Urban Development may waive the 30-day notice requirement under subsection (a)(2), if the Secretary determines that waiting 30-days before increasing premiums would cause substantial damage to the solvency of multifamily housing programs under the National Housing Act.

### SEC. 121. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this title shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this title.

### SEC. 122. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this title. The notice shall take effect upon issuance.

## TITLE II—MANUFACTURED HOUSING LOAN MODERNIZATION

### SEC. 201. SHORT TITLE.

This title may be cited as the "FHA Manufactured Housing Loan Modernization Act of 2007".

### SEC. 202. PURPOSES.

The purposes of this title are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

### SEC. 203. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "In no case" and inserting "Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case"; and

(2) by striking ": *Provided*, That with" and inserting ". With".

### SEC. 204. INSURANCE BENEFITS.

(a) In General.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

"(8) Insurance Benefits for Manufactured Housing Loans.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2007 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.".

(b) Applicability.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this Act.

### SEC. 205. MAXIMUM LOAN LIMITS.

(a) Dollar Amounts.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking "$17,500" and inserting "$25,090";

(2) in subparagraph (C) by striking "$48,600" and inserting "$69,678";

(3) in subparagraph (D) by striking "$64,800" and inserting "$92,904";

(4) in subparagraph (E) by striking "$16,200" and inserting "$23,226"; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) Annual Indexing.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than 1 year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2007."

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking "No" and inserting "Except as provided in the last sentence of this paragraph, no"; and

(2) by adding after and below subparagraph (G) the following:

"The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).".

**SEC. 206. INSURANCE PREMIUMS.**

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting "(1) PREMIUM CHARGES.—" after "(f)"; and

(2) by adding at the end the following new paragraph:

"(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

"(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

"(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

"(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

"(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).".

**SEC. 207. TECHNICAL CORRECTIONS.**

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "on and after July 1, 1939," each place such term appears; and

(2) by striking "made after the effective date of the Housing Act of 1954".

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

"(c) HANDLING AND DISPOSAL OF PROPERTY.—

"(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

"(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

"(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

"(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

"(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.".

**SEC. 208. REVISION OF UNDERWRITING CRITERIA.**

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.".

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

**SEC. 209. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.**

Title I of the National Housing Act is amended by adding at the end of section 9 the following new section:

**"SEC. 10. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.**

"(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall apply to each sale of a manufactured home financed with an FHA-insured loan or extension of credit, as well as to services rendered in connection with such transactions.

"(b) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to determine the manner and extent to which the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) may reasonably be applied to the transactions described in subsection (a), and to grant such exemptions as may be necessary to achieve the purposes of this section.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'federally related mortgage loan' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include an FHA-insured loan or extension of credit made to a borrower for the purpose of purchasing a manufactured home that the borrower intends to occupy as a personal residence; and

"(2) the term 'real estate settlement service' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include any service rendered in connection with a loan or extension of credit insured by the Federal Housing Administration for the purchase of a manufactured home.

"(d) UNFAIR AND DECEPTIVE PRACTICES.—In connection with the purchase of a manufactured home financed with a loan or extension of credit insured by the Federal Housing Administration under this title, the Secretary shall prohibit acts or practices in connection with loans or extensions of credit that the Secretary finds to be unfair, deceptive, or otherwise not in the interests of the borrower.".

**SEC. 210. LEASEHOLD REQUIREMENTS.**

Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(11) LEASEHOLD REQUIREMENTS.—No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, made for the purposes of financing a manufactured home which is intended to be situated in a manufactured home community pursuant to a lease, unless such lease—

"(A) expires not less than 3 years after the origination date of the obligation;

"(B) is renewable upon the expiration of the original 3 year term by successive 1 year terms; and

"(C) requires the lessor to provide the lessee written notice of termination of the lease not less than 180 days prior to the expiration of the current lease term in the event the lessee is required to move due to the closing of the manufactured home community, and further provides that failure to provide such notice to the mortgagor in a timely manner will cause the lease term, at its expiration, to automatically renew for an additional 1 year term.".

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By Mr. McCONNELL (for himself and Mr. STEVENS):

S. 2340. A bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; read the first time.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

### S. 2340

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008.

## TITLE I

## MILIARY PERSONNEL

### MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $6,158,778,000.

### MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $395,839,000.

### MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $895,011,000.

### MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $707,945,000.

### REVERSE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $115,150,000.

### RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $35,000,000.

### RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $7,710,000.

### RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $1,500,000.

### NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $334,000,000.

## TITLE II

## OPERATION AND MAINTENANCE

### OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $27,853,000,000.

### OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $2,664,000,000: *Provided,* That up to $98,000,000 shall be transferred to the Coast Guard "Operating Expenses" account.

### OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $2,649,807,000.

### OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $4,778,000,000.

### OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $1,836,318,000, of which up to $300,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided,* That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further,* That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

### OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $77,736,000.

### OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $41,657,000.

### OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $46,153,000.

### OPERATIONS AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $12,133,000.

### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $327,000,000.

### OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $51,634,000.

### IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $3,747,327,000, to remain available for transfer until September 30, 2009, only to support operations in Iraq or Afghanistan: *Provided,* That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: *Provided further,* That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further,* That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

### AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", $1,350,000,000, to remain available until September 30, 2009: *Provided,* That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation-Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further,* That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further,* That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further,* That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further,* That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further,* That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

### IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $1,500,000,000, to remain available until September 30, 2009: *Provided,* That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command-Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further,* That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further,* That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

### Joint Improvised Explosive Device Defeat Fund

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", $2,264,500,000, to remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

## TITLE III

## PROCUREMENT

### Aircraft Procurement, Army

For an additional amount for "Aircraft Procurement, Army", $1,300,503,000, to remain available for obligation until September 30, 2010.

### Missile Procurement, Army

For an additional amount for "Missile Procurement, Army", $133,621,000, to remain available for obligation until September 30, 2010.

### Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $4,512,566,000, to remain available for obligation until September 30, 2010.

### Procurement of Ammunition, Army

For an additional amount for "Procurement of Ammunition, Army", $154,000,000, to remain available for obligation until September 30, 2010.

### Other Procurement, Army

For an additional amount for "Other Procurement, Army", $2,300,942,000, to remain available for obligation until September 30, 2010.

### Aircraft Procurement, Navy

For an additional amount for "Aircraft Procurement, Navy", $45,900,000, to remain available for obligation until September 30, 2010.

### Weapons Procurement, Navy

For an additional amount for "Weapons Procurement, Navy", $159,141,000, to remain available for obligation until September 30, 2010.

### Procurement of Ammunition, Navy and Marine Corps

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $304,945,000, to remain available for obligation until September 30, 2010.

### Other Procurement, Navy

For an additional amount for "Other Procurement, Navy", $140,061,000, to remain available for obligation until September 30, 2010.

### Procurement, Marine Corps

For an additional amount for "Procurement, Marine Corps", $733,550,000, to remain available for obligation until September 30, 2010.

### Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $133,500,000, to remain available for obligation until September 30, 2010.

### Procurement of Ammunition, Air Force

For an additional amount for "Procurement of Ammunition, Air Force", $52,203,000, to remain available for obligation until September 30, 2010.

### Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $199,617,000, to remain available for obligation until September 30, 2010.

### Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $274,743,000, to remain available for obligation until September 30, 2010.

## TITLE IV

## REVOLVING AND MANAGEMENT FUNDS

### Defense Working Capital Funds

For an additional amount of "Defense Working Capital Funds", $1,000,000,000, to remain available for obligation until September 30, 2010.

## TITLE V

## OTHER DEPARTMENT OF DEFENSE PROGRAMS

### Defense Health Program

For an additional amount for "Defense Health Program", $575,701,000 for Operation and maintenance.

### Drug Interdiction and Counter-Drug Activities, Defense

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $128,809,000.

## TITLE VI

## GENERAL PROVISIONS

SEC. 601. Appropriations provided in this Act are available for obligation until September 30, 2008, unless otherwise so provided in this Act.

SEC. 602. Notwithstanding any other provision of law or of this Act, funds made available in this Act are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(TRANSFER OF FUNDS)

SEC. 603. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $3,000,000,000 of the funds made available to the Department of Defense in this Act: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 604. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 605. None of the funds provided in this Act may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 606. (a) AVAILABILITY OF FUNDS FOR CERP.—From funds made available in this Act to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2008), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 607. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 608. During fiscal year 2008, supervision and administration costs associated with projects carried out with funds appropriated to "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" in this Act may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 609. (a) REPORTS ON PROGRESS TOWARD STABILITY IN IRAQ.—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2008, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) SCOPE OF REPORTS.—Each report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) SPECIFIC ELEMENTS.—In specific, each report shall require, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2008.

SEC. 610. Each amount appropriated or otherwise made available in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 611. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract.

SEC. 612. No funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

SEC. 613. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law: *Provided*, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders: *Provided further*, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States.

SEC. 614. In this Act, the term "congressional defense committees" means—

(1) the Committees on Armed Services and Appropriations of the Senate; and

(2) the Committees on Armed Services and Appropriations of the House of Representatives.

SEC. 615. This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, 2008".

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By Mr. REID (for Mrs. CLINTON (for herself, Mr. ROCKEFELLER, and Ms. LANDRIEU)):

S. 2341. A bill to provide Individual Development Accounts to support foster youths who are transitioning from the foster care system; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, youth aging out of foster care constitute one of our Nation's most vulnerable populations. Not only do these young people carry wih them histories of child abuse and neglect, but they are also often unsupported in their transition from foster care to independent living. Today, I am pleased to introduce the Focusing Investments and Resources for a Safe Transition Act or FIRST Act, a piece of legislation that will offer much needed financial assistance to young adults as they exit the child welfare system.

Research shows that youth aging out of foster care fare worse than their counterparts in the general population on a variety of social, educational, and health indicators. These youth report significantly lower levels of education and are more likely to be unemployed or homeless. Research also shows that, as they prepare to exit foster care, these young adults do not receive the independent living services necessary to support them through their transition. When it comes to guidance on educational opportunities and employment, money management and housing, resources for foster youth are simply inadequate.

These young people need our help, and they need it now. According to the most recent Federal data, over 20,000 youth age out of the foster care system each year. We must intervene in order to prevent them from experiencing the unfavorable outcomes described in the research. The FIRST Act meets this task head on by addressing the financial status of youth exiting foster care. Specifically, the legislation supports states in setting up Individual Development Accounts, or IDAs, for those preparing to age out of the child welfare system. The accounts will contain a Federal deposit on behalf of foster youth matched by public and private community partners.

Upon transitioning from foster care, and after completing money management training, the legislation permits youths to withdraw their savings to pay for necessities such as educational opportunities, vocational training, and housing—elements critical to achieving self-sufficiency. In short, with these funds, youth aging out of the child welfare system will have a financial base on which they can build self-sustaining, goal-oriented, independent lives.

A similar program is currently being piloted in my State of New York. This summer, Mayor Mike Bloomberg announced that 450 New York City foster youths will be provided IDAs through a program called Youth Financial Empowerment. Similarly, the Jim Casey Youth Opportunities Passport program has experienced success in offering IDAs to foster youth in several cities.

For years I have been encouraging Congress to take action regarding the needs of foster youth. In 2002 I introduced the Opportunity Passport Act, which, among other provisions, called for the establishment of IDAs for those aging out of the child welfare system. Since that time we have failed to make progress on this issue while youth continue to exit foster care without the resources they need. It is under these circumstances that I come forward again today to present the needs of this vulnerable group of young people. It is my hope that you will join me in putting foster youth FIRST and support this important legislation.

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By Mr. REED:

S. 2343. A bill to amend the Real Estate Settlement Procedures Act to require mortgage originators to make their fees more transparent; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Real Estate Transparency Act of 2007. This bill would amend the Real Estate Settlement Practices Act of 1974 to improve the early loan disclosures given to those applying for a mortgage, ensure binding and transparent payment agreements between mortgage originators and borrowers, and require that a borrower be given a copy of their final settlement statement at least one business day before settlement so that it can be thoroughly examined before closing.

As we are all too aware, current Good Faith Estimates do not provide enough useful information to help borrowers truly make informed lending decisions. We have heard too many stories of borrowers not understanding the terms of their loan or not being told about unexpectedly high settlement fees until they are at the closing table. This lack of early and appropriate disclosures regarding the terms of a mortgage loan and the costs of closing on that loan hinders a family's ability to shop for the best loan product for the purchase of a home, and also has allowed families to be taken advantage of by unscrupulous brokers and lenders.

First and foremost, the Real Estate Transparency Act would replace the current Good Faith Estimate with an early written settlement statement of all of the costs to be charged to that person at or before settlement of the loan. It would require that this early settlement statement be in the same form as the final settlement statement, currently known as the HUD 1. The borrower would not be liable for any fees which are not disclosed on this early settlement statement, except for third party fees within 10 percent of the cost listed on the early settlement statement, or fees for bona fide and reasonable expenses not anticipated by the mortgage originator for an inspection, appraisal, survey, or flood certification. This early written settlement statement should allow consumers to compare the costs associated with different loan products from different mortgage originators and shop around for the best product for them early in the process.

Second, this legislation would require for the first time that the HUD 1 or final settlement statement be provided to the borrower at least one business day before settlement. If this final settlement statement is not provided to the borrower, then lenders will be subject to statutory damages.

Third, this bill would require mortgage originators to provide borrowers with a written agreement itemizing all of the fees they may charge the borrower, including any origination fees, underwriting fees, broker fees, or other fees to be charged at or before settlement of such loan to be paid to the lender, the broker, or affiliates of the lender or broker. In addition, this written agreement would have to set out and explain three possible methods of payment for such fees: payment in cash before or at settlement; adding such fees into the loan amount to be borrowed; and increasing the interest rate of the loan. The borrower also could choose to both pay in cash and incorporate some of the fees into the loan amount. This written agreement regarding mortgage origination fees would have to be provided to the borrower within three days of application and be signed before the borrower is obligated to pay any of these fees. Not only should this provide greater transparency regarding what fees are going to be charged by the mortgage originator, consumers also can decide not to sign on the dotted line if they do not like the costs associated with the loan.

Finally, the bill subjects mortgage originators to statutory damages for violations of these disclosure provisions equal to the sum of the borrower's actual damages plus $5,000 for each instance such instance of noncompliance.

Congress needs to take many steps to address the subprime mortgage crisis and to reinstate confidence among our nation's homeowners and those we hope will become homeowners. I believe that giving consumers the information they need regarding their loan costs is a vital part of improving this complicated and often overwhelming process. Borrowers need to better understand the financial ramifications of choosing a certain loan product from a certain mortgage originator early in this process, and before they actually consummate the loan. I hope my colleagues will join with me in supporting this legislation that I believe will greatly improve mortgage loan disclosures.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2343

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Real Estate Transparency Act of 2007".

**SEC. 2. GREATER TRANSPARENCY OF SETTLEMENT FEES.**

(a) IN GENERAL.—Section 4 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2603) is amended—

(1) in subsection (a), in the first sentence, by striking "The Secretary," and inserting "PROVISION OF SETTLEMENT STATEMENT.—The Secretary,";

(2) in subsection (b)—

(A) in the first sentence—

(i) by striking "The form" and inserting "ADVANCE INSPECTION OF SETTLEMENT STATEMENT.—The form"; and

(ii) by striking ", except" and all that follows through "available at such time"; and

(B) in the second sentence—

(i) by striking "Upon the request of the borrower to inspect the form prescribed under this section during the" and inserting "At least 1";

(ii) by striking "shall permit the" and inserting "shall provide a completed, written copy of the settlement statement to the"; and

(iii) by striking "to inspect those" and all that follows through "preceding day"; and

(3) by adding at the end the following:

"(c) AGREEMENT FOR ORIGINATOR FEES.—

"(1) NOTICE OF FEES.—Not later than 3 days after a person applies for a federally related mortgage loan, the mortgage originator of such loan shall provide to that person a written agreement itemizing all of the fees that person may be charged by the mortgage originator, including any origination fees, underwriting fees, broker fees, and any other fees to be charged at or before the settlement of such loan to be paid to the mortgage originator. Bona fide discount points payable by such person to reduce the interest rate of such loan need not be included on any originator fees agreement under this paragraph.

"(2) METHOD OF PAYMENT.—

"(A) IN GENERAL.—Each originator fee agreement under paragraph (1) shall set out the following 3 methods for the payment of the fees described in any such agreement:

"(i) Payment in cash before or at settlement.

"(ii) Adding such fees into the total loan amount to be borrowed.

"(iii) Increasing the interest rate of the loan.

"(B) BORROWER'S CHOICE OF PAYMENT METHOD.—Each applicant for a federally related mortgage loan, in determining how to pay any of the fees described in an originator fees agreement under paragraph (1), shall choose one of the payment methods described under subparagraph (A), except that the applicant may choose to combine the payment methods described under clauses (i) and (ii) of subparagraph (A).

"(C) REQUIRED EXPLANATION.—

"(i) WRITTEN.—Each originator fee agreement under paragraph (1) shall include a written explanation of each of the payment options listed in subparagraph (A), along with a clear and concise illustration of the effect of each option on the amount borrowed, the interest rate, the payments required on the loan, and any other loan terms which might be affected by such option.

"(ii) ORAL.—Each mortgage originator of a federally related mortgage loan shall explain to each applicant for such a loan each of the payment options listed in subparagraph (A) before accepting any payment from that person.

"(D) REQUIRED SIGNATURE.—Before any applicant for a federally related mortgage loan is obligated to pay any of the fees described in the originator fees agreement under paragraph (1), the person shall have—

"(i) agreed to and signed the originator fees agreement described under paragraph (1); and

"(ii) exercised the option for determining the method of payment for such fees.

"(d) EARLY SETTLEMENT STATEMENT.—

"(1) IN GENERAL.—Not later than 3 days after a person applies for a federally related mortgage loan, the mortgage originator of such loan shall provide to that person a written early settlement statement of all of the settlement costs to be charged to that person at or before settlement. The early settlement statement shall be in the same or a similar form as the statement of settlement costs provided to the person pursuant to subsection (a).

"(2) REQUIRED INCLUSIONS.—Each early settlement statement under this subsection shall include an itemization of the following:

"(A) All fees agreed to by the applicant of a federally related mortgage loan pursuant to the originator fees agreement described under subsection (c)(1).

"(B) All fees to be charged to that applicant by independent third parties, including government agencies at or before settlement of the loan, plus all escrows reserves which may be required of that person.

"(e) BORROWER LIABILITY FOR FEES.—No borrower shall be liable for any fees which are not disclosed on an early settlement statement, except that the borrower is liable for such fees if—

"(1) the total amount charged for fees imposed by independent third parties is—

"(A) not more than 10 percent greater than that stated in the early settlement statement; or

"(B) greater than that allowed under subparagraph (A) because bona fide and reasonable expenses were incurred by such third parties for unanticipated inspection, appraisal, survey, or flood certification of the home which was the subject of such loan;

"(2) the mortgage originator provides a reasonable explanation of the circumstances surrounding the settlement of the loan of the borrower which were different than anticipated by the mortgage originator when the statement was provided; and

"(3) the mortgage originator does not engage in a pattern or practice of providing early settlement statements which disclose individual fees of independent third parties in different amounts than actually charged at settlement.

"(f) LIABILITY FOR FAILURE TO COMPLY.—

"(1) IN GENERAL.—Whoever fails to comply with any provision of this section shall be liable to the borrower for an amount equal to the sum of—

"(A) any actual damages to the borrower as a result of the failure; and

"(B) $5,000 for each such instance of noncompliance.

"(2) COURT COSTS.—In addition to any amount under paragraph (1), in the case of any successful action brought by a borrower under this subsection, such borrower shall be reimbursed for the costs of the action, together with any attorneys fees incurred in connection with such action as the court may determine to be reasonable under the circumstances.

"(g) DEFINITION.—As used in this section, the term 'mortgage originator'—

"(1) means any person who, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain—

"(A) takes a residential mortgage loan application; or

"(B) assists a consumer in obtaining or applying to obtain a residential mortgage loan; and

"(2) includes any person who makes loans directly or brokers loans for others.".

(b) CONFORMING AMENDMENT.—Section 5(c) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(c)) is hereby repealed.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 375—AMENDING SENATE RESOLUTION 400, 94TH CONGRESS, AND SENATE RESOLUTION 445, 108TH CONGRESS, TO IMPROVE CONGRESSIONAL OVERSIGHT OF THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES, TO PROVIDE A STRONG, STABLE, AND CAPABLE CONGRESSIONAL COMMITTEE STRUCTURE TO PROVIDE THE INTELLIGENCE COMMUNITY APPROPRIATE OVERSIGHT, SUPPORT, AND LEADERSHIP, AND TO IMPLEMENT A KEY RECOMMENDATION OF THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

Mr. BURR (for himself, Mr. BAYH, Mr. SUNUNU, Ms. SNOWE, Mr. FEINGOLD, Mr. MCCAIN, and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Rules and Administration:

### S. RES. 375

Whereas the National Commission on Terrorist Attacks Upon the United States (referred to in this Resolution as the "9/11 Commission") conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation;

Whereas in its final report, the 9/11 Commission found that congressional oversight of the intelligence activities of the United States is dysfunctional;

Whereas in its final report, the 9/11 Commission further found that under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

Whereas in its final report, the 9/11 Commission further found that as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

Whereas in its final report, the 9/11 Commission further found that a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership;

Whereas in its final report, the 9/11 Commission further found that the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed;

Whereas the 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities;

Whereas the 9/11 Commission recommended that the authorizing authorities and appropriating authorities with respect to intelligence activities in each house of Congress be combined into a single committee in each house of Congress;

Whereas Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission; and

Whereas the Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding intelligence oversight have not been implemented: Now, therefore, be it

*Resolved,*

**SECTION 1. PURPOSES.**

The purposes of this resolution are—

(1) to improve congressional oversight of the intelligence activities of the United States;

(2) to provide a strong, stable, and capable congressional committee structure to provide the intelligence community appropriate oversight, support, and leadership;

(3) to implement a key recommendation of the National Commission on Terrorist Attacks Upon the United States (the "9/11 Commission") that structural changes be made

to Congress to improve the oversight of intelligence activities; and

(4) to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

**SEC. 2. INTELLIGENCE OVERSIGHT.**

(a) AUTHORITY OF THE SELECT COMMITTEE ON INTELLIGENCE.—Paragraph (5) of section 3(a) of Senate Resolution 400, 94th Congress, agreed to May 19, 1976, is amended in that matter preceding subparagraph (A) by striking the comma following "authorizations for appropriations" and inserting "and appropriations,".

(b) ABOLISHMENT OF THE SUBCOMMITTEE ON INTELLIGENCE.—Senate Resolution 445, 108th Congress, agreed to October 9, 2004, is amended by striking section 402.

## SENATE RESOLUTION 376—PROVIDING THE SENSE OF THE SENATE THAT THE SECRETARY OF COMMERCE SHOULD DECLARE A COMMERCIAL FISHERY FAILURE FOR THE GROUNDFISH FISHERY FOR MASSACHUSETS, MAINE, NEW HAMPSHIRE, AND RHODE ISLAND AND IMMEDIATELY PROPOSE REGULATIONS TO IMPLEMENT SECTION 312(a) OF THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

Mr. KERRY (for himself, Mr. KENNEDY, Ms. SNOWE, Mr. GREGG, Mr. SUNUNU, Mr. REED, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 376

Whereas the Secretary of Commerce may provide fishery disaster assistance under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) if the Secretary determines that there is a commercial fishery failure due to a fishery resource disaster as a result of natural causes, man-made causes beyond the control of fishery managers to mitigate through conservation and management measures, including regulatory restrictions imposed to protect human health or the marine environment, or undetermined causes;

Whereas the Secretary of Commerce has not proposed or promulgated regulations to implement such section 312(a);

Whereas during 2007, the Governors of each of the Commonwealth of Massachusetts, the State of Maine, and the State of Rhode Island requested that the Secretary of Commerce declare a commercial fishery failure for the groundfish fishery under such section 312(a) and the Governor of the State of New Hampshire has indicated his intention of submitting a similar request;

Whereas since 1996, the Secretary of Commerce has had regulations in place that require significant restrictions and reductions on the catch and days-at-sea of New England fishermen in the groundfish fishery;

Whereas New England fishermen in the groundfish fishery have endured additional restrictions and reductions under Framework 42, which has resulted in many fishermen having just 24 days to fish during a season;

Whereas Framework 42 and other Federal fishing restrictions have had a great impact on small-boat fishermen, many of whom cannot safely fish beyond the inshore areas;

Whereas, as of the date of the enactment of this Act, each day-at-sea a fisherman spends in an inshore area reduces that fisherman's number of available days-at-sea by 2 days;

Whereas the Commonwealth of Massachusetts has provided information to the Secretary of Commerce demonstrating that between 1994 and 2006, overall conditions of groundfish stocks have not improved and that spawning stock biomass is near record lows for most major groundfish stocks;

Whereas the Commonwealth of Maine has provided additional information to the Secretary that between 2005 and 2006, total Massachusetts commercial groundfish vessel revenues (landings) decreased by 18 percent and there was a loss for related industries and communities estimated at $22,000,000;

Whereas the State of Maine has provided information to the Secretary of Commerce indicating that since 1994, the impact of groundfish regulations have eliminated 50 percent of Maine's groundfish fleet, leaving just 110 active groundfish fishermen;

Whereas the State of Maine has provided additional information to the Secretary indicating that between 1996 and 2006, there was a 58 percent drop in groundfish landings in Maine and a 45 percent drop in groundfish revenue from approximately $27,000,000 to $15,000,000 and that between 2005 and 2006, groundfish revenues decreased 25 percent;

Whereas the State of Rhode Island has provided information to the Secretary of Commerce indicating that, since 1994, there has been a 66 percent drop in Rhode Island's groundfish fishery landings and, between 1995 and 2007, groundfish revenue decreased 20 percent from approximately $7,500,000 to $6,000,000;

Whereas the Secretary of Commerce rejected requests from Massachusetts, Maine, and Rhode Island to declare a commercial fishery failure prior to establishing any appropriate standard to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act; and

Whereas for centuries, growth in New England's commercial fishing industry has been intertwined with the history and economic growth of the New England States and has created thousands of jobs in both fishing and fishing-related industries for generations of New England residents: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the Secretary of Commerce should—

(1) reconsider the October 22, 2007 decision to deny the requests of the Commonwealth of Massachusetts, the State of Maine, and the State of Rhode Island for a groundfish fishery failure declaration;

(2) look favorably upon the request of the State of New Hampshire for a groundfish fishery failure declaration; and

(3) immediately propose regulations to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)).

## SENATE RESOLUTION 377—RECOGNIZING AND CELEBRATING THE CENTENNIAL OF OKLAHOMA STATEHOOD.

Mr. INHOFE (for himself and Mr. COBURN) submitted the following resolution; which was considered and agreed to:

S. RES. 377

Whereas, on November 16, 1907, Oklahoma officially became the 46th State of the Union;

Whereas the State of Oklahoma is known as the Sooner State;

Whereas the State of Oklahoma has become a national leader in agriculture, natural resource industries, technology, and manufacturing;

Whereas the people of Oklahoma have harvested the natural abundance of the State to produce a wealth which has enabled the building of cities, educational institutions, an unhurried pace of life, and a rich culture, while maintaining the pristine ecology;

Whereas the beautiful mountains, rivers, lakes, trees, plains, and fields of the State of Oklahoma are appreciated and preserved, and the quality of life is unsurpassed; and

Whereas, on November 16, 2007, the State of Oklahoma will begin a new century of statehood: Now, therefore, be it

*Resolved*, That the Senate recognizes and celebrates the centennial of Oklahoma statehood.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3597. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3598. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3599. Mr. FEINGOLD (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3600. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3601. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 901, to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; which was referred to the Committee on Health, Education, Labor, and Pensions.

SA 3602. Mr. DORGAN (for himself, Mr. ENZI, Mr. CONRAD, Ms. CANTWELL, Mr. JOHNSON, Mr. TESTER, Mr. BARRASSO, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3603. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3604. Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3605. Mr. SMITH (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3606. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3607. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3608. Mr. MENENDEZ (for himself, Mr. REED, Mr. CARDIN, Mr. KENNEDY, Mr. KERRY, Mr. DODD, Mr . LIEBERMAN, Mr. WHITEHOUSE, Mr. LAUTENBERG, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3609. Mr. CASEY (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3610. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3611. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3612. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3613. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3614. Mr. DOMENICI (for himself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3615. Mr. GREGG (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3616. Mr. SALAZAR (for himself, Mr. KERRY, Ms. STABENOW, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3617. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3618. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3619. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3620. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3621. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3622. Mr. SALAZAR (for himself and Mr. ALLARD) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3623. Mrs. BOXER (for herself, Mr. SMITH, Mrs. FEINSTEIN, Mr. SESSIONS, Mr. NELSON of Florida, Mr. MARTINEZ, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3624. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3625. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3626. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3627. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3628. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3629. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3630. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3631. Mr. GRASSLEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3632. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3633. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3634. Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. WYDEN, Ms. STABENOW, Mr. CRAIG, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3635. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3636. Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. SCHUMER, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3637. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3638. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3639. Mr. HARKIN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3640. Mr. CRAIG (for himself, Mr. BROWNBACK, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3641. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3642. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3643. Mr. CORNYN (for himself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3644. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3645. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3646. Mr. INOUYE (for himself, Mr. ROBERTS, Mr. LOTT, Mr. LAUTENBERG, Mr. SMITH, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3647. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3648. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3649. Mr. KERRY (for himself, Mr. KENNEDY, Ms. SNOWE, Mr. GREGG, Mr. SUNUNU, Mr. REED, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3650. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3651. Mr. CORKER (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3652. Mr. LAUTENBERG (for himself, Mrs. DOLE, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3653. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3597.** Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 4 of subtitle D of title II, add the following:

**SEC. 2399A. MISSISSIPPI RIVER/GULF OF MEXICO NUTRIENT TASK FORCE ACTION PLAN FOR REDUCING, MITIGATING, AND CONTROLLING HYPOXIA IN THE NORTHERN GULF OF MEXICO WATERSHED.**

Notwithstanding any other provision of this Act, the Secretary shall ensure that, for each of fiscal years 2008 through 2012, the amount spent for the fiscal year in accordance with this Act to implement the action plan of the Mississippi River/Gulf of Mexico Nutrient Task Force for reducing, mitigating, and controlling hypoxia in the Northern Gulf of Mexico watershed is an amount equal to 10 percent more than the amount spent to implement the action plan during the preceding fiscal year.

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**SA 3598.** Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 22 and 23, insert the following:

(b) ELIGIBILITY.—Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465) is amended by striking subsection (e) and inserting the following:

"(e) PLAN REQUIREMENTS.—

"(1) IN GENERAL.—The State plan shall identify the lead agency charged with the responsibility for carrying out the plan and indicate how the grant funds will be used to enhance the competitiveness of specialty crops.

"(2) REPRESENTATION OF CERTAIN INDIVIDUALS.—To the maximum extent practicable and appropriate, the State plan shall be developed taking into consideration the opinions and expertise of beginning farmers or ranchers (as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) and socially disadvantaged farmers or ranchers (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)))."

(c) AUDIT AND PLAN REQUIREMENTS.—Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465) is amended by striking subsection (h) and inserting the following:

"(h) AUDIT AND PLAN REQUIREMENTS.—

"(1) IN GENERAL.—For each year that a State receives a grant under this section, the State shall conduct an audit of the expenditures of grant funds by the State.

"(2) SUBMISSION OF AUDIT AND DESCRIPTION.—Not later than 30 days after the date of completion of an audit under paragraph (1), the State shall submit to the Secretary of Agriculture—

"(A) a copy of the audit;

"(B) a description of the ways in which the State is complying with the requirement under subsection (e); and

"(C) such additional information as the Secretary may request to ensure, to the maximum extent practicable, that the State is complying with that requirement.".

On page 245, line 23, strike "(b)" and insert "(d)".

On page 246, line 11, strike "(c)" and insert "(e)".

On page 247, line 11, strike "(d)" and insert "(f)".

On page 247, line 19, strike "(e)" and insert "(g)".

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**SA 3599.** Mr. FEINGOLD (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XI, insert the following:

**SEC. 11____. OFFICE OF SMALL FARMS AND BEGINNING FARMERS AND RANCHERS.**

(a) IN GENERAL.—Subtitle B of title II of the Department of Agriculture Reorganization Act of 1994 (as amended by section 11059(a)) is amended by inserting after section 226B the following:

**"SEC. 226C. OFFICE OF SMALL FARMS AND BEGINNING FARMERS AND RANCHERS.**

"(a) ESTABLISHMENT.—Not less than 180 days after the date of enactment of this section, the Secretary shall establish and maintain within the executive operations of the Department an office, to be known as the 'Office of Small Farms and Beginning Farmers and Ranchers' (referred to in this section as the 'Office').

"(b) PURPOSES.—The purposes of the Office are—

"(1) to ensure coordination across all agencies of the Department—

"(A) to improve use of the programs and services of the Department; and

"(B) to enhance the viability of small, beginning, and socially disadvantaged farmers and ranchers and others, as the Secretary determines to be necessary;

"(2) to ensure small, beginning, and socially disadvantaged farmers and ranchers access to, and equitable participation in, commodity, credit, risk management and disaster protection, conservation, marketing, nutrition, value-added, rural development, and other programs and services of the Department;

"(3) to ensure that the number and economic contributions of small, limited-resource, beginning, and socially disadvantaged farmers and ranchers are accurately reflected in the Census of Agriculture and in other reports; and

"(4) to assess and enhance the effectiveness of outreach and programs of the Department—

"(A) to reduce barriers to program participation;

"(B) to improve service provided through programs of the Department to small, beginning, and socially disadvantaged farmers and ranchers; and

"(C) by suggesting to the Secretary new initiatives and programs to better serve the needs of small, socially disadvantaged, and beginning farmers and ranchers.

"(c) DIRECTOR.—

"(1) IN GENERAL.—The Office shall be headed by a Director.

"(2) ASSUMPTION OF DUTIES.—Effective on the date of establishment of the Office under subsection (a), the Director shall assume the duties and personnel of the Director of Small Farms Coordination, as in existence on the day before the date of enactment of this section.

"(d) DUTIES.—The Office shall—

"(1) in collaboration with such other agencies and offices of the Department as the Secretary determines to be necessary, develop and implement a plan to coordinate the activities established under Departmental Regulation 9700–1 (August 3, 2006), including activities of the Small and Beginning Farmers and Ranchers Council and services provided by the Department to small farms and beginning farmers and ranchers;

"(2) coordinate with the Office of Outreach to provide consultation, training, and liaison activities with eligible entities (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 7 U.S.C. 2279(e));

"(3) cooperate with, and monitor, agencies and offices of the Department to ensure that the Department is meeting the needs of small farms and of beginning farmers and ranchers;

"(4) establish cross-cutting and strategic departmental goals and objectives for small farms and beginning farmers and ranchers and for each associated program;

"(5) provide input to agencies and offices of the Department on program and policy decisions to ensure that the interests of small farms and of beginning farmers and ranchers are represented;

"(6) measure outcomes of all small farm programs and beginning farmer and rancher programs and track progress made in achieving the goals of the programs;

"(7) supervise data collection by agencies and offices of the Department regarding characteristics of small farms and beginning farmers and ranchers to ensure that the goals and objectives, and measures carried out to achieve those goals and objectives, can be measured and evaluated; and

"(8) carry out any other related duties that the Secretary determines to be appropriate.

"(e) OUTREACH.—The Office shall establish and maintain an Internet website—

"(1) to share information with interested producers; and

"(2) to collect and respond to comments from small and beginning farmers and ranchers, including comments of the Small and Beginning Farmers and Ranchers Council.

"(f) RESOURCES.—Using funds made available to the Secretary in appropriations Acts, the Secretary shall provide to the Office such human and capital resources as are sufficient to allow the Office to carry out the duties of the Office under this section in a timely and efficient manner.

"(g) ANNUAL REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate annual reports that describe actions taken by the Office during the preceding calendar year to advance the interests of small farms and beginning farmers and ranchers.".

(b) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in paragraph (6) (as added by section 7401(c)(1)), by striking "or" at the end;

(2) in paragraph (7) (as added by section 11059(b)), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(8) the authority of the Secretary to establish in the Department the Office of Small Farms and Beginning Farmers and Ranchers in accordance with section 226C.".

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**SA 3600.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

**SEC. 110____. USDA PROGRAM GOALS.**

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) each program of the Department of Agriculture that has received a Program Assessment Rating Tool (referred to in this section as "PART") score of "results not demonstrated"; and

(2) for each such program, the steps being taken by the Secretary to develop acceptable and quantifiable performance goals to determine whether the program is performing as Congress intended.

(b) ANNUAL BUDGET.—

(1) IN GENERAL.—The Secretary shall include in the annual submission to Congress of the budget for the Department of Agriculture a report that identifies each program within the Department of Agriculture that has, as of the date of the report, a PART score of "results not demonstrated" or "ineffective".

(2) FUNDING.—If a program of the Department of Agriculture receives a PART score described in paragraph (1) for 2 or more consecutive years, the amount made available to the Secretary to carry out the program for each subsequent fiscal year shall be not more than the amount made available to carry out the program for the preceding fiscal year until such time as the program receives a PART score of at least "adequate".

(c) REDUCTION OF DEBT.—For each fiscal year for which a program of the Department of Agriculture receives funding as described in subsection (b)(2), an amount equal to the amount of funding withheld from the Department of Agriculture for that program shall be deposited in the account established under section 3113(d) of title 31, United States Code, for use in reducing the Federal debt.

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**SA 3601.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 901, to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; which was referred to the Committee on Health, Education, Labor, and Pensions; as follows:

At the appropriate place in section 2, insert the following:

**SEC. ___. GRANTS TO EXPAND MEDICAL RESIDENCY TRAINING PROGRAMS AND INCREASE PROVIDER RETENTION RATES IN RURAL AND UNDERSERVED AREAS.**

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 340G the following:

**"Subpart XI—Medical Residency Training Programs and Provider Retention**

**"SEC. 340H. GRANTS TO EXPAND MEDICAL RESIDENCY TRAINING PROGRAMS AND INCREASE PROVIDER RETENTION RATES IN RURAL AND UNDERSERVED AREAS.**

"(a) PROGRAM AUTHORIZED.—The Secretary may make grants to community health centers—

"(1) to establish, at the centers, new or alternative-campus accredited medical residency training programs affiliated with a hospital or other health care facility; or

"(2) to fund new residency positions within existing accredited medical residency training programs at the centers and their affiliated partners.

"(b) USE OF FUNDS.—Amounts from a grant under this section shall be used to cover the costs of establishing or expanding a medical residency training program described in subsection (a), including costs associated with—

"(1) curriculum development;

"(2) equipment acquisition;

"(3) recruitment, training, and retention of residents and faculty; and

"(4) residency stipends.

"(c) APPLICATIONS.—A community health center seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) PREFERENCE.—In selecting recipients for a grant under this section, the Secretary shall give preference to funding medical residency training programs focusing on primary health care.

"(e) DEFINITIONS.—In this section:

"(1) The term 'accredited', as applied to a new or alternative-campus medical residency training program, means a program that is accredited by a recognized body or bodies approved for such purpose by the Accreditation Council for Graduate Medical Education, except that a new medical residency training program that, by reason of an insufficient period of operation, is not eligible for accreditation on or before the date of submission of an application under subsection (c) shall be deemed accredited if the Accreditation Council for Graduate Medical Education finds, after consultation with the appropriate accreditation body or bodies, that there is substantial assurance that the program will meet the accreditation standards of such body or bodies prior to the date of graduation of the first entering class in that program.

"(2) The term 'community health center' means a health center as defined in section 330.".

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**SA 3602.** Mr. DORGAN (for himself, Mr. ENZI, Mr. CONRAD, Ms. CANTWELL, Mr. JOHNSON, Mr. TESTER, Mr. BARRASSO, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 103___. DISAPPROVAL OF RULE.**

Congress disapproves the rule submitted by the Secretary relating to bovine spongiform encephalopathy, minimal-risk regions, and importation of live bovines and products derived from bovines (72 Fed. Reg. 53314 (2007)), and such rule shall have no force or effect.

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**SA 3603.** Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, strike line 25 and insert the following:

as determined by the Secretary.

"(i) AIR QUALITY IMPROVEMENT.—

"(1) IN GENERAL.—Under the environmental quality section of the program established under this chapter, the Secretary shall promote air quality by providing cost-share payments and incentive payments to individual producers for use in addressing air quality concerns associated with agriculture.

"(2) ELIGIBLE PRACTICES, COST-SHARE.—

"(A) REDUCTION OF EMISSIONS OF AIR POLLUTANTS AND PRECURSORS OF AIR POLLUTANTS.—In addition to practices eligible for cost-share payments under the environmental quality section of the program established under this chapter, the Secretary shall provide cost-share payments to producers under this section for mobile or stationary equipment (including engines) used in an agricultural operation that would reduce emissions and precursors of air pollutants.

"(B) CONSIDERATIONS.—In evaluating applications for cost-share assistance for equipment described in subparagraph (A), the Secretary shall prioritize assistance for equipment that—

"(i) is the most cost-effective in addressing air quality concerns; and

"(ii) would assist producers in meeting Federal, State, or local regulatory requirements relating to air quality.

"(3) LOCATIONS.—To receive a payment for a project under this subsection, a producer shall carry out the project in a county—

"(A) that is in nonattainment with respect to ambient air quality standards;

"(B) in which there is air quality degradation, recognized by a State or local agency, to which agricultural emissions significantly contribute; or

"(C) in which the Secretary determines that pesticide drift is a priority concern.

"(4) PRIORITY.—The Secretary shall give priority to projects that—

"(A) involve multiple producers implementing eligible conservation activities in a coordinated manner to promote air quality; or

"(B) are designed to encourage broad adoption of innovative approaches, including approaches involving the use of innovative technologies and integrated pest management, on the condition that the technologies do not have the unintended consequence of compromising other environmental goals.".

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**SA 3604.** Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

## Subtitle C—Disaster Loan Program

### SEC. 11101. SHORT TITLE.

This subtitle may be cited as the "Small Business Disaster Response and Loan Improvements Act of 2007".

### SEC. 11102. DEFINITIONS.

In this subtitle—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "catastrophic national disaster" means a catastrophic national disaster declared under section 7(b)(11) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act;

(3) the term "declared disaster" means a major disaster or a catastrophic national disaster;

(4) the term "disaster area" means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration;

(5) the term "disaster loan program of the Administration" means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(6) the term "disaster update period" means the period beginning on the date on which the President declares a major disaster or a catastrophic national disaster and ending on the date on which such declaration terminates;

(7) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(8) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(9) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

## PART I—DISASTER PLANNING AND RESPONSE

### SEC. 11121. DISASTER LOANS TO NONPROFITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) LOANS TO NONPROFITS.—In addition to any other loan authorized by this subsection, the Administrator may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a nonprofit organization located or operating in an area affected by a natural or other disaster, as determined under paragraph (1) or (2), or providing services to persons who have evacuated from any such area.".

### SEC. 11122. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (4), as added by this Act, the following:

"(5) INCREASED LOAN CAPS.—

"(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $2,000,000.

"(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, increase the aggregate loan amount under subparagraph (A) for loans relating to a disaster to a level established by the Administrator, based on appropriate economic indicators for the region in which that disaster occurred.".

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting "of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)" after "20 per centum".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "the, Administration" and inserting "the Administration";

(2) in paragraph (2)(A), by striking "Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (in this subsection referred to as a 'major disaster')"; and

(3) in the undesignated matter at the end—

(A) by striking ", (2), and (4)" and inserting "and (2)"; and

(B) by striking ", (2), or (4)" and inserting "(2)".

### SEC. 11123. SMALL BUSINESS DEVELOPMENT CENTER PORTABILITY GRANTS.

Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended—

(1) in the first sentence, by striking "as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability" and inserting "due to events that have resulted or will result in, business or government facility downsizing or closing"; and

(2) by adding at the end "At the discretion of the Administrator, the Administrator may make an award greater than $100,000 to a recipient to accommodate extraordinary occurrences having a catastrophic impact on the small business concerns in a community.".

### SEC. 11124. ASSISTANCE TO OUT-OF-STATE BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking "At the discretion" and inserting the following: "SMALL BUSINESS DEVELOPMENT CENTERS.—

"(A) IN GENERAL.—At the discretion"; and

(2) by adding at the end the following:

"(B) DURING DISASTERS.—

"(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide such assistance to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in a disaster area declared under section 7(b)(2)(A).

"(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which such small business development center otherwise provides services.

"(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of providing disaster recovery assistance under this subparagraph, the Administrator shall, to the maximum extent practicable, permit small business development center personnel to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.".

### SEC. 11125. OUTREACH PROGRAMS.

(a) IN GENERAL.—Not later than 30 days after the date of the declaration of a disaster area, the Administrator may establish a contracting outreach and technical assistance program for small business concerns which have had a primary place of business in, or other significant presence in, such disaster area.

(b) ADMINISTRATOR ACTION.—The Administrator may carry out subsection (a) by acting through—

(1) the Administration;

(2) the Federal agency small business officials designated under section 15(k)(1) of the Small Business Act (15 U.S.C. 644(k)(1)); or

(3) any Federal, State, or local government entity, higher education institution, procurement technical assistance center, or private nonprofit organization that the Administrator may determine appropriate, upon conclusion of a memorandum of understanding or assistance agreement, as appropriate, with the Administrator.

### SEC. 11126. SMALL BUSINESS BONDING THRESHOLD.

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster, the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) INCREASE OF AMOUNT.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

### SEC. 11127. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: ", and shall terminate on the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007".

### SEC. 11128. INCREASING COLLATERAL REQUIREMENTS.

Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended by striking "$10,000 or less" and inserting "$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a catastrophic national disaster declared under subsection (b)(11))".

### SEC. 11129. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) In General.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

"(6) Coordination with FEMA.—

"(A) In general.—Notwithstanding any other provision of law, for any disaster (including a catastrophic national disaster) declared under this subsection or major disaster, the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act correspond with application deadlines established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or as extended by the President.

"(B) Deadlines.—Notwithstanding any other provision of law, not later than 10 days before the closing date of an application period for a major disaster (including a catastrophic national disaster), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

"(i) the deadline for submitting applications for assistance under this Act relating to that major disaster;

"(ii) information regarding the number of loan applications and disbursements processed by the Administrator relating to that major disaster for each day during the period beginning on the date on which that major disaster was declared and ending on the date of that report; and

"(iii) an estimate of the number of potential applicants that have not submitted an application relating to that major disaster.

"(7) Public awareness of disasters.—If a disaster (including a catastrophic national disaster) is declared under this subsection, the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

"(A) the date of such declaration;

"(B) cities and towns within the area of such declaration;

"(C) loan application deadlines related to such disaster;

"(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

"(E) links to relevant Federal and State disaster assistance websites, including links to websites providing information regarding assistance available from the Federal Emergency Management Agency;

"(F) information on eligibility criteria for Administration loan programs, including where such applications can be found; and

"(G) application materials that clearly state the function of the Administration as the Federal source of disaster loans for homeowners and renters.".

(b) Marketing and Outreach.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) makes clear the services provided by the Administration, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and the eligibility requirements for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

### SEC. 11130. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) In General.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) Report.—Not later than 180 days after the date of enactment of this Act, the Administration shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

### SEC. 11131. PROCESSING DISASTER LOANS.

(a) Authority for Qualified Private Contractors To Process Disaster Loans.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (7), as added by this Act, the following:

"(8) Authority for qualified private contractors.—

"(A) Disaster loan processing.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster or a catastrophic national disaster declared under paragraph (11), under which the Administrator shall pay the contractor a fee for each loan processed.

"(B) Loan loss verification services.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster or a catastrophic national disaster declared under paragraph (11), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.".

(b) Coordination of Efforts Between the Administrator and the Internal Revenue Service To Expedite Loan Processing.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

### SEC. 11132. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) In General.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the "disaster response plan") to apply to major disasters; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) Contents.—The report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted to Congress on July 14, 2006;

(2) a description of how the Administrator plans to utilize and integrate District Office personnel of the Administration in the response to a major disaster, including information on the utilization of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administration can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the disaster loan program of the Administration in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in consultation with the Administrator of the

Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) EXERCISES.—Not later than 6 months after the date of the submission of the report under subsection (a)(2), the Administrator shall develop and execute simulation exercises to demonstrate the effectiveness of the amended disaster response plan required under this section.

### SEC. 11133. DISASTER PLANNING RESPONSIBILITIES.

(a) ASSIGNMENT OF SMALL BUSINESS ADMINISTRATION DISASTER PLANNING RESPONSIBILITIES.—The Administrator shall specifically assign the disaster planning responsibilities described in subsection (b) to an employee of the Administration who—

(1) is not an employee of the Office of Disaster Assistance of the Administration;

(2) shall report directly to the Administrator; and

(3) has a background and expertise demonstrating significant experience in the area of disaster planning.

(b) RESPONSIBILITIES.—The responsibilities described in this subsection are—

(1) creating and maintaining the comprehensive disaster response plan of the Administration;

(2) ensuring in-service and pre-service training procedures for the disaster response staff of the Administration;

(3) coordinating and directing Administration training exercises, including mock disaster responses, with other Federal agencies; and

(4) other responsibilities, as determined by the Administrator.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(1) a description of the actions of the Administrator to assign an employee under subsection (a);

(2) information detailing the background and expertise of the employee assigned under subsection (a); and

(3) information on the status of the implementation of the responsibilities described in subsection (b).

### SEC. 11134. ADDITIONAL AUTHORITY FOR DISTRICT OFFICES OF THE ADMINISTRATION.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

"(9) USE OF DISTRICT OFFICES.—In the event of a major disaster, the Administrator may authorize a district office of the Administration to process loans under paragraph (1) or (2).".

(b) DESIGNATION.—

(1) IN GENERAL.—The Administrator may designate an employee in each district office of the Administration to act as a disaster loan liaison between the disaster processing center and applicants under the disaster loan program of the Administration.

(2) RESPONSIBILITIES.—Each employee designated under paragraph (1) shall—

(A) be responsible for coordinating and facilitating communications between applicants under the disaster loan program of the Administration and disaster loan processing staff regarding documentation and information required for completion of an application; and

(B) provide information to applicants under the disaster loan program of the Administration regarding additional services and benefits that may be available to such applicants to assist with recovery.

(3) OUTREACH.—In providing outreach to disaster victims following a declared disaster, the Administrator shall make disaster victims aware of—

(A) any relevant employee designated under paragraph (1); and

(B) how to contact that employee.

### SEC. 11135. ASSIGNMENT OF EMPLOYEES OF THE OFFICE OF DISASTER ASSISTANCE AND DISASTER CADRE.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (9), as added by this Act, the following:

"(10) DISASTER ASSISTANCE EMPLOYEES.—

"(A) IN GENERAL.—In carrying out this section, the Administrator may, where practicable, ensure that the number of full-time equivalent employees—

"(i) in the Office of the Disaster Assistance is not fewer than 800; and

"(ii) in the Disaster Cadre of the Administration is not fewer than 750.

"(B) REPORT.—In carrying out this subsection, if the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the level described in subparagraph (A) for that office, not later than 21 days after the date on which that staffing level decreased below the level described in subparagraph (A), the Administrator shall submit to the Committee on Appropriations and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Appropriations and Committee on Small Business of the House of Representatives, a report—

"(i) detailing staffing levels on that date;

"(ii) requesting, if practicable and determined appropriate by the Administrator, additional funds for additional employees; and

"(iii) containing such additional information, as determined appropriate by the Administrator.".

## PART II—DISASTER LENDING

### SEC. 11141. CATASTROPHIC NATIONAL DISASTER DECLARATION.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (10), as added by this Act, the following:

"(11) CATASTROPHIC NATIONAL DISASTERS.—

"(A) IN GENERAL.—The President may make a catastrophic national disaster declaration in accordance with this paragraph.

"(B) PROMULGATION OF RULES.—

"(i) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Administrator, with the concurrence of the Secretary of Homeland Security and the Administrator of the Federal Emergency Management Agency, shall promulgate regulations establishing a threshold for a catastrophic national disaster declaration.

"(ii) CONSIDERATIONS.—In promulgating the regulations required under clause (i), the Administrator shall establish a threshold that—

"(I) is similar in size and scope to the events relating to the terrorist attacks of September 11, 2001, and Hurricane Katrina of 2005;

"(II) requires that the President declares a major disaster before making a catastrophic national disaster declaration under this paragraph;

"(III) requires consideration of—

"(aa) the dollar amount per capita of damage to the State, its political subdivisions, or a region;

"(bb) the number of small business concerns damaged, physically or economically, as a direct result of the event;

"(cc) the number of individuals and households displaced from their predisaster residences by the event;

"(dd) the severity of the impact on employment rates in the State, its political subdivisions, or a region;

"(ee) the anticipated length and difficulty of the recovery process;

"(ff) whether the events leading to the relevant major disaster declaration are of an unusually large and calamitous nature that is orders of magnitude larger than for an average major disaster; and

"(gg) any other factor determined relevant by the Administrator.

"(C) AUTHORIZATION.—If the President makes a catastrophic national disaster declaration under this paragraph, the Administrator may make such loans under this paragraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to small business concerns located anywhere in the United States that are economically adversely impacted as a result of that catastrophic national disaster.

"(D) LOAN TERMS.—A loan under this paragraph shall be made on the same terms as a loan under paragraph (2).".

### SEC. 11142. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) PRIVATE DISASTER LOANS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'disaster area' means any area for which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) that subsequently results in the President making a catastrophic national disaster declaration under subsection (b)(11);

"(B) the term 'eligible small business concern' means a business concern that is—

"(i) a small business concern, as defined in this Act; or

"(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958; and

"(C) the term 'qualified private lender' means any privately-owned bank or other lending institution that the Administrator determines meets the criteria established under paragraph (9).

"(2) AUTHORIZATION.—The Administrator may guarantee timely payment of principal and interest, as scheduled on any loan issued by a qualified private lender to an eligible small business concern located in a disaster area.

"(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (b).

"(4) ONLINE APPLICATIONS.—

"(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

"(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

"(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

"(5) MAXIMUM AMOUNTS.—

"(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

"(B) LOAN AMOUNTS.—The maximum amount of a loan guaranteed under this subsection shall be $2,000,000.

"(6) LOAN TERM.—The longest term of a loan for a loan guaranteed under this subsection shall be—

"(A) 15 years for any loan that is issued without collateral; and

"(B) 25 years for any loan that is issued with collateral.

"(7) FEES.—

"(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

"(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender and the Administrator.

"(8) DOCUMENTATION.—A qualified private lender may use its own loan documentation for a loan guaranteed by the Administrator, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan guaranteed under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (9).

"(9) IMPLEMENTATION REGULATIONS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

"(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

"(10) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration to carry out subsection (b).

"(B) AUTHORITY TO REDUCE INTEREST RATES.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator, to the extent available, to reduce the rate of interest for any loan guaranteed under this subsection by not more than 3 percentage points.

"(11) PURCHASE OF LOANS.—The Administrator may enter into an agreement with a qualified private lender to purchase any loan issued under this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters declared under section 7(b)(2) of the Small Business Act (631 U.S.C. 636(b)(2)) before, on, or after the date of enactment of this Act.

### SEC. 11143. TECHNICAL AND CONFORMING AMENDMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking "7(c)(2)" and inserting "7(d)(2)"; and

(B) in paragraph (2)—

(i) by striking "7(c)(2)" and inserting "7(d)(2)"; and

(ii) by striking "7(e),"; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking "That the provisions of paragraph (1) of subsection (c)" and inserting "That the provisions of paragraph (1) of subsection (d)"; and

(B) by striking "Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c)," and inserting "Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)".

### SEC. 11144. EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term "immediate disaster assistance" means assistance provided during the period beginning on the date on which the President makes a catastrophic disaster declaration under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act, and ending on the date that an impacted small business concern is able to secure funding through insurance claims, Federal assistance programs, or other sources; and

(2) the term "program" means the expedited disaster assistance business loan program established under subsection (b).

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program to provide small business concerns with immediate disaster assistance under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act.

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue rules in final form establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the declared disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan made by the Administration under this section—

(A) shall be for not more than $150,000;

(B) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(C) shall have an interest rate not to exceed 1 percentage point above the prime rate of interest that a private lender may charge;

(D) shall have no prepayment penalty;

(E) may only be made to a borrower that meets the requirements for a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(F) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act;

(G) may receive expedited loss verification and loan processing, if the applicant is—

(i) a major source of employment in the disaster area (which shall be determined in the same manner as under section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B))); or

(ii) vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials); and

(H) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

### SEC. 11145. HUBZONES.

(a) IN GENERAL.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking "or";

(B) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(F) areas in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005, during the time period described in paragraph (8); or

"(G) catastrophic national disaster areas.";

(2) in paragraph (4), by adding at the end the following:

"(E) CATASTROPHIC NATIONAL DISASTER AREA.—

"(i) IN GENERAL.—The term 'catastrophic national disaster area' means an area—

"(I) affected by a catastrophic national disaster declared under section 7(b)(11), during the time period described in clause (ii); and

"(II) for which the Administrator determines that designation as a HUBZone would substantially contribute to the reconstruction and recovery effort in that area.

"(ii) TIME PERIOD.—The time period for the purposes of clause (i)—

"(I) shall be the 2-year period beginning on the date that the applicable catastrophic national disaster was declared under section 7(b)(11); and

"(II) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in subclause (I)."; and

(3) by adding at the end the following:

"(8) TIME PERIOD.—The time period for the purposes of paragraph (1)(F)—

"(A) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

"(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.".

(b) TOLLING OF GRADUATION.—Section 7(j)(10)(C) of the Small Business Act (15 U.S.C. 636(j)(10)(C)) is amended by adding at the end the following:

"(iii)(I) For purposes of this subparagraph, if the Administrator designates an area as a HUBZone under section 3(p)(4)(E)(i)(II), the Administrator shall not count the time period described in subclause (II) of this clause for any small business concern—

"(aa) that is participating in any program, activity, or contract under section 8(a); and

"(bb) the principal place of business of which is located in that area.

"(II) The time period for purposes of subclause (I)—

"(aa) shall be the 2-year period beginning on the date that the applicable catastrophic national disaster was declared under section 7(b)(11); and

"(bb) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in item (aa).".

(c) STUDY OF HUBZONE DISASTER AREAS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives evaluating the designation by the Administrator of catastrophic national disaster areas, as that term is defined in section 3(p)(4)(E) of the Small Business Act (as added by this Act), as HUBZones.

## PART III—DISASTER ASSISTANCE OVERSIGHT

### SEC. 11161. CONGRESSIONAL OVERSIGHT.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for that major disaster during the preceding month.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (1);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) DAILY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each day during a disaster update period, excluding Federal holidays and weekends, the Administration shall provide to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans disbursed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully disbursed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) NOTICE OF THE NEED FOR SUPPLEMENTAL FUNDS.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for that loan program.

(d) REPORT ON CONTRACTING.—

(1) IN GENERAL.—Not later than 6 months after the date on which the President declares a major disaster, and every 6 months thereafter until the date that is 18 months after the date on which the major disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of that major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the total number of contracts awarded as a result of that major disaster;

(B) the total number of contracts awarded to small business concerns as a result of that major disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of that major disaster; and

(D) the total number of contracts awarded to local businesses as a result of that major disaster.

(e) REPORT ON LOAN APPROVAL RATE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Accelerated Disaster Response Initiative of the Administration; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

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**SA 3605.** Mr. SMITH (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. 12____. CLASSIFICATION OF AUTOMATIC FIRE SPRINKLER SYSTEMS.

(a) FINDINGS.—The Congress finds that—

(1) the publication of the original study and comprehensive list of recommendations in America Burning, written in 1974, requesting advances in fire prevention through the installation of automatic sprinkler systems in existing buildings have yet to be fully implemented;

(2) fire departments responded to approximately 1,600,000 fires in 2005;

(3) there were 3,675 non-terrorist related deaths in the United States and almost 17,925 civilian injuries resulting from fire in 2005;

(4) 87 firefighters were killed in 2005;

(5) fire caused $10,672,000,000 in direct property damage in 2005, and sprinklers are responsible for a 70 percent reduction in property damage from fires in public assembly, educational, residential, commercial, industrial and manufacturing buildings;

(6) fire departments respond to a fire every 20 seconds, a fire breaks out in a structure every 61 seconds and in a residential structure every 79 seconds in the United States;

(7) the Station Nightclub in West Warwick, Rhode Island, did not contain an automated sprinkler system and burned down, killing 99 people on February 20, 2003;

(8) due to an automated sprinkler system, not a single person was injured from a fire beginning in the Fine Line Music Café in Minneapolis after the use of pyrotechnics on February 17, 2003;

(9) the National Fire Protection Association has no record of a fire killing more than 2 people in a completely sprinklered public assembly, educational, institutional or residential building where the system was properly installed and fully operational;

(10) sprinkler systems dramatically improve the chances of survival of those who cannot save themselves, specifically older adults, young children and people with disabilities;

(11) the financial cost of upgrading fire counter measures in buildings built prior to fire safety codes is prohibitive for most property owners;

(12) many State and local governments lack any requirements for older structures to contain automatic sprinkler systems;

(13) under the present straight-line method of depreciation, there is a disincentive for building safety improvements due to an extremely low rate of return on investment; and

(14) the Nation is in need of incentives for the voluntary installation and retrofitting of buildings with automated sprinkler systems to save the lives of countless individuals and responding firefighters as well as drastically reduce the costs from property damage.

(b) IN GENERAL.—Subparagraph (B) of section 168(e)(3) (relating to 5-year property), as amended by this Act, is amended by striking “and” at the end of clause (vi), by striking the period at the end of clause (vii) and inserting “, and”, and by inserting after clause (vii) the following:

“(viii) any automatic fire sprinkler system placed in service after the date of the enactment of this clause in a building structure which was placed in service before such date of enactment.”.

(c) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) (relating to special rule for certain property assigned to classes), as amended by this Act, is amended by inserting after the item relating to subparagraph (B)(vii) the following:

“(B)(vii) ............................ 7”.

(d) DEFINITION OF AUTOMATIC FIRE SPRINKLER SYSTEM.—Subsection (i) of section 168 is amended by adding at the end the following:

“(18) AUTOMATED FIRE SPRINKLER SYSTEM.—The term ‘automated fire sprinkler system’ means those sprinkler systems classified under one or more of the following publications of the National Fire Protection Association—

“(A) NFPA 13, Installation of Sprinkler Systems,

“(B) NFPA 13 D, Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, and

“(C) NFPA 13 R, Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

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**SA 3606.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 994, strike lines 7 through 17 and insert the following:

### SEC. 7312. NATIONAL ARBORETUM.

The Act of March 4, 1927 (20 U.S.C. 191 et seq.), is amended by adding at the end the following:

### “SEC. 7. CONSTRUCTION OF A CHINESE GARDEN AT NATIONAL ARBORETUM.

“(a) IN GENERAL.—A Chinese Garden may be constructed at the National Arboretum established under this Act with—

“(1) funds accepted under section 5; and

“(2) authorities provided to the Secretary of Agriculture under section 6.

“(b) REPORT.—Each year the Secretary of Agriculture shall submit to Congress, and post on the public website of the National Arboretum, an itemized budget that shall describe, for the preceding year—

“(1) the total costs of the National Arboretum;

“(2) the costs of—

“(A) operation and maintenance;

“(B) horticulture and grounds;

“(C) visitor services; and

“(D) supplies and materials;

“(3) indirect costs of the Agricultural Research Service relating to the National Arboretum; and

“(4) the total number of visitors to the National Arboretum.

“(c) LIMITATION.—No Federal funds shall be used for the construction of the Chinese Garden authorized under subsection (a).”.

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**SA 3607.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

### SEC. 110___. STUDY OF IMPACTS OF LOCAL FOOD SYSTEMS AND COMMERCE.

(a) STUDY.—The Secretary shall conduct a study on the impacts of local food systems and commerce that shall, at a minimum—

(1) develop a working definition of local food systems and commerce; and

(2) identify indicators, and include an assessment of—

(A) the market share of local food systems and commerce throughout the United States and by region;

(B) the potential community, economic, health and nutrition, environmental, food safety, and food security impacts of advancing local food systems and commerce;

(C) the potential energy, transportation, water resource, and climate change impacts of local food systems and commerce;

(D) the structure of agricultural considerations and impacts throughout the United States and by region;

(E) the interest of agricultural producers in diversifying to access local markets and the barriers and opportunities confronted by agricultural producers in the process of diversification;

(F) the current availability and present and future need of independent processing plants that cater to local food commerce, including difficulty in meeting regulatory requirements;

(G) the key gaps in food processing, distribution, marketing, and economic development, including regional differences in infrastructure gaps and other barriers;

(H) the role of public and private institutions and institutional and governmental buying systems and procurement policies in purchasing products through local food systems;

(I) the benefits and challenges for children and families in the most vulnerable rural and urban sectors of the United States; and

(J) the challenges that prevent local foods from comprising a larger share of the per capita food consumption in the United States, and existing and potential strategies, policies, and programs to address those challenges.

(b) COLLABORATION.—

(1) IN GENERAL.—The Secretary shall appoint a collaborative study team to oversee and conduct the research necessary to conduct the study described in subsection (a) and the case studies described in subsection (c).

(2) MEMBERSHIP.—The study team shall include representatives of—

(A) the Economic Research Service, Agricultural Marketing Service, and other appropriate agencies of the Department of Agriculture or other Federal agencies;

(B) the Environmental Protection Agency;

(C) institutions of higher education, including at least 1 institution of higher education representative from each of the regions studied;

(D) small farmers;

(E) nongovernmental organizations with appropriate expertise; and

(F) State and local governments.

(c) CASE STUDIES.—

(1) IN GENERAL.—The study team appointed by the Secretary under subsection (b) shall carry out case studies in representative production and marketing regions in the United States to address the issues being studied under subsection (a).

(2) REQUIREMENTS.—In carrying out case studies, the study team shall—

(A) identify opportunities for primary research; and

(B) to the maximum extent practicable, use existing surveys, data, and research.

(3) COMPONENTS.—Each case study shall—

(A) identify and, to the maximum extent practicable, evaluate the success of relevant Federal, State, and local policies that are intended to induce local food purchasing and commerce;

(B) examine the agricultural structure in each region to account for the impact of farm size and type of production on local economies and barriers to accessing local markets;

(C) determine regional market trends and the share of the market supplied by current agricultural producers in the region; and

(D) assess the potential for local food system value chains and supply networks and map the supply chain factors in each region involved in agricultural production, processing, and distribution of locally grown produce, meat, dairy, and other products.

(d) REPORTS.—Not later than 2 years after the date of enactment of this Act, and thereafter as the Secretary considers appropriate, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes the results of the study conducted under subsection (a) and the case studies under subsection (c); and

(2) includes such recommendations for legislative action as the Secretary considers appropriate.

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**SA 3608.** Mr. MENENDEZ (for himself, Mr. REED, Mr. CARDIN, Mr. KENNEDY, Mr. KERRY, Mr. DODD, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mr. LAUTENBERG, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 774, strike line 10 and all that follows through page 776, line 19, and insert the following:

(a) RURAL AREA.—

(1) DEFINITION.—Section 343(a)(13) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)) is amended by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The terms 'rural' and 'rural area' mean—

"(i) any area other than a city or town that has a population of greater than 50,000 inhabitants, except that, for all activities under programs in the rural development mission area within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Secretary may designate any portion of the areas as a rural area or eligible rural community that the Secretary determines is not urban in character, other than any area included in the Honolulu Census Designated Place or the San Juan Census Designated Place; and

"(ii) any urbanized area contiguous and adjacent to such a city or town.".

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(A) assesses the various definitions of the term "rural" that are used with respect to programs administered by the Secretary;

(B) describes the effects that the variations in those definitions have on those programs; and

(C) makes recommendations for ways to better target funds provided through rural development programs.

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**SA 3609.** Mr. CASEY (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, between lines 2 and 3, insert the following:

**SEC. 19___. ENTERPRISE AND WHOLE FARM UNITS.**

Section 508(e) of Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following:

"(6) ENTERPRISE AND WHOLE FARM UNITS.—

"(A) IN GENERAL.—The Corporation may carry out a pilot program under which the Corporation pays a portion of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2) for policyholders that convert from a plan or policy of insurance for which the insurable unit is defined on optional or basic unit basis.

"(B) ELIGIBILITY.—To be eligible to participate in a pilot program established under this paragraph, a policyholder shall—

"(i) have purchased additional coverage for the 2005 crop on an optional or basic unit basis for at least 90 percent of the acreage to be covered by enterprise or whole farm unit policy for the current crop; and

"(ii) purchase the enterprise or whole farm unit policy at not less than the highest coverage level that was purchased for the acreage for the 2005 crop.

"(C) AMOUNT.—

"(i) IN GENERAL.—The amount of the premium per acre paid by the Corporation to a policyholder for a policy with an enterprise and whole farm unit under this paragraph shall be, the maximum extent practicable, equal to the average dollar amount of subsidy per acre paid by the Corporation under paragraph (2) for a basic or optional unit.

"(ii) LIMITATION.—The amount of the premium paid by the Corporation under this paragraph may not exceed the total premium for the enterprise or whole farm unit policy.

"(D) CONVERSION OF PILOT TO A PERMANENT PROGRAM.—Not earlier than 180 days after the date of enactment of this paragraph, the Corporation may convert the pilot program described in this paragraph to a permanent program if the Corporation has—

"(i) carried out the pilot program;

"(ii) analyzed the results of the pilot program; and

"(iii) submitted to Congress a report describing the results of the analysis.".

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**SA 3610.** Mr. CASEY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table, as follows:

Strike section 2371 and insert the following:

**SEC. 2371. FARM AND RANCHLAND PROTECTION PROGRAM.**

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) is amended to read as follows:

**"Subchapter B—Farm and Ranchland Protection Program**

**"SEC. 1238H. DEFINITIONS.**

"In this subchapter:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

"(A) An agency of a State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law).

"(B) An organization that is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986.

"(C) An organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code.

"(D) An organization described in section 509(a)(2) of the Internal Revenue Code of 1986.

"(E) An organization described in section 509(a)(3) of the Internal Revenue Code of 1986 that is controlled by an organization described in section 509(a)(2), of that Code.

"(2) ELIGIBLE LAND.—The term 'eligible land' means land on a farm or ranch that—

"(A) is cropland;

"(B) is rangeland;

"(C) is grassland;

"(D) is pasture land;

"(E) is forest land that is an incidental part of an agricultural operation, as determined by the Secretary; or

"(F) contains historical or archaeological resources.

"(3) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(4) PROGRAM.—The term 'program' means the farm and ranchland protection program established under section 1238I(a).

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

### "SEC. 1238I. FARM AND RANCHLAND PROTECTION PROGRAM.

"(a) ESTABLISHMENT.—

"(1) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and carry out a farm and ranchland protection program under which the Secretary shall facilitate and provide funding for the purchase of conservation easements or other interests in eligible land that is subject to a pending offer from a certified State or eligible entity for the purpose of protecting the agricultural use and related conservation values of the land by limiting incompatible non-agricultural uses of the land.

"(2) PRIORITY.—In carrying out the program, the Secretary shall give the highest priority—

"(A) to protecting farm and ranchland with prime, unique or other productive soils that are at risk of non-agricultural development; or

"(B) to projects that further a State or local policy consistent with the purposes of the program.

"(b) GRANTS TO CERTIFIED STATES.—The Secretary shall make grants to States certified by the Secretary under subsection (c). Such grants shall be made based on demonstrated need for farm and ranch land protection. Grants may be made for multiple transactions so long as all funds provided under the program are used to purchase conservation easements or other interests in land in a timely and effective manner. A State receiving a grant under this subsection may use up to 10 percent of the grant funds for reasonable costs of purchasing and enforcing conservation easements.

"(c) CERTIFICATION OF STATES FOR GRANTS.—

"(1) CERTIFICATION PROCESS.—The Secretary shall implement a process, to be published in the Federal Register, for certifying States as eligible to participate in the program. The Secretary may provide a reasonable transitional period, not to extend past September 30, 2008, in order to allow continued operation of the program for such time as needed for the Secretary to implement the certification process.

"(2) CERTIFICATION REQUIREMENTS.—To be certified under the process implemented under paragraph (1), a State shall demonstrate, at a minimum, the following:

"(A) A legislative or organizational purpose consistent with the purposes of the program.

"(B) The necessary authority and the resources and technical ability to monitor and enforce the terms of conservation easements or other interests in land or to require the holder of such easements or other interests in land acquired with the use of funding under the program to monitor and enforce the terms of such easements or other interests in land.

"(C) The capacity to provide the necessary matching funds from non-Federal sources for projects undertaken under the program and to use program funds in a timely and effective manner.

"(D) Policies and procedures to ensure that, on average, the purchase price of conservation easements or other interests in land purchased with program funds do not exceed the fair market value of the easements or other interests in land.

"(E) Policies and procedures that ensure that conservation easements or other interests in land purchased with program funds will continue to protect the agricultural use and related conservation values of the land.

"(F) Provision for continued stewardship of the conservation easements or other interest in land purchased with program funds in the event the State loses its certification under the program.

"(G) A determination of its own criteria and priorities for purchasing conservation easements and other interests in land under the program.

"(d) AGREEMENTS WITH ELIGIBLE ENTITIES.—

"(1) AGREEMENTS AUTHORIZED.—The Secretary may enter into an agreement with an eligible entity, under which the entity may purchase conservation easements using a combination of its own funds and funds distributed by the Secretary under the program.

"(2) TERMS AND CONDITIONS.—An agreement under this subsection shall stipulate the terms and conditions under which the eligible entity shall use funds provided by the Secretary under the program. The eligible entity shall be authorized to use its own terms and conditions for conservation easements and other purchases of interests in land, so long as—

"(A) such terms and conditions are consistent with the purposes of the program and permit effective enforcement of the conservation purposes of such easements or other interests;

"(B) the eligible entity has in place a requirement consistent with agricultural activities regarding the impervious surfaces to be allowed for any conservation easement or other interest in land purchased using grant funds provided under the program; and

"(C) the eligible entity requires use of a conservation plan for any highly erodible cropland for which a conservation easement or other interest in land has been purchased using grant funds provided under the program.

"(e) FEDERAL CONTINGENT RIGHT OF ENFORCEMENT.—The Secretary may require the inclusion of a Federal contingent right of enforcement or executory limitation in a conservation easement or other interest in land for conservation purposes purchased with Federal funds provided under the program, in order to preserve the easement as a party of last resort. The inclusion of such a right or interest shall not be considered to be the Federal acquisition of real property and the Federal standards and procedures for land acquisition shall not apply to the inclusion of the right or interest

"(f) REVIEW; REVOCATION.—

"(1) REVIEW.—Every 3 years, the Secretary shall review the certification of States under subsection (c) and the performance of eligible entities in meeting the terms and conditions of an agreement under subsection (d).

"(2) REVOCATION.—If, in the determination of the Secretary, a State no longer meets the qualifications described in subsection (c)(2) or an eligible entity is not meeting the terms and conditions of an agreement under subsection (d), the Secretary may—

"(A) revoke the certification of the State or terminate the agreement with the eligible entity; or

"(B) allow the State or eligible entity a specified period of time in which to take such actions as may be necessary to retain its certification or to meet the terms and conditions of the agreement, as the case may be.

"(g) CONSERVATION PLAN.—Any highly erodible cropland for which a conservation easement or other interest is purchased under this subchapter shall be subject to the requirements of a conservation plan. In the case of an easement or other interest in land that is perpetual in duration, the Secretary may not require the conversion of the cropland to less intensive uses if, under such plan, soil erosion can be reduced to 'T' or below.

"(h) COST SHARING.—The share of the cost provided under this section for purchasing a conservation easement or other interest in land shall not exceed 50 percent of the appraised fair market value of the conservation easement or other interest in eligible land. Fair market value shall be determined on the basis of an appraisal of the conservation easement or other interest in eligible land using an industry-approved methodology determined by the entity.".

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**SA 3611.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 182, between lines 16 and 17, insert the following:

### SEC. 1610. ADDITIONAL MANDATORY DAIRY REPORTING.

Subsection (b) of section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b) (as redesignated by section 1609(2)) is amended—

(1) in paragraph (3)—

(A) by striking "shall take such actions" and inserting "shall—

"(A) take such actions";

(B) in subparagraph (A) (as designated by subparagraph (A)), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B) include regular audits and comparisons with other related dairy market statistics collected by other Federal agencies or private entities on at least a monthly basis."; and

(2) in paragraph (4)(A)—

(A) by striking "subtitle to willfully fail" and inserting "subtitle—

"(i) to willfully fail";

(B) in clause (i) (as designated by subparagraph (A)), by striking the period at the end and inserting ", including provision or reporting of erroneous prices (including prices for sales covered by fixed price contracts with terms of more than 30 days); and"; and

(C) by adding at the end the following:

"(ii) to manipulate spot market prices or other markets to provide a false price signal to the market and influence prices reported under this subtitle.".

On page 1243, between lines 13 and 14, insert the following:

### SEC. 10309. COORDINATION OF DAIRY OVERSIGHT.

(a) IN GENERAL.—The Secretary shall select an official within the Department of Agriculture to coordinate the sharing of information on oversight of the dairy industry to ensure fair competition.

(b) DUTIES.—The official selected under subsection (a) shall—

(1) serve as a liaison among the Agricultural Marketing Service, Farm Service Agency, and National Agricultural Statistics Service;

(2) coordinate with the Commodity Futures Trading Commission, the Department of Justice, and the Federal Trade Commission, as appropriate;

(3) maintain informal communication among the Federal agencies specified in paragraphs (1) and (2) and other Federal agencies, as necessary;

(4) hold at least 1 formal annual meeting during each calendar year; and

(5) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and make available to the public, an annual report that describes issues of concern in the dairy industry, including—

(A) concentration among cooperatives or processors;

(B) the farm-retail price spread (including flat pricing);

(C) an examination of the competition implications of cooperative and processor joint ventures; and

(D) statistics on volumes of dairy products traded on dairy markets and reported through mandatory price reporting relative to the overall market.

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**SA 3612.** Mr. BOND submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 973, strike lines 21 through 24 and inset the following:

(a) FUNDING.—

(1) MANDATORY FUNDING.—

(A) IN GENERAL.—Section 401(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(b)) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Not later than 30 days after the date of enactment of the Food and Energy Security Act of 2007, on October 1, 2008, and each October 1 thereafter through October 1, 2011, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Account the amount that the Secretary estimates will be made available for the applicable fiscal year as a result of the enactment of section 7201(a)(1)(B) of that Act.".

(B) OFFSET.—Notwithstanding title I or any amendment made by title I, a person or legal entity shall not be eligible for, and the Secretary shall not make to any person or legal entity, any individual payment under subtitles A through E of title I or an amendment made by those titles in an amount that is less than $25.

(2) DISCRETIONARY FUNDING.—Section 401(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(b)) is amended by striking paragraph (3) and inserting the following:

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**SA 3613.** Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 883, line 2, strike the closing quotation marks and the semicolon.

On page 883, between lines 2 and 3, insert the following:

"(6) ONLINE SAFETY REQUIREMENT FOR SCHOOLS.—An elementary or secondary school may not receive assistance under paragraph (1)(E) for computers with Internet access unless the school, school board, local educational agency, or other authority with responsibility for administration of the school certifies to the Administrator that the school has an Internet safety policy that includes educating minors about age-appropriate online behavior, including interaction with other individuals on social net-working websites and in chat rooms, and cyber-bullying awareness and response.".

At the appropriate place, insert the following:

## TITLE —PROTECTING CHILDREN IN THE 21ST CENTURY

### SEC. —001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Protecting Children in the 21st Century Act".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —001. Short title; table of contents.

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

Sec. —101. Internet safety.
Sec. —102. Public awareness campaign.
Sec. —103. Annual reports.
Sec. —104. Authorization of appropriations.
Sec. —105. Online safety and technology working group.
Sec. —106. Promoting online safety in schools.
Sec. —107. Definitions.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

Sec. —201. Child pornography prevention; forfeitures related to child pornography violations.
Sec. —202. Additional child pornography amendments.

## TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

### SEC. 101. INTERNET SAFETY.

For the purposes of this subtitle, the issue of Internet safety includes issues regarding the use of the Internet in a manner that promotes safe online activity for children, protects children from cybercrimes, including crimes by online predators, and helps parents shield their children from material that is inappropriate for minors.

### SEC. 102. PUBLIC AWARENESS CAMPAIGN.

The Federal Trade Commission shall carry out a nationwide program to increase public awareness and provide education regarding strategies to promote the safe use of the Internet by children. The program shall utilize existing resources and efforts of the Federal Government, State and local governments, nonprofit organizations, private technology and financial companies, Internet service providers, World Wide Web-based resources, and other appropriate entities, that includes—

(1) identifying, promoting, and encouraging best practices for Internet safety;

(2) establishing and carrying out a national outreach and education campaign regarding Internet safety utilizing various media and Internet-based resources;

(3) facilitating access to, and the exchange of, information regarding Internet safety to promote up-to-date knowledge regarding current issues; and

(4) facilitating access to Internet safety education and public awareness efforts the Commission considers appropriate by States, units of local government, schools, police departments, nonprofit organizations, and other appropriate entities.

### SEC. 103. ANNUAL REPORTS.

The Commission shall submit a report to the Senate Committee on Commerce, Science, and Transportation not later than March 31 of each year that describes the activities carried out under section —102 by the Commission during the preceding calendar year.

### SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

For carrying out the public awareness campaign under section —102, there are authorized to be appropriated to the Commission $5,000,000 for each of fiscal years 2008 and 2009.

### SEC. 105. ONLINE SAFETY AND TECHNOLOGY WORKING GROUP.

(a) ESTABLISHMENT.—Within 90 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall establish an Online Safety and Technology working group comprised of representatives of relevant sectors of the business community, public interest groups, and other appropriate groups and Federal agencies to review and evaluate—

(1) the status of industry efforts to promote online safety through educational efforts, parental control technology, blocking and filtering software, age-appropriate labels for content or other technologies or initiatives designed to promote a safe online environment for children;

(2) the status of industry efforts to promote online safety among providers of electronic communications services and remote computing services by reporting apparent child pornography under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032), including amendments made by this subtitle with respect to the content of such reports and any obstacles to such reporting;

(3) the practices of electronic communications service providers and remote computing service providers related to record retention in connection with crimes against children; and

(4) the development of technologies to help parents shield their children from inappropriate material on the Internet.

(b) REPORT.—Within 1 year after the working group is first convened, it shall submit a report to the Assistant Secretary and the Senate Committee on Commerce, Science, and Transportation that—

(1) describes in detail its findings, including any information related to the effectiveness of such strategies and technologies and any information about the prevalence within industry of educational campaigns, parental control technologies, blocking and filtering software, labeling, or other technologies to assist parents; and

(2) includes recommendations as to what types of incentives could be used or developed to increase the effectiveness and implementation of such strategies and technologies.

(c) FACA NOT TO APPLY TO WORKING GROUP.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

### SEC. 106. PROMOTING ONLINE SAFETY IN SCHOOLS.

Section 254(h)(5)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(b)) is amended—

(1) by striking "and" after the semicolon in clause (i);

(2) by striking "minors." in clause (ii) and inserting "minors; and"; and

(3) by adding at the end the following:

"(iii) as part of its Internet safety policy is educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.".

### SEC. 107. DEFINITIONS.

In this subtitle:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) INTERNET.—The term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor successor protocols to such protocol, to communicate information of all kinds by wire or radio.

## TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

### SEC. 201. CHILD PORNOGRAPHY PREVENTION; FORFEITURES RELATED TO CHILD PORNOGRAPHY VIOLATIONS.

(a) IN GENERAL.—Section 503(b)(1) of the Communications Act of 1934 (47 U.S.C. 503(b)(1)) is amended—

(1) by striking "or" after the semicolon in subparagraph (C);

(2) by striking "or 1464" in subparagraph (D) and inserting "1464, or 2252";

(3) by inserting "or" after the semicolon in subparagraph (D); and

(4) by inserting after subparagraph (D) the following:

"(E) violated any provision of section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032);".

### SEC. 202. ADDITIONAL CHILD PORNOGRAPHY AMENDMENTS.

(a) INCREASE IN FINE FOR FAILURE TO REPORT.—Section 227(b)(4) of the Crime Control Act of 1990 (42 U.S.C. 13032(b)(4)) is amended—

(1) by striking "$50,000;" in subparagraph (A) and inserting "$150,000;"; and

(2) by striking "$100,000." in subparagraph (B) and inserting "$300,000.".

(b) INTERNATIONAL INFORMATION SHARING.—Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) by striking "a law enforcement agency or" in subsection (b)(1) and inserting "appropriate Federal, State, or foreign law enforcement agencies";

(2) by inserting "Federal, State, or foreign" after "designate the" in subsection (b)(2);

(3) by striking "law." in subsection (b)(3) and inserting "law, or appropriate officials of foreign law enforcement agencies designated by the Attorney General for the purpose of enforcing State or Federal laws of the United States.";

(4) by redesignating paragraphs (3) and (4) of subsection (b) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

"(3) CONTENTS OF REPORT.—To the extent this information is reasonably available to an electronic communication service provider or a remote computing service provider, each report under paragraph (1) shall include—

"(A) information relating to the Internet identity of any individual who appears to have violated any section of title 18, United States Code, referenced in paragraph (1), including any relevant user ID or other online identifier, electronic mail addresses, website address, uniform resource locator, or other identifying information;

"(B) information relating to when any apparent child pornography was uploaded, transmitted, reported to, or discovered by the electronic communication service provider or a remote computing service provider, as the case may be, including a date and time stamp and time zone.

"(C) information relating to geographic location of the involved individual or reported content, including the hosting website, uniform resource locator, street address, zip code, area code, telephone number, or Internet Protocol address;

"(D) any image of any apparent child pornography relating to the incident, and any images commingled with images of apparent child pornography, such report is regarding; and

"(E) accurate contact information for the electronic communication service provider or remote computing service provider making the report, including the address, telephone number, facsimile number, electronic mail address of, and individual point of contact for such electronic communication service provider or remote computing service provider.";

(5) by inserting "section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773)," after "section," in subsection (g)(1); and

(6) by adding at the end thereof the following:

"(h) USE OF INFORMATION TO COMBAT CHILD PORNOGRAPHY.—The National Center for Missing and Exploited Children is authorized to provide elements relating to any imagel or other relevant information reported to its Cyber Tip Line to an electronic communication service provider or a remote computing service provider for the sole and exclusive purpose of permitting that electronic communication service provider or remote computing service provider to stop the further transmission of images and develop anti-child pornography technologies and related industry best practices. Any electronic communication service provider or remote computing service provider that receives information from the National Center for Missing and Exploited Children under this subsection may use such information only for the purposes described in this subsection.".

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**SA 3614.** Mr. DOMENICI (for himself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

## Subtitle B—Biofuels for Energy Security and Transportation

### SEC. 9101. SHORT TITLE.

This subtitle may be cited as the "Biofuels for Energy Security and Transportation Act of 2007".

### SEC. 9102. DEFINITIONS.

In this subtitle:

(1) ADVANCED BIOFUEL.—

(A) IN GENERAL.—The term "advanced biofuel" means fuel derived from renewable biomass other than corn starch.

(B) INCLUSIONS.—The term "advanced biofuel" includes—

(i) ethanol derived from cellulose, hemicellulose, or lignin;

(ii) ethanol derived from sugar or starch, other than ethanol derived from corn starch;

(iii) ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste;

(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

(v) biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass;

(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

(vii) other fuel derived from cellulosic biomass.

(2) CELLULOSIC BIOMASS ETHANOL.—The term "cellulosic biomass ethanol" means ethanol derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass.

(3) CONVENTIONAL BIOFUEL.—The term "conventional biofuel" means ethanol derived from corn starch.

(4) RENEWABLE BIOMASS.—The term "renewable biomass" means—

(A) nonmerchantable materials or precommercial thinnings that—

(i) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

(I) to reduce hazardous fuels;

(II) to reduce or contain disease or insect infestation; or

(III) to restore forest health;

(ii) would not otherwise be used for higher-value products; and

(iii) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

(I) where permitted by law; and

(II) in accordance with—

(aa) applicable land management plans; and

(bb) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

(i) renewable plant material, including—

(I) feed grains;

(II) other agricultural commodities;

(III) other plants and trees; and

(IV) algae; and

(ii) waste material, including—

(I) crop residue;

(II) other vegetative waste material (including wood waste and wood residues);

(III) animal waste and byproducts (including fats, oils, greases, and manure); and

(IV) food waste and yard waste.

(5) RENEWABLE FUEL.—

(A) IN GENERAL.—The term "renewable fuel" means motor vehicle fuel or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel or fuel mixture used to operate a motor vehicle or furnace.

(B) INCLUSION.—The term "renewable fuel" includes—

(i) conventional biofuel; and

(ii) advanced biofuel.

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy

(7) SMALL REFINERY.—The term "small refinery" means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

## PART I—RENEWABLE FUEL STANDARD

### SEC. 9111. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—

(1) REGULATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that motor vehicle fuel and home heating oil sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with paragraph (2).

(B) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under subparagraph (A)—

(i) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(I) the requirements of this subsection are met; and

(II) renewable fuels produced from facilities that commence operations after the date of enactment of this Act achieve at least a 20 percent reduction in life cycle greenhouse gas emissions compared to gasoline; but

(ii) shall not—

(I) restrict geographic areas in the contiguous United States in which renewable fuel may be used; or

(II) impose any per-gallon obligation for the use of renewable fuel.

(C) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance, and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2008 THROUGH 2022.—

(i) RENEWABLE FUEL.—For the purpose of paragraph (1), subject to clause (ii), the applicable volume for any of calendar years 2008 through 2022 shall be determined in accordance with the following table:

| Calendar year: | Applicable volume of renewable fuel (in billions of gallons): |
|---|---|
| 2008 | 8.5 |
| 2009 | 10.5 |
| 2010 | 12.0 |
| 2011 | 12.6 |
| 2012 | 13.2 |
| 2013 | 13.8 |
| 2014 | 14.4 |
| 2015 | 15.0 |
| 2016 | 18.0 |
| 2017 | 21.0 |
| 2018 | 24.0 |
| 2019 | 27.0 |
| 2020 | 30.0 |
| 2021 | 33.0 |
| 2022 | 36.0. |

(ii) ADVANCED BIOFUELS.—For the purpose of paragraph (1), of the volume of renewable fuel required under clause (i), the applicable volume for any of calendar years 2016 through 2022 for advanced biofuels shall be determined in accordance with the following table:

| Calendar year: | Applicable volume of advanced biofuels (in billions of gallons): |
|---|---|
| 2016 | 3.0 |
| 2017 | 6.0 |
| 2018 | 9.0 |
| 2019 | 12.0 |
| 2020 | 15.0 |
| 2021 | 18.0 |
| 2022 | 21.0. |

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2007 through 2022, including a review of—

(i) the impact of renewable fuels on the energy security of the United States;

(ii) the expected annual rate of future production of renewable fuels, including advanced biofuels;

(iii) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver renewable fuel; and

(iv) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—Subject to subparagraph (D), for the purpose of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of gasoline that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 36,000,000,000 gallons of renewable fuel; bears to

(II) the number of gallons of gasoline sold or introduced into commerce in calendar year 2022.

(D) MINIMUM PERCENTAGE OF ADVANCED BIOFUEL.—For the purpose of paragraph (1) and subparagraph (C), at least 60 percent of the minimum applicable volume for calendar year 2023 and each calendar year thereafter shall be advanced biofuel.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2008 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2008 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under subsection (g).

(c) VOLUME CONVERSION FACTORS FOR RENEWABLE FUELS BASED ON ENERGY CONTENT OR REQUIREMENTS.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of advanced biofuels for the purpose of satisfying the fuel volume requirements of subsection (a)(2) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO ETHANOL.—For advanced biofuel, 1 gallon of the advanced biofuel shall be considered to be the equivalent of 1 gallon of renewable fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the advanced biofuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of pure ethanol (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(3) TRANSITIONAL ENERGY-RELATED CONVERSION FACTORS FOR CELLULOSIC BIOMASS ETHANOL.—For any of calendar years 2008 through 2015, 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall implement a credit program to manage the renewable fuel requirement of this section in a manner consistent with the credit program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers and agricultural producers.

(e) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

(1) STUDY.—For each of calendar years 2008 through 2022, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

(2) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under paragraph (1), makes the determinations specified in paragraph (3), the President shall promulgate regulations to ensure that 25 percent or more of the quantity of renewable fuel necessary to meet the requirements of subsection (a) is used during each of the 2 periods specified in paragraph (4) of each subsequent calendar year.

(3) DETERMINATIONS.—The determinations referred to in paragraph (2) are that—

(A) less than 25 percent of the quantity of renewable fuel necessary to meet the requirements of subsection (a) has been used during 1 of the 2 periods specified in paragraph (4) of the calendar year;

(B) a pattern of excessive seasonal variation described in subparagraph (A) will continue in subsequent calendar years; and

(C) promulgating regulations or other requirements to impose a 25 percent or more seasonal use of renewable fuels will not significantly—

(i) increase the price of motor fuels to the consumer; or

(ii) prevent or interfere with the attainment of national ambient air quality standards.

(4) PERIODS.—The 2 periods referred to in this subsection are—

(A) April through September; and

(B) January through March and October through December.

(f) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 30 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency.

(g) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to—

(i) small refineries (other than a small refinery described in clause (ii)) until calendar year 2013; and

(ii) small refineries owned by a small business refiner (as defined in section 45H(c) of the Internal Revenue Code of 1986) until calendar year 2015.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2008, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(h) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(i) VOLUNTARY LABELING PROGRAM.—

(1) IN GENERAL.—The President shall establish criteria for a system of voluntary labeling of renewable fuels based on life cycle greenhouse gas emissions.

(2) CONSUMER EDUCATION.—The President shall ensure that the labeling system under this subsection provides useful information to consumers making fuel purchases.

(3) FLEXIBILITY.—In carrying out this subsection, the President may establish more than 1 label, as appropriate.

(j) STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in subsection (a)(2) on each industry relating to the production of feed grains, livestock, food, and energy.

(2) PARTICIPATION.—In conducting the study under paragraph (1), the National Academy of Sciences shall seek the participation, and consider the input, of—

(A) producers of feed grains;

(B) producers of livestock, poultry, and pork products;

(C) producers of food and food products;

(D) producers of energy;

(E) individuals and entities interested in issues relating to conservation, the environment, and nutrition; and

(F) users of renewable fuels.

(3) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(A) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections; and

(B) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections.

(4) COMPONENTS.—The study shall include—

(A) a description of the conditions under which the requirements described in subsection (a)(2) should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in paragraph (3)(B); and

(B) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(5) DEADLINE FOR COMPLETION OF STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study.

(6) PERIODIC REVIEWS.—

(A) IN GENERAL.—To allow for the appropriate adjustment of the requirements described in subsection (a)(2), the Secretary shall conduct periodic reviews of—

(i) existing technologies;

(ii) the feasibility of achieving compliance with the requirements; and

(iii) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).

(k) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on the date on which the National Academies of Science completes the study under subsection (j).

### SEC. 9112. PRODUCTION OF RENEWABLE FUEL USING RENEWABLE ENERGY.

(a) DEFINITIONS.—In this section:

(1) FACILITY.—The term "facility" means a facility used for the production of renewable fuel.

(2) RENEWABLE ENERGY.—

(A) IN GENERAL.—The term "renewable energy" has the meaning given the term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

(B) INCLUSION.—The term "renewable energy" includes biogas produced through the conversion of organic matter from renewable biomass.

(b) ADDITIONAL CREDIT.—

(1) IN GENERAL.—The President shall provide a credit under the program established under section 9111(d) to the owner of a facility that uses renewable energy to displace more than 90 percent of the fossil fuel normally used in the production of renewable fuel.

(2) CREDIT AMOUNT.—The President may provide the credit in a quantity that is not more than the equivalent of 1.5 gallons of renewable fuel for each gallon of renewable fuel produced in a facility described in paragraph (1).

### SEC. 9113. SENSE OF CONGRESS RELATING TO THE USE OF RENEWABLE RESOURCES TO GENERATE ENERGY.

(a) FINDINGS.—Congress finds that—

(1) the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

(2) the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

(3) accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

(4) the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

(5) increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

(6) increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

(7) public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should—

(1) provide from renewable resources not less than 25 percent of the total energy consumed in the United States; and

(2) continue to produce safe, abundant, and affordable food, feed, and fiber.

## PART II—RENEWABLE FUELS INFRASTRUCTURE

### SEC. 9121. INFRASTRUCTURE PILOT PROGRAM FOR RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a competitive grant pilot program (referred to in this section as the "pilot program"), to be administered through the Vehicle Technology Deployment Program of the Department of Energy, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—A grant under this section shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for gasoline blends that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel, including—

(1) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuels within the corridor;

(2) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuels; and

(3) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(B) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this section—

(i) be submitted by—

(I) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(II) a registered participant in the Vehicle Technology Deployment Program of the Department of Energy; and

(ii) include—

(I) a description of the project proposed in the application, including the ways in which the project meets the requirements of this section;

(II) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuel available within the geographic region of the corridor, measured as a total quantity and a percentage;

(III) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(IV) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(VI) a description of which costs of the project will be supported by Federal assistance under this subsection.

(2) PARTNERS.—An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(1) consider the experience of each applicant with previous, similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(B) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of advanced biofuels;

(C) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(D) represent a partnership of public and private entities; and

(E) exceed the minimum requirements of subsection (c)(1)(B).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel infrastructure development carried out using funds from a grant under this section shall be not less than 20 percent.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this section.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(2) ADDITIONAL GRANTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(g) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this section, the Secretary shall submit to Congress a report containing—

(A) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(B) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(C) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(2) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000, to remain available until expended.

### SEC. 9122. BIOENERGY RESEARCH AND DEVELOPMENT.

Section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)) is amended—

(1) in paragraph (2), by striking "$251,000,000" and inserting "$377,000,000"; and

(2) in paragraph (3), by striking "$274,000,000" and inserting "$398,000,000".

### SEC. 9123. BIORESEARCH CENTERS FOR SYSTEMS BIOLOGY PROGRAM.

Section 977(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16317(a)(1)) is amended by inserting before the period at the end the following: ", including the establishment of at least 11 bioresearch centers of varying sizes, as appropriate, that focus on biofuels, of which at least 2 centers shall be located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and 1 center shall be located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts".

### SEC. 9124. GRANTS FOR RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities to conduct research into, and develop and implement, renewable fuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under the section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a);

(B) be an institution—

(i) referred to in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note);

(ii) that is eligible for a grant under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.), including Diné College; or

(iii) that is eligible for a grant under the Navajo Community College Act (25 U.S.C. 640a et seq.); or

(C) be a consortium of such institutions of higher education, industry, State agencies, Indian tribal agencies, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

### SEC. 9125. GRANTS FOR INFRASTRUCTURE FOR TRANSPORTATION OF BIOMASS TO LOCAL BIOREFINERIES.

(a) IN GENERAL.—The Secretary shall conduct a program under which the Secretary shall provide grants to Indian tribal and local governments and other eligible entities (as determined by the Secretary) (referred to in this section as "eligible entities") to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries, including by portable processing equipment.

(b) PHASES.—The Secretary shall conduct the program in the following phases:

(1) DEVELOPMENT.—In the first phase of the program, the Secretary shall make grants to eligible entities to assist the eligible entities in the development of local projects to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries, including by portable processing equipment.

(2) IMPLEMENTATION.—In the second phase of the program, the Secretary shall make competitive grants to eligible entities to implement projects developed under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

### SEC. 9126. BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biorefinery information center to make available to interested parties information on—

(1) renewable fuel resources, including information on programs and incentives for renewable fuels;

(2) renewable fuel producers;

(3) renewable fuel users; and

(4) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available to interested parties on the process for establishing a biorefinery; and

(3) make information and assistance provided by the center available through a toll-free telephone number and website.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

### SEC. 9127. ALTERNATIVE FUEL DATABASE AND MATERIALS.

The Secretary and the Director of the National Institute of Standards and Technology shall jointly establish and make available to the public—

(1) a database that describes the physical properties of different types of alternative fuel; and

(2) standard reference materials for different types of alternative fuel.

### SEC. 9128. FUEL TANK CAP LABELING REQUIREMENT.

Section 406(a) of the Energy Policy Act of 1992 (42 U.S.C. 13232(a)) is amended—

(1) by striking "The Federal Trade Commission" and inserting the following:

"(1) IN GENERAL.—The Federal Trade Commission"; and

(2) by adding at the end the following:

"(2) FUEL TANK CAP LABELING REQUIREMENT.—Beginning with model year 2010, the fuel tank cap of each alternative fueled vehicle manufactured for sale in the United States shall be clearly labeled to inform consumers that such vehicle can operate on alternative fuel.".

### SEC. 9129. BIODIESEL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on any research and development challenges inherent in increasing to 5 percent the proportion of diesel fuel sold in the United States that is biodiesel (as defined in section 757 of the Energy Policy Act of 2005 (42 U.S.C. 16105)).

(b) REGULATIONS.—The President shall promulgate regulations providing for the uniform labeling of biodiesel blends that are certified to meet applicable standards published by the American Society for Testing and Materials.

(c) NATIONAL BIODIESEL FUEL QUALITY STANDARD.—

(1) QUALITY REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the President shall promulgate regulations to ensure that each diesel-equivalent fuel derived from renewable biomass and introduced into interstate commerce is tested and certified to comply with applicable standards of the American Society for Testing and Materials.

(2) ENFORCEMENT.—The President shall ensure that all biodiesel entering interstate commerce meets the requirements of paragraph (1).

(3) FUNDING.—There are authorized to be appropriated to the President to carry out this section:

(A) $3,000,000 for fiscal year 2008.

(B) $3,000,000 for fiscal year 2009.

(C) $3,000,000 for fiscal year 2010.

### SEC. 9130. TRANSITIONAL ASSISTANCE FOR FARMERS WHO PLANT DEDICATED ENERGY CROPS FOR A LOCAL CELLULOSIC REFINERY.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC CROP.—The term "cellulosic crop" means a tree or grass that is grown specifically—

(A) to provide raw materials (including feedstocks) for conversion to liquid transportation fuels or chemicals through biochemical or thermochemical processes; or

(B) for energy generation through combustion, pyrolysis, or cofiring.

(2) CELLULOSIC REFINER.—The term "cellulosic refiner" means the owner or operator of a cellulosic refinery.

(3) CELLULOSIC REFINERY.—The term "cellulosic refinery" means a refinery that processes a cellulosic crop.

(4) QUALIFIED CELLULOSIC CROP.—The term "qualified cellulosic crop" means, with respect to an agricultural producer, a cellulosic crop that is—

(A) the subject of a contract or memorandum of understanding between the producer and a cellulosic refiner, under which the producer is obligated to sell the crop to the cellulosic refiner by a certain date; and

(B) produced not more than 70 miles from a cellulosic refinery owned or operated by the cellulosic refiner.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) TRANSITIONAL ASSISTANCE PAYMENTS.—The Secretary shall make transitional assistance payments to an agricultural producer during the first year in which the producer devotes land to the production of a qualified cellulosic crop.

(c) AMOUNT OF PAYMENT.—

(1) DETERMINED BY FORMULA.—Subject to paragraph (2), the Secretary shall devise a formula to be used to calculate the amount of a payment to be made to an agricultural producer under this section, based on the opportunity cost (as determined in accordance with such standard as the Secretary may establish, taking into consideration land rental rates and other applicable costs) incurred by the producer during the first year in which the producer devotes land to the production of the qualified cellulosic crop.

(2) LIMITATION.—The total of the amount paid to a producer under this section shall not exceed an amount equal to 25 percent of the amounts made available under subsection (e) for the applicable fiscal year.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,088,000 for each of fiscal years 2008 through 2012, to remain available until expended.

### SEC. 9131. RESEARCH AND DEVELOPMENT IN SUPPORT OF LOW-CARBON FUELS.

(a) DECLARATION OF POLICY.—Congress declares that, in order to achieve maximum reductions in greenhouse gas emissions, enhance national security, and ensure the protection of wildlife habitat, biodiversity, water quality, air quality, and rural and regional economies throughout the lifecycle of each low-carbon fuel, it is necessary and desirable to undertake a combination of basic and applied research, as well as technology development and demonstration, involving the colleges and universities of the United States, in partnership with the Federal Government, State governments, and the private sector.

(b) PURPOSE.—The purpose of this section is to provide for research support to facilitate the development of sustainable markets and technologies to produce and use woody biomass and other low-carbon fuels for the production of thermal and electric energy, biofuels, and bioproducts.

(c) DEFINITION OF FUEL EMISSION BASELINE.—In this section, the term "fuel emission baseline" means the average lifecycle greenhouse gas emissions per unit of energy of the fossil fuel component of conventional transportation fuels in commerce in the United States in calendar year 2008, as determined by the President.

(d) GRANT PROGRAM.—The President shall establish a program to provide to eligible entities (as identified by the President) grants for use in—

(1) providing financial support for not more than 4 nor less than 6 demonstration facilities that—

(A) use woody biomass to deploy advanced technologies for production of thermal and electric energy, biofuels, and bioproducts; and

(B) are targeted at regional feedstocks and markets;

(2) conducting targeted research for the development of cellulosic ethanol and other liquid fuels from woody or other biomass that may be used in transportation or stationary applications, such as industrial processes or industrial, commercial, and residential heating;

(3) conducting research into the best scientifically-based and periodically-updated methods of assessing and certifying the impacts of each low-carbon fuel with respect to—

(A) the reduction in lifecycle greenhouse gas emissions of each fuel as compared to—

(i) the fuel emission baseline; and

(ii) the greenhouse gas emissions of other sectors, such as the agricultural, industrial, and manufacturing sectors;

(B) the contribution of the fuel toward enhancing the energy security of the United States by displacing imported petroleum and petroleum products;

(C) any impacts of the fuel on wildlife habitat, biodiversity, water quality, and air quality; and

(D) any effect of the fuel with respect to rural and regional economies;

(4) conducting research to determine to what extent the use of low-carbon fuels in the transportation sector would impact greenhouse gas emissions in other sectors, such as the agricultural, industrial, and manufacturing sectors;

(5) conducting research for the development of the supply infrastructure that may provide renewable biomass feedstocks in a consistent, predictable, and environmentally-sustainable manner;

(6) conducting research for the development of supply infrastructure that may provide renewable low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner; and

(7) conducting policy research on the global movement of low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the funding authorized under section 9122, there are authorized to be appropriated to carry out this section—

(1) $45,000,000 for fiscal year 2009;

(2) $50,000,000 for fiscal year 2010;

(3) $55,000,000 for fiscal year 2011;

(4) $60,000,000 for fiscal year 2012; and

(5) $65,000,000 for fiscal year 2013.

## PART III—STUDIES

### SEC. 9141. STUDY OF ADVANCED BIOFUELS TECHNOLOGIES.

(a) IN GENERAL.—Not later than October 1, 2012, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study of technologies relating to the production, transportation, and distribution of advanced biofuels.

(b) SCOPE.—In conducting the study, the Academy shall—

(1) include an assessment of the maturity of advanced biofuels technologies;

(2) consider whether the rate of development of those technologies will be sufficient to meet the advanced biofuel standards required under section 9111;

(3) consider the effectiveness of the research and development programs and activities of the Department of Energy relating to advanced biofuel technologies; and

(4) make policy recommendations to accelerate the development of those technologies to commercial viability, as appropriate.

(c) REPORT.—Not later than November 30, 2014, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under this section.

### SEC. 9142. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

### SEC. 9143. PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Transportation, shall conduct a study of the feasibility of the construction of dedicated ethanol pipelines.

(b) FACTORS.—In conducting the study, the Secretary shall consider—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in those areas and help ensure the construction of 1 or more dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, identifying remedial and preventative measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

### SEC. 9144. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E–85 FUEL.

(a) IN GENERAL.—The Secretary shall conduct a study of methods of increasing the fuel efficiency of flexible fueled vehicles by optimizing flexible fueled vehicles to operate using E–85 fuel.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study, including any recommendations of the Secretary.

### SEC. 9145. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term "electric vehicle" means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Secretary shall conduct a study on the feasibility of issuing credits under the program established under section 9111(d) to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 9111(d).

### SEC. 9146. STUDY OF ENGINE DURABILITY ASSOCIATED WITH THE USE OF BIODIESEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the effects of the use of biodiesel on engine durability.

(b) COMPONENTS.—The study under this section shall include—

(1) an assessment of whether the use of biodiesel in conventional diesel engines lessens engine durability; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including—

(A) B5;

(B) B10;

(C) B20; and

(D) B30.

### SEC. 9147. STUDY OF INCENTIVES FOR RENEWABLE FUELS.

(a) STUDY.—The President shall conduct a study of the renewable fuels industry and markets in the United States, including—

(1) the costs to produce conventional and advanced biofuels;

(2) the factors affecting the future market prices for those biofuels, including world oil prices; and

(3) the financial incentives necessary to enhance, to the maximum extent practicable, the biofuels industry of the United States to reduce the dependence of the United States on foreign oil during calendar years 2011 through 2030.

(b) GOALS.—The study shall include an analysis of the options for financial incentives and the advantage and disadvantages of each option.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the President shall submit to Congress a report that describes the results of the study.

### SEC. 9148. STUDY OF STREAMLINED LIFECYCLE ANALYSIS TOOLS FOR THE EVALUATION OF RENEWABLE CARBON CONTENT OF BIOFUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall conduct a study of—

(1) published methods for evaluating the lifecycle fossil and renewable carbon content of fuels, including conventional and advanced biofuels; and

(2) methods for performing simplified, streamlined lifecycle analyses of the fossil and renewable carbon content of biofuels.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study under subsection (a), including recommendations for a method for performing a simplified, streamlined lifecycle analysis of the fossil and renewable carbon content of biofuels that includes—

(1) carbon inputs to feedstock production; and

(2) carbon inputs to the biofuel production process, including the carbon associated with electrical and thermal energy inputs.

### SEC. 9149. STUDY OF EFFECTS OF ETHANOL-BLENDED GASOLINE ON OFF-ROAD VEHICLES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the effects of ethanol-blended gasoline on off-road vehicles and recreational boats.

(2) EVALUATION.—The study shall include an evaluation of the operational, safety, durability, and environmental impacts of ethanol-blended gasoline on off-road and marine engines, recreational boats, and related equipment.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study.

### SEC. 9150. STUDY OF OFFSHORE WIND RESOURCES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term "eligible institution" means a college or university that—

(A) as of the date of enactment of this Act, has an offshore wind power research program; and

(B) is located in a region of the United States that is in reasonable proximity to the eastern outer Continental Shelf, as determined by the Secretary.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Minerals Management Service.

(b) STUDY.—The Secretary, in cooperation with an eligible institution, as selected by the Secretary, shall conduct a study to assess each offshore wind resource located in the region of the eastern outer Continental Shelf.

(c) REPORT.—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report that includes—

(1) a description of—

(A) the locations and total power generation resources of the best offshore wind resources located in the region of the eastern outer Continental Shelf, as determined by the Secretary;

(B) based on conflicting zones relating to any infrastructure that, as of the date of enactment of this Act, is located in close proximity to any offshore wind resource, the likely exclusion zones of each offshore wind resource described in subparagraph (A);

(C) the relationship of the temporal variation of each offshore wind resource described in subparagraph (A) with—

(i) any other offshore wind resource; and

(ii) with loads and corresponding system operator markets;

(D) the geological compatibility of each offshore wind resource described in subparagraph (A) with any potential technology relating to sea floor towers; and

(E) with respect to each area in which an offshore wind resource described in subparagraph (A) is located, the relationship of the authority under any coastal management plan of the State in which the area is located with the Federal Government; and

(2) recommendations on the manner by which to handle offshore wind intermittence.

(d) INCORPORATION OF STUDY.—Effective beginning on the date on which the Secretary completes the study under subsection (b), the Secretary shall incorporate the findings included in the report under subsection (c) into the planning process documents for any wind energy lease sale—

(1) relating to any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary; and

(2) that is completed on or after the date of enactment of this Act.

(e) EFFECT.—Nothing in this section—

(1) delays any final regulation to be promulgated by the Secretary of the Interior to carry out section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)); or

(2) limits the authority of the Secretary to lease any offshore wind resource located in

any appropriate area of the outer Continental Shelf, as determined by the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

## PART IV—ENVIRONMENTAL SAFEGUARDS

### SEC. 9161. GRANTS FOR PRODUCTION OF ADVANCED BIOFUELS.

(a) IN GENERAL.—The Secretary shall establish a grant program to encourage the production of advanced biofuels.

(b) REQUIREMENTS AND PRIORITY.—In making grants under this section, the Secretary—

(1) shall make awards to the proposals for advanced biofuels with the greatest reduction in lifecycle greenhouse gas emissions compared to the comparable motor vehicle fuel lifecycle emissions during calendar year 2007; and

(2) shall not make an award to a project that does not achieve at least a 50-percent reduction in such lifecycle greenhouse gas emissions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2008 through 2015.

### SEC. 9162. STUDIES OF EFFECTS OF RENEWABLE FUEL USE.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

"(t) STUDIES OF EFFECTS OF RENEWABLE FUEL USE.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall offer to enter into appropriate arrangements with the National Academy of Sciences and any other independent research institute determined to be appropriate by the Administrator, in consultation with appropriate Federal agencies, to conduct 2 studies on the effects of increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

"(2) MATTERS TO BE STUDIED.—

"(A) IN GENERAL.—The studies under this subsection shall assess, quantify, and recommend analytical methodologies in relation to environmental changes associated with the increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, including production, handling, transportation, and use of the fuels.

"(B) SPECIFIC MATTERS.—The studies shall include an assessment and quantification, to the maximum extent practicable, of significant changes—

"(i) in air and water quality and the quality of other natural resources;

"(ii) in land use patterns;

"(iii) in the rate of deforestation in the United States and globally;

"(iv) to greenhouse gas emissions;

"(v) to significant geographic areas and habitats with high biodiversity values (including species richness, the presence of species that are exclusively native to a place, or the presence of endangered species); or

"(vi) in the long-term capacity of the United States to produce biomass feedstocks.

"(C) BASELINE COMPARISON.—In making an assessment or quantifying effects of increased use of renewable fuels, the studies shall use an appropriate baseline involving increased use of the conventional transportation fuels, if displacement by use of renewable fuels had not occurred.

"(3) REPORTS TO CONGRESS.—The Administrator shall submit to Congress a report summarizing the assessments and findings of—

"(A) the first study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later than 3 years after the date of enactment of this subsection; and

"(B) the second study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later December 31, 2015.".

### SEC. 9163. INTEGRATED CONSIDERATION OF WATER QUALITY IN DETERMINATIONS ON FUELS AND FUEL ADDITIVES.

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended—

(1) by striking "nonroad vehicle (A) if in the judgment of the Administrator" and inserting "nonroad vehicle—

"(A) if, in the judgment of the Administrator, any fuel or fuel additive or";

(2) in subparagraph (A), by striking "air pollution which" and inserting "air pollution or water pollution (including any degradation in the quality of groundwater) that"; and

(3) by striking ", or (B) if" and inserting the following: "; or

"(B) if".

### SEC. 9164. ANTI-BACKSLIDING.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 9162) is amended by adding at the end the following:

"(u) PREVENTION OF AIR QUALITY DETERIORATION.—

"(1) STUDY.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall complete a study to determine whether the renewable fuel volumes required by that Act will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

"(B) CONSIDERATIONS.—The study shall include consideration of—

"(i) different blend levels, types of renewable fuels, and available vehicle technologies; and

"(ii) appropriate national, regional, and local air quality control measures.

"(2) REGULATIONS.—Not later than 3 years after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall—

"(A) promulgate regulations to implement appropriate measures to mitigate, to the greatest extent achievable, considering the results of the study under paragraph (1), any adverse impacts on air quality, as the result of the renewable volumes required by that Act; or

"(B) make a determination that no such measures are necessary.

"(3) OTHER REQUIREMENTS.—Nothing in the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 supercedes or otherwise affects any Federal or State requirement under any other provision of law that is more stringent than any requirement of this title.".

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**SA 3615.** Mr. GREGG (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XI, insert the following:

## Subtitle ___—Public Safety Officers

### SEC. _____1. SHORT TITLE.

This subtitle may be cited as the "Public Safety Employer-Employee Cooperation Act of 2007".

### SEC. _____2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. State and local public safety officers, as first responders, are a component of our Nation's National Incident Management System, developed by the Department of Homeland Security to coordinate response to and recovery from terrorism, major natural disasters, and other major emergencies. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the National interest.

(3) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(4) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

### SEC. _____3. DEFINITIONS.

In this subtitle:

(1) AUTHORITY.—The term "Authority" means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term "emergency medical services personnel" means an individual who provides out-of-hospital emergency medical

care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms "employer" and "public safety agency" mean any State, or political subdivision of a State, that employs public safety officers.

(4) FIREFIGHTER.—The term "firefighter" has the meaning given the term "employee engaged in fire protection activities" in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment, and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

(7) MANAGEMENT EMPLOYEE.—The term "management employee" has the meaning given such term under applicable State law in effect on the date of enactment of this subtitle. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PERSON.—The term "person" means an individual or a labor organization.

(9) PUBLIC SAFETY OFFICER.—The term "public safety officer"—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(10) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, and any territory or possession of the United States.

(11) SUBSTANTIALLY PROVIDES.—The term "substantially provides" means compliance with the essential requirements of this subtitle, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact-finding.

(12) SUPERVISORY EMPLOYEE.—The term "supervisory employee" has the meaning given such term under applicable State law in effect on the date of enactment of this subtitle. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

### SEC. _____4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum extent practicable, to the opinion of affected parties.

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Authority shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any person or employer aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person or employer resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management employees and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section _____5.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this subtitle.

### SEC. _____5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Authority shall issue regulations in accordance with the rights and responsibilities described in section _____4(b) establishing collective bargaining procedures for employers and public safety officers in States which the Authority has determined, acting pursuant to section _____4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this subtitle and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this subtitle, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

### SEC. _____6. STRIKES AND LOCKOUTS PROHIBITED.

(a) PROHIBITION.—An employer, public safety officer, or labor organization may not engage in a lockout, sickout, work slowdown, strike, or any other action that will measurably disrupt the delivery of emergency services and is designed to compel an employer, public safety officer, or labor organization to agree to the terms of a proposed contract.

(b) MANDATORY TERMS AND CONDITIONS.—It shall not be a violation of subsection (a) for a public safety officer or labor organization to refuse to carry out services that are not required under the mandatory terms and conditions of employment applicable to the public safety officer or labor organization.

### SEC. _____7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) and is in effect on the day before the date of enactment of this subtitle shall not be invalidated by the enactment of this subtitle.

### SEC. _____8. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this subtitle shall be construed—

(1) to preempt or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides greater or comparable rights and responsibilities than the rights and responsibilities described in section _____4(b);

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to preempt or limit any State law in effect on the date of enactment of this subtitle that provides for the rights and responsibilities described in section _____4(b) solely because such State law permits an employee to appear on the employee's own behalf with respect to the employee's employment relations with the public safety agency involved;

(4) to preempt or limit any State law in effect on the date of enactment of this subtitle that provides for the rights and responsibilities described in section _____4(b) solely because such State law excludes from its coverage employees of a State militia or national guard;

(5) to permit parties in States subject to the regulations and procedures described in section _____5 to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours;

(6) to prohibit a State from exempting from coverage under this subtitle a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full-time employees; or

(7) to preempt or limit the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section _____4(b) solely because such law does not require bargaining with respect to pension, retirement, or health benefits.

For purposes of paragraph (6), the term "employee" includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—

(1) ACTIONS OF STATES.—Nothing in this subtitle or the regulations promulgated under this subtitle shall be construed to require a State to rescind or preempt the laws or ordinances of any of its political subdivisions if such laws provide rights and responsibilities for public safety officers that are comparable to or greater than the rights and responsibilities described in section _____4(b).

(2) ACTIONS OF THE AUTHORITY.—Nothing in this subtitle or the regulations promulgated under this subtitle shall be construed to preempt—

(A) the laws or ordinances of any State or political subdivision of a State, if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights enumerated in section _____4(b);

(B) the laws or ordinance of any State or political subdivision of a State that provide for the rights and responsibilities described in section _____4(b) with respect to certain categories of public safety officers covered by this subtitle solely because such rights and responsibilities have not been extended to other categories of public safety officers covered by this subtitle; or

(C) the laws or ordinances of any State or political subdivision of a State that provides for the rights and responsibilities described in section _____4(b), solely because such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

(3) LIMITED ENFORCEMENT POWER.—In the case of a law described in paragraph (2)(B), the Authority shall only exercise the powers provided in section _____5 with respect to those categories of public safety officers who have not been afforded the rights and responsibilities described in section _____4(b).

(4) EXCLUSIVE ENFORCEMENT PROVISION.—Notwithstanding any other provision of this subtitle, and in the absence of a waiver of a State's sovereign immunity, the Authority shall have the exclusive power to enforce the provisions of this subtitle with respect to employees of a State or political subdivision of a State.

### SEC. _____9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle.

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**SA 3616.** Mr. SALAZAR (for himself, Mr. KERRY, Ms. STABENOW, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1472, line 1, strike all through page 1480, line 3, and insert the following:

## PART II—ALCOHOL AND OTHER FUELS

### SEC. 12311. EXPANSION OF SPECIAL ALLOWANCE TO CELLULOSIC BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) (relating to special allowance for cellulosic biomass ethanol plant property) is amended to read as follows:

"(3) CELLULOSIC BIOFUEL.—For purposes of this subsection, the term 'cellulosic biofuel' means any alcohol, ether, ester, or hydrocarbon produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (l) of section 168 is amended by striking "cellulosic biomass ethanol" each place it appears and inserting "cellulosic biofuel".

(2) The heading of section 168(l) is amended by striking "CELLULOSIC BIOMASS ETHANOL" and inserting "CELLULOSIC BIOFUEL".

(3) The heading of paragraph (2) of section 168(l) is amended by striking "CELLULOSIC BIOMASS ETHANOL" and inserting "CELLULOSIC BIOFUEL".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

### SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking "plus" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", plus", and by adding at the end the following new paragraph:

"(4) the small cellulosic biofuel producer credit.".

(b) SMALL CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

"(6) SMALL CELLULOSIC BIOFUEL PRODUCER CREDIT.—

"(A) IN GENERAL.—In addition to any other credit allowed under this section, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount for each gallon of not more than 60,000,000 gallons of qualified cellulosic biofuel production.

"(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

"(i) $1.28, over

"(ii) the sum of—

"(I) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic biofuel production, plus

"(II) the amount of the credit in effect under subsection (b)(4) at the time of such production.

"(C) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which is produced by an eligible small cellulosic biofuel producer and which during the taxable year—

"(i) is sold by the taxpayer to another person—

"(I) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

"(ii) is used or sold by the taxpayer for any purpose described in clause (i).

"(D) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—For purposes of this paragraph, the term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and any petroleum fuel product which—

"(i) is sold by the person producing such mixture to any person for use as a fuel, or

"(ii) is used as a fuel by the person producing such mixture.

"(E) ADDITIONAL DISTILLATION EXCLUDED.—The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

"(F) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2007, and before April 1, 2015.".

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting "or subsection (b)(6)(E)" after "by reason of paragraph (1)" in paragraph (2), and

(B) by adding at the end the following new paragraph:

"(3) EXCEPTION FOR SMALL CELLULOSIC BIOFUEL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).".

(c) ELIGIBLE SMALL CELLULOSIC BIOFUEL PRODUCER.—Section 40 is amended by adding at the end the following new subsection:

"(i) DEFINITIONS AND SPECIAL RULES FOR SMALL CELLULOSIC BIOFUEL PRODUCER.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible small cellulosic biofuel producer' means a person, who at all times during the taxable year, has a productive capacity for cellulosic biofuel not in excess of 60,000,000 gallons.

"(2) CELLULOSIC BIOFUEL.—

"(A) IN GENERAL.—The term 'cellulosic biofuel' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

"(B) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

"(3) AGGREGATION RULE.—For purposes of the 60,000,000 gallon limitation under paragraph (1) and subsection (b)(6)(A), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(4) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in paragraph (1) shall be applied at the entity level and at the partner or similar level.

"(5) ALLOCATION.—For purposes of this subsection, in the case of a facility in which more than 1 person has an interest, productive capacity shall be allocated among such persons in such manner as the Secretary may prescribe.

"(6) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to prevent the credit provided for in subsection (a)(4) from directly or indirectly benefitting any person with a direct or indirect productive capacity of more than 60,000,000 gallons of cellulosic biofuel during the taxable year..

"(7) ALLOCATION OF SMALL CELLULOSIC PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this subsection.".

(d) CELLULOSIC BIOFUEL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) SMALL CELLULOSIC BIOFUEL PRODUCER CREDIT.—If—

"(i) any credit is allowed under subsection (a)(4), and

"(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(C), then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biofuel.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking "PRODUCER" in the heading and inserting "SMALL ETHANOL PRODUCER".

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking "or (C)" and inserting "(C), or (D)".

(e) BIOFUEL PRODUCED IN THE UNITED STATES.—Section 40(d), as amended by this section, is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR SMALL CELLULOSIC BIOFUEL PRODUCERS.—No small cellulosic biofuel producer credit shall be determined under subsection (a) with respect to any biofuel unless such biofuel is produced in the United States.".

(f) WAIVER OF CREDIT LIMIT FOR CELLULOSIC BIOFUEL PRODUCTION BY SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(C) is amended by inserting "(determined without regard to any qualified cellulosic biofuel production" after "15,000,000 gallons".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

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**SA 3617.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 750, line 21, insert before the period at the end the following: ", of which not less than $25,000,000 shall be for use at hospitals in rural areas with not more than 50 acute beds".

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**SA 3618.** Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1363, strike line 7 and all that follows through page 1395, line 19.

Beginning on page 1564, strike line 16 and all that follows through page 1565, line 6.

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**SA 3619.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

### SEC. 32___. IMPORTATION OF LIVE DOGS.

(a) IN GENERAL.—The Animal Welfare Act is amended by adding after section 17 (7 U.S.C. 2147) the following:

### "SEC. 18. IMPORTATION OF LIVE DOGS.

"(a) DEFINITIONS.—In this section:

"(1) IMPORTER.—The term 'importer' means any person who, for purposes of resale, transports into the United States puppies from a foreign country.

"(2) RESALE.—The term 'resale' includes any transfer of ownership or control of an imported dog of less than 6 months of age to another person, for more than de minimis consideration.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no person shall import a dog into the United States for purposes of resale unless, as determined by the Secretary, the dog—

"(A) is in good health;

"(B) has received all necessary vaccinations; and

"(C) is at least 6 months of age, if imported for resale.

"(2) EXCEPTION.—The Secretary, by regulation, shall provide an exception to any requirement under paragraph (1) in any case in which a dog is imported for—

"(A) research purposes; or

"(B) veterinary treatment.

"(c) IMPLEMENTATION AND REGULATIONS.—The Secretary, the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security shall promulgate such regulations as the Secretaries determine to be necessary to implement and enforce this section.

"(d) ENFORCEMENT.—An importer that fails to comply with this section shall—

"(1) be subject to penalties under section 19; and

"(2) provide for the care (including appropriate veterinary care), forfeiture, and adoption of each applicable dog, at the expense of the importer.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of enactment of this Act.

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**SA 3620.** Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1587, after line 18, add the following:

### Subtitle G—Repeal of Individual AMT

### SEC. 12701. REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

"For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2006, shall be zero.".

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 (relating to credit for prior year minimum tax liability) is amended to read as follows:

"(c) LIMITATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

"(B) the tentative minimum tax for the taxable year.

"(2) TAXABLE YEARS BEGINNING AFTER 2006.—In the case of any taxable year beginning after 2006, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

## Subtitle H—One-Year Extenders

### SEC. 12801. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to qualified clinical testing expenses) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

### SEC. 12802. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 12803. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking "and 2008" and inserting "2008, and 2009".

### SEC. 12804. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

### SEC. 12805. MORTGAGE INSURANCE PREMIUMS TREATED AS INTEREST.

(a) IN GENERAL.—Subclause (I) of section 163(h)(3)(E)(iv) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2007.

### SEC. 12806. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 12807. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 12808. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 12809. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 12810. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

### SEC. 12811. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking "first 2 taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 12812. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 12813. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

### SEC. 12814. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

### SEC. 12815. EXTENSION AND MODIFICATION OF CREDIT TO HOLDERS OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subsection (e) of section 1397E (relating to limitation on amount of bonds designated) is amended by striking "1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, and 2007" and inserting "each of calendar years 1998 through 2008".

(b) MODIFICATION OF ARBITRAGE RULES.—

(1) IN GENERAL.—Subsection (g) of section 1397E (relating to special rules relating to arbitrage) is amended to read as follows:

"(g) SPECIAL RULES RELATING TO ARBITRAGE.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

"(2) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any investment of available project proceeds during the 5-year period described in subsection (f)(1)(A) (including any extension of such period under subsection (f)(2)).

"(3) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any fund which is expected to be used to repay such issue if—

"(A) such fund is funded at a rate not more rapid than equal annual installments,

"(B) such fund is funded in a manner that such fund will not exceed the amount necessary to repay the issue if invested at the maximum rate permitted under subparagraph (C), and

"(C) the yield on such fund is not greater than the discount rate determined under subsection (d)(3) with respect to the issue.".

(2) APPLICATION OF AVAILABLE PROJECT PROCEEDS TO OTHER REQUIREMENTS.—Subsections (d)(1)(A), (d)(2)(A), (f)(1)(A), (f)(1)(B), (f)(1)(C), and (f)(3) of section 1397E are each amended by striking "proceeds" and inserting "available project proceeds"

(3) AVAILABLE PROJECT PROCEEDS DEFINED.—Subsection (i) of section 1397E (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

"(A) the excess of—

"(i) the proceeds from the sale of an issue, over

"(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

"(B) the proceeds from any investment of the excess described in subparagraph (A).".

(c) EFFECTIVE DATE.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2007.

(2) MODIFICATION OF ARBITRAGE RULES.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act.

### SEC. 12816. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking "2007" both places it appears and inserting "2008".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking "2007" and inserting "2008".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking "2008" each place it appears and inserting "2009".

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking "2012" and inserting "2013", and

(ii) by striking "2012" in the heading thereof and inserting "2013".

(B) Section 1400B(g)(2) is amended by striking "2012" and inserting "2013".

(C) Section 1400F(d) is amended by striking "2012" and inserting "2013".

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking "2008" and inserting "2009".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

### SEC. 12817. DISCLOSURE FOR COMBINED EMPLOYMENT TAX REPORTING.

(a) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

### SEC. 12818. DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

### SEC. 12819. DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) IN GENERAL.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

### SEC. 12820. DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after December 31, 2007.

### SEC. 12821. AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "January 1, 2008" each place it appears and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

### SEC. 12822. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

### SEC. 12823. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Paragraph (3) of section 9812(f) (relating to application of section) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to benefits for services furnished after December 31, 2007.

### SEC. 12824. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking "first two taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 12825. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

### SEC. 12826. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

### SEC. 12827. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

### SEC. 12828. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

### SEC. 12829. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

### SEC. 12830. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) TECHNICAL AMENDMENT RELATED TO SECTION 1203 OF THE PENSION PROTECTION ACT OF 2006.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

"(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

"(A) the shareholder's pro rata share of such contribution, over

"(B) the shareholder's pro rata share of the adjusted basis of such property.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

(2) TECHNICAL AMENDMENT.—The amendment made by subsection (b)shall take effect as if included in the provision of the Pension Protection Act of 2006 to which it relates.

### SEC. 12831. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking "or 2007" and inserting "2007, or 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

### SEC. 12832. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

### SEC. 12833. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

### SEC. 12834. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

### SEC. 12835. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

### SEC. 12836. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

### SEC. 12837. DISCLOSURE OF RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS.

(a) IN GENERAL.—The last sentence of paragraph (7) of section 6103(l) is amended by striking "September 30, 2008" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

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**SA 3621.** Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 210, line 25, strike "crop year" and insert "crop or fiscal year, as appropriate,".

On page 211, line 12, strike "crop years" and insert "crop or fiscal years, as appropriate,".

On page 211, line 23, strike "crop year" and insert "fiscal year".

On page 212, between lines 19 and 20, insert the following:

"(iv) A payment under the environmental quality incentives program established under chapter 4 of subtitle D of title XII.

On page 212, line 23, insert "(other than the environmental quality incentives program)" before the semicolon at the end.

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**SA 3622.** Mr. SALAZAR (for himself and Mr. ALLARD) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 8203. DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001.**

Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 996; 118 Stat. 3102), is amended by striking subsection (e).

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**SA 3623.** Mrs. BOXER (for herself, Mr. SMITH, Mrs. FEINSTEIN, Mr. SESSIONS, Mr. NELSON of Florida, Mr. MARTINEZ, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 471, strike line 22 and insert the following:

"(iv) IDENTIFICATION OF WATER QUALITY AND WATER QUANTITY PRIORITY AREAS.—

"(I) IN GENERAL.—Subject to subclause (II), the Secretary shall identify areas in which protecting or improving water quality or water quantity is a priority.

"(II) MANDATORY INCLUSIONS.—The Secretary shall include in any identification of areas under subclause (I)—

"(aa) the Chesapeake Bay;

"(bb) the Upper Mississippi River basin;

"(cc) the greater Everglades ecosystem;

"(dd) the Klamath River basin;

"(ee) the Sacramento/San Joaquin River watershed; and

"(ff) the Mobile River Basin.

"(III) FUNDING.—The Secretary shall reserve for use in areas identified under this clause not more than 50 percent of amounts made available for regional water enhancement activities under this paragraph.

"(v) DURATION.—

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**SA 3624.** Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 408, strike line 17 and insert the following: through 2012.

**"SEC. 1240L. AIR QUALITY IMPROVEMENT.**

"(a) IN GENERAL.—Under the environmental quality incentives program established under this chapter, the Secretary shall promote air quality by providing cost-share payments and incentive payments to individual producers for use in addressing air quality concerns associated with agriculture.

"(b) ELIGIBLE PRACTICES, COST-SHARE.—

"(1) REDUCTION OF EMISSIONS OF AIR POLLUTANTS AND PRECURSORS OF AIR POLLUTANTS.—In addition to practices eligible for cost-share payments under the environmental quality incentives program established under this chapter, the Secretary shall provide cost-share payments to producers under this section for mobile or stationary equipment (including engines) used in an agricultural operation that would reduce emissions and precursors of air pollutants.

"(2) CONSIDERATIONS.—In evaluating applications for cost-share assistance for equipment described in paragraph (1), the Secretary shall prioritize assistance for equipment that—

"(A) is the most cost-effective in addressing air quality concerns; and

"(B) would assist producers in meeting Federal, State, or local regulatory requirements relating to air quality.

"(c) LOCATIONS.—To receive a payment for a project under this section, a producer shall carry out the project in a county—

"(1) that is in nonattainment with respect to ambient air quality standards; or

"(2) in which there is air quality degradation, recognized by a State or local agency, to which agricultural emissions significantly contribute.

"(d) PRIORITY.—The Secretary shall give priority to projects that—

"(1) involve multiple producers implementing eligible conservation activities in a coordinated manner to promote air quality; or

"(2) are designed to encourage broad adoption of innovative approaches, including approaches involving the use of innovative technologies and integrated pest management, on the condition that the technologies do not have the unintended consequence of compromising other environmental goals.".

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**SA 3625.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ——. BROADBAND PILOT PROGRAM FOR RURAL, LOW-INCOME HOUSEHOLDS.**

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a pilot program, to be known as the "Improving Broadband in Rural America for the Nation's Children" or the "iBRANCH program", that will provide grants on a competitive basis to eligible entities for the purpose of assisting low-income student households in eligible rural communities overcome barriers related to the use of broadband services in the home, including barriers related to—

(1) computer and broadband literacy;

(2) computer and software ownership; and

(3) access to affordable broadband service.

(b) GRANT REQUIREMENTS.—To be eligible for a grant under this program, an eligible entity shall demonstrate to the satisfaction of the Secretary that it—

(1) has the managerial and technical skills to carry out the project successfully;

(2) will provide support to low income student households on a portable and competitively neutral basis;

(3) will utilize an acceptable approach to preparing low-income students and households to improve the student educational experience with broadband and to providing Internet safety awareness; and

(4) meets any other necessary or appropriate conditions, standards, or requirements imposed by the Secretary.

(c) MAXIMUM AMOUNT.—The Secretary may not provide more than $1,000,000 in Federal assistance under the pilot program to any applicant per fiscal year.

(d) COST SHARING.—The Secretary may not provide more than 50 percent of the cost, incurred during the period of the grant, of any project funded under the pilot program.

(e) DISTRIBUTION OF GRANTS.—The Secretary shall seek to ensure a broad geographic distribution of project sites to the maximum extent practicable.

(f) ADMINISTRATIVE COSTS.—The recipient of a grant awarded under this section may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant. The Secretary shall use no more than 5 percent of the amount available for grants under this Act in any fiscal year for administrative costs of the program.

(g) FCC ASSISTANCE.—The Federal Communications Commission may provide such assistance in carrying out the provisions of this section as may be requested by the Secretary. The Secretary shall provide for close coordination with the Commission in the administration of the Secretary's functions under this section which are of interest to or affect the functions of the Commission.

(h) ADMINISTRATIVE PROVISIONS.—

(1) ANNUAL SUMMARY AND EVALUATION REQUIRED.—The Secretary shall require that the recipient of a grant under this section submit a summary and evaluation of the results of the project funded by such a grant at least annually for each year in which funds are received under this section.

(2) BOOKS AND RECORDS.—Each recipient of assistance under this section shall keep such records as may be reasonably necessary to enable the Secretary to carry out the Secretary's functions under this section, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(3) AUDIT AND EXAMINATION.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for

the purposes of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this section.

(i) REGULATIONS.—The Secretary may make such rules and regulations as may be necessary to carry out this section, including regulations relating to the order of priority in approving applications for projects under this section or to determining the amounts of grants for such projects.

(j) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a nonprofit organization that is designated by a State to work in partnership with State agencies, representatives of the eligible rural community, and other interested parties in administering grant funds.

(2) ELIGIBLE RURAL COMMUNITY.—The term 'eligible rural community' means any county (or other appropriate political subdivision where no counties exist) with a population of 20,000 or less.

(3) LOW-INCOME STUDENT HOUSEHOLD.—The term 'low-income student household' means any residential household—

(A) with a student enrolled in grades 6 through 10 during the first school year following the date of the grant award; and

(B) that is eligible for the Federal free lunch program.

(4) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(C) that has an established competency and proven record of working with public and private sectors; and

(D) that has a board of directors a majority of whom are not employed by a broadband service provider or any company in which a broadband service provider owns a controlling or attributable interest.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $10,000,000 for each of the fiscal years 2008 through 2012 to carry out this section.

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**SA 3626.** Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

**SEC. 11072. SOUTHWEST REGIONAL DAIRY, ENVIRONMENT, AND PRIVATE LAND PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—The term "eligible institution of higher education" means an institution of higher education that—

(A) is located in—

(i) the State of Arizona;

(ii) the State of Colorado;

(iii) the State of New Mexico;

(iv) the State of Oklahoma; and

(v) the State of Texas;

(B) has facilities that are necessary for the facilitation of research on issues relating to the dairy industry in a practical setting;

(C) has a dairy research program and an institution for applied environmental research;

(D) has a university laboratory that is—

(i) located on the campus of the institution of higher education; and

(ii) accredited by the National Environmental Laboratory Accreditation Council to ensure the quality of any proposed research activities;

(E) has the capability to enter into a partnership with representatives of the dairy industry and other public and private entities and institutions of higher education;

(F) has experience in conducting watershed modeling (including the conduct of cost-benefit analyses, policy applications, and long-term watershed monitoring); and

(G) works with—

(i) producer-run advocacy groups (including Industry-Led Solutions); and

(ii) private land coalitions.

(2) PROGRAM.—The term "program" means the Southwest regional dairy, environment, and private land program established under subsection (b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a Southwest regional dairy, environment, and private land program.

(2) REQUIRED ACTIVITIES.—In carrying out the program, the Secretary shall—

(A) identify challenges and develop solutions to enhance the economic and environmental sustainability, growth, and expansion of the dairy industry in the Southwest region of the United States;

(B) research, develop, and implement programs—

(i) to recover energy and other useful products from dairy waste;

(ii) to identify best management practices; and

(iii) to assist the dairy industry in ensuring that animal waste emissions and discharges of the dairy industry are maintained at levels below applicable regulatory standards;

(C) offer technical assistance (including research activities conducted by a university laboratory that is accredited by the National Environmental Laboratory Accreditation Council), training, applied research, and watershed water quality programs monitoring to applicable entities;

(D) develop—

(i) watershed modeling through the development of innovative modeling tools and data mining to develop cost-efficient and environmentally effective programs in the dairy industry; and

(ii) an international modeling application clearinghouse to coordinate watershed modeling tools in the United States and in other countries, to be carried out by the Secretary; and

(E) collaborate with a private land coalition to use input gathered from landowners in the United States through a program of industry led solutions to work with the Federal Government (including Federal agencies) in the development of conservation, environmental credit trading, and watershed programs to help private landowners and agricultural producers meet applicable water quality standards.

(c) CONTRACTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall offer to enter into contracts with eligible institutions of higher education.

(2) APPLICATION.—

(A) SUBMISSION OF APPLICATION.—To enter into a contract with the Secretary under paragraph (1), an eligible institution of higher education shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) GUIDELINES.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate guidelines describing each requirement of the Secretary with respect to the application requirements described in subparagraph (A).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.

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**SA 3627.** Mrs. HUTCHINSON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 920, between lines 5 and 6, insert the following:

**SEC. 70___. INDIRECT COST RECOVERY.**

Section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319a) is amended in the second sentence by striking "not exceeding 10 percent of the direct cost" and inserting "not exceeding the amount permitted under the Negotiated Indirect Cost Recovery Agreement established by the Office of Management and Budget Circular A-21".

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**SA 3628.** Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 408, between lines 17 and 18, insert the following:

**SEC. 2362. RIO GRANDE BASIN MANAGEMENT PROJECT.**

The Food Security Act of 1985 is amended by inserting after section 1240K (as added by section 2361) the following:

**"SEC. 1240L. RIO GRANDE BASIN MANAGEMENT PROJECT.**

"(a) DEFINITION OF RIO GRANDE BASIN.—In this section, the term 'Rio Grande Basin' includes all tributaries, backwaters, and side channels (including watersheds) of the United States that drain into the Rio Grande River.

"(b) ESTABLISHMENT.—The Secretary, in conjunction with partnerships of institutions of higher education working with farmers, ranchers, and other rural landowners, shall establish a program under which the Secretary shall provide grants to the partnerships to benefit the Rio Grande Basin by—

"(1) restoring water flow and the riparian habitat;

"(2) improving usage;

"(3) addressing demand for drinking water;

"(4) providing technical assistance to agricultural and municipal water systems; and

"(5) reducing biological and chemical hazards through alternative treatment of water and wastewater.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—A grant provided under this section may be used by a partnership for the costs of carrying out an activity described in subsection (b), including the costs of—

"(A) direct labor;

"(B) appropriate travel;

"(C) equipment;

"(D) instrumentation;

"(E) analytical laboratory work;

"(F) subcontracting;

"(G) cooperative research agreements; and

"(H) similar related expenses and costs.

"(2) LIMITATION.—A grant provided under this section shall not be used to purchase or construct any building.

"(d) REPORTS.—A partnership that receives a grant under this subsection shall submit to the Secretary annual reports describing—

"(1) the expenses of the partnership during the preceding calendar year; and

"(2) such other financial information as the Secretary may require.

"(e) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.".

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**SA 3629.** Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. CREDIT FOR TRANSPORTATION OF FOOD FOR CHARITABLE PURPOSES.**

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new section:

**"SEC. 30G. CREDIT FOR TRANSPORTATION OF FOOD FOR CHARITABLE PURPOSES.**

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 cents for each mile for which the taxpayer uses a qualified truck for a qualified charitable purpose during the taxable year.

"(b) QUALIFIED CHARITABLE PURPOSE.—For purposes of this section, the term 'qualified charitable purpose' means the transportation of food in connection with the hunger relief efforts of an organization which is described in section 501(c)(3) and is exempt from taxation under section 501(a) (other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 4942(j)(3)).

"(c) QUALIFIED TRUCK.—For purposes of this section, the term 'qualified truck' means a truck which—

"(1) has a capacity of not less than 1,760 cubic square feet,

"(2) is owned, leased, or operated by the taxpayer, and

"(3) is ordinarily used for hauling property in the course of a business.

"(d) OTHER RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section with respect to any amount for which a deduction is allowed under any other provision of this chapter.

"(2) NO CREDIT WHERE TAXPAYER IS COMPENSATED.—No credit shall be allowed under this section if the taxpayer receives compensation in connection with the use of the qualified truck for the qualified charitable purpose.

"(3) CAPACITY REQUIREMENT.—No credit shall be allowed under this section unless at least 50 percent of the hauling capacity of the qualified truck (measured in cubic square feet) is used for the qualified charitable purpose.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

"Sec. 30G. Credit for transportation of food for charitable purposes.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

(d) OFFSET.—

(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of this Act or an amendment made by this Act, for the period beginning on October 1, 2007, and ending on September 30, 2011—

(A) each amount provided to carry out a program under subtitle D of title I or an amendment made by that subtitle is reduced by an amount necessary to achieve a total reduction of $25,000,000; and

(B) the Secretary shall adjust the amount of each payment, loan, gain, or other assistance provided under each program described in subparagraph (A) by such amount as is necessary to achieve the reduction required under that subparagraph, as determined by the Secretary.

(2) APPLICATION.—This section does not apply to a payment, loan, gain, or other assistance provided under a contract entered into by the Secretary before the date of enactment of this Act.

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**SA 3630.** Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. CREDIT FOR TRANSPORTATION OF FOOD FOR CHARITABLE PURPOSES.**

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new section:

**"SEC. 30G. CREDIT FOR TRANSPORTATION OF FOOD FOR CHARITABLE PURPOSES.**

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 cents for each mile for which the taxpayer uses a qualified truck for a qualified charitable purpose during the taxable year.

"(b) QUALIFIED CHARITABLE PURPOSE.—For purposes of this section, the term 'qualified charitable purpose' means the transportation of food in connection with the hunger relief efforts of an organization which is described in section 501(c)(3) and is exempt from taxation under section 501(a) (other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 4942(j)(3)).

"(c) QUALIFIED TRUCK.—For purposes of this section, the term 'qualified truck' means a truck which—

"(1) has a capacity of not less than 1,760 cubic square feet,

"(2) is owned, leased, or operated by the taxpayer, and

"(3) is ordinarily used for hauling property in the course of a business.

"(d) OTHER RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section with respect to any amount for which a deduction is allowed under any other provision of this chapter.

"(2) NO CREDIT WHERE TAXPAYER IS COMPENSATED.—No credit shall be allowed under this section if the taxpayer receives compensation in connection with the use of the qualified truck for the qualified charitable purpose.

"(3) CAPACITY REQUIREMENT.—No credit shall be allowed under this section unless at least 50 percent of the hauling capacity of the qualified truck (measured in cubic square feet) is used for the qualified charitable purpose.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

"Sec. 30G. Credit for transportation of food for charitable purposes.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

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**SA 3631.** Mr. GRASSLEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, which was ordered to lie on the table; as follows:

Strike section 10201 and insert the following:

**SEC. 10201. SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.**

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity"—

(A) has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602); and

(B) does not include biofuels.

(2) AGRICULTURAL COOPERATIVE.—The term "agricultural cooperative" means an association of persons that meets the requirements of the Capper-Volstead Act (7 U.S.C. 291 et seq.).

(3) AGRICULTURAL INDUSTRY.—The term "agricultural industry"—

(A) means any dealer, processor, commission merchant, or broker involved in the buying or selling of agricultural commodities; and

(B) does not include sale or marketing at the retail level.

(4) ANTITRUST LAWS.—The term "antitrust laws" has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

(5) ASSISTANT ATTORNEY GENERAL.—The term "Assistant Attorney General" means the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

(6) BIOFUEL.—The term "biofuel" has the meaning given that term in section 9001 of the Farm Security and Rural Investment Act of 2002, as amended by section 9001 of this Act.

(7) BROKER.—The term "broker" means any person (excluding an agricultural cooperative) engaged in the business of negotiating sales and purchases of any agricultural commodity in commerce for or on behalf of the vendor or the purchaser.

(8) CHAIRMAN.—The term "Chairman" means the Chairman of the Federal Trade Commission.

(9) COMMISSION MERCHANT.—The term "commission merchant" means any person (excluding an agricultural cooperative) engaged in the business of receiving in commerce any agricultural commodity for sale, on commission, or for or on behalf of another.

(10) DEALER.—The term "dealer" means any person (excluding an agricultural cooperative) engaged in the business of buying, selling, or marketing agricultural commodities in commerce, except that no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity produced by that person.

(11) PROCESSOR.—The term "processor" means any person (excluding an agricultural cooperative) engaged in the business of handling, preparing, or manufacturing (including slaughtering) an agricultural commodity, or the products of such agricultural commodity, for sale or marketing in commerce for human consumption (excluding sale or marketing at the retail level).

(12) SPECIAL COUNSEL.—The term "Special Counsel" means the Special Counsel for Agricultural Competition of the Department of Agriculture established under section 11 of the Packers and Stockyards Act, 1921, as added by this Act.

(13) TASK FORCE.—The term "Task Force" means the Agriculture Competition Task Force established under subsection (c).

(b) DEPUTY ASSISTANT ATTORNEY GENERAL FOR AGRICULTURAL ANTITRUST MATTERS.—There is in the Antitrust Division of the Department of Justice a Deputy Assistant Attorney General for Agricultural Antitrust Matters, who shall—

(1) be responsible for oversight and coordination of antitrust and related matters which affect agriculture, directly or indirectly; and

(2) work in coordination with the Task Force and the Department of Agriculture on all agricultural competition matters.

(c) AGRICULTURE COMPETITION TASK FORCE.—

(1) ESTABLISHMENT.—There is established, under the authority of the Attorney General, the Agriculture Competition Task Force, to examine problems in agricultural competition.

(2) MEMBERSHIP.—The Task Force shall consist of—

(A) the Deputy Assistant Attorney General for Agricultural Antitrust Matters, who shall serve as chairperson of the Task Force;

(B) the Special Counsel;

(C) a representative from the Federal Trade Commission;

(D) a representative from the Department of Agriculture, Office of Packers and Stockyards;

(E) 1 representative selected jointly by the attorneys general of States desiring to participate in the Task Force;

(F) 1 representative selected jointly by the heads of the departments of agriculture (or similar such agency) of States desiring to participate in the Task Force;

(G) 8 individuals who represent the interests of small family farmers, ranchers, independent producers, packers, processors, and other components of the agricultural industry—

(i) 2 of whom shall be selected by the Majority Leader of the Senate;

(ii) 2 of whom shall be selected by the Minority Leader of the Senate;

(iii) 2 of whom shall be selected by the Speaker of the House of Representatives; and

(iv) 2 of whom shall be selected by the Minority Leader of the House of Representatives; and

(H) 4 academics or other independent experts working in the field of agriculture, agricultural law, antitrust law, or economics—

(i) 1 of whom shall be selected by the Majority Leader of the Senate;

(ii) 1 of whom shall be selected by the Minority Leader of the Senate;

(iii) 1 of whom shall be selected by the Speaker of the House of Representatives; and

(iv) 1 of whom shall be selected by the Minority Leader of the House of Representatives.

(3) DUTIES.—The Task Force shall—

(A) study problems in competition in the agricultural industry;

(B) define and focus the national public interest in preserving an independent family farm and ranch sector;

(C) coordinate Federal and State activities to address unfair and deceptive practices and concentration in the agricultural industry;

(D) work with representatives from agriculture and rural communities to identify abusive practices in the agricultural industry;

(E) submit to Congress such reports as the Task Force determines appropriate on the state of family farmers and ranchers, and the impact of agricultural concentration and unfair business practices on rural communities in the United States; and

(F) make such recommendations to Congress as the Task Force determines appropriate on agricultural competition issues, which shall include any additional or dissenting views of the members of the Task Force.

(4) WORKING GROUP.—

(A) IN GENERAL.—The Task Force shall establish a working group on buyer power to—

(i) study the effects of concentration, monopsony, and oligopsony in agriculture, make recommendations to the Assistant Attorney General and the Chairman, and assist the Assistant Attorney General and the Chairman in drafting agricultural guidelines under subsection (e)(2); and

(ii) select certain agricultural mergers and acquisitions that were consummated during the 10-year period ending on the date of enactment of this Act, review the effects of such mergers and acquisitions on competition in agricultural commodities markets, and make recommendations to the Assistant Attorney General, the Chairman, and the Secretary.

(B) MEMBERS.—The working group shall include any member of the Task Force selected under paragraph (2)(H).

(5) MEETINGS.—

(A) FIRST MEETING.—The Task Force shall hold its initial meeting not later than the later of—

(i) 90 days after the date of enactment of this Act; and

(ii) 30 days after the date of enactment of an Act making appropriations to carry out this subsection.

(B) MINIMUM NUMBER.—The Task Force shall meet not less than once each year, at the call of the chairperson.

(6) COMPENSATION.—

(A) IN GENERAL.—The members of the Task Force shall serve without compensation.

(B) TRAVEL EXPENSES.—Members of the Task Force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(7) STAFF OF TASK FORCE; EXPERTS AND CONSULTANTS.—

(A) STAFF.—

(i) APPOINTMENT.—The chairperson of the Task Force may, without regard to the provisions of chapter 51 of title 5, United States Code (relating to appointments in the competitive service), appoint and terminate an executive director and such other staff as are necessary to enable the Task Force to perform its duties. The appointment of an executive director shall be subject to approval by the Task Force.

(ii) COMPENSATION.—The chairperson of the Task Force may fix the compensation of the executive director and other staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification of positions and General Schedule pay rates), except that the rate of pay for the executive director and other staff may not exceed the rate of basic pay payable for level V of the Executive Schedule under section 5315 of title 5, United States Code, as in effect from time to time.

(B) EXPERTS AND CONSULTANTS.—The Task Force may procure temporary and intermittent services of experts and consultants in accordance with section 3109(b) of title 5, United States Code.

(8) POWERS OF THE TASK FORCE.—

(A) HEARINGS AND MEETINGS.—The Task Force, or a member of the Task Force if authorized by the Task Force, may hold such hearings, sit and act at such time and places, take such testimony, receive such evidence, and administer such oaths or affirmations as the Task Force considers to be appropriate.

(B) OFFICIAL DATA.—The Task Force may obtain directly from any executive agency (as defined in section 105 of title 5, United States Code) or court information necessary to enable it to carry out its duties under this subsection. On the request of the chairperson of the Task Force, and consistent with any other law, the head of an executive agency or of a Federal court shall provide such information to the Task Force.

(C) FACILITIES AND SUPPORT SERVICES.—The Administrator of General Services shall provide to the Task Force on a reimbursable basis such facilities and support services as the Task Force may request. On request of the Task Force, the head of an executive agency may make any of the facilities or services of such agency available to the Task Force, on a reimbursable or nonreimbursable basis, to assist the Task Force in carrying out its duties under this subsection.

(D) EXPENDITURES AND CONTRACTS.—The Task Force or, on authorization of the Task Force, a member of the Task Force may make expenditures and enter into contracts for the procurement of such supplies, services, and property as the Task Force or such member considers to be appropriate for the purpose of carrying out the duties of the Task Force. Such expenditures and contracts may be made only to such extent or in such amounts as are provided in advance in appropriation Acts.

(E) MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(F) GIFTS, BEQUESTS, AND DEVISES.—The Task Force may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Task

Force. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Task Force.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2008, 2009, and 2010.

(d) AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING.—There are authorized to be appropriated such sums as are necessary to hire additional employees (including agricultural law and economics experts) for the Transportation, Energy, and Agriculture Section of the Antitrust Division of the Department of Justice, to enhance the review of agricultural transactions and monitor, investigate, and prosecute unfair and deceptive practices in the agricultural industry.

(e) ENSURING FULL AND FREE COMPETITION IN AGRICULTURE.—

(1) BURDEN OF PROOF.—Section 7 of the Clayton Act (15 U.S.C. 18) is amended by adding at the end the following:

“In this paragraph, the term ‘covered civil action’ means a civil action brought against any person for violating this section in which the plaintiff alleges that the effect of a merger, acquisition, or other transaction affecting commerce may be to substantially lessen competition, or to tend to create a monopoly, in the business of procuring agricultural products from, or selling products to, agricultural producers in one or more geographic areas, and establishes that a merger, acquisition, or other transaction affecting commerce is between or involves persons competing in the business of procuring agricultural products from, or selling products to, agricultural producers. In any covered civil action—

“(A) if the plaintiff is the Federal Government or a State government, the burden of proof shall be on the defendant or defendants to establish by a preponderance of the evidence that the merger, acquisition, or transaction at issue will not—

“(i) substantially lessen competition; or

“(ii) tend to create a monopoly in 1 or more geographic markets; and

“(B) for any other plaintiff, if the plaintiff demonstrates that the parties to the merger, acquisition, or other transaction have a combined market share of not less than 20 percent in any relevant market, the burden of proof shall be on the defendant or defendants to establish by a preponderance of the evidence that the merger, acquisition, or transaction at issue will not—

“(i) substantially lessen competition; or

“(ii) tend to create a monopoly in 1 or more geographic markets.”.

(2) AGRICULTURAL GUIDELINES.—

(A) FINDINGS.—Congress finds the following:

(i) The effective enforcement of the antitrust laws in agriculture requires that the antitrust enforcement agencies have guidelines with respect to mergers and other anticompetitive conduct that are properly adapted to the special circumstances of agricultural commodity markets.

(ii) There has been a substantial increase in concentration in the markets in which agricultural commodities are sold, with the result that buyers of agricultural commodities often possess regional dominance in the form of oligopsony or monopsony relative to sellers of such commodities. A substantial part of this increase in market concentration is the direct result of mergers and acquisitions that the antitrust enforcement agencies did not challenge, in large part because of the lack of appropriate guidelines identifying particular structural characteristics in the agricultural industry and the adverse competitive effects that such acquisitions and mergers would create.

(iii) The cost of transportation, impact on quality, and delay in sales of agricultural commodities if they are to be transported to more distant buyers result in narrow geographic markets with respect to buyer power.

(iv) Buyers have no economic incentive to bid up the price of agricultural commodities in the absence of effective competition. Further, the nature of buying makes it feasible for larger numbers of buyers to engage in tacit or overt collusion to restrain price competition.

(v) Buyers with oligopsonistic or monopsonistic power have incentives to engage in unfair, exploitive, discriminatory, and exclusionary acts that cause producers of agricultural commodities to receive less than a competitive price for their goods, transfer economic risks to sellers without reasonable compensation, and exclude sellers from access to the market.

(vi) Markets for agricultural commodities often involve contexts in which many producers have relatively limited information and no bargaining power with respect to the sale of their commodities. These conditions invite buyers with significant oligopsonistic or monopsonistic power to exercise that power in ways that involve discrimination, exploitation, and undue differentiation among sellers.

(vii) Some Federal courts have incorrectly required a plaintiff to show harm to competition generally, in addition to harm to the producer of agricultural commodities when making a determination that an unfair, unjustly discriminatory, deceptive, or preferential act exists. Those same courts have also incorrectly held that it is a complete defense if a defendant can show any nonharmful justification for an act or practice, even though such conduct was not essential to the business activities of the defendant or there were less harmful ways to achieve a reasonably comparable result with respect to the legitimate and necessary interests of the defendant.

(B) ISSUANCE OF GUIDELINES.—The Assistant Attorney General and the Chairman, in consultation with the Special Counsel, shall issue agricultural guidelines informed and guided by the findings under subparagraph (A) that—

(i) facilitate a fair, open, accessible, transparent, and efficient market system for agricultural products;

(ii) reflect the national public interest in preserving a substantial and diverse family farm and ranch sector;

(iii) recognize that increasing competition in the purchase of agricultural products by highly concentrated firms from a sector in perfect competition is entirely consistent with the objective of the antitrust laws to protect consumers and enhance consumer benefits from competition; and

(iv) prevent any merger or acquisition in the agricultural industry, if the effect of that merger or acquisition may be to substantially lessen competition or tend to create a monopoly.

(C) CONTENTS.—The agricultural guidelines issued under subparagraph (B) shall consist of merger guidelines relating to existing and potential competition and vertical integration that—

(i) establish appropriate methodologies for determining the geographic and product markets for mergers affecting agricultural commodity markets;

(ii) establish thresholds of increased concentration that raise a presumption that the merger will have an adverse effect on competition in the affected agricultural commodities markets;

(iii) identify potential adverse competitive effects of mergers in agricultural commodities markets in a nonexclusive manner; and

(iv) identify the factors that would permit an enforcement agency to determine when a merger in the agricultural commodities market might avoid liability because it is not likely to have an adverse effect on competition.

(3) AGRICULTURE COMPETITION TASK FORCE WORKING GROUP ON BUYING POWER.—

(A) IN GENERAL.—In issuing agricultural guidelines under this subsection, the Chairman and the Assistant Attorney General shall consult with the working group on buyer power of the Task Force established under subsection (c)(4) and may incorporate and implement the recommendations of that working group.

(B) EXPLANATION.—If the Chairman and the Assistant Attorney General do not incorporate any recommendation of the working group on buyer power of the Task Force established under subsection (c)(4) in the agricultural guidelines issued under this subsection, the Chairman and the Assistant Attorney General shall submit to Congress a report regarding the reasons for not adopting that recommendation.

(4) COMPLETION.—Not later than 2 years after the date of enactment of this Act, the Chairman and the Assistant Attorney General shall—

(A) issue agricultural guidelines under this subsection; and

(B) submit to Congress the agricultural guidelines issued under this subsection.

(5) REPORT.—Not later than 30 months after the date of enactment of this Act, the Chairman and the Assistant Attorney General shall jointly submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the issuing of agricultural guidelines under this subsection.

(f) POST-MERGER REVIEW OF AGRICULTURAL TRANSACTIONS.—

(1) IN GENERAL.—Not later than 5 years after the date of a covered merger or acquisition, the Assistant Attorney General or the Chairman, as the case may be, shall conduct a post-merger review to determine whether the effect of that covered merger or acquisition tended to substantially reduce competition in the agricultural industry.

(2) SHARING OF RESULTS.—

(A) IN GENERAL.—The Assistant Attorney General and the Chairman shall each submit to Congress an annual report regarding the results of any post-merger review under paragraph (1), for its consideration in examining problems in agricultural competition.

(B) PROTECTION OF INFORMATION.—The Assistant Attorney General or the Chairman, as the case may be, shall ensure that confidential or proprietary information is adequately protected in submitting each report required under subparagraph (A).

(3) DEFINITION.—In this subsection, the term “covered merger or acquisition” means a merger or acquisition—

(A) in the agricultural industry;

(B) that is subject to the notification requirements under section 7A of the Clayton Act (15 U.S.C. 18a);

(C) for which the Assistant Attorney General or the Chairman, as the case may be, required the submission of additional information or documentary material under section 7A(e)(1)(A) of the Clayton Act (15 U.S.C. 18a(e)(1)(A)); and

(D) for which, after review under that section, the Assistant Attorney General or the Chairman, as the case may be—

(i) did not institute a proceeding or action under the antitrust laws; or

(ii) instituted a proceeding or action under the antitrust laws that was resolved through a settlement agreement or consent decree.

(g) SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.—

(1) IN GENERAL.—The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) is amended—

(A) by striking the title I heading and all that follows through "This Act" and inserting the following:

### "TITLE I—GENERAL PROVISIONS

### "Subtitle A—Definitions

**"SEC. 1. SHORT TITLE.**

"This Act"; and

(B) by inserting after section 2 (7 U.S.C. 183) the following:

### "Subtitle B—Special Counsel for Agricultural Competition

**"SEC. 11. SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.**

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Department of Agriculture an office to be known as the 'Office of Special Counsel for Agricultural Competition' (referred to in this section as the 'Office').

"(2) DUTIES.—The Office shall—

"(A) have responsibility for all duties and functions of the Packers and Stockyards programs of the Department of Agriculture;

"(B) investigate and prosecute violations of this Act and the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.);

"(C) analyze mergers within the food and agricultural sectors, in consultation with the Chief Economist of the Department of Agriculture, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, and the Chairman of the Federal Trade Commission, as required under section 10201(h) of the Food and Energy Security Act of 2007;

"(D) serve as a liaison between, and act in consultation with, the Department of Agriculture, the Department of Justice, and the Federal Trade Commission with respect to competition and trade practices in the food and agricultural sector; and

"(E) maintain sufficient employees (including antitrust and litigation attorneys, economists, investigators, and other professionals with the appropriate expertise) to appropriately carry out the responsibilities of the Office.

"(b) SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.—

"(1) IN GENERAL.—The Office shall be headed by the Special Counsel for Agricultural Competition (referred to in this section as the 'Special Counsel'), who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) INDEPENDENCE OF SPECIAL AUTHORITY.—

"(A) IN GENERAL.—The Special Counsel shall report to and be under the general supervision of the Secretary.

"(B) DIRECTION, CONTROL, AND SUPPORT.—The Special Counsel shall be free from the direction and control of any person in the Department of Agriculture other than the Secretary.

"(C) PROHIBITION ON DELEGATION.—The Secretary may not delegate any duty described in subsection (a)(2) to any other officer or employee of the Department other than the Special Counsel.

"(D) REPORTING REQUIREMENT.—

"(i) IN GENERAL.—Twice each year, the Special Counsel shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that shall include, for the relevant reporting period, a description of—

"(I) the number of complaints that the Special Counsel has received and closed;

"(II)(aa) the number of investigations and civil and administrative actions that the Special Counsel has initiated, carried out, and completed, including the number of notices given to regulated entities for violations of this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.);

"(bb) the number and types of decisions agreed to; and

"(cc) the number of stipulation agreements; and

"(III) the number of investigations and civil and administrative actions that the Secretary objected to or prohibited from being carried out, and the stated purpose of the Secretary for each objection or prohibition.

"(ii) REQUIREMENT.—The basis for each complaint, investigation, or civil or administrative action described in a report under clause (i) shall—

"(I) be organized by species; and

"(II) indicate if the complaint, investigation, or civil or administration action was for anti-competitive, unfair, or deceptive practices under this Act or was a violation of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.).

"(E) REMOVAL.—

"(i) IN GENERAL.—The Special Counsel may be removed from office by the President.

"(ii) COMMUNICATION.—The President shall communicate the reasons for any such removal to both Houses of Congress.

"(3) PROSECUTORIAL AUTHORITY.—Subject to paragraph (4), the Special Counsel may commence, defend, or intervene in, and supervise the litigation of, any civil or administrative action authorized under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.).

"(4) PROCEDURE FOR EXERCISE OF AUTHORITY TO LITIGATE OR APPEAL.—

"(A) IN GENERAL.—Prior to commencing, defending, or intervening in any civil action under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.), the Special Counsel shall give written notification to, and attempt to consult with, the Attorney General with respect to the proposed action.

"(B) FAILURE TO RESPOND.—If, not later than 45 days after the date of provision of notification under subparagraph (A), the Attorney General has failed to commence, defend, or intervene in the proposed action, the Special Counsel may commence, defend, or intervene in, and supervise the litigation of, the action and any appeal of the action in the name of the Special Counsel.

"(C) AUTHORITY OF ATTORNEY GENERAL TO INTERVENE.—Nothing in this paragraph precludes the Attorney General from intervening on behalf of the United States in any civil action under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.), or in any appeal of such action, as may be otherwise provided by law.

"(c) RELATIONSHIP TO OTHER PROVISIONS.—Nothing in this section modifies or otherwise effects subsections (a) and (b) of section 406.

"(d) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a)(2)(E).".

(2) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Special Counsel for Agricultural Competition.".

(h) AGRIBUSINESS MERGER REVIEW AND ENFORCEMENT BY THE DEPARTMENT OF AGRICULTURE.—

(1) NOTICE.—The Assistant Attorney General or the Commissioner, as appropriate, shall notify the Secretary of any filing under section 7A of the Clayton Act (15 U.S.C. 18a) involving a merger or acquisition in the agricultural industry, and shall give the Secretary the opportunity to participate in the review proceedings.

(2) REVIEW.—

(A) IN GENERAL.—After receiving notice of a merger or acquisition under paragraph (1), the Secretary may submit to the Assistant Attorney General or the Commissioner, as appropriate, and publish the comments of the Secretary regarding that merger or acquisition, including a determination regarding whether the merger or acquisition may have a substantial adverse impact on rural communities or the family farm and ranch sector, such that further review by the Assistant Attorney General or the Commissioner, as appropriate, is warranted.

(B) SECOND REQUESTS.—For any merger or acquisition described in paragraph (1), if the Assistant Attorney General or the Chairman, as the case may be, requires the submission of additional information or documentary material under section 7A(e)(1)(A) of the Clayton Act (15 U.S.C. 18a(e)(1)(A))—

(i) copies of any materials provided in response to such a request shall be made available to the Secretary; and

(ii) the Secretary—

(I) shall submit to the Assistant Attorney General or the Chairman such additional comments as the Secretary determines appropriate; and

(II) shall publish a summary of any comments submitted under subclause (I).

(3) REPORT.—

(A) IN GENERAL.—The Secretary shall submit an annual report to Congress regarding the review of mergers and acquisitions described in paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall provide a description of each merger or acquisition described in paragraph (1) that was reviewed by the Secretary during the year before the date that report is submitted, including—

(i) the name and total resources of each entity involved in that merger or acquisition;

(ii) a statement of the views of the Secretary regarding the competitive effects of that merger or acquisition on—

(I) agricultural markets; and

(II) rural communities and small, independent producers; and

(iii) a statement indicating whether the Assistant Attorney General or the Chairman, as the case may be, instituted a proceeding or action under the antitrust laws, and if so, the status of that proceeding or action.

(i) AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING FOR THE GRAIN INSPECTION, PACKERS, AND STOCKYARDS ADMINISTRATION.—There are authorized to be appropriated such sums as are necessary to enhance the capability of the Grain Inspection, Packers, and Stockyards Administration to monitor, investigate, and pursue the competitive implications of structural changes in the meat packing and poultry industries by hiring litigating attorneys to allow the Grain Inspection, Packers, and Stockyards Administration to more comprehensively and effectively pursue its enforcement activities.

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**SA 3632.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, after line 25, add the following:

(d) INCOME REQUIREMENT.—Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa-2) (as amended by subsection (c)) is amended by adding at the end the following:

"(i) INCOME REQUIREMENT.—A producer shall not be eligible to receive any payment under this section unless not less than 66.66 percent of the average adjusted gross income of the producer is derived from farming, ranching, or forestry operations, as determined by the Secretary.".

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**SA 3633.** Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. H-2B NONIMMIGRANTS.**

(a) SHORT TITLE.—This section may be cited as the "Save Our Small and Seasonal Businesses Act of 2007".

(b) EXTENSION OF RETURNING WORKER EXEMPTION TO H-2B NUMERICAL LIMITATION.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A) is amended, by striking "an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007." and inserting "an alien who has been present in the United States as an H-2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.".

(c) EFFECTIVE DATE.—The amendment made by this section shall be effective during the 5-year period beginning on October 1, 2007.

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**SA 3634.** Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. WYDEN, Ms. STABENOW, Mr. CRAIG, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1378, strike line 17 and all that follows through page 1380, line 14, and insert the following:

"(e) TREE ASSISTANCE PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means a person that produces annual crops from trees for commercial purposes.

"(B) NATURAL DISASTER.—The term 'natural disaster' means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

"(C) NURSERY TREE GROWER.—The term 'nursery tree grower' means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

"(D) TREE.—The term 'tree' includes a tree, bush, and vine.

"(2) ELIGIBILITY.—

"(A) LOSS.—Subject to subparagraph (B), the Secretary shall provide assistance under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary.

"(B) LIMITATION.—An eligible orchardist shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

"(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

"(A)(i) reimbursement of 75 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

"(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

"(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

"(4) LIMITATIONS ON ASSISTANCE.—

"(A) AMOUNT.—The total amount of payments that a person shall be entitled to receive under this subsection may not exceed $100,000 per year, or an equivalent value in tree seedlings.

"(B) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person shall be entitled to receive payments under this subsection may not exceed 500 acres.

"(C) REGULATIONS.—The Secretary shall promulgate —

"(i) regulations defining the term 'person' for the purposes of this subsection, which shall conform, to the maximum extent practicable, to the regulations defining the term 'person' promulgated under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308); and

"(ii) such regulations as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this paragraph.".

On page 1390, between lines 9 and 10, insert the following:

"(5) EXCEPTION.—Paragraph (1) does not apply to eligible orchardists and nursery tree growers described in subsection (e).".

On page 1391, line 11, before the period at the end insert "(other than subsection (e))".

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**SA 3635.** Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Section 1841 is amended by striking subsection (b) and inserting the following:

(b) AVAILABILITY OF FUNDS.—Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465) is amended by striking subsection (i) and inserting the following:

"(i) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using—

"(1) $85,000,000 for fiscal year 2008;

"(2) $90,000,000 for fiscal year 2009;

"(3) $95,000,000 for fiscal year 2010;

"(4) $95,000,000 for fiscal year 2011; and

"(5) $0 for fiscal year 2012.".

At the end of title I, add the following:

### Subtitle H—Reduction in Funds

**SEC. 19___. REDUCTION IN FUNDS.**

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of this Act or an amendment made by this Act, for the period beginning on October 1, 2007, and ending on September 30, 2011—

(1) each amount provided to carry out administration for a program under this Act or an amendment made by this Act is reduced by an amount necessary to achieve a total reduction of $95,000,000; and

(2) the Secretary shall adjust the amount of each payment, loan, gain, or other assistance provided under each program described in paragraph (1) by such amount as is necessary to achieve the reduction required under that paragraph, as determined by the Secretary.

(b) APPLICATION.—This section does not apply to a payment, loan, gain, or other assistance provided under a contract entered into by the Secretary before the date of enactment of this Act.

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**SA 3636.** Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. SCHUMER, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 243, strike lines 2 through 12 and insert the following:

"(1) IN GENERAL.—The Secretary shall make available to carry out the program under this section—

"(A) $9,000,000 of funds of, or an equal value of commodities owned by, the Commodity Credit Corporation for each of fiscal years 2008 through 2011; and

"(B) $2,000,000 of funds of, or an equal value of commodities owned by, the Commodity Credit Corporation for fiscal year 2012 and each subsequent fiscal year.".

On page 299, between lines 15 and 16, insert the following:

### Subtitle H—Reduction in Funds

**SEC. 19___. REDUCTION IN FUNDS.**

Notwithstanding any other provision of this Act or an amendment made by this Act, for the period beginning on October 1, 2007, and ending on September 30, 2011, each amount provided to carry out administration for a program under this Act or an amendment made by this Act is reduced by an amount necessary to achieve a total reduction of $8,800,000.

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**SA 3637.** Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 2613, insert the following:

**SEC. 26___. COMPREHENSIVE CONSERVATION PLANNING FOR PUGET SOUND AREA.**

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a competitive grant program for the Puget Sound area to provide comprehensive conservation planning to address water quality.

(2) COOPERATIVE AGREEMENTS.—The Secretary shall enter into cooperative agreements with State and local governments, Indian tribes, or nongovernmental entities with a history of working with agricultural producers to carry out projects under the program.

(b) ASSISTANCE.—In carrying out the program, the Secretary may—

(1) provide project demonstration grants and technical assistance and carry out information and education programs to improve water quality in the Puget Sound area by reducing soil erosion and improving sediment control; and

(2) provide a priority for projects and activities that directly reduce soil erosion or improve water quality.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $5,000,000 for each of fiscal years 2008 through 2012 to carry out the program.

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**SA 3638.** Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 309, strike lines 7 through 22 and insert the following:

"(D) EXCEPTIONS.—The Secretary may exceed the limitations limitation in subparagraph (A) if the Secretary determines that—

"(i)(I) the action would not adversely affect the local economy of a county; and

"(II) operators in the county are having difficulties complying with conservation plans implemented under section 1212;

"(ii)(I) the acreage to be enrolled could not be used for an agricultural purpose as a result of a State or local law, order, or regulation prohibiting water use for agricultural production; and

"(II) enrollment in the program would benefit the acreage enrolled or land adjacent to the acreage enrolled; or

"(iii)(I) the acreage to be enrolled is considered to be essential by Federal or State plans for a sustainable wildlife habitat; and

"(II) enrollment in the program would assist the producer in meeting environmental goals in the Federal or State plans.".

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**SA 3639.** Mr. HARKIN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 4402, insert the following:

**SEC. ___. NUTRITION STANDARDS FOR FOODS AND BEVERAGES SOLD IN SCHOOLS.**

(a) IN GENERAL.—Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended to read as follows:

**"SEC. 10. NUTRITION STANDARDS FOR FOODS AND BEVERAGES SOLD IN SCHOOLS.**

"(a) DEFINITIONS.—In this section:

"(1) APPLICABLE.—

"(A) IN GENERAL.—The term 'applicable' means, with respect to a food or beverage, a food or beverage that is offered for sale—

"(i) on the school campus; and

"(ii) at any time during the extended school day, when events are primarily under the control of the school or a third party on behalf of the school.

"(B) EXCLUSIONS.—The term 'applicable' does not include, with respect to a food or beverage, a food or beverage when the food or beverage is sold as a part of a meal or meal supplement that is eligible for reimbursement under this Act or the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(2) EXTENDED SCHOOL DAY.—The term 'extended school day' means—

"(A) the official school day; and

"(B) the time before and after the official school day that includes activities, such as clubs, yearbook, band and choir practice, student government, drama, and childcare or latchkey programs.

"(b) REQUIREMENT.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each applicable food and beverage that is offered for sale in an elementary school, middle school, or high school during the extended school day shall meet the requirements established under this section with respect to each serving or package as offered for sale.

"(2) EXCEPTION.—Paragraph (1) shall not apply to or affect—

"(A) a food or beverage that is sold for the purpose of a school-sponsored or school-related bona fide fundraising activity that does not take place—

"(i) on school grounds; or

"(ii) in transit to or from school;

"(B) a food or beverage that is sold at, or immediately before or after, a school-related event at which parents and other adults comprise a significant part of an audience; or

"(C) a fundraiser (other than fundraising through vending machines, school stores, snack bars, a la carte sales, and any other exclusions determined by the Secretary), if the fundraiser is—

"(i) approved by the school; and

"(ii) infrequent within the school.

"(3) A LA CARTE MAIN DISH ITEMS.—

"(A) IN GENERAL.—The Secretary shall promulgate regulations establishing nutrition standards for main dish items covered by paragraph (1) that are offered for sale a la carte.

"(B) CONSIDERATIONS.—In establishing the standards, the Secretary shall consider both the positive and negative contribution of nutrients, ingredients, and foods in a la carte items (including calories, portion size, saturated fat, trans fat, sodium, added sugars, and under-consumed food groups and nutrients) to the diets of children and adolescents.

"(C) REGULATIONS.—Regulations promulgated under this paragraph shall be—

"(i) in accordance with rulemaking under section 553 of title 5, United States Code; and

"(ii) subject to review by the Office of Management and Budget.

"(4) STATEWIDE NUTRITION STANDARDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any State that participates in a food-service program under this Act or the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) may not establish or continue in effect any statewide nutrition standards relating to applicable foods and beverages that are different than the standards established under this section.

"(B) EXCEPTION.—Subparagraph (A) does not apply to or affect—

"(i) any Federal or State law relating to consumer protection, unfair or deceptive practices, unfair competition, or marketing;

"(ii) any additional nutrition standard relating to applicable foods and beverages that is established by any political subdivision of a State; or

"(iii) any additional nutrition standard for an a la carte main dish item that is established by any State or political subdivision.

"(c) APPLICABLE BEVERAGES.—

"(1) ELEMENTARY SCHOOLS AND MIDDLE SCHOOLS.—

"(A) PACKAGE SIZES.—Except as provided in subparagraph (B)(ii), the package of any applicable beverage that is offered for sale in an elementary school or middle school shall be not more than 8 fluid ounces.

"(B) WATER.—Water offered for sale in an elementary school or middle school may—

"(i) only be water without flavoring, sweeteners, or carbonation; and

"(ii) be sold in a package size of more than 8 fluid ounces.

"(C) MILK.—Milk offered for sale in an elementary school or middle school—

"(i) shall be low-fat or non-fat; and

"(ii) shall contain not more than 170 calories per 8 fluid ounce serving.

"(D) FLUID MILK SUBSTITUTES.—An elementary or middle school may offer for sale a fluid milk substitute that—

"(i) is consistent with the nutrition standards for fluid milk substitutes that are established by the Secretary for use under this Act or the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

"(ii) contains not more than 170 calories per 8 fluid ounce serving.

"(E) JUICE.—Juice offered for sale in an elementary school or middle school may contain—

"(i) only juice, with or without added micronutrients or natural flavors—

"(I) with no added sweeteners; and

"(II) with or without water or carbonated water; and

"(ii) not more than 170 calories per 8 fluid ounce serving.

"(2) HIGH SCHOOLS.—

"(A) PACKAGE SIZES.—Except as provided in subparagraphs (B)(ii) and (F)(iii), the package of any applicable beverage offered for sale in a high school shall be not more than 12 fluid ounces.

"(B) WATER.—Water offered for sale in a high school may—

"(i) be water with or without flavoring, noncaloric sweeteners, or carbonation; and

"(ii) be sold in a package size of more than 12 ounces.

"(C) MILK.—Milk offered for sale in a high school shall—

"(i) be low-fat or nonfat; and

"(ii) contain not more than 170 calories per 8 fluid ounce serving.

"(D) FLUID MILK SUBSTITUTES.—A high school may offer for sale a fluid milk substitute that—

"(i) is consistent with the nutrition standards for fluid milk substitutes that are established by the Secretary for use under this Act or the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

"(ii) contains not more than 170 calories per 8 fluid ounce serving.

"(E) JUICE.—Juice offered for sale in a high school may only contain juice, with or without added micronutrients or natural flavors—

"(i)(I) with no added sweeteners; or

"(II) with or without water or carbonated water with no added caloric sweeteners; and

"(ii) that contains not more than 170 calories per 8 fluid ounce serving.

"(F) OTHER BEVERAGES.—

"(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), any beverage offered for sale in a high school other than a beverage identified in subparagraph (B), (C), (D), or (E), shall contain—

"(I) during the period beginning on the effective date described in subsection (j) and ending on June 30, 2013, not more than 66 calories per 8 fluid ounce serving; and

"(II) effective beginning on July 1, 2013, not more than 25 calories per 8 fluid ounce serving.

"(ii) EXCEPTION.—Effective beginning on July 1, 2013, beverages that are mixtures of water, carbohydrates, and electrolytes (with or without other ingredients) that are useful for providing energy and hydration for sustained and vigorous physical activity with not more than 66 calories per 8 fluid ounces may be offered for sale in packages of not more than 12 fluid ounces in or immediately adjacent to an area of the high school in which students participate in a school-sponsored sport or other vigorous and sustained physical activity, subject to the requirement that such an adjacent area shall not be within the general movement of students between classes or into or out of the school campus.

"(iii) VERY LOW CALORIE EXCEPTION.—Any beverage that contains between 0 and 10 calories per 8 fluid ounce serving may be offered for sale in a high school in a package of not more than 20 fluid ounces.

"(d) APPLICABLE FOOD.—

"(1) STANDARDS.—

"(A) FATS.—An applicable food shall contain—

"(i) not more than 35 percent of total calories from fat, except for—

"(I) seeds, nuts, nut butters, and nut-based products containing 40 percent or more nuts by weight; and

"(II) reduced-fat and part skim cheese packaged for individual sale;

"(ii) not more than 10 percent of total calories from saturated fat, except for reduced-fat and part skim cheese packaged for individual sale; and

"(iii) less than 0.5 grams of trans fats.

"(B) SUGARS.—An applicable food shall consist of not more than 35 percent sugars by weight, excluding sugar from whole fruit.

"(C) SODIUM.—An applicable food shall contain, per package or serving as offered for sale—

"(i) in the case of chips, crackers, French fries, vegetables, baked goods, yogurt (including drinkable yogurt and yogurt smoothies), and other side dishes or snack items, not more than 230 milligrams of sodium per serving; and

"(ii) in the case of pastas that are side dishes, cereals, meats, and soups, not more than 480 milligrams of sodium per serving.

"(2) REQUIRED CONTENTS.—Each applicable food that is offered for sale in an elementary school, middle school, or high school shall contain 1 or more of the following:

"(A) 10 percent of the daily recommended value of 1 or more of the following:

"(i) Vitamin A, E, or C.

"(ii) Calcium.

"(iii) Magnesium.

"(iv) Potassium.

"(v) Fiber.

"(B) ¼ cup of a fruit or vegetable, as provided prior to processing.

"(C) 51 percent or more by weight whole grain ingredients or have a whole grain as the first ingredient.

"(3) CALORIES.—

"(A) ELEMENTARY SCHOOLS AND MIDDLE SCHOOLS.—An applicable food that is offered for sale in an elementary school or middle school shall contain not more than 180 calories per package or serving as offered for sale.

"(B) HIGH SCHOOLS.—An applicable food that is offered for sale in a high school shall contain not more than 200 calories per package or serving as offered for sale.

"(e) SHARED SCHOOL FACILITIES.—Notwithstanding subsection (c)(1) or (d)(3)(A), if elementary school or middle school students have shared access to areas in common buildings with high school students, the local educational authority may elect whether to apply in those areas the applicable beverage provisions in paragraph (1) or (2) of subsection (c) or the applicable food provisions in subparagraph (A) or (B) of subsection (d)(3).

"(f) APPROVAL OF NEW PRODUCTS.—The Secretary may approve for sale in schools a new food or beverage that does not satisfy the applicable food and beverage requirements of this section if the Secretary (based on a rulemaking conducted under section 553 of title 5, United States Code, prior to approval)—

"(1) determines that the sale of the new food or beverage does not undermine the purposes of this section; and

"(2) provides scientific justification for the approval.

"(g) UPDATING STANDARDS AND REQUIREMENTS.—

"(1) IN GENERAL.—As soon as practicable after the date of publication by the Department of Agriculture and the Department of Health and Human Services of a new edition of the Dietary Guidelines for Americans under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), beginning with the 2015 edition, the Secretary shall review and update as necessary the school nutrition standards and requirements established under this section.

"(2) REQUIREMENTS.—In reviewing or updating the nutrition standards and requirements under this section, the Secretary shall take into consideration—

"(A) the positive and negative contributions of nutrients, ingredients, and foods (including calories, vitamins, minerals, portion size, saturated fat, trans fat, sodium, added sugars, and underconsumed food groups and nutrients) to the diets of children and adolescents;

"(B) evidence concerning the relationship between consumption of certain nutrients, ingredients, and foods with respect to the prevention of overweight, obesity, and other chronic illnesses;

"(C) recommendations made by authoritative scientific sources concerning—

"(i) appropriate nutrition standards for foods sold outside the reimbursable meal programs in schools; and

"(ii) the most effective manner in which to teach children and adolescents how to improve dietary habits; and

"(D) the practicality and feasibility of implementation of potential modifications to the nutrition standards and requirements.

"(3) LIMITATION ON AUTHORITY.—The Secretary may update or otherwise modify nutrition standards and requirements under this section only—

"(A) in accordance with rulemaking under section 553 of title 5, United States Code; and

"(B) subject to review by the Office of Management and Budget.

"(4) EFFECT OF UPDATED STANDARDS.—Updated school nutrition standards and requirements under this subsection shall supersede any other school nutrition standards or requirements in effect on the date on which the updated standards and requirements are implemented.

"(h) SCHOOL FOOD AND BEVERAGE ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary may establish an advisory committee, to be known as the 'School Food and Beverage Advisory Committee' (in this subsection referred to as the 'Advisory Committee'), to advise the Secretary on updating the school nutrition standards and requirements under this section.

"(2) MEMBERSHIP.—The members of the Advisory Committee shall be appointed by the Secretary and shall include—

"(A) registered dietitians and certified nutritionists;

"(B) school officials, such as school food service directors, principals, or school board members;

"(C) public health professionals, including physicians and dentists;

"(D) members of parent or consumer advocacy groups;

"(E) representatives of industry stakeholders that produce food and beverages offered for sale in schools; and

"(F) other individuals with relevant expertise in child health and nutrition.

"(3) DUTIES.—

"(A) IN GENERAL.—The Advisory Committee shall provide advice, information, and recommendations to the Secretary on implementation of this section and on other child health and nutrition issues related to the provision of foods and beverages in schools, as requested by the Secretary.

"(B) SCIENTIFIC JUSTIFICATION.—The Advisory Committee shall provide—

"(i) scientific justification for any recommended modification to the provisions regarding applicable foods and beverages under this section; and

"(ii) anticipated nutrition and health benefits if the recommended modification is adopted.

"(i) GUIDANCE.—

"(1) IN GENERAL.—The Secretary shall develop guidance to help local educational authorities and school food authorities identify beverage and food products that meet the nutrition standards established by this section.

"(2) LIST OF BEVERAGES.—In issuing guidance to carry out this section, and at any time not later than 60 days after receipt of an applicable request, the Secretary shall identify and maintain a list of beverages allowable under subsection (c)(2)(F)(ii).

"(j) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), nutrition standards and requirements established under this section take effect on the first day of the first school year beginning on or after July 1, 2011.

"(2) EXCEPTION.—Standards for a la carte main dish items established under subsection (b)(3) take effect on the later of—

"(A) the date on which final regulations under subsection (b)(3) are promulgated; or

"(B) July 1, 2011.".

(b) IMPLEMENTATION, REGULATIONS, AND ENFORCEMENT.—

(1) IMPLEMENTATION.—The Secretary shall implement section 10 of the Child Nutrition Act of 1966 (as amended by subsection (a)) (other than subsections (b)(3)(C) and (g) of that section) through the issuance of guidance, which shall be considered a "significant guidance document" under Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review), as amended by Executive Order 13422 (72 Fed. Reg. 2763).

(2) REGULATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate—

(i) regulations to eliminate any conflicting provisions regarding competitive foods and foods of minimal nutritional value; and

(ii) such other regulations as are necessary to carry out the amendment made by subsection (a).

(B) PROCEDURE.—The promulgation of the regulations under subparagraph (A) shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(3) ENFORCEMENT.—The Secretary shall enforce this section and the amendments made by this section (including regulations) in accordance with requirements established by the Secretary.

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**SA 3640.** Mr. CRAIG (for himself, Mr. BROWNBACK, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. ___. FARMLAND AND GRAZING LAND PRESERVATION.

(a) DEFINITIONS.—In this section:

(1) FARMLAND OR GRAZING LAND.—The term "farmland or grazing land" means—

(A) farmland (as defined in section 1540(c) of the Farmland Protection Policy Act (7 U.S.C. 4201(c)));

(B) land that is used for any part of the year as pasture land for the grazing of livestock;

(C) land that is assessed as agricultural land for purposes of State or local property taxes; and

(D) land that is enrolled in—

(i) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.); or

(ii) any other program authorized under—

(I) subtitle D of title XII of that Act; or

(II) the Food and Energy Security Act of 2007.

(2) FEDERAL FUNDS OR FINANCIAL ASSISTANCE.—The term "Federal funds or financial assistance" means—

(A) Federal financial assistance (as defined in section 101 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)); and

(B) any other Federal funds that are appropriated through an Act of Congress or otherwise expended from the Treasury.

(3) PROHIBITED CONDUCT.—

(A) IN GENERAL.—The term "prohibited conduct" means the exercise of eminent domain authority to acquire real property that is farmland or grazing land for the purpose of a park, recreation, open space, conservation, preservation view, scenic vista, or similar purpose.

(B) EXCEPTIONS.—The term "prohibited conduct" does not include a transfer of farmland or grazing land for—

(i) use by a public utility;

(ii) a road or other right of way or means, open to the public or common carriers, for transportation;

(iii) an aqueduct, pipeline, or similar use;

(iv) a prison or hospital; or

(v) any use during and in relation to a national emergency or national disaster declared by the President under other law.

(4) RELEVANT ENTITY.—The term "relevant entity" means—

(A) a State or unit of local government that engages in prohibited conduct;

(B) a State or unit of local government that gives authority for an entity to engage in prohibited conduct; and

(C) in the case of extraterritorial prohibited conduct—

(i) the entity that engages in prohibited conduct; and

(ii) the State or unit of local government that allows the prohibited conduct to take place within the jurisdiction of the State or local government.

(5) STATE.—The term "State" means—

(A) each of the several States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

(b) PROHIBITIONS.—

(1) IN GENERAL.—If a relevant entity engages in prohibited conduct, no officer or employee of the Federal Government with responsibility over Federal funds or financial assistance may make the Federal funds or assistance available to the relevant entity during the period described in paragraph (2).

(2) DURATION OF PROHIBITION.—The period referred to in paragraph (1) is the period that begins on the date that an officer or employee of the Federal Government determines that a relevant entity has engaged in prohibited conduct and ends on the earlier of—

(A) the date that is 5 years after the date on which the period began; or

(B) the date on which the farmland or grazing land is returned to the person from whom the property was acquired, in the same condition in which the property was originally acquired.

(3) FEDERAL PROHIBITION.—No agency of the Federal Government may engage in prohibited conduct.

(c) PRIVATE RIGHT OF ACTION.—The owner of any real property acquired by prohibited conduct that results in the prohibition under this section of Federal funds or financial assistance may, in a civil action, obtain injunctive and declaratory relief to enforce that prohibition.

(d) APPLICABILITY.—This section applies to any prohibited conduct—

(1) that takes place on or after the date of enactment of this section; or

(2)(A) that is in process on the date of enactment of this section; and

(B) for which title has not yet passed to the relevant entity.

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**SA 3641.** Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1055, strike lines 6 through 8 and insert the following:

"(A) incorporates any forest management plan of the State in existence on the date of enactment of this section (including community wildfire protection plans);

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**SA 3642.** Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1587, after line 18, add the following:

## Subtitle G—AMT Relief

### SEC. 12701. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2006) is amended—

(1) by striking "or 2006" and inserting "2006, or 2007", and

(2) by striking "2006" in the heading thereof and inserting "2007".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

### SEC. 12702. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking "($62,550 in the case of taxable years beginning in 2006)" in subparagraph (A) and inserting "($66,250 in the case of taxable years beginning in 2007)", and

(2) by striking "($42,500 in the case of taxable years beginning in 2006)" in subparagraph (B) and inserting "($44,350 in the case of taxable years beginning in 2007)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

### SEC. 12703. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

"(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

"(B) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year.".

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 of such Code is amended by adding at the end the following new subsection:

"(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

"(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2007 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. No credit shall be allowed under this section with respect to any amount abated under this paragraph.

"(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—Any interest or penalty paid before the date of the enactment of this subsection which would (but for such payment) have been abated under paragraph (1) shall be treated for purposes of this section as an amount of adjusted net minimum tax imposed for the taxable year of the underpayment to which such interest or penalty relates.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2006.

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

## Subtitle H—Additional Individual Tax Relief

### SEC. 12751. REFUNDABLE CHILD CREDIT.

(a) MODIFICATION OF THRESHOLD AMOUNT.—Clause (i) of section 24(d)(1)(B) is amended by inserting "($8,500 in the case of taxable years beginning in 2008)" after "$10,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

### SEC. 12752. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) in the case of any taxable year beginning in 2008, the real property tax deduction.".

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

"(8) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is so much of the amount of State and local real property taxes (within the meaning of section 164) paid or accrued by the taxpayer during the taxable year which do not exceed $350 ($700 in the case of a joint return).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

## Subtitle I—One-Year Extenders

## PART I—EXTENDERS PRIMARILY AFFECTING INDIVIDUALS

### SEC. 12801. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 12802. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 12803. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

### SEC. 12804. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Paragraph (3) of section 9812(f) (relating to application of section) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to benefits for services furnished after December 31, 2007.

### SEC. 12805. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

### SEC. 12806. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

### SEC. 12807. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking "or 2007" and inserting "2007, or 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

### SEC. 12808. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

### SEC. 12809. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

### SEC. 12810. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking "December 31, 2007" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

### SEC. 12811. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

### SEC. 12812. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

### SEC. 12813. STATE LEGISLATORS' TRAVEL EXPENSES AWAY FROM HOME.

(a) IN GENERAL.—Paragraph (2) of section 162(h) (relating to legislative days) is amended by adding at the end the following flush sentence: "In the case of taxable years beginning in 2008, a legislature shall be treated for purposes of this paragraph as in session on any day in which it is formally called into session without regard to whether legislation was considered on such day.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

## PART II—EXTENDERS PRIMARILY AFFECTING BUSINESSES

### SEC. 12821. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to qualified clinical testing expenses) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

### SEC. 12822. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 12823. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking "and 2008" and inserting "2008, and 2009".

### SEC. 12824. RAILROAD TRACK MAINTENANCE.

(a) In General.—Subsection (f) of section 45G (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

### SEC. 12825. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) In General.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 12826. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) In General.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 12827. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) In General.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

### SEC. 12828. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) In General.—Subsection (h) of section 198 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

### SEC. 12829. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) In General.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking "first 2 taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 12830. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) In General.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

### SEC. 12831. EXTENSION AND MODIFICATION OF CREDIT TO HOLDERS OF QUALIFIED ZONE ACADEMY BONDS.

(a) In General.—Subsection (e) of section 1397E (relating to limitation on amount of bonds designated) is amended by striking "1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, and 2007" and inserting "each of calendar years 1998 through 2008".

(b) Modification of Arbitrage Rules.—

(1) In general.—Subsection (g) of section 1397E (relating to special rules relating to arbitrage) is amended to read as follows:

"(g) Special Rules Relating to Arbitrage.—

"(1) In general.—An issue shall be treated as meeting the requirements of this subsection if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

"(2) Special rule for investments during expenditure period.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any investment of available project proceeds during the 5-year period described in subsection (f)(1)(A) (including any extension of such period under subsection (f)(2)).

"(3) Special rule for reserve funds.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any fund which is expected to be used to repay such issue if—

"(A) such fund is funded at a rate not more rapid than equal annual installments,

"(B) such fund is funded in a manner that such fund will not exceed the amount necessary to repay the issue if invested at the maximum rate permitted under subparagraph (C), and

"(C) the yield on such fund is not greater than the discount rate determined under subsection (d)(3) with respect to the issue.".

(2) Application of available project proceeds to other requirements.—Subsections (d)(1)(A), (d)(2)(A), (f)(1)(A), (f)(1)(B), (f)(1)(C), and (f)(3) of section 1397E are each amended by striking "proceeds" and inserting "available project proceeds".

(3) Available project proceeds defined.—Subsection (i) of section 1397E (relating to definitions) is amended by adding at the end the following new paragraph:

"(4) Available project proceeds.—The term 'available project proceeds' means—

"(A) the excess of—

"(i) the proceeds from the sale of an issue, over

"(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

"(B) the proceeds from any investment of the excess described in subparagraph (A).".

(c) Effective Date.—

(1) Extension.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2007.

(2) Modification of arbitrage rules.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act.

### SEC. 12832. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) Designation of Zone.—

(1) In general.—Subsection (f) of section 1400 is amended by striking "2007" both places it appears and inserting "2008".

(2) Effective date.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) Tax-Exempt Economic Development Bonds.—

(1) In general.—Subsection (b) of section 1400A is amended by striking "2007" and inserting "2008".

(2) Effective date.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) Zero Percent Capital Gains Rate.—

(1) In general.—Subsection (b) of section 1400B is amended by striking "2008" each place it appears and inserting "2009".

(2) Conforming amendments.—

(A) Section 1400B(e)(2) is amended—

(i) by striking "2012" and inserting "2013", and

(ii) by striking "2012" in the heading thereof and inserting "2013".

(B) Section 1400B(g)(2) is amended by striking "2012" and inserting "2013".

(C) Section 1400F(d) is amended by striking "2012" and inserting "2013".

(3) Effective dates.—

(A) Extension.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) Conforming amendments.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) First-Time Homebuyer Credit.—

(1) In general.—Subsection (i) of section 1400C is amended by striking "2008" and inserting "2009".

(2) Effective date.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

### SEC. 12833. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) In General.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking "first two taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 12834. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) In General.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after December 31, 2007.

### SEC. 12835. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) In General.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after December 31, 2007.

### SEC. 12836. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) In General.—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Effective Date.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

### SEC. 12837. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) In General.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Technical Amendment Related to Section 1203 of the Pension Protection Act

OF 2006.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

"(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

"(A) the shareholder's pro rata share of such contribution, over

"(B) the shareholder's pro rata share of the adjusted basis of such property.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

(2) TECHNICAL AMENDMENT.—The amendment made by subsection (b) shall take effect as if included in the provision of the Pension Protection Act of 2006 to which it relates.

### SEC. 12838. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking "2-year" and inserting "3-year".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

## PART III—OTHER EXTENDERS

### SEC. 12841. DISCLOSURE FOR COMBINED EMPLOYMENT TAX REPORTING.

(a) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

### SEC. 12842. DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

### SEC. 12843. DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) IN GENERAL.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

### SEC. 12844. DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after December 31, 2007.

### SEC. 12845. AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "January 1, 2008" each place it appears and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

### SEC. 12846. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

### SEC. 12847. DISCLOSURE OF RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS.

(a) IN GENERAL.—The last sentence of paragraph (7) of section 6103(l) is amended by striking "September 30, 2008" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

## Subtitle J—Mortgage Forgiveness Debt Relief

### SEC. 12851. DISCHARGES OF INDEBTEDNESS ON PRINCIPAL RESIDENCE EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 108(a) is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by inserting after subparagraph (D) the following new subparagraph:

"(E) the indebtedness discharged is qualified principal residence indebtedness.".

(b) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—Section 108 is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—

"(1) BASIS REDUCTION.—The amount excluded from gross income by reason of subsection (a)(1)(E) shall be applied to reduce (but not below zero) the basis of the principal residence of the taxpayer.

"(2) QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—For purposes of this section, the term 'qualified principal residence indebtedness' means acquisition indebtedness (within the meaning of section 163(h)(3)(B), applied by substituting '$2,000,000 ($1,000,000' for '$1,000,000 ($500,000' in clause (ii) thereof) with respect to the principal residence of the taxpayer.

"(3) EXCEPTION FOR CERTAIN DISCHARGES NOT RELATED TO TAXPAYER'S FINANCIAL CONDITION.—Subsection (a)(1)(E) shall not apply to the discharge of a loan if the discharge is on account of services performed for the lender or any other factor not directly related to a decline in the value of the residence or to the financial condition of the taxpayer.

"(4) ORDERING RULE.—If any loan is discharged, in whole or in part, and only a portion of such loan is qualified principal residence indebtedness, subsection (a)(1)(E) shall apply only to so much of the amount discharged as exceeds the amount of the loan (as determined immediately before such discharge) which is not qualified principal residence indebtedness.

"(5) PRINCIPAL RESIDENCE.—For purposes of this subsection, the term 'principal residence' has the same meaning as when used in section 121.".

(c) COORDINATION.—

(1) Subparagraph (A) of section 108(a)(2) is amended by striking "and (D)" and inserting "(D), and (E)".

(2) Paragraph (2) of section 108(a) is amended by adding at the end the following new subparagraph:

"(C) PRINCIPAL RESIDENCE EXCLUSION TAKES PRECEDENCE OVER INSOLVENCY EXCLUSION UNLESS ELECTED OTHERWISE.—Paragraph (1)(B) shall not apply to a discharge to which paragraph (1)(E) applies unless the taxpayer elects to apply paragraph (1)(B) in lieu of paragraph (1)(E).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness on or after January 1, 2007.

### SEC. 12852. LONG-TERM EXTENSION OF DEDUCTION FOR MORTGAGE INSURANCE PREMIUMS.

(a) IN GENERAL.—Subparagraph (E) of section 163(h)(3) (relating to mortgage insurance premiums treated as interest) is amended by striking clauses (iii) and (iv) and inserting the following new clause:

"(iii) APPLICATION.—Clause (i) shall not apply with respect to any mortgage insurance contract issued before January 1, 2007, or after December 31, 2014.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contracts issued after December 31, 2006.

### SEC. 12853. ALTERNATIVE TESTS FOR QUALIFYING AS COOPERATIVE HOUSING CORPORATION.

(a) IN GENERAL.—Subparagraph (D) of section 216(b)(1) (defining cooperative housing corporation) is amended to read as follows:

"(D) meeting 1 or more of the following requirements for the taxable year in which the taxes and interest described in subsection (a) are paid or incurred:

"(i) 80 percent or more of the corporation's gross income for such taxable year is derived from tenant-stockholders.

"(ii) At all times during such taxable year, 80 percent or more of the total square footage of the corporation's property is used or available for use by the tenant-stockholders for residential purposes or purposes ancillary to such residential use.

"(iii) 90 percent or more of the expenditures of the corporation paid or incurred during such taxable year are paid or incurred for the acquisition, construction, management, maintenance, or care of the corporation's property for the benefit of the tenant-stockholders.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

### SEC. 12854. GAIN FROM SALE OF PRINCIPAL RESIDENCE ALLOCATED TO NONQUALIFIED USE NOT EXCLUDED FROM INCOME.

(a) IN GENERAL.—Subsection (b) of section 121 (relating to limitations) is amended by adding at the end the following new paragraph:

"(4) EXCLUSION OF GAIN ALLOCATED TO NONQUALIFIED USE.—

"(A) IN GENERAL.—Subsection (a) shall not apply to so much of the gain from the sale or exchange of property as is allocated to periods of nonqualified use.

"(B) GAIN ALLOCATED TO PERIODS OF NONQUALIFIED USE.—For purposes of subparagraph (A), gain shall be allocated to periods of nonqualified use based on the ratio which—

"(i) the aggregate periods of nonqualified use during the period such property was owned by the taxpayer, bears to

"(ii) the period such property was owned by the taxpayer.

"(C) PERIOD OF NONQUALIFIED USE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'period of nonqualified use' means any period (other than the portion of any period preceding January 1, 2008) during which the property is not used as the principal residence of the taxpayer or the taxpayer's spouse or former spouse.

"(ii) EXCEPTIONS.—The term 'period of nonqualified use' does not include—

"(I) any portion of the 5-year period described in subsection (a) which is after the last date that such property is used as the principal residence of the taxpayer or the taxpayer's spouse,

"(II) any period (not to exceed an aggregate period of 10 years) during which the taxpayer or the taxpayer's spouse is serving on qualified official extended duty (as defined in subsection (d)(9)(C)) described in clause (i), (ii), or (iii) of subsection (d)(9)(A), and

"(III) any other period of temporary absence (not to exceed an aggregate period of 2 years) due to change of employment, health conditions, or such other unforeseen circumstances as may be specified by the Secretary.

"(D) COORDINATION WITH RECOGNITION OF GAIN ATTRIBUTABLE TO DEPRECIATION.—For purposes of this paragraph—

"(i) subparagraph (A) shall be applied after the application of subsection (d)(6), and

"(ii) subparagraph (B) shall be applied without regard to any gain to which subsection (d)(6) applies.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges after December 31, 2007.

### Subtitle K—Administrative Provisions

### SEC. 12861. REPEAL OF AUTHORITY TO ENTER INTO PRIVATE DEBT COLLECTION CONTRACTS.

(a) IN GENERAL.—Subchapter A of chapter 64 is amended by striking section 6306.

(b) CONFORMING AMENDMENTS.—

(1) Subchapter B of chapter 76 is amended by striking section 7433A.

(2) Section 7811 is amended by striking subsection (g).

(3) Section 1203 of the Internal Revenue Service Restructuring Act of 1998 is amended by striking subsection (e).

(4) The table of sections for subchapter A of chapter 64 is amended by striking the item relating to section 6306.

(5) The table of sections for subchapter B of chapter 76 is amended by striking the item relating to section 7433A.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTION FOR EXISTING CONTRACTS, ETC.—The amendments made by this section shall not apply to any contract which was entered into before July 18, 2007, and is not renewed or extended on or after such date.

(3) UNAUTHORIZED CONTRACTS AND EXTENSIONS TREATED AS VOID.—Any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986, as in effect before its repeal) which is entered into on or after July 18, 2007, and any extension or renewal on or after such date of any qualified tax collection contract (as so defined) shall be void.

### SEC. 12862. DELAY OF APPLICATION OF WITHHOLDING REQUIREMENT ON CERTAIN GOVERNMENTAL PAYMENTS FOR GOODS AND SERVICES.

(a) IN GENERAL.—Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "December 31, 2010" and inserting "December 31, 2011".

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to the withholding requirements of section 3402(t) of the Internal Revenue Code of 1986, including a detailed analysis of—

(1) the problems, if any, which are anticipated in administering and complying with such requirements,

(2) the burdens, if any, that such requirements will place on governments and businesses (taking into account such mechanisms as may be necessary to administer such requirements), and

(3) the application of such requirements to small expenditures for services and goods by governments.

### SEC. 12863. CLARIFICATION OF ENTITLEMENT OF VIRGIN ISLANDS RESIDENTS TO PROTECTIONS OF LIMITATIONS ON ASSESSMENT AND COLLECTION OF TAX.

(a) IN GENERAL.—Subsection (c) of section 932 (relating to treatment of Virgin Islands residents) is amended by adding at the end the following new paragraph:

"(5) TREATMENT OF INCOME TAX RETURN FILED WITH VIRGIN ISLANDS.—An income tax return filed with the Virgin Islands by an individual claiming to be described in paragraph (1) for the taxable year shall be treated for purposes of subtitle F in the same manner as if such return were an income tax return filed with the United States for such taxable year. The preceding sentence shall not apply where such return is false or fraudulent with the intent to evade tax or otherwise is a willful attempt in any manner to defeat or evade tax.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after 1986.

### SEC. 12864. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

### "SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

"(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

"(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

"(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

"(1) any deferred compensation item (as defined in subsection (d)(4)),

"(2) any specified tax deferred account (as defined in subsection (e)(2)), and

"(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

"(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

"(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

"(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

"(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

"(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

"(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

"(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

"(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

"(A) the payor of such item is—

"(i) a United States person, or

"(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

"(B) the covered expatriate—

"(i) notifies the payor of his status as a covered expatriate, and

"(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

"(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

"(A) any interest in a plan or arrangement described in section 219(g)(5),

"(B) any interest in a foreign pension plan or similar retirement arrangement or program,

"(C) any item of deferred compensation, and

"(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

"(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

"(6) SPECIAL RULES.—

"(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

"(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

"(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

"(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

"(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

"(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

"(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

"(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

"(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

"(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

"(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

"(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

"(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

"(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

"(A) rules similar to the rules of subsection (d)(6) shall apply, and

"(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies.

"(5) APPLICATION.—This subsection shall apply to a nongrantor trust only if the covered expatriate was a beneficiary of the trust on the day before the expatriation date.

"(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

"(1) COVERED EXPATRIATE.—

"(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

"(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

"(i) the individual—

"(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

"(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

"(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

"(2) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes his citizenship, and

"(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(3) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

"(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

"(h) OTHER RULES.—

"(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

"(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

"(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

### "CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2801. Imposition of tax.

### "SEC. 2801. IMPOSITION OF TAX.

"(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

"(2) the value of such covered gift or bequest.

"(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds $10,000.

"(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) COVERED GIFT OR BEQUEST.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

"(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

"(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

"(3) TRANSFERS IN TRUST.—

"(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

"(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

"(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

"(B) FOREIGN TRUSTS.—

"(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

"(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

"(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

"(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

"CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

"(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.".

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

"An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.".

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting "or 877A" after "section 877(b)" in subsection (a), and

(2) by inserting "or 877A" after "section 877(a)" in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act, regardless of when the transferor expatriated.

### SEC. 12865. REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Section 6404 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.

### SEC. 12866. UNUSED MERCHANDISE DRAWBACK.

(a) IN GENERAL.—Section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) is amended by adding at the end the following: "For purposes of subparagraph (A) of this paragraph, wine of the same color having a price variation not to exceed 50 percent between the imported wine and the exported wine shall be deemed to be commercially interchangeable.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to claims filed for drawback under section 313(j)(2) of the Tariff Act of 1930 on or after the date of the enactment of this Act.

## Subtitle L—Revenue Provisions

## PART I—NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES

### SEC. 12901. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 (relating to taxable year for which items of gross income included) is amended by inserting after section 457 the following new section:

### "SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

"(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be taken into account for purposes of this chapter when there is no substantial risk of forfeiture of the rights to such compensation.

"(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

"(1) any foreign corporation unless substantially all of such income is—

"(A) effectively connected with the conduct of a trade or business in the United States, or

"(B) subject to a comprehensive foreign income tax, and

"(2) any partnership unless substantially all of such income is allocated to persons other than—

"(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

"(B) organizations which are exempt from tax under this title.

"(c) ASCERTAINABILITY OF AMOUNTS OF COMPENSATION.—

"(1) IN GENERAL.—If the amount of any compensation is not ascertainable at the time that such compensation is otherwise to be taken into account under subsection (a)—

"(A) such amount shall be so taken into account when ascertainable, and

"(B) the tax imposed under this chapter for the taxable year in which such compensation is taken into account under subparagraph (A) shall be increased by the sum of—

"(i) the amount of interest determined under paragraph (2), and

"(ii) an amount equal to 20 percent of the amount of such compensation.

"(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) SUBSTANTIAL RISK OF FORFEITURE.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

"(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

"(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

"(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

Such term shall not include any tax unless such tax includes rules for the deductibility of deferred compensation which are similar to the rules of this title.

"(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

"(4) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.".

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking "and" at the end of subparagraph (S), by striking the period at the end of subparagraph (T) and inserting ", and", and by adding at the end the following new subparagraph:

"(U) section 457A(c)(1)(B) (relating to ascertainability of amounts of compensation).".

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

"Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2007.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2008, to the extent such amount is not includible in gross income in a taxable year beginning before 2017, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2017, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) ACCELERATED PAYMENTS.—No later than 60 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2007, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

## PART II—PROVISIONS RELATED TO CERTAIN INVESTMENT PARTNERSHIPS

### SEC. 12911. INCOME OF PARTNERS FOR PERFORMING INVESTMENT MANAGEMENT SERVICES TREATED AS ORDINARY INCOME RECEIVED FOR PERFORMANCE OF SERVICES.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 is amended by adding at the end the following new section:

### "SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIP.

"(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

"(1) IN GENERAL.—Notwithstanding section 702(b)—

"(A) any net income with respect to such interest for any partnership taxable year shall be treated as ordinary income for the performance of services, and

"(B) any net loss with respect to such interest for such year, to the extent not disallowed under paragraph (2) for such year, shall be treated as an ordinary loss.

"(2) TREATMENT OF LOSSES.—

"(A) LIMITATION.—Any net loss with respect to such interest shall be allowed for any partnership taxable year only to the extent that such loss does not exceed the excess (if any) of—

"(i) the aggregate net income with respect to such interest for all prior partnership taxable years, over

"(ii) the aggregate net loss with respect to such interest not disallowed under this subparagraph for all prior partnership taxable years.

"(B) CARRYFORWARD.—Any net loss for any partnership taxable year which is not allowed by reason of subparagraph (A) shall be treated as an item of loss with respect to such partnership interest for the succeeding partnership taxable year.

"(C) BASIS ADJUSTMENT.—No adjustment to the basis of a partnership interest shall be made on account of any net loss which is not allowed by reason of subparagraph (A).

"(D) EXCEPTION FOR BASIS ATTRIBUTABLE TO PURCHASE OF A PARTNERSHIP INTEREST.—In the case of an investment services partnership interest acquired by purchase, paragraph (1)(B) shall not apply to so much of any net loss with respect to such interest for any taxable year as does not exceed the excess of—

"(i) the basis of such interest immediately after such purchase, over

"(ii) the aggregate net loss with respect to such interest to which paragraph (1)(B) did not apply by reason of this subparagraph for all prior taxable years.

Any net loss to which paragraph (1)(B) does not apply by reason of this subparagraph shall not be taken into account under subparagraph (A).

"(E) PRIOR PARTNERSHIP YEARS.—Any reference in this paragraph to prior partnership taxable years shall only include prior partnership taxable years to which this section applies.

"(3) NET INCOME AND LOSS.—For purposes of this section—

"(A) NET INCOME.—The term 'net income' means, with respect to any investment services partnership interest, for any partnership taxable year, the excess (if any) of—

"(i) all items of income and gain taken into account by the holder of such interest under section 702 with respect to such interest for such year, over

"(ii) all items of deduction and loss so taken into account.

"(B) NET LOSS.—The term 'net loss' means with respect to such interest for such year, the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).

"(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

"(1) GAIN.—Any gain on the disposition of an investment services partnership interest shall be treated as ordinary income for the performance of services.

"(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

"(A) the aggregate net income with respect to such interest for all partnership taxable years, over

"(B) the aggregate net loss with respect to such interest allowed under subsection (a)(2) for all partnership taxable years.

"(3) DISPOSITION OF PORTION OF INTEREST.—In the case of any disposition of an investment services partnership interest, the amount of net loss which otherwise would have (but for subsection (a)(2)(C)) applied to reduce the basis of such interest shall be disregarded for purposes of this section for all succeeding partnership taxable years.

"(4) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—In the case of any distribution of appreciated property by a partnership with respect to any investment services partnership interest, gain shall be recognized by the partnership in the same manner as if the partnership sold such property at fair market value at the time of the distribution. For purposes of this paragraph, the term 'appreciated property' means any property with respect to which gain would be determined if sold as described in the preceding sentence.

"(5) APPLICATION OF SECTION 751.—In applying section 751(a), an investment services partnership interest shall be treated as an inventory item.

"(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

"(1) IN GENERAL.—The term 'investment services partnership interest' means any interest in a partnership which is held by any person if such person provides (directly or indirectly) a substantial quantity of any of the following services with respect to the assets of the partnership in the conduct of the trade or business of providing such services:

"(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

"(B) Managing, acquiring, or disposing of any specified asset.

"(C) Arranging financing with respect to acquiring specified assets.

"(D) Any activity in support of any service described in subparagraphs (A) through (C).

For purposes of this paragraph, the term 'specified asset' means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate, commodities (as defined in section 475(e)(2))), or options or derivative contracts with respect to securities (as so defined), real estate, or commodities (as so defined).

"(2) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

"(A) IN GENERAL.—If—

"(i) a portion of an investment services partnership interest is acquired on account of a contribution of invested capital, and

"(ii) the partnership makes a reasonable allocation of partnership items between the portion of the distributive share that is with respect to invested capital and the portion of such distributive share that is not with respect to invested capital,

then subsection (a) shall not apply to the portion of the distributive share that is with respect to invested capital. An allocation will not be treated as reasonable for purposes of this subparagraph if such allocation would result in the partnership allocating a greater portion of income to invested capital than any other partner not providing services would have been allocated with respect to the same amount of invested capital.

"(B) SPECIAL RULE FOR DISPOSITIONS.—In any case to which subparagraph (A) applies, subsection (b) shall not apply to any gain or loss allocable to invested capital. The portion of any gain or loss attributable to invested capital is the proportion of such gain or loss which is based on the distributive share of gain or loss that would have been allocable to invested capital under subparagraph (A) if the partnership sold all of its assets immediately before the disposition.

"(C) INVESTED CAPITAL.—For purposes of this paragraph, the term 'invested capital' means, the fair market value at the time of contribution of any money or other property contributed to the partnership.

"(D) TREATMENT OF CERTAIN LOANS.—

"(i) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS INVESTED CAPITAL OF SERVICE PROVIDING PARTNERS.—For purposes of this paragraph, an investment services partnership interest shall not be treated as acquired on account of a contribution of invested capital to the extent that such capital is attributable to the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any partner or the partnership.

"(ii) LOANS FROM NONSERVICE PROVIDING PARTNERS TO THE PARTNERSHIP TREATED AS INVESTED CAPITAL.—For purposes of this paragraph, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services to the partnership shall be treated as invested capital of such partner and amounts of income and loss treated as allocable to invested capital shall be adjusted accordingly.

"(d) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

"(1) IN GENERAL.—If—

"(A) a person performs (directly or indirectly) investment management services for any entity,

"(B) such person holds a disqualified interest with respect to such entity, and

"(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,

any income or gain with respect to such interest shall be treated as ordinary income for the performance of services. Rules similar to the rules of subsection (c)(2) shall apply where such interest was acquired on account of invested capital in such entity.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) DISQUALIFIED INTEREST.—The term 'disqualified interest' means, with respect to any entity—

"(i) any interest in such entity other than indebtedness,

"(ii) convertible or contingent debt of such entity,

"(iii) any option or other right to acquire property described in clause (i) or (ii), and

"(iv) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

Such term shall not include a partnership interest and shall not include stock in a taxable corporation.

"(B) TAXABLE CORPORATION.—The term 'taxable corporation' means—

"(i) a domestic C corporation, or

"(ii) a foreign corporation subject to a comprehensive foreign income tax (as defined in section 457A(d)(4)).

"(C) INVESTMENT MANAGEMENT SERVICES.—The term 'investment management services' means a substantial quantity of any of the services described in subsection (c)(1) which are provided in the conduct of the trade or business of providing such services.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this section, including regulations to—

"(1) prevent the avoidance of the purposes of this section, and

"(2) coordinate this section with the other provisions of this subchapter.

"(f) CROSS REFERENCE.—For 40 percent no fault penalty on certain underpayments due to the avoidance of this section, see section 6662.".

(b) APPLICATION TO REAL ESTATE INVESTMENT TRUSTS.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

"(8) EXCEPTION FROM RECHARACTERIZATION OF INCOME FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS.—

"(A) IN GENERAL.—Paragraphs (2), (3), and (4) shall be applied without regard to section 710 (relating to special rules for partners providing investment management services to partnership).

"(B) SPECIAL RULE FOR PARTNERSHIPS OWNED BY REITS.—Section 7704 shall be applied without regard to section 710 in the case of a partnership which meets each of the following requirements:

"(i) Such partnership is treated as publicly traded under section 7704 solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

"(ii) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

"(iii) Such partnership meets the requirements of paragraphs (2), (3), and (4) (applied without regard to section 710).".

(c) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

"(6) The application of subsection (d) of section 710 or the regulations prescribed under section 710(e) to prevent the avoidance of the purposes of section 710.".

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 is amended by adding at the end the following new subsection:

"(i) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(6), subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.".

(B) CONFORMING AMENDMENTS.—Subparagraph (B) of section 6662A(e)(2) is amended—

(i) by striking "section 6662(h)" and inserting "subsection (h) or (i) of section 6662", and

(ii) by striking "GROSS VALUATION MISSTATEMENT PENALTY" in the heading and inserting "CERTAIN INCREASED UNDERPAYMENT PENALTIES".

(3) REASONABLE CAUSE EXCEPTION NOT APPLICABLE.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(B) by striking "paragraph (2)" in paragraph (4), as so redesignated, and inserting "paragraph (3)", and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment to which this section applies by reason of subsection (b)(6).".

(d) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 is amended by inserting "section 710(b)(4) (relating to distributions of partnership property)," before "section 736".

(2) Section 741 is amended by inserting "or section 710 (relating to special rules for partners providing investment management services to partnership)" before the period at the end.

(3) Paragraph (13) of section 1402(a) is amended—

(A) by striking "other than guaranteed" and inserting "other than—

"(A) guaranteed",

(B) by striking the semi-colon at the end and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(B) any income treated as ordinary income under section 710 received by an individual who provides investment management services (as defined in section 710(d)(2));".

(4) Paragraph (12) of section 211(a) of the Social Security Act is amended—

(A) by striking "other than guaranteed" and inserting "other than—

"(A) guaranteed",

(B) by striking the semi-colon at the end and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(B) any income treated as ordinary income under section 710 of the Internal Revenue Code of 1986 received by an individual who provides investment management services (as defined in section 710(d)(2) of such Code);".

(5) The table of sections for part I of subchapter K of chapter 1 is amended by adding at the end the following new item:

"Sec. 710. Special rules for partners providing investment management services to partnership.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after November 1, 2007.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes November 1, 2007, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—Section 710(b) of the Internal Revenue Code of 1986 (as added by this section) shall apply to dispositions and distributions after November 1, 2007.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(d) of such Code (as added by this section) shall take effect on November 1, 2007.

(5) PUBLICLY TRADED PARTNERSHIPS.—For purposes of applying section 7704, the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

### SEC. 12912. INDEBTEDNESS INCURRED BY A PARTNERSHIP IN ACQUIRING SECURITIES AND COMMODITIES NOT TREATED AS ACQUISITION INDEBTEDNESS FOR ORGANIZATIONS WHICH ARE PARTNERS WITH LIMITED LIABILITY.

(a) IN GENERAL.—Subsection (c) of section 514 (relating to acquisition indebtedness) is amended by adding at the end the following new paragraph:

"(10) SECURITIES AND COMMODITIES ACQUIRED BY PARTNERSHIPS IN WHICH AN ORGANIZATION IS A PARTNER WITH LIMITED LIABILITY.—

"(A) IN GENERAL.—In the case of any organization which is a partner with limited liability in a partnership, the term 'acquisition indebtedness' does not, for purposes of this section, include indebtedness incurred or continued by such partnership in purchasing or carrying any qualified security or commodity.

"(B) QUALIFIED SECURITY OR COMMODITY.—For purposes of this paragraph, the term 'qualified security or commodity' means any security (as defined in section 475(c)(2) without regard to the last sentence thereof), any commodity (as defined in section 475(e)(2)), or any option or derivative contract with respect to such a security or commodity.

"(C) APPLICATION TO TIERED PARTNERSHIPS AND OTHER PASS-THRU ENTITIES.—Rules similar to the rules of subparagraph (A) shall apply in the case of tiered partnerships and other pass-thru entities.

"(D) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations to prevent the abuse of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

### SEC. 12913. APPLICATION TO PARTNERSHIP INTERESTS AND TAX SHARING AGREEMENTS OF RULE TREATING CERTAIN GAIN ON SALES BETWEEN RELATED PERSONS AS ORDINARY INCOME.

(a) PARTNERSHIP INTERESTS.—Subsection (a) of section 1239 is amended to read as follows:

"(a) TREATMENT OF GAIN AS ORDINARY INCOME.—In the case of a sale or exchange of property, directly or indirectly, between related persons, any gain recognized to the transferor shall be treated as ordinary income if—

"(1) such property is, in the hands of the transferee, of a character which is subject to the allowance for depreciation provided in section 167, or

"(2) such property is an interest in a partnership, but only to the extent of gain attributable to unrealized appreciation in property which is of a character subject to the allowance for depreciation provided in section 167.".

(b) TAX SHARING AGREEMENTS.—Section 1239 (relating to gain from sale of depreciable property between certain related taxpayers) is amended by adding at the end the following new subsection:

"(f) APPLICATION TO TAX SHARING AGREEMENTS.—

"(1) IN GENERAL.—If there is a tax sharing agreement with respect to any sale or exchange, the transferee and the transferor shall be treated as related persons for purposes of this section.

"(2) TAX SHARING AGREEMENT.—For purposes of this subsection, the term 'tax sharing agreement' means any agreement which provides for the payment to the transferor of any amount which is determined by reference to any portion of the tax benefit realized by the transferee with respect to the depreciation (or amortization) of the property transferred.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to sales and exchanges after the date of the enactment of this Act.

(2) EXCEPTION FOR BINDING CONTRACTS.—The amendment made by subsection (b) shall not apply to any sale or exchange pursuant to a written binding contract which includes a tax sharing agreement and which is in effect on November 1, 2007, and not modified thereafter in any material respect.

## PART III—OTHER PROVISIONS

### SEC. 12921. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking "December 31, 2008" and inserting "December 31, 2017".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

### SEC. 12922. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.

(a) IN GENERAL.—

(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 (relating to returns of brokers) is amended by adding at the end the following new subsection:

"(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS.—

"(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).

"(2) ADDITIONAL INFORMATION REQUIRED.—

"(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).

"(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The customer's adjusted basis shall be determined—

"(I) in the case of any stock (other than any stock in an open-end fund), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred,

"(II) in the case of any stock in an open-end fund acquired before January 1, 2011, in accordance with any acceptable method under section 1012 with respect to the account in which such interest is held,

"(III) in the case of any stock in an open-end fund acquired after December 31, 2010, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such interest is held, and

"(IV) in any other case, under the method for making such determination under section 1012.

"(ii) Exception for wash sales.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the same account with respect to identical securities.

"(3) Covered security.—For purposes of this subsection—

"(A) In general.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

"(i) was acquired through a transaction in the account in which such security is held, or

"(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.

"(B) Specified security.—The term 'specified security' means—

"(i) any share of stock in a corporation,

"(ii) any note, bond, debenture, or other evidence of indebtedness,

"(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

"(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

"(C) Applicable date.—The term 'applicable date' means—

"(i) January 1, 2009, in the case of any specified security which is stock in a corporation, and

"(ii) January 1, 2011, or such later date determined by the Secretary in the case of any other specified security.

"(4) Open-end fund.—For purposes of this subsection, the term 'open-end fund' means a regulated investment company (as defined in section 851) which is offering for sale or has outstanding any redeemable security of which it is the issuer and the shares of which are not traded on an established securities exchange.".

(2) Broker information required with respect to options.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

"(h) Application to Options on Covered Securities.—

"(1) Exercise of option.—For purposes of this section, in the case of any exercise of an option on a covered security where the taxpayer is the grantor of the option and the option was acquired in the same account as the covered security, the amount received for the grant of an option on a covered security shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be. A similar rule shall apply in the case of the exercise of an option where the taxpayer is not the grantor of the option.

"(2) Lapse or closing transaction.—For purposes of this section, in the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a covered security where the taxpayer is the grantor of the option, this section shall apply as if the premium received for such option were gross proceeds received on the date of the lapse or closing transaction, and the cost (if any) of the closing transaction shall be taken into account as adjusted basis. A similar rule shall apply in the case of a lapse or closing transaction where the taxpayer is not the grantor of the option.

"(3) Prospective application.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2011.

"(4) Covered security.—For purposes of this subsection, the term 'covered security' shall have the meaning given such term in subsection (g)(3).".

(3) Extension of period for statements sent to customers.—

(A) In general.—Subsection (b) of section 6045 is amended by striking "January 31" and inserting "February 15".

(B) Statements related to substitute payments.—Subsection (d) of section 6045 is amended—

(i) by striking "at such time and", and

(ii) by inserting after "other item." the following new sentence: "The written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year during which such payment was made.".

(C) Other statements.—Subsection (b) of section 6045 is amended by adding at the end the following: "In the case of a consolidated reporting statement (as defined in regulations) with respect to any account which includes the statement required by this subsection, any statement which would otherwise be required to be furnished on or before January 31 under section 6042(c), 6049(c)(2)(A), or 6050N(b) with respect to any item in such account shall instead be required to be furnished on or before February 15 if furnished as part of such consolidated reporting statement.".

(b) Determination of Basis of Certain Securities on Account by Account Method.—Section 1012 (relating to basis of property–cost) is amended—

(1) by striking "The basis of property" and inserting the following:

"(a) In General.—The basis of property",

(2) by striking "The cost of real property" and inserting the following:

"(b) Special Rule for Apportioned Real Estate Taxes.—The cost of real property", and

(3) by adding at the end the following new subsection:

"(c) Determinations by Account.—

"(1) In general.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.

"(2) Application to open-end funds.—

"(A) In general.—Except as provided in subparagraph (B), any stock in an open-end fund acquired before January 1, 2009, shall be treated as a separate account from any such stock acquired on or after such date.

"(B) Election by open-end fund for treatment as single account.—If an open-end fund elects (at such time and in such form and manner as the Secretary may prescribe) to have this subparagraph apply with respect to one or more of its stockholders—

"(i) subparagraph (A) shall not apply with respect to any stock in such fund held by such stockholders, and

"(ii) all stock in such fund which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.

"(3) Definitions.—For purposes of this section, the terms 'specified security', 'applicable date', and 'open-end fund' shall have the meaning given such terms in section 6045(g).".

(c) Information by Transferors To Aid Brokers.—

(1) In general.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

**"SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.**

"(a) Furnishing of Information.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).

"(b) Applicable Person.—For purposes of subsection (a), the term 'applicable person' means—

"(1) any broker (as defined in section 6045(c)(1)), and

"(2) any other person as provided by the Secretary in regulations.

"(c) Time for Furnishing Statement.—Any statement required by subsection (a) shall be furnished not later than the earlier of—

"(1) 45 days after the date of the transfer described in subsection (a), or

"(2) January 15 of the year following the calendar year during which such transfer occurred.".

(2) Assessable penalties.—Paragraph (2) of section 6724(d) (defining payee statement) is amended by redesignating subparagraphs (I) through (CC) as subparagraphs (J) through (DD), respectively, and by inserting after subparagraph (H) the following new subparagraph:

"(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers).".

(3) Clerical amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

"Sec. 6045A. Information required in connection with transfers of covered securities to brokers.".

(d) Additional Issuer Information To Aid Brokers.—

(1) In general.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986, as amended by subsection (b), is amended by inserting after section 6045A the following new section:

**"SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.**

"(a) In General.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—

"(1) a description of any organizational action which affects the basis of such specified security of such issuer,

"(2) the quantitative effect on the basis of such specified security resulting from such action, and

"(3) such other information as the Secretary may prescribe.

"(b) Time for Filing Return.—Any return required by subsection (a) shall be filed not later than the earlier of—

"(1) 45 days after the date of the action described in subsection (a), or

"(2) January 31 of the year following the calendar year during which such action occurred.

"(c) Statements To Be Furnished to Holders of Specified Securities or Their

NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—

"(1) the name, address, and phone number of the information contact of the person required to make such return,

"(2) the information required to be shown on such return with respect to such security, and

"(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 31 of the year following the calendar year during which the action described in subsection (a) occurred.

"(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C) with respect to such security.

"(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

"(1) the name, address, phone number, and email address of the information contact of such person, and

"(2) the information described in paragraphs (1), (2), and (3) of subsection (a).".

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (defining information return) is amended by redesignating clauses (iv) through (xix) as clauses (v) through (xx), respectively, and by inserting after clause (iii) the following new clause:

"(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),".

(B) Paragraph (2) of section 6724(d) of such Code (defining payee statement), as amended by subsection (c)(2), is amended by redesignating subparagraphs (J) through (DD) as subparagraphs (K) through (EE), respectively, and by inserting after subparagraph (I) the following new subparagraph:

"(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities).".

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:

"Sec. 6045B. Returns relating to actions affecting basis of specified securities.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

### SEC. 12923. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

Section 6698 is amended by adding at the end the following new subsection:

"(e) MODIFICATIONS.—In the case of any return required to be filed after the date of the enactment of this subsection—

"(1) the dollar amount in effect under subsection (b)(1) shall be increased by $25, and

"(2) the limitation on the number of months taken into account under subsection (a) shall not be less than 12 months.".

### SEC. 12924. PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

### "SEC. 6699A. FAILURE TO FILE S CORPORATION RETURN.

"(a) GENERAL RULE.—In addition to the penalty imposed by section 7203 (relating to willful failure to file return, supply information, or pay tax), if any S corporation required to file a return under section 6037 for any taxable year—

"(1) fails to file such return at the time prescribed therefor (determined with regard to any extension of time for filing), or

"(2) files a return which fails to show the information required under section 6037,

such S corporation shall be liable for a penalty determined under subsection (b) for each month (or fraction thereof) during which such failure continues (but not to exceed 12 months), unless it is shown that such failure is due to reasonable cause.

"(b) AMOUNT PER MONTH.—For purposes of subsection (a), the amount determined under this subsection for any month is the product of—

"(1) $25, multiplied by

"(2) the number of persons who were shareholders in the S corporation during any part of the taxable year.

"(c) ASSESSMENT OF PENALTY.—The penalty imposed by subsection (a) shall be assessed against the S corporation.

"(d) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by adding at the end the following new item:

"Sec. 6699A. Failure to file S corporation return.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

### SEC. 12925. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "115 percent" and inserting "181 percent".

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**SA 3643.** Mr. CORNYN (for himself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, after line 19, insert the following:

### SEC. ___. POINT OF ORDER AGAINST LEGISLATION THAT RAISES INCOME TAX RATES.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal income tax rate increase.

(b) FEDERAL INCOME TAX RATE DEFINED.—In this section, the term "Federal income tax rate increase" means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

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**SA 3644.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 626, line 7, insert "(including childhood obesity)" after "obesity".

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**SA 3645.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 20 and all that follows through page 211, line 19, and insert the following:

"(1) PROGRAMS.—

"(A) COMMODITY PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during a crop year if the average adjusted gross income of the individual or entity exceeds $200,000.

"(B) CONSERVATION PROGRAMS.—Not-

On page 212, lines 6 and 7, strike "Subparagraphs (A) and (B) of paragraph (1)" and insert "Paragraph (1)(A)".

On page 212, line 21, strike "(1)(C)" and inserting "(1)(B)".

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**SA 3646.** Mr. INOUYE (for himself, Mr. ROBERTS, Mr. LOTT, Mr. LAUTENBERG, Mr. SMITH, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 525, strike lines 1 through 4 and insert the following: "Chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292)".

### SEC. 3014. PILOT PROGRAM FOR LOCAL PURCHASE.

Chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292 et seq.) is amended by adding at the end the following:

### "SEC. 495L. PILOT PROGRAM FOR LOCAL PURCHASE OF ELIGIBLE COMMODITIES.

On page 525, between lines 5 and 6, insert the following:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Agency for International Development.

On page 525, lines 6 and 7, strike "Notwithstanding section 402(2), the term" and insert "The term".

On page 525, line 17, insert "of the Food for Peace Act" after "section 202(d)".

On page 526, lines 4 through 6, strike "Notwithstanding section 407(c)(1)(A), the Administrator, in consultation with the Secretary" and insert "The Administrator".

On page 527, lines 5 and 6, strike "Subject to subsections (a), (b), (f), and (h) of section 403, eligible commodities" and insert "Eligible commodities".

On page 529, strike lines 10 through 12.

On page 534, strike lines 1 through 11 and insert the following:

"(k) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated up to $25,000,000 for each of the fiscal years 2008 through 2011 to carry out this section.

"(2) AVAILABILITY.—Any amounts appropriated pursuant to paragraph (1) shall remain available until expended.".

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**SA 3647.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 563, between lines 15 and 16, insert the following:

### SEC. 320___. REPORT ON THE IMPORTATION OF HIGH PROTEIN FOOD INGREDIENTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of Health and Human Services (acting through the Commissioner of Food and Drugs), in consultation with the heads of other appropriate Federal agencies, shall jointly submit to Congress a report on imports of high protein food ingredients (including gluten, casein, and milk protein concentrate) into the United States during the 5-year period preceding the date of enactment of this Act.

(b) COMPONENTS.—The report required under subsection (a) shall include—

(1) a description of—

(A) the quantity of each high protein food ingredient imported into the United States; and

(B) the source of the high protein food ingredients being imported;

(2) an accounting of the percentage of imports in each category and subcategory of high protein food ingredients that were inspected, including whether the inspections were—

(A) basic or visual inspections; or

(B) more intensive inspections or laboratory analyses;

(3) an evaluation of—

(A) whether the laboratory tests conducted on high protein food ingredients were able to detect adulteration with other high nitrogen compounds, such as melamine; and

(B) if some of the laboratory tests were sensitive and others were not sensitive, the number and results for each sensitivity; and

(4) a survey of whether high protein food ingredients were imported for food uses or non-food uses, including an analysis of—

(A) whether the food uses were animal or human food uses; and

(B) whether any non-food or animal feed products could have entered the human food supply, including an analysis of any safeguards to prevent such products from entering the human food supply.

(c) AVAILABILITY.—As soon as practicable after the completion of the report under subsection (a), the Secretary and the Secretary of Health and Human Services shall make the report available to the public.

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**SA 3648.** Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1208, between lines 10 and 11, insert the following:

### SEC. 10004. DISCLOSURE OF COUNTRY OF HARVEST FOR GINSENG.

(a) IN GENERAL.—The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

### "Subtitle E—Ginseng

### "SEC. 291. DISCLOSURE OF COUNTRY OF HARVEST.

"(a) DEFINITIONS.—In this section:

"(1) GINSENG.—The term 'ginseng' means a plant classified within the genus Panax.

"(2) RAW AGRICULTURAL COMMODITY.—The term 'raw agricultural commodity' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(b) DISCLOSURE.—

"(1) IN GENERAL.—A person that offers ginseng for sale as a raw agricultural commodity shall disclose to a potential purchaser the country of harvest of the ginseng.

"(2) IMPORTATION.—A person that imports ginseng as a raw agricultural commodity into the United States shall disclose at the point of entry into the United States, in accordance with section 304 of the Tariff Act of 1930 (19 U.S.C. 1304), the country in which the ginseng was harvested.

"(c) MANNER OF DISCLOSURE.—

"(1) IN GENERAL.—The disclosure required by subsection (b) shall be provided to a potential purchaser by means of a label, stamp, mark, placard, or other easily legible and visible sign on the ginseng or on the package, display, holding unit, or bin containing the ginseng.

"(2) RETAILERS.—A retailer of ginseng as a raw agricultural commodity shall—

"(A) retain the means of disclosure provided under subsection (b); and

"(B) provide the received means of disclosure to a consumer of ginseng.

"(3) REGULATIONS.—The Secretary shall by regulation prescribe with specificity the manner in which disclosure shall be made in a transaction at the wholesale or retail level (including a transaction by mail, telephone, internet, or in retail stores).

"(d) FINES.—The Secretary may, after providing notice and an opportunity for a hearing before the Secretary, fine a person subject to subsection (b), or a person supplying ginseng to such a person, in an amount of not more than $1,000 for each violation if the Secretary determines that the person—

"(1) has not made a good faith effort to comply with subsection (b); and

"(2) continues to willfully violate subsection (b).

"(e) INFORMATION.—The Secretary shall make information available to wholesalers, importers, retailers, trade associations, and other interested persons concerning the requirements of this section (including regulations promulgated to carry out this section).".

(b) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

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**SA 3649.** Mr. KERRY (for himself, Mr. KENNEDY, Ms. SNOWE, Mr. GREGG, Mr. SUNUNU, Mr. REED, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

### SEC. ___. FISHERY FAILURE OF THE NORTHEAST GROUNDFISH.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of Commerce may provide fishery disaster assistance under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) if the Secretary determines that there is a commercial fishery failure due to a fishery resource disaster as a result of—

(A) natural causes;

(B) man-made causes beyond the control of fishery managers to mitigate through conservation and management measures, including regulatory restrictions imposed to protect human health or the marine environment; or

(C) undetermined causes.

(2) The Secretary of Commerce has not proposed or promulgated regulations to implement such section 312(a).

(3) During 2007, the Governors of each of the Commonwealth of Massachusetts, the State of Maine, and the State of Rhode Island requested that the Secretary of Commerce declare a commercial fishery failure for the groundfish fishery under such section 312(a) and the Governor of the State of New Hampshire has indicated his intention of submitting a similar request.

(4) Since 1996, the Secretary of Commerce has had regulations in place that require significant restrictions and reductions on the catch and days-at-sea of New England fishermen in the groundfish fishery.

(5) New England fishermen in the groundfish fishery have endured additional restrictions and reductions under Framework 42, which has resulted in many fishermen having just 24 days to fish during a season.

(6) Framework 42 and other Federal fishing restrictions have had a great impact on small-boat fishermen, many of whom cannot safely fish beyond the inshore areas. As of the date of the enactment of this Act, each day-at-sea a fisherman spends in an inshore area reduces that fisherman's number of available days-at-sea by 2 days.

(7) The Commonwealth of Massachusetts has provided information to the Secretary of Commerce demonstrating that—

(A) between 1994 and 2006, overall conditions of groundfish stocks have not improved and that spawning stock biomass is near record lows for most major groundfish stocks; and

(B) between 2005 and 2006, total Massachusetts commercial groundfish vessel revenues (landings) decreased by 18 percent and there was a loss for related industries and communities estimated at $22,000,000.

(8) The State of Maine has provided information to the Secretary of Commerce indicating that—

(A) since 1994, the impact of groundfish regulations has eliminated 50 percent of Maine's groundfish fleet, leaving just 110 active groundfish fishermen;

(B) between 1996 and 2006, there was a 58 percent decrease in groundfish landings in Maine and a 45 percent decrease in groundfish revenue, from approximately $27,000,000 to $15,000,000; and

(C) between 2005 and 2006, groundfish revenues decreased 25 percent.

(9) The State of Rhode Island has provided information to the Secretary of Commerce indicating that—

(A) since 1994, there has been a 66 percent drop in Rhode Island's groundfish fishery landings; and

(B) between 1995 and 2007, groundfish revenue decreased 20 percent from approximately $7,500,000 to $6,000,000.

(10) The Secretary of Commerce rejected requests from Massachusetts, Maine, and Rhode Island to declare a commercial fishery failure prior to establishing any appropriate standard to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act.

(11) For centuries, growth in New England's commercial fishing industry has been intertwined with the history and economic growth of the New England States and has created thousands of jobs in both fishing and fishing-related industries for generations of New England residents.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Commerce should—

(1) reconsider the October 22, 2007 decision to deny the requests of the Commonwealth of Massachusetts, the State of Maine, and the State of Rhode Island for a groundfish fishery failure declaration;

(2) look favorably upon the request of the State of New Hampshire for a groundfish fishery failure declaration; and

(3) immediately propose regulations to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)).

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**SA 3650.** Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1192, strike line 13 and insert the following:

**"SEC. 9023. RENEWABLE ENERGY INITIATIVE.**

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall provide competitive grants to consortia of institutions of higher education to assist the consortia with the conduct of—

"(1) studies on, and the development of engineering designs for, the production of advanced biofuel, biobutanol, and biodiesel from regional bioresources;

"(2) studies to develop systems for the commercial production of biofuel feedstocks from rice, other crops, and other agriculture residue;

"(3) pilot plant demonstration projects for advanced biofuel production and biodiesel production;

"(4) research on biofuel distribution systems; and

"(5) educational activities relating to renewable energy science and technology.

"(b) PROVISION OF GRANTS.—

"(1) APPLICATIONS.—The Secretary shall solicit from individual institutions of higher education and consortia of institutions of higher education applications for projects eligible for grants under this section.

"(2) PRIORITY.—In providing grants under this section, the Secretary shall give priority to individual institutions of higher education and consortia of institutions of higher education that have—

"(A) resources for, and expertise in, renewable energy research and production;

"(B) significant experience in working with agricultural producers;

"(C) access to land and biofeedstocks;

"(D) the ability to study methods for reducing lifecycle greenhouse gas emissions;

"(E) demonstrated a willingness to contribute significant in-kind resources; and

"(F) engineering and research knowledge and experience relating to biofuels or the production of inputs for biofuel production.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.

**"SEC. 9024. FUTURE FARMSTEADS PROGRAM.**

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**SA 3651.** Mr. CORKER (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1500, between lines 10 and 11, insert the following:

### PART V—COMPETITIVE CERTIFICATION AWARDS

**SEC. 12701. COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.**

(a) IN GENERAL.—Section 48A (relating to qualifying advanced coal project credit) is amended by adding at the end the following new subsection:

"(h) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

"(1) is consistent with the objectives of such section, and

"(2) is requested by the recipient of the competitive certification award,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase, or that the net public benefits associated with the original application would be reduced, as a result of the modification. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

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**SA 3652.** Mr. LAUTENBERG (for himself, Mrs. DOLE, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 692, between lines 17 and 18, insert the following:

**SEC. 49___. FOOD EMPLOYMENT EMPOWERMENT AND DEVELOPMENT PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that meets the requirements of subsection (b)(2).

(2) VULNERABLE SUBPOPULATION.—

(A) IN GENERAL.—The term "vulnerable subpopulation" means low-income individuals, unemployed individuals, and other subpopulations identified by the Secretary as being likely to experience special risks from hunger or a special need for job training.

(B) INCLUSIONS.—The term "vulnerable subpopulation" includes—

(i) addicts (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(ii) at-risk youths (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472));

(iii) individuals that are basic skills deficient (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

(iv) homeless individuals (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b));

(v) homeless youths (as defined in section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a));

(vi) individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102));

(vii) low-income individuals (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); and

(viii) older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)).

(b) FOOD EMPLOYMENT EMPOWERMENT AND DEVELOPMENT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a food employment empowerment and development program under which the Secretary shall make grants to eligible entities to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training.

(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a public agency, or private nonprofit institution, that conducts, or will conduct, 2 or more of the following activities as an integral part of the normal operation of the entity:

(A) Recovery of donated food from area restaurants, caterers, hotels, cafeterias, farms, or other food service businesses.

(B) Distribution of meals or recovered food to—

(i) nonprofit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986;

(ii) entities that feed vulnerable subpopulations; and

(iii) other agencies considered appropriate by the Secretary.

(C) Training of unemployed and underemployed adults for careers in the food service industry.

(D) Carrying out of a welfare-to-work job training program in combination with—

(i) production of school meals, such as school meals served under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

(ii) support for after-school programs, such as programs conducted by community learning centers (as defined in section 4201(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171(b))).

(3) USE OF FUNDS.—An eligible entity may use a grant awarded under this section for—

(A) capital investments related to the operation of the eligible entity;

(B) support services for clients, including staff, of the eligible entity and individuals enrolled in job training programs;

(C) purchase of equipment and supplies related to the operation of the eligible entity or that improve or directly affect service delivery;

(D) building and kitchen renovations that improve or directly affect service delivery;

(E) educational material and services;

(F) administrative costs, in accordance with guidelines established by the Secretary; and

(G) additional activities determined appropriate by the Secretary.

(4) PREFERENCES.—In awarding grants under this section, the Secretary shall give preference to eligible entities that perform, or will perform, any of the following activities:

(A) Carrying out food recovery programs that are integrated with—

(i) culinary worker training programs, such as programs conducted by a food service management institute under section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1);

(ii) school education programs; or

(iii) programs of service-learning (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).

(B) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(C) Integrating recovery and distribution of food with a job training program.

(D) Maximizing the use of an established school, community, or private food service facility or resource in meal preparation and culinary skills training.

(E) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(5) ELIGIBILITY FOR JOB TRAINING.—To be eligible to receive job training assistance from an eligible entity using a grant made available under this section, an individual shall be a member of a vulnerable subpopulation.

(6) PERFORMANCE INDICATORS.—The Secretary shall establish, for each year of the program, performance indicators and expected levels of performance for meal and food distribution and job training for eligible entities to continue to receive and use grants under this section.

(7) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary shall provide technical assistance to eligible entities that receive grants under this section to assist the eligible entities in carrying out programs under this section using the grants.

(B) FORM.—Technical assistance for a program provided under this paragraph includes—

(i) maintenance of a website, newsletters, email communications, and other tools to promote shared communications, expertise, and best practices;

(ii) hosting of an annual meeting or other forums to provide education and outreach to all programs participants;

(iii) collection of data for each program to ensure that the performance indicators and purposes of the program are met or exceeded;

(iv) intervention (if necessary) to assist an eligible entity to carry out the program in a manner that meets or exceeds the performance indicators and purposes of the program;

(v) consultation and assistance to an eligible entity to assist the eligible entity in providing the best services practicable to the community served by the eligible entity, including consultation and assistance related to—

(I) strategic plans;

(II) board development;

(III) fund development;

(IV) mission development; and

(V) other activities considered appropriate by the Secretary;

(vi) assistance considered appropriate by the Secretary regarding—

(I) the status of program participants;

(II) the demographic characteristics of program participants that affect program services;

(III) any new idea that could be integrated into the program; and

(IV) the review of grant proposals; and

(vii) any other forms of technical assistance the Secretary considers appropriate.

(8) RELATIONSHIP TO OTHER LAW.—

(A) BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT.—An action taken by an eligible entity using a grant provided under this section shall be covered by the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

(B) FOOD HANDLING GUIDELINES.—In using a grant provided under this section, an eligible entity shall comply with any applicable food handling guideline established by a State or local authority.

(C) INSPECTIONS.—An eligible entity using a grant provided under this section shall be exempt from inspection under sections 303.1(d)(2)(iii) and 381.10(d)(2)(iii) of volume 9, Code of Federal Regulations (or a successor regulation), if the eligible entity—

(i) has a hazard analysis and critical control point (HACCP) plan;

(ii) has a sanitation standard operating procedure (SSOP); and

(iii) otherwise complies with the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

(9) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to an eligible entity for a fiscal year under this section shall not exceed $200,000.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

(2) TECHNICAL ASSISTANCE.—Of the amount of funds that are made available for a fiscal year under paragraph (1), the Secretary shall use to provide technical assistance under subsection (b)(7) not more than the greater of—

(A) 5 percent of the amount of funds that are made available for the fiscal year under paragraph (1); or

(B) $1,000,000.

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**SA 3653.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 266, between lines 10 and 11, insert the following:

**SEC. 19___. ELIGIBILITY FOR DEPARTMENT PROGRAMS.**

(a) IN GENERAL.—Section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)) is amended by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—

"(i) REQUIREMENT TO PURCHASE CROP INSURANCE.—Effective for the spring-planted 2008 and subsequent crops (and fall-planted 2008 crops at the option of the Secretary), to be eligible for any benefit listed in clause (ii), a person shall obtain additional coverage under subsection (c), if available, for each crop of economic significance that—

"(I) covers at least 55 percent of loss in yield, on an individual or area yield basis, and that indemnifies at 100 percent of the expected market price; or

"(II) provides a level of coverage that is comparable to the coverage described in subclause (I), as determined by the Secretary.

"(ii) COVERED BENEFITS.—Benefits referred to in clause (i) are any type of price support, payment, loan, or other benefit, as determined by the Secretary—

"(I) described in section 371(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008f(b)); or

"(II) authorized under—

"(aa) title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.);

"(bb) title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.);

"(cc) title I of the Food and Energy Security Act of 2007;

"(dd) the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.);

"(ee) any law providing agricultural disaster assistance; or

"(ff) any other similar Act administered by the Secretary, as determined by the Secretary.".

(b)PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended—

(1) in subparagraph (B)(i), by striking "67 percent" and inserting "62 percent";

(2) in subparagraph (C)(i), by striking "64 percent" and inserting "59 percent";

(3) in subparagraph (D)(i), by striking "59 percent" and inserting "54 percent";

(4) in subparagraph (E)(i), by striking "55 percent" and inserting "53 percent";

(5) in subparagraph (F)(i), by striking "48 percent" and inserting "46 percent"; and

(6) in subparagraph (G)(i), by striking "38 percent" and inserting "36 percent".

(c) CONFORMING AMENDMENT.—Section 371(a) of the Consolidated Farm and Rural

Development Act (7 U.S.C. 2008f(a)) is amended by striking "at least catastrophic" and all that follows through the end of the subsection and inserting "insurance coverage pursuant to section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C.1508(b)(7)).".

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, November 13, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

At this hearing, the Committee will examine the accuracy of the Federal Trade Commission's tar and nicotine cigarette rating system and the marketing claims of cigarette companies based on these ratings.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, November 13, 2007, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building, in order to conduct a hearing entitled "The Surface Mining Control and Reclamation Act of 1977: Policy Issues Thirty Years Later."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, November 13, 2007, at 11 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Legislative Hearing on America's Climate Security Act of 2007, S. 2191."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 13, 2007, at 2:30 p.m. in order to conduct a hearing on climate change.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled "Exploring the Scope of Public Performance Rights" on Tuesday, November 13, 2007. The hearing will commence at 9:30 a.m. in room 226 of the Dirksen Senate Office Building.

*Witness list:*

Lyle Lovett, Singer/Songwriter, Nashville, TN; Alice Peacock, Singer/Songwriter, Chicago, IL; Steven W. Newberry, President and CEO, Commonwealth Broadcasting Corporation, Glasgow, KY; and Dan DeVany, Vice President and General Manager, WETA, Arlington, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a hearing entitled "SBA Lender Oversight: Preventing Loan Fraud and Improving Regulation of Lenders," on Tuesday, November 13, 2007, beginning at 10 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. AKAKA. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 13, 2007, at 2:30 p.m. in order to conduct an open hearing on Congressional oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Tuesday, November 13, 2007, at 10 a.m. in order to conduct a hearing entitled, "Human Capital Needs of the U.S. Customs and Border Protection 'One Face at the Border' Initiative."

The PRESIDING OFFICER. without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Karla Bromwell of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Virginia Murphy, who is on detail from the Department of Agriculture to the office of Senator FEINSTEIN, be granted the privileges of the floor for the duration of debate and any vote on H.R. 2419.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 335, the nomination of Henrietta Fore to be Administrator of the United States Agency for International Development; that the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Henrietta Holsman Fore, of Nevada, to be Administrator of the United States Agency for International Development.

Mr. REID. Mr. President, the nomination of Henrietta Fore was a little controversial, but it worked out just fine. This good Nevadan will have a good job. She will do her best. I am confident it will be one that the country will be pleased with.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

## RECOGNIZING AND CELEBRATING THE CENTENNIAL OF OKLAHOMA STATEHOOD

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 377.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 377) recognizing and celebrating the centennial of Oklahoma statehood.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 377) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 377

Whereas, on November 16, 1907, Oklahoma officially became the 46th State of the Union;

Whereas the State of Oklahoma is known as the Sooner State;

Whereas the State of Oklahoma has become a national leader in agriculture, natural resource industries, technology, and manufacturing;

Whereas the people of Oklahoma have harvested the natural abundance of the State to produce a wealth which has enabled the building of cities, educational institutions, an unhurried pace of life, and a rich culture, while maintaining the pristine ecology;

Whereas the beautiful mountains, rivers, lakes, trees, plains, and fields of the State of Oklahoma are appreciated and preserved, and the quality of life is unsurpassed; and

Whereas, on November 16, 2007, the State of Oklahoma will begin a new century of statehood: Now, therefore, be it

*Resolved*, That the Senate recognizes and celebrates the centennial of Oklahoma statehood.

## MEASURES READ THE FIRST TIME—S. 2334, S. 2340, S. 2346, S. 2348, AND H.R. 3996, EN BLOC

Mr. REID. Mr. President, I understand there are five bills at the desk and I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read as follows:

A bill (S. 2334) to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individual.

A bill (S. 2340) making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

A bill (S. 2346) to temporarily increase the portfolio caps applicable to Freddie Mac and Fannie Mae, to provide the necessary financing to curb foreclosures by facilitating the refinancing of at-risk subprime borrowers into safe, affordable loans, and for other purposes.

A bill (S. 2348) to ensure control over the United States border and to strengthen enforcement of the immigration laws.

A bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions and for other purposes.

Mr. REID. Mr. President, I ask for their second reading en bloc, but I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FARM, NUTRITION, AND BIOENERGY ACT

Mr. CHAMBLISS. Mr. President, we have been working very diligently on both sides of the aisle today to put together a list of amendments we could agree with each other would be the maximum number and substance of amendments that would be offered on the farm bill. Senator REID, Senator McCONNELL, Senator HARKIN, Senator CONRAD, and myself have all been engaged in different conversations today about these amendments. At the end of the day, the lists we have come up with are very long on both sides. I think the total number exceeds 275.

As we all know, on bills of this magnitude, an overwhelming number of those amendments will ultimately disappear. We will dispose of them by either bringing them to the floor by accepting them or by the authors and proponents of those amendments agreeing at the end of the day that they simply don't want to do anything other than talk about their amendments.

We are not able to enter into a unanimous consent agreement on this right now. I understand the leadership is going to wait until in the morning to do that. But by starting first thing in the morning, I think we do have the opportunity to move through a significant number of these amendments, and I encourage the proponents of the amendments on both sides of the aisle to think seriously about whether you want to see a farm bill completed, and if you do, then come down, agree to a minimal amount of time we can use for debate and discussion on the amendments, and let's move through these amendments with as much haste as we possibly can.

I do regret that—we are here ready to agree to a unanimous consent that this will be the complete list and we will begin working and we look forward to being here tomorrow in that same frame of mind, to agree to the list of amendments as proposed on both sides of the aisle. We are not happy with some of their amendments and I understand they are not happy with some of the amendments coming from this side. Again, that is the way this body has always worked, and I hope in the morning we are ready to proceed and we can move toward debate, discussion, and voting on these various amendments, and that we can conclude this as soon as possible, whether that is before we leave this week—it may be impossible—but in any event, we will begin work on it tomorrow.

Mr. REID. Mr. President, while my friend is on the floor and my friend from South Dakota is on the floor, through the Chair to my friend from Georgia, looking at these two lists kind of puts a smile on your face, because it is quite a list. There is a multitude of tax issues and a lot of things totally not relevant to this farm bill.

But I would say through the Chair to my friend that I am going to take a look at this—I have had some good meetings with my staff and Senator HARKIN today—and make a decision about what we should do on this tomorrow. But the question I have of my friend from Georgia is how long do we have to work on this, work our way through these amendments? There are about 280 or 290 amendments. I sit here today and I say again, I have no doubt that the vast majority of the Democrats—with a significant majority of Democrats, with a handful of help from the Republicans, cloture would be invoked on this bill.

So I say to my friend, how long do you think we should play around with all of these amendments? Is there a magic number we need to have votes on some of them? When should I file cloture? If farm State Senators and if other Senators want a farm bill, time is wasting. We have a few more days left in this work period before Thanksgiving, and when we come back after Thanksgiving we have a very short 3 weeks to get all of the Federal Government's work done that has to be done before the calendar year ends. So I don't expect my friend to answer the question without talking to my counterpart on the other side, but I want him to think about how much longer do we do this little gesture we are going through here? We have wasted a lot of time. The question the Republicans have to make a decision on is do they want a farm bill? We want one. We want a farm bill. We will take the bill that came out of committee—the vast majority of us—but we know there are some amendments we need to do. I think it is important we do the Dorgan amendment. I think it is important we do the Lugar amendment. I do think the substitute and the payment limits are something we need to do, but I don't know how much more of this we should be concerned about.

I will have some meetings in the morning and we will report back to the ranking member of this very important committee.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I say to the majority leader I appreciate his comments. Obviously, I don't have the answer to the question as to how long we should consider the amendments before we file cloture. That is a decision for the majority leader to make on his own, hopefully in consultation with the leadership on this side. But what I would say is we started this process last week. There were procedural issues that had to be resolved last week. We sat around for a couple of days without being able to bring up amendments. Here we are again. We have sat around today, again, without having the opportunity to bring them up. After having served 8 years in the House, I have an appreciation of the Senate as I have never had before. It is a deliberative body that our forefathers decided it should be, and I have seen no better example of that deliberation than I have on this particular bill.

That being said, we won't know when it is the right time to file cloture until we begin the work, and if we begin the work on this tomorrow, I know from our side of the aisle—and I will make the commitment—we will move these amendments as quickly as possible. There is the great likelihood that a number of these amendments won't be called up, but we won't know until we get into the process.

My farmers and ranchers want a farm bill. They like the one we have, but this bill, in my opinion, improves ag policy for the next 5 years. If we should not be able to get a farm bill, then an extension of the current farm bill is one of the options that is out there.

I have said all along that I think we could improve that product and this farm bill does that. So I hope we can come here in the morning with the idea that we are going to take up these amendments and we will take the Grassley and Dorgan amendment as the first one. That is on payment limits. I am opposed to the amendment and I will have a lot to say about it during the debate, but we are ready to talk about it and we are ready to begin the process. I hope that with all of the counsel available to the majority leader, he will be prepared with us to begin the debate and vote on these amendments in the morning.

## ORDER FOR STAR PRINT—S. 589

Mr. REID. Mr. President, I ask unanimous consent that Calendar No. 474, S. 589, be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I say to my friend, I am going to close the Senate. Does he want to say something?

Mr. THUNE. No, Mr. President.

## ORDERS FOR WEDNESDAY, NOVEMBER 14, 2007

Mr. REID. Mr. President, I ask unanimous consent that the when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, November 14; that on Wednesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled, with the majority controlling the first half, and the Republicans controlling the final half; that at the close of morning business, the Senate resume consideration of H.R. 2419, the farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:01 p.m., adjourned until Wednesday, November 14, 2007, at 9:30 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, November 13, 2007:

### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

HENRIETTA HOLSMAN FORE, OF NEVADA, TO BE ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### THE JUDICIARY

ROBERT M. DOW, JR., OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

# HOUSE OF REPRESENTATIVES—*Tuesday, November 13, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. SIRES).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*November 13, 2007.*

I hereby appoint the Honorable ALBIO SIRES to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 32 minutes a.m.), the House stood in recess until noon.

☐ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PASTOR) at noon.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of power and mercy, blessed to be citizens of these United States of America and called by Your people to serve as their honored representatives in the 110th Congress, we pray that by Your mighty arm You protect this Nation, keep us from all harm and deliver us from all evil. Give us freedom of spirit, that we may live, work, and worship as the free children of God. May we enjoy good health of mind and body and so address the responsibilities set upon us, so our service may give You greater glory now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Utah (Mr. BISHOP) come forward and lead the House in the Pledge of Allegiance.

Mr. BISHOP of Utah led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

## ACT COMMEMORATING THE LITE, OR LIFETIME INNOVATIONS OF THOMAS EDISON

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2627) to establish the Thomas Edison National Historic Park in the State of New Jersey as the successor to the Edison National Historic Site.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2627

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Act Commemorating the LITE, or Lifetime Innovations of Thomas Edison".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) The Edison National Historic Site, located in West Orange, New Jersey, is a vital part of America's national system of parks which preserves Thomas Alva Edison's research and development laboratories, library, papers, and artifacts, as well as his home.

(2) The Site is a national historic treasure and contains the world's largest collection of materials related to Thomas Edison, encompassing an estimated 5,000,000 pages of documents, over 400,000 artifacts, approximately 35,000 sound recordings, and 10,000 books from Edison's personal library.

(3) Thomas Edison is one of America's greatest inventors, whose inexhaustible energy and genius produced 1,093 patents in his lifetime, more than any other American, including patents for the incandescent light bulb, the motion picture camera, and the phonograph.

(4) In 1928, Thomas Edison was awarded the Congressional Gold Medal for the "development and application of inventions that have revolutionized civilization in the last century."

(5) In 1998, Congress again honored Thomas Edison by directing the Secretary of the Treasury to mint a commemorative coin celebrating the 125th anniversary of Edison's invention of the light bulb, celebrated in 2004.

(6) The Edison National Historic Site is one of America's most endangered historic places. The National Park Service, in its General Management Plan and Development Concept Plan, identified the need for numerous actions to preserve, protect, restore, and enhance the Site and determined that sufficient government funds are not likely to be appropriated to complete these necessary actions in the foreseeable future.

(7) On November 6, 1997, the National Park Service signed an agreement with the Thomas Alva Edison Preservation Foundation (now the Edison Preservation Foundation), establishing a public-private partnership to jointly raise money to fund identified improvements at the Edison National Historic Site so as to leave the Site unimpaired for the enjoyment of future generations.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize and pay tribute to Thomas Alva Edison and his innovations; and

(2) to preserve, protect, restore, and enhance the Edison National Historic Site to ensure public use and enjoyment of the Site as an educational, scientific, and cultural center.

**SEC. 3. THOMAS EDISON NATIONAL HISTORICAL PARK.**

(a) ESTABLISHMENT.—There is established the Thomas Edison National Historical Park as a unit of the National Park System (hereafter the "Historical Park").

(b) BOUNDARIES.—The Historical Park shall be comprised of—

(1) all property owned by the United States in the Edison National Historic Site as well as all property authorized to be acquired by the Secretary of the Interior for inclusion in the Edison National Historic Site before the date of the enactment of this Act, as generally depicted on the map entitled the "Edison National Historic Site", numbered 20003B, and dated April 1977; and

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(2) all property authorized to be acquired for inclusion in the Historical Park by this Act or other law enacted after the date of the enactment of this Act.

(c) MAP.—The map of the Historical Park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

**SEC. 4. ADMINISTRATION.**

(a) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including the Acts entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes," approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) ACQUISITION OF PROPERTY.—

(1) REAL PROPERTY.—The Secretary may acquire land or interests in land within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(2) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Historical Park.

(c) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the Historical Park.

(d) REPEAL OF SUPERSEDED LAW.—Public Law 87-628 (76 Stat. 428), regarding the establishment and administration of the Edison National Historic Site, is repealed.

(e) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the "Edison National Historic Site" shall be deemed to be a reference to the "Thomas Edison National Historical Park".

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, Thomas Edison is a towering figure in American history, a man whose genius continues to impact our world more than 75 years after his death.

Thanks to Mr. Edison's generosity, both his laboratory and his home in West Orange, New Jersey, are included within the National Park System and open to the public.

H.R. 2627 simply changes the name of this unit from the Edison National Historic Site to the Thomas Edison National Historic Park. The new name is more appropriate for a unit that includes multiple properties. Nearly identical legislation passed the House by a vote of 399-1 in February 2006, but, Mr. Speaker, it was never considered by the Senate.

The sponsor of H.R. 2627, the Representative from New Jersey (Mr. PAYNE), is to be commended for his outstanding work on this legislation, along with other cosponsors from the New Jersey delegation.

I urge all our colleagues to support H.R. 2627.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of H.R. 2627, which designates the Edison National Historic Site as the Thomas Edison National Historic Park. Supporters of the park anticipate this redesignation will improve the visitation revenue to the Edison historic site.

I would like also to recognize the critical contributions to this legislation made by Congressman SCOTT GARRETT. Last year, Mr. GARRETT successfully moved this bill through the Resources Committee in the House. I urge my colleagues to support this effort, and hopefully it will go all the way through both Houses at this time.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield to my colleague from New Jersey (Mr. HOLT) for such time as he may consume.

Mr. HOLT. Mr. Speaker, I rise in support of the Lifetime Innovations of Thomas Edison Act, originally sponsored by my colleague Mr. PAYNE from New Jersey, with others of us from New Jersey joining him. The legislation before us would reclassify the Edison home and laboratory as a National Historic Park.

First dedicated as the Edison National Historic site by the National Park Service in 1962, the site is badly in need of restoration. Dedicating this site as a National Historic Park and authorizing funding for the preservation of the Edison home and laboratory will preserve a national treasure. As you have heard from my colleague, the collection there, as well as the buildings themselves, are of great historical national importance.

Thomas Edison was one of America's most prominent inventors. From starting one of the first industrial laboratories, something that is often forgotten, to inventing the first incandescent light bulb, the motion picture, the phonograph, et cetera, Edison played an integral role in the technological advances that helped spur America's industrial revolution.

Mr. Edison held over 1,000 patents in the United States and other countries, was named by Life magazine as the man of the millennium, and awarded the Congressional Gold Medal by the Congress in 1928 for his development and application of inventions that have revolutionized civilization. Thomas Edison certainly deserves to be remembered and his collection deserves to be preserved.

The 13.5 acre site will make an outstanding national historic park. It will draw people from all across the country to see the important collection there, as well as the site of the first really major scientific industrial laboratory in the United States.

Despite being designated a national historic site, it has fallen into disrepair, and in 1992 the National Trust for Historic Preservation listed this as one of the Nation's most endangered historic places. This redesignation is of great importance. Mr. Speaker, we are not only recognizing Thomas Edison's numerous contributions to American society, but we will, with this, be preserving the Edison National Historic Site as a leading educational, scientific, and cultural center.

I thank the gentlelady.

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues to join me today in recognizing one of New Jersey's own—Thomas Alva Edison. H.R. 2627, the Lifetime Innovations of Thomas Edison, LITE, Act, is a testament to Edison, whose impact is still being felt today. Congress, in 1928, honored Edison with the Congressional Gold Medal for the "development and application of inventions that have revolutionized civilization in the last century." In 1997, Life magazine named Edison "Man of the Millennium" in recognition of his inventions that have transformed modern society, including the incandescent light bulb, the motion picture camera, and the phonograph. The LITE Act will preserve the intellectual and physical accomplishments of Thomas Edison by commemorating his lifetime achievements; re-designating the Edison National Historic Site, located in West Orange, NJ, my congressional district, as a national historic park; and authorizing appropriations to support the site.

The Edison site is actually comprised of two separate sites—Edison's home of 45 years, known as Glenmont, and his laboratory complex. The Edison site houses over 5 million pages of documents, over 400,000 artifacts, approximately 35,000 sound recordings, and over 10,000 books from Edison's personal library. Like this priceless collection of documents and artifacts, Edison's laboratory complex and home are also historical treasures. With buildings dating back to 1887, the laboratory complex was one of America's first research and development facilities, and is where Edison earned over half of his 1,093 patents. Moreover, Mr. Edison's gravesite is located on the grounds of his beloved Glenmont, a 29-room home built in 1880 that contains original furnishings and other family items.

H.R. 2627 is critical to efforts to protect the Thomas Edison National Historic Site. The Edison site has enormous historical significance for America and for the world, and is badly in need of restoration. The need for major infrastructure improvements at the Edison site has been documented as early as 1972. Additionally, the site was listed, in 1992, by the National Trust for Historic Preservation as one of the Nation's most "endangered historic places." The laboratory complex is currently closed to the public because of an extensive restoration effort. It is estimated that the first phase of the restoration effort will be completed next year and that the laboratory complex will re-open to the public some time between June and September of 2008. Renovations at Glenmont have been completed and the site is open to the public and fully functioning. Plans also exist for a second phase of the restoration project. Currently, National Park Service, NPS, staff are housed in historic buildings under less than ideal circumstances. The second phase will focus on getting NPS staff out of the historic buildings and into office space that better supports their critical mission of preserving Edison's historical legacy.

When the Edison site was fully operational, approximately 95,000 people visited the site each year. It is estimated that the number of visitors will nearly triple when the first phase of the restoration project is completed next year. H.R. 2627 would ensure this commitment by re-designating the Edison site as a "national historical park"—consistent with National Park Service guidelines—and authorizing appropriations for restoration work. These measures will preserve Thomas Edison's historical legacy, enhance the educational experience of visitors to the site, and hopefully, encourage more private funding for restoration projects.

Although private benefactors—most notably the Edison Preservation Foundation—have generously donated significant resources to restore the site, the Federal Government's long-term commitment to the site is critical to its longevity and educational mission. This legislation recognizes Thomas Edison's numerous contributions to American society and preserves the Edison National Historic Site as a leading educational, scientific and cultural center.

Mr. Speaker, this legislation is non-controversial. Similar legislation in the 109th Congress was supported by the National Park Service and approved by the House by a vote of 399–1. I respectfully urge my colleagues to support this important legislation.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2627.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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## PROMOTING THE CONSERVATION AND MANAGEMENT OF THE ATLANTIC BLUEFIN TUNA

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 229) expressing the sense of the Congress that the United States should seek a review of compliance by all nations with the International Commission for the Conservation of Atlantic Tunas' conservation and management recommendations for Atlantic bluefin tuna and other species, and should pursue strengthened conservation and management measures to facilitate the recovery of the Atlantic bluefin tuna, and for other purposes, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

### H. CON. RES. 229

Whereas Atlantic bluefin tuna are a valuable commercial and recreational fishery of the United States and many other countries;

Whereas the International Convention for the Conservation of Atlantic Tunas (hereinafter referred to as "the Convention") was signed in 1966;

Whereas the Convention established the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as "the Commission") to coordinate international research and develop conservation and management recommendations on Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the adjacent seas, including the Mediterranean Sea;

Whereas in 1974, the Commission adopted its first conservation and management recommendation to ensure the sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea, while allowing for the maximum sustainable catch for food and other purposes;

Whereas in 1981, for management purposes, the Commission adopted a working hypothesis of two Atlantic bluefin tuna stocks, with one occurring west of 45 degree west longitude (hereinafter referred to as the "western Atlantic stock") and the other occurring east of 45 degree west longitude (hereinafter referred to as the "eastern Atlantic and Mediterranean stock");

Whereas since 1981, the Commission has adopted additional and more restrictive conservation and management recommendations for the western Atlantic stock, and these recommendations have been implemented by nations fishing west of 45 degree west longitude;

Whereas despite adoption and full implementation of a science-based rebuilding program for the western Atlantic stock by countries fishing west of 45 degree west longitude, catches and catch rates remain very low;

Whereas in contrast to the conservation and management measures implemented for the western Atlantic stock, total allowable catches for the eastern Atlantic and Mediterranean stock have been consistently set at levels significantly above scientific recommendations intended to maintain bluefin tuna populations at levels that will permit the maximum sustainable catch;

Whereas compliance with eastern Atlantic and Mediterranean stock quotas by parties to the Convention that harvest that stock has been very poor, most recently with harvests exceeding such total allowable catch levels by over 50 percent for each of the last 4 years;

Whereas poor management and compliance with recommendations for the eastern Atlantic and Mediterranean stock are of grave concern because the condition of the eastern Atlantic and Mediterranean stock could adversely affect recovery of the western Atlantic stock due to mixing between the two stocks;

Whereas recent scientific data shows considerable mixing of the two stocks and additional research on stock mixing will improve the understanding of the relationship between the two stocks and the fisheries for such stocks, which will assist in the management of these species throughout their ranges;

Whereas poor data reporting on eastern Atlantic and Mediterranean stock quotas has frequently thwarted efforts by the Commission to assign quota overharvests to specific countries;

Whereas many Commission members fishing east of 45 degree west longitude do not comply with other Commission recommendations to control eastern Atlantic and Mediterranean bluefin tuna fisheries and conserve this overfished resource and, more generally, lack of compliance with Commission recommendations is an ongoing problem;

Whereas the Commission's Standing Committee on Research and Statistics (hereinafter referred to as "SCRS") noted in its 2006 report that the fishing mortality rate for the eastern Atlantic and Mediterranean stock may be more than three times the level that would permit the stock to stabilize at the maximum sustainable catch level, and continuing to fish at the level of recent years "is expected to drive the spawning biomass to a very low level" giving "rise to a high risk of fishery and stock collapse";

Whereas the SCRS has recommended that the annual harvest levels for eastern Atlantic and Mediterranean bluefin tuna be reduced from 32,000 metric tons to approximately 15,000 metric tons to halt decline of the resource and initiate recovery;

Whereas in 2006, the Commission adopted the "Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the eastern Atlantic and Mediterranean" (hereinafter referred to as the "Recovery Plan") containing a wide range of management and monitoring and control measures designed to facilitate the recovery of the eastern Atlantic and Mediterranean bluefin tuna stock; and

Whereas the Recovery Plan is inadequate and allows overfishing and stock decline to continue, and initial information indicates that implementation of the plan in 2007 by many eastern Atlantic and Mediterranean bluefin tuna-harvesting countries has been poor, reflecting a business-as-usual attitude from the countries harvesting this stock that is unacceptable in light of the 2006 SCRS assessment showing a high risk of a fishery and stock collapse: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That it is the sense of the Congress that the United States, through the International Commission for the Conservation of Atlantic Tunas (hereinafter in this concurrent resolution referred to as the "Commission"), should—

(1) pursue a review and assessment of compliance with conservation and management measures adopted by the Commission and in effect for the 2006 eastern Atlantic and Mediterranean bluefin tuna fishery, occurring east of 45 degree west longitude, and other fisheries that are subject to the jurisdiction of the Commission, including data collection and reporting requirements;

(2) seek to address noncompliance by nations with such measures through appropriate actions, including, as appropriate, deducting a proportion of a future quota for a country to compensate for such country exceeding its quota in prior years;

(3) pursue a meaningful discussion of the implementation and effectiveness of the Commission recommendation entitled "Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean" (Recommendation 06-05), including seeking detailed explanations from Commission members that have failed to fully implement the terms of the recommendation; and

(4) seek to strengthen the conservation and management of the eastern Atlantic and Mediterranean bluefin tuna by making recommendations to halt the decline of the stock and begin to rebuild it.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 229 sends a message encouraging the 42 member nations attending the International Commission for the Conservation of Atlantic Tunas to take actions to stop the overfishing of bluefin tuna.

Since 1981, fishermen in the United States and other nations in the Western Atlantic have curtailed fishing to help the bluefin recover. At the same time, other nations in the eastern Atlantic and the Mediterranean have continued to fish at levels exceeding limits recommended by the scientists. If serious conservation actions are not taken, we will lose the bluefin tuna.

House Concurrent Resolution 229 demonstrates our support for the U.S. delegation and other nations attending the meeting in Turkey to act decisively to conserve bluefin tuna.

I commend Congressman FRANK PALLONE for introducing this resolution, and I urge all Members to support it.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of House Concurrent Resolution 229, promoting the conservation and management of the Atlantic bluefin tuna.

The United States has been instrumental in working towards a viable and successful rebuilding plan for western Atlantic bluefin tuna. Unfortunately, the countries fishing on the eastern bluefin tuna stock have repeatedly ignored the recommendations of the scientific committee and set quotas for eastern Atlantic bluefin tuna at unsustainable levels. To add insult to injury, those countries have not even complied with these unsustainable quotas, having continued to fish at levels far over the unsustainable quota level.

This concurrent resolution is very timely, within the 20th meeting of the Tuna Commission, occurring this week in Turkey. The U.S. delegation should continue its leadership role and propose additional conservation measures for eastern Atlantic bluefin tuna. Moreover, the delegation should work to get the Commission to adopt viable compliance measures and, if necessary, sanctions for those countries that continue to ignore the conservation and management recommendations of the Commission.

I urge a "yes" vote on this particular bill.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, again, I request that my colleagues support this House Concurrent Resolution 229, as amended.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 229, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

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## AUTHORIZING PARTICIPATION IN CERTAIN WATER PROJECTS IN CALIFORNIA

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2614) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 2614

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PROJECT AUTHORIZATIONS.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

**"SEC. 163_. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.**

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed as described in the report submitted under section 1606.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

**"SEC. 163_. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.**

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.".

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 163_ the following:

"Sec. 163_. Yucaipa Valley Regional Water Supply Renewal Project.
"Sec. 163_. City of Corona Water Utility, California, water recycling and reuse project.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

□ 1215

### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2614, as introduced by our colleague, Representative KEN CALVERT, would authorize the Secretary of the Interior to provide financial and technical assistance for new water recycling projects in Southern California. Funding these and other water recycling projects may be the only way that Southern California can protect itself from future droughts.

Similar legislation passed the House in the two previous Congresses.

Mr. Speaker, we fully support this noncontroversial bill, and I ask that my colleagues join me in support of H.R. 2614.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of H.R. 2614, a bill sponsored by the former chairman of the Water and Power Subcommittee, Mr. CALVERT of California.

Since Southern California is dependent upon imported water, many communities are pursuing ways to develop local water supplies through water recycling. This bill will help the Yucaipa Valley and the town of Corona in California reduce their dependence on imported water through water recycling.

This bill, which is cosponsored by our distinguished colleague, JERRY LEWIS of California, will also help protect these communities from drought and environmental lawsuits aimed at shutting off water deliveries.

I urge my colleagues to support this important measure.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, again, I urge our colleagues to support this very important piece of legislation, and I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2614.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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## PROVIDING THAT THE GREAT HALL OF THE CAPITOL VISITOR CENTER SHALL BE KNOWN AS EMANCIPATION HALL

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3315) to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3315

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF GREAT HALL OF THE CAPITOL VISITOR CENTER AS EMANCIPATION HALL.**

(a) IN GENERAL.—The great hall of the Capitol Visitor Center shall be known and designated as "Emancipation Hall", and any reference to the great hall in any law, rule, or regulation shall be deemed to be a reference to Emancipation Hall.

(b) EFFECTIVE DATE.—This section shall apply on and after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3315.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3315 is a bill to designate the great hall located in the Capitol Visitor Center as "Emancipation Hall." As we all know, the new Capitol Visitor Center is the most recent and largest addition to the United States Capitol in its 212-year history.

The great hall will include information and ticketing desks and provide an area where Americans from across the country and where people from all over the world can gather to take in scenic views of the Capitol or prepare to tour the 580,000 square foot Visitor Center.

The great hall will also serve as a central gathering space in the Capitol Visitor Center. It encompasses 20,000 square feet and its dimensions are 100 feet by 200 feet, with a ceiling height of 35 feet. It is indeed a majestic addition to the Capitol. There will be statues from Statuary Hall on display throughout the great hall, if I may so, hopefully, finally, statues from the Capitol of the United States; the District of Columbia. The plaster model of the Statue of Freedom from the Senate Russell building will be featured in the cellar rotunda. The wall and column stone in the great hall is sandstone from Pennsylvania. The floor stone is marble from Tennessee and dolomite from Wisconsin. The black granite in the water features of the great hall comes from California. It is remarkable and impressive as a public space befitting this Capitol.

In 2004, congressional leaders directed the Architect of the Capitol to produce a report on the history of slave labor in the construction of the Capitol itself. The completed 29-page report examined the efforts of slaves that helped build the Capitol, other Federal buildings, and the White House, which at the time was known as the President's House. Although the record was incomplete because of limited documentation of slave labor, the evidence available and historical context in the report provided several indications that slaves and freed African Americans played a significant role in building the physical symbols and the Capitol itself.

H.R. 3315 was introduced to acknowledge the work of many who were forced to work on building the U.S. Capitol. On Wednesday, November 7, the congressional task force completed its work and included in its list of recommendations a specific recommendation to honor slaves who built the Capitol.

Mr. Speaker, I am a third-generation Washingtonian. My great grandfather, Richard Holmes, was a runaway slave from a plantation in Virginia. He arrived here in the 1850s, and that's how our family began here. He was freed in a congressional emancipation 9 months before the Emancipation Proclamation. This emancipation was a Civil War emancipation bill issued earlier than the more famous Emancipation Proclamation.

He worked on the streets of the capital. I have no evidence that he worked on the Capitol itself. Indeed, there was no mention of the work of slaves or African Americans on this Capitol even in official Capitol histories until recent decades.

This Capitol has stood for 212 years without even acknowledging, in some small way, perhaps a marker, something to indicate that slaves, many of them quite skilled because they were hired out as "hired Negroes" in order to bring the greatest revenue to their slave owners, and therefore, it behooved him or her to hire out those Negro hires, as they were called, who could benefit the slave owner the most.

These are nameless African Americans. Nothing in the Emancipation Hall and nothing that we do now will make us understand who they are. The very least we can do, if we are adding to this Capitol, is to finally acknowledge their work in building this extraordinary building that was called from its earliest beginnings, the Temple of Liberty, or perhaps now that we have founded the great hall, it will be more worthy of that name.

When I visited the center, I was very impressed by it; but in the early days of its construction, I asked, How are you going to commemorate the fact that slaves worked on the original Capitol? And there was something, along with many other historical remembrances, that did indicate that slaves had built or helped build the original Capitol, along with, of course, many working-class and skilled whites who participated in the effort. But that was going to be the sum total of it.

One of the difficulties may be, how do you do something so late in the history of our country that is large enough to encompass what we had not remembered for two centuries?

In my judgment, there is no place, there is no marker, there is no piece of ground that can adequately, finally remember their contribution. And so we don't name a hall, we don't name a room, we don't have a statue. We say enter this space. When you enter this space, it will be called Emancipation Hall.

□ 1230

And in that way we will perhaps emancipate our Capitol from more than two centuries of ignoring the contribution of these slaves who helped build this majestic building.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3315 provides that the great hall of the Capitol Visitor Center be known as Emancipation Hall. The bill was introduced by Representative ZACH WAMP of Tennessee on August 2, 2007.

At nearly 580,000 square feet, the Capitol Visitor Center is the largest project undertaken by the Office of the Architect of the Capitol in the Capitol's 212-year-old history. It is one of the most important projects since the extensions to the Capitol and the Dome were built more than 140 years ago. As an extension of the Capitol, the Capitol Visitor Center will welcome visitors to the seat of the American Government.

Within the Capitol Visitor Center, the great hall is a large 20,000-square-foot room where visitors will gather as they enter the Capitol. This promising gathering space will serve as the gateway for the public's experience of the Capitol and American democracy.

The Capitol Visitor Center will provide visitors to the Capitol the opportunity to learn about and more fully understand the Constitution, the Congress, and the history of the Capitol, including the contribution of slaves who helped build the Capitol and the country. It will help deepen the understanding of all who visit about our Nation's long struggle with slavery and its ultimate abolition.

It is fitting and appropriate to recognize the seminal moment of the Emancipation Proclamation in American history. We should recognize the sacrifice and contribution of the many slaves who helped build the Capitol.

Mr. Speaker, with that, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. I thank the gentlewoman for yielding. Let me express my great appreciation to the chairman and to the ranking member of this committee.

Today we have come to this temple of democracy on this momentous occasion to write a new chapter in the unfolding story of human freedom. The event of emancipation marks one of the most if not the most significant event in American history.

Emancipation was more than an act; it was a process. Emancipation was not a date but a period. Emancipation was not an event but the fulfillment of providence that the arc of history may be long but it bends towards justice and human freedom.

When the American city war erupted, both North and South defended their causes as morally just, legally right, and constitutionally sound. Northerners and southerners saw themselves as the true Americans following in the tradition and the footsteps of the Founding Fathers. North and South used the Constitution as their source of moral and legal authority for conducting a war against each other. Both sides saw themselves as standing in the tradition of the American Revolution.

Each side contended that it was fighting for freedom and liberty, though certain facts contradicted the beliefs of both. The South said it was fighting to preserve the freedom, while owning slaves. The North said it was fighting for liberty, while not initially fighting to grant liberty to the slaves. President Abraham Lincoln's address to the Sanitary Fair in Baltimore on April 18, 1864, summed up the quandary.

He said, "We all declare for liberty; but in using the same word, we do not mean the same thing. With some the word 'liberty' may mean for each man to do as he pleases with himself and the product of his labor; while with others the same word may mean for some men to do as they please with other men and the product of other men's labor. Here are 2 not only different but incompatible things called by the same name: Liberty. And it follows that each of these things is, by their respective parties, called by 2 different and incompatible names: Liberty and tyranny."

Today women, lesbians, gays, bisexuals, transgendered Americans, African Americans, Latinos, Native Americans, and students see in the word "liberty" one thing. Today for the Titans of Industry, it still means quite another. For the disposed, it means for each person to do with himself as they please. For the Titans, it means for them to do as they please with other men and the product of other men's labor anywhere in the world. As Lincoln said, "And it follows that each of the things is, by the respective parties, called by two different and incompatible names: Liberty and tyranny."

That is why the efforts to name the great hall Liberty Hall will settle for some but still not settle for others the fundamental question of human freedom. For millions of Americans to pass through Emancipation Hall and not Liberty Hall is an important acknowledgment about the process for attaining human freedom in the American historical context.

Mr. Speaker, it is most appropriate that the distinguished gentleman from Tennessee, Mr. ZACH WAMP, offered this amendment, in conjunction with the gentleman from Illinois, to help establish a marker in the Capitol of the United States about the significant role that these Americans, these Africans, played in the process not only in constructing the temple of our democracy but in strengthening America.

Madam Chair, it is probably most appropriate that the Emancipation Hall designation be established during this Thanksgiving period, as the first Thanksgiving established by proclamation by President Abraham Lincoln was during the American Civil War when President Lincoln, on October 3, 1863, looked out over a Nation torn by war, ravaged by internecine, intrafamily and interfamily struggles, and concluded that because of the extraordinary efforts of the North and the South, men and women who thought their causes were just, that we needed a national day of thanks. And so on October 3, 1863, President Abraham Lincoln affixed to a national proclamation a national day of thanks to say thank you for now until eternity for all of the blessings that have been bestowed upon our Nation.

Thanksgiving has a lot less to do, Mr. Speaker, with Pilgrims in 1620 and much more to do with the emancipation of human freedom.

I thank the gentlewoman for the time.

Lincoln understood for his time and ours that we must not be confused about the language and process of human freedom.

Much has been said about Lincoln and his ambivalence about emancipation. I believe when placed in context greater clarity emerges in Lincoln's calculation of emancipation.

In 1862, Lincoln's announced support of colonization, along with his lack of public support for emancipation, was generating sometimes vicious attacks from militant abolitionists, including a "Prayer for Twenty Millions" editorial urging emancipation that appeared in Horace Greeley's New York Tribune. On August 22, a month after the private announcement to his cabinet on July 22 that he intended to issue an Emancipation Proclamation, Lincoln replied to Greeley's editorial with a masterfully written open letter:

> If there be those who would not save the Union, unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount objective in this struggle is to save the Union, and is not either to save or to destroy slavery. If I could save the Union without freeing any slave I would do it, and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery, and colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do not believe it would help to save the Union. I shall do less whenever I shall believe what I am doing hurts the cause, and I shall do more whenever I shall believe doing more will help the cause.

Lincoln was reiterating his central thesis, that the purpose of the war was preservation of the Union, but in light of the intransigence of the border States, he was publicly hinting that he might have to do something more, including emancipation, to save the Union. In this open letter, Lincoln was saying "if," but he had already concluded in his own mind "that" the only way to save the Union was to free the slaves.

After the emancipation proposal became public, Lincoln was sometimes ridiculed in political oratory and newspaper editorials about his Emancipation Proclamation, which would free the slaves only where the president had no power to do so—in the rebel southern States—but preserve the institution everywhere else. But Lincoln's enemies either misunderstood the president, lacked his understanding of the Constitution, or ignored his politics. On saving the Union, Lincoln had additional flexibility under the Constitution. Politically, he could sometimes get away with violating it by engaging in arbitrary arrests and suspending the writ of habeas corpus. On the question of ending slavery, however, Lincoln saw no such flexibility. His understanding of the Constitution committed him to acting within both it and the law, for neither had yet been changed. Under the Constitution, slavery was still legal in the United States.

On the first question, Lincoln and all Republicans agreed that a Thirteenth Amendment outlawing slavery must be added to the Constitution. The Senate quickly passed such an amendment, but the House—which had gained thirty-four Democrats in the 1862 midterm elections—was opposed.

Lincoln understood, if others didn't, that issuing the Emancipation Proclamation would convert a struggling Union army, trying to hold a Nation together, into a liberation army to free the slaves. The newly freed slaves could help win the struggle by fighting alongside the Union soldiers. Of course, the liberation of slaves would happen only if the North won the war. Militant abolitionists still thought the proclamation weak, southerners thought it an outrage, but most antislavery advocates, both black and white, understood its revolutionary implications. It was the one act that changed the entire character of the war. It gave the war a moral purpose—human freedom—to bolster the political goal of saving the Union. And a purpose with such deep emotional power condemned the Confederacy to sure defeat.

The question now was, having transformed the conflict into a war of liberation, would the northern Union soldiers still fight? Some said no. "An Ohio Democrat amended the party's slogan to proclaim, 'the Constitution as it is, the Union as it was, the Niggers where they are.'" But most said yes! "A Democratic private in the Army of the Potomac whose previous letters had railed against abolitionists and blacks now expressed support for 'putting away any institution if by so doing it will put down the rebellion, for I hold that nothing should stand in the way of the Union—niggers, nor anything else.'"

With the July 4, 1863 victory at Gettysburg and Vicksburg northern hopes rose and southern spirits sank.

The burial of the Gettysburg dead was originally planned for October 23 but rescheduled to November 19 because the principal orator, Edward Everett of Massachusetts, could not be ready before then. Lincoln, by comparison, was casually invited to attend and make a few remarks. "No insult was intended. Federal responsibility or participation was not assumed, then, in state activities. And Lincoln took no offense. Though specifically invited to deliver only 'a few appropriate remarks' to open the cemetery, he meant to use this opportunity. The partly mythical victory of Gettysburg was important to his administration's war propaganda."

There are mythical accounts that Lincoln wrote his Gettysburg Address on the back of an envelope. Even though the 272-word speech probably took less than three minutes to deliver—interrupted with applause five times by the twenty thousand in attendance—such cavalier preparation would have been totally uncharacteristic of Lincoln, who took such opportunities very seriously.

Lincoln intended to use this occasion and speech to lift the Nation's eyes above the death and carnage of Gettysburg "to a level of abstraction that purges it of grosser matter . . . Lincoln did for the whole Civil War what he accomplished for the single battlefield." He transformed its meaning and in so doing transformed what it meant to be an American.

Lincoln mentioned neither slavery nor Gettysburg. He drained his speech of all particulars in order to lift up an ideal. Lincoln intended to create something good and new out of this tragic and bloody episode. Both North and South strove to interpret Gettysburg to further their own war interests. Lincoln was after an even bigger victory—winning the ideological as well as the military war. And he succeeded. "The Civil War is, to most Americans, what Lincoln wanted it to mean. Words had to complete the word of the guns."

When we wave the flag and celebrate on July 4, Independence Day, we are not so much celebrating our American-ness in terms of our independence from England. We are celebrating the meaning of the flag and America as Lincoln interpreted them in his Gettysburg Address. At Gettysburg, Lincoln reinterpreted the Constitution. Looking past slavery in the Constitution, he appealed to the Declaration of Independence and its claim that "all men are created equal." Conservative political "heirs to his outrage still attack Lincoln for subverting the Constitution at Gettysburg."

Lincoln is here not only to sweeten the air at Gettysburg, but to clear the infected atmosphere of American history itself, tainted with official sins and inherited guilt. He would cleanse the Constitution—not, as William Lloyd Garrison had, by burning an instrument that countenanced slavery. He altered the document from within, by appeal from its letter to the spirit, subtly changing the recalcitrant stuff that legal compromise, bringing it to its own indictment. By implicitly doing this, he performed one of the most daring acts of open-air sleight-of-hand ever witnessed by the unsuspecting. Everyone in that vast throng of thousands was having his or her intellectual pocket picked. The crowd departed with a new thing in its ideological luggage, that new Constitution Lincoln has substituted for the one they brought there with them. They walked off, from those curving graves on the hillside, under a changed sky, into a different America. Lincoln has revolutionized the Revolution, giving people a new past to live with that would change their future indefinitely.

Lincoln's Gettysburg Address was transforming the United States from a plural to a singular noun—from the United States are into the United States is a free government.

According to Garry Wills, Lincoln, by his words and action, converted the Union from a mystical hope into a constitutional reality.

July 4, 1776—only white men could vote; July 4, 1863—Gettysburg; July 4, 2007: Barack Obama, an African American, Hillary Clinton, a woman, Mitt Romney, a Mormon, All are candidates for President; America and what it means to be an American today will not be the same definition of what it means to be an American tomorrow. We are all part of the Emancipation process.

A bit of trivia, when was the first Thanksgiving? 1620. Why? Landing of Plymouth Rock. Interesting, because the first slaves arrived in Jamestown in 1619.

In November 1863, Abraham Lincoln looked out over a Nation ravaged by war, internecine warfare, intra and inter family feuding, and saw light at the end of the tunnel for Northern victory and proclaimed the 3rd Thursday in November as a national day of thanks. Proclamation of Thanksgiving:

WASHINGTON, DC,
*October 3, 1863.*

This is the proclamation which set the precedent for America's national day of Thanksgiving. During his administration, President Lincoln issued many orders like this. For example, on November 28, 1861, he ordered government departments closed for a local day of thanksgiving.

Sarah Josepha Hale, a prominent magazine editor, wrote a letter to Lincoln on November 28, 1863, urging him to have the "day of our annual Thanksgiving made a National and fixed Union Festival. " She wrote, "You may have observed that, for some years past, there has been an increasing interest felt in our land to have the Thanksgiving held on the same day, in all the States; it now needs National recognition and authoritive fixation, only, to become permanently, an American custom and institution. " The document below sets apart the last Thursday of November "as a day of Thanksgiving and Praise. "

According to an April 1, 1864, letter from John Nicolay, one of President Lincoln's secretaries, this document was written by Secretary of State William Seward, and the original was in his handwriting. On October 3, 1863, fellow Cabinet member Gideon Welles recorded in his diary that he complimented Seward on his work. A year later the manuscript was sold to benefit Union troops.

By the President of the United States of America.

A PROCLAMATION

The year that is drawing towards its close, has been filled with the blessings of fruitful fields and healthful skies. To these bounties, which are so constantly enjoyed that we are prone to forget the source from which they come, others have been added, which are of so extraordinary a nature, that they cannot fail to penetrate and soften even the heart which is habitually insensible to the ever watchful providence of Almighty God. In the midst of a civil war of unequaled magnitude and severity, which has sometimes seemed to foreign States to invite and to provoke their aggression, peace has been preserved with all nations, order has been maintained, the laws have been respected and obeyed, and harmony has prevailed everywhere except in the theatre of military conflict; while that theatre has been greatly contracted by the advancing armies and navies of the Union. Needful diversions of wealth and of strength from the fields of peaceful industry to the national defence, have not arrested the plough, the shuttle or the ship; the axe has enlarged the borders of our settlements, and the mines, as well of iron and coal as of the precious metals, have yielded even more abundantly than heretofore. Population has steadily increased, notwithstanding the waste that has been made in the camp, the siege and the battle-field; and the country, rejoicing in the consiousness of augmented strength and vigor, is permitted to expect continuance of years with large increase of freedom. No human counsel hath devised nor hath any mortal hand worked out these great things. They are the gracious gifts of the Most High God, who, while dealing with us in anger for our sins, hath nevertheless remembered mercy. It has seemed to me fit and proper that they should be solemnly, reverently and gratefully acknowledged as with one heart and one voice by the whole American People. I do therefore invite my fellow citizens in every part of the United States, and also those who are at sea and those who are sojourning in foreign lands, to set apart and observe the last Thursday of November next, as a day of Thanksgiving and Praise to our beneficent Father who dwelleth in the Heavens. And I recommend to them that while offering up the ascriptions justly due to Him for such singular deliverances and blessings, they do also, with humble penitence for our national perverseness and disobedience, commend to His tender care all those who have become widows, orphans, mourners or sufferers in the lamentable civil strife in which we are unavoidably engaged, and fervently implore the interposition of the Almighty Hand to heal the wounds of the nation and to restore it as soon as may be consistent with the Divine purposes to the full enjoyment of peace, harmony, tranquillity and Union.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States to be affixed.

Done at the city of Washington, this third day of October, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the Eighty-eighth.

By the President: Abraham Lincoln.
WILLIAM H. SEWARD,
*Secretary of State.*

The question for contemporary American memory is why would we appropriate the memory for Thanksgiving as "Plymouth Rock" an event that has its formation in quite a different story.

The same can be said for the story of our capitol. From the moment a visitor enters this building the unfolding process of emancipation, the players in this drama, the actors, the people, the heroes and the sheroes have been hidden, denied a fair and accurate account of these unfolding events.

Rotunda: Story of America from pilgrims to the Wright Brothers. Not a story of America; Statuary Hall: Emancipation is ignored in Statuary Hall as we count among our honored dead Confederate President Jefferson Davis, Confederate Vice President Alexander Hamilton Stephens, Confederate General Robert E. Lee, and Confederate Commander Joseph Wheeler—still in uniform; Rather than discuss this history we reduce the story of this Nation to acoustics; Old Senate Chamber: Charles Sumner, Preston Brooks, Plessy v. Ferguson; Old Supreme Court Chamber: Dred Scott, Amistad Africa.

It is the emancipation process that led to the Thirteenth, Fourteenth and Fifteenth Amendments. And as descendants of Slaves we believe that as Americans are better educated on this history that process will lead to our twenty-eighth amendment, our twenty-ninth and thirtieth: Health care for all; Education of equal and high quality for all; Cleaner environment; Fix our Nation's voting system; Provide equality for women.

It is our Nation's historical process and only that process can provide emancipation for all.

Interpreting Lincoln's life and work is extremely important. Recently there have been questions raised as to whether Lincoln should be credited with freeing the slaves. The argument goes: Given some of Lincoln's history, his racial attitudes and stalemates, his moderate views on the subject, his noninterference with slavery where it already existed, his one proposed solution of colonization, his gradualist approach to ending the institution, his hesitancy with respect to issuing the Emancipation Proclamation and using colored troops in the war, his late conversion to limited voting rights for blacks, and more, why should he be given credit with freeing the slaves? Some have even argued that it was various actions taken by the slaves—including the power given to the Union cause as a result of the moral case for overturning slavery, plus the actual military role of working and fighting in Union campaigns—that actually freed them. By forcing the emancipation issue onto the agenda, first of military officers, then of Congress, and finally of Lincoln, it was their actions that led to freedom.

Clearly, just as the Congress and Lyndon Johnson would not have been able to pass and sign the civil rights and social legislation of the 1960s apart from a modern civil and human rights movement, so too the military commanders, the Congress, and Lincoln would not have been able to achieve what they did without the agitation and movement of the slaves and their allies. On the other hand, the slaves would not have become freedmen apart from what these leaders did. Because historical interpretation has played up the role of white male leaders while playing down the role of mass movements and leaders of color and women, our understanding of history has been skewed. Some of the current "putdown" of traditional historical interpretation is legitimate rejection and reaction to his past limited and distorted understanding and interpretation of our history. The search now, it seems to me, should be for a more balanced interpretation, which includes striving to put many forces and multiple players in proper balance and perspective. That, I think, is what is at issue with regard to the question: Did Lincoln free the slaves?

To answer this question James M. McPherson says in Drawn With the Sword that we must first ask: What was "the essential condition, the one thing without which it would not have happened? The clear answer is the war." Slavery had existed for nearly two and a half centuries, it was more deeply entrenched in the South than ever, and every effort at self-emancipation—and there were plenty—had failed. "Without the Civil War there would have been no confiscation act, no Emancipation Proclamation, no Thirteenth Amendment (not to mention the Fourteenth and Fifteenth) . . . and almost certainly no end of slavery for several more decades at least."

As to the first question, what brought on the war, there are two interrelated answers. What brought on the war was slavery. What triggered the war was disunion over the issue of slavery. Disunion resulted because initially seven and ultimately eleven southern States saw Lincoln as an antislavery advocate and candidate, running in an antislavery party on an antislavery platform, who would be an antislavery president. Rather than abide such a "Black President" and "Black Republican Party," southern States led by the Democratic Party severed their ties to the Union. Through secession, which Lincoln and the Union refused to accept, they went to war over preserving the Union. While Lincoln was willing to allow slavery to stand where it stood from 1854 when he reentered politics onward, Lincoln never wavered or compromised on one central issue—extension of slavery into the territories. And while gradualist in approach, Lincoln (and the slave states of the South) knew this would eventually mean the end of slavery. It was Lincoln who brought out and sustained all of these factors.

Thus, while Lincoln's primary emphasis throughout was on saving the Union, the result of saving the Union was emancipation for the slaves. If the Union has not been preserved, slavery would not have been ended and may even have been strengthened. Strategically, Lincoln understood that the Union was a common-ground issue around which he could rally the American people, while slavery and antislavery were divisive. And looked at in perspective, by holding his coalition together around the issue of the Union, enough Unionists eventually saw the connection between the two issues that he could ease into emancipation in the middle of the war—when it gave the North a huge boost.

Even when Lincoln believed he was going to lose the presidency in August 1864, he said, "There have been men who proposed to me to return to slavery the black warriors" who had fought for the Union. 'I should be damned in time and eternity for so doing. The world shall know that I will keep my faith to friends and enemies, come what will . . . In effect, he was saying that he would rather be right than president . . . As matters turned out . . . he was both right and president.

Clearly, many slaves did self-emancipate through the Underground Railroad before the war, and through flight during the war. Even so, that is not the same as bringing an end to the peculiar institution of slavery, which only the Civil War and Lincoln's leadership did. By pronouncing slavery a moral evil that must come to an end and then winning the presidency in 1860, provoking the South to secede, by refusing to compromise on the issue of slavery's expansion or no Fort Sumter, by careful leadership and timing that kept a fragile Union.

Toby—Kunta Kinte.
Toby—Kunta Kinte.
Toby—Kunta Kinte.
Boy your name is Toby!

Today we begin the process of educating America on who Mr. Kinte was! Today we acknowledge in a small way Mr. Kinte's contribution to the Union making it more perfect.

Mr. BOOZMAN. Mr. Speaker, I yield such time as he may consume to the sponsor of the bill, Mr. WAMP of Tennessee.

Mr. WAMP. I thank the distinguished ranking member and the chairwoman and Mr. JACKSON.

I love this Capitol. I love every square inch of it. I have spent many, many hours walking people through this Capitol and talking about the extraordinary history of this place. About 1,700 times I have taken groups through the Capitol over the last 13 years.

Some of the stories that I have learned about as I share them just send chills up and down my spine. To think that there were 4,000 Union troops during the Civil War stationed on Capitol Hill, that 4,000 troops were here at the Capitol during the Civil War.

And when you go up inside of the Dome, the magnificent Dome, which around the world is the beacon of freedom, the symbol of hope, recognizable everywhere in this world, you go up inside of it, and you ask what the little hooks are hanging there, and they will tell you that is where they hung the lanterns when Union soldiers would work side by side with slaves to build that Rotunda in the depths of the Civil War.

That is a fact that few people know because, as Ms. NORTON said, the story was never told. It was never archived, the incredible commitment and the irony of the people fighting for the slaves' freedom were working side by side during the Civil War to build this temple of freedom. All the history books point out that that is one great and grave omission in the Capitol history.

A guy named Oz Guiness once told me that the power to convene is greater than the power to legislate. And we convene here in the Capitol, people from all over the world, for good causes. The floor space of the Rotunda, which is the most prominent room in Capitol, is about 7,500 square feet. As Ms. NORTON said, the floor space of this new hall, which has been called the great hall, is almost 3 times that size. It's a magnificent space designed to bring all of the visitors there to convene them before they enter this temple of freedom.

I want to answer the question why not the Great Hall, because it has been referred to as the great hall. But the Great Hall for over 100 years is the foyer, the Great Hall, at the Library of Congress in the Jefferson building. It is one of the most ornate spaces in the United States of America. I think it is the most beautiful room in Washington, D.C. And it is called the Great Hall. The Librarian of Congress told us, as soon a I became the ranking member of the Legislative Branch Appropriations Subcommittee in January, that this was a conflict because the CVC construction adds a tunnel between the Great Hall and the great hall. On two sides of the tunnel is going to be two great halls. Are you kidding me? How did we do that? That's confusing. That's problematic. That diminishes the name and the history for over a century of the Great Hall of the Library of Congress, which everyone in this city, Presidents, Vice Presidents, Speakers of the House, know as the Great Hall. So you can't call this the great hall. So what shall it be called?

Emancipation brings us all together at a time in this country where we need things to bring us together. This is a way to honor this incredible process that led to an event that liberated all people in this country under our Constitution, not just some. And it was Abraham Lincoln who was the great emancipator.

So our parties come together today, and I ask the House to join us in this most important naming. It is important what you name things. It's important what we name each other. It's important what we call things. It's important what we call each other. Words matter.

Emancipation liberates us today, the thought of Emancipation Hall, the largest and most prominent room in this 580,000-square-foot addition to the Capitol.

Come together, House of Representatives. Come together, United States Senate. Let us send the message to all who come to this temple of freedom that emancipation lives on. And with such an .important moment in the learning process of this experiment in freedom and democracy known as the American Republic, let's come together today.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. It is so true that slavery was an abomination and is even today an abomination. It was a blight on this country's collective soul, and we can thank God that it has been eliminated.

Emancipation Hall, it does have a great ring to it. It sounds beautiful and it sounds like it's high time that such a hall were so named, and it does sound like an appropriate hall.

As I go back, though, and think through the comments and the speeches of those who were able to get rid of this abomination in this country, I think about the reasoning they had. Some have said that if there is no universal standard of right and wrong, if there is no force in the universe beyond ourselves that is unwavering as to right and wrong, then people can treat others the way they wish. If we are each god in our own way, then we can treat each other as we wish.

But I believe, as those who fought so hard to eliminate slavery, that there is a universal standard of right and wrong, and that is the God that's referenced "In God We Trust."

But as we look throughout the Congressional Visitor Center, we find the Emancipation Hall will be a great addition, but there ought to be a basis, some reference, so people know why the emancipation was so important.

□ 1245

Yet, as I understand it, the term "Creator," "we are endowed by a Creator with certain inalienable rights," that's nowhere in the hall; that's been eliminated. There is no reference to the Lord. The Constitution is dated in the year of our Lord in 1787. We find out a couple of weeks ago that "Laus Deo" that's on the capstone of the Washington Monument, meaning "praise be to God" has been obliterated and changed from the display so that people don't know what's up there. And the capstone itself, the monument replica, is turned where people can't see it.

We are categorically removing God and references to Creator, to God, to Lord, from all of these things. And Lincoln, in his addresses, repeatedly said we pray to the same God, it's in his second inaugural address, and yet the efforts these days are to eliminate that.

John Quincy Adams' eloquent speeches on the floor of Statuary Hall over and over and over demanding an end to this abomination, that God will judge America harshly if we don't eliminate it. Lincoln said, after he became President, wasn't much happening during those 2 years he was in the House except for those "great sermons from that dear man Adams."

So I hope that not only can we move forward with naming the hall more appropriately Emancipation Hall, I think that's wonderful, but I think that we ought to restore to the plans God, who made it all possible.

Mr. BOOZMAN. I just want to close by thanking Mr. WAMP, the gentleman from Tennessee, and Mr. JACKSON for his help in moving this forward. This certainly is a very fitting honor. And I ask all of my colleagues for a resounding "yes" vote to this so that we might move forward.

I also want to thank the chairman of the subcommittee for her hard work in pushing this forward and getting it on the floor.

With that, I yield back the balance of my time.

Ms. NORTON. I would like, also, to thank Mr. WAMP and Mr. JACKSON, who worked very diligently on this bill to reach this point.

I would like to read from the recently released report of the Task Force on Slavery, on the use of slaves in the Capitol:

"The issue of slavery, in particular, was an embarrassing subject that did not sit well with squeamish writers. Early histories of the Capitol were focused on architecture, architects and superintendents, and not on the workmen who actually implemented the plans and orders. This situation has changed dramatically in more recent accounts, which reflect a new respect for all who played a role in the Capitol's history, including lower-class laborers and slaves. This is the result of a more inclusive view of history by modern scholars and a relatively new interest in multi-cultural subjects."

The report also says, and here, again, I'm quoting: "It is not possible to examine the documents of the National Archives related to the Capitol's early construction without being impressed by the sheer number of references to 'negro hire.'"

Mr. Speaker, according to the records, the financial records of the District of Columbia, hundreds of local residents of the District of Columbia received payments for the work of the slaves they owned here. Remember, the Capitol of the United States retained slavery until just before the end of the Civil War. But we should not forget that, while it is well enough to acknowledge that slaves were instrumental in building this building, there is no building from the 19th century that was constructed in this town, no public building, no building of any note, that was not built in part through the labor of slaves. This was true throughout the United States. Faneuil Hall in Boston, the so-called "Cradle of Liberty," was built by slave labor. The homes of George Washington, Thomas Jefferson and James Madison were constructed with the help of slaves.

They will never be commemorated. What Emancipation Hall will do is to make Americans want to know more about how much of our country was built on the backs of slave labor that have never been recognized. And Emancipation Hall is the place to do it because the visitor center itself is going to be a giant temple for education about our country, about our Capitol, and about what has happened in this building. So when people visit the Capitol and come through Emancipation Hall, there should be a marker indicating why the great entrance to the visitor center is named Emancipation Hall. And throughout their visit, as they travel down the history of our country, which is going to be recorded there in so many ways, they will be educated about much that has happened in our country; and for most Americans, this will be the first time they will have been educated about slaves and their contribution to the United States of America.

Mr. OBERSTAR. Mr. Speaker I rise in strong support of H.R. 3315, a bill to designate the great hall of the Capitol Visitor Center ("CVC") as "Emancipation Hall". I commend the work of the gentleman from Tennessee (Mr. WAMP) and the gentleman from Illinois (Mr. JACKSON) for their work in support of this bill.

The United States Capitol and its iconic dome are symbols of democracy around the world; symbols of the deliberative legislative process, a place where people debate in the realm of ideas not with arms, swords, or bombs but with minds and ideas. As America has grown and changed over its history, so has the Capitol. Beginning next year, the Capitol will have an extraordinary new addition, the Capitol Visitor Center. The CVC represents the largest addition to the U.S. Capitol in its 212-year history.

This facility will host the more than three million people who visit the Capitol on an annual basis. The great hall will include information and ticketing desks, and provide an area where Americans from all over the country can gather to take in scenic views of the Capitol or prepare to explore the 580,000-square-foot Visitor Center. The CVC will also include an exhibition gallery, a 550-seat cafeteria, gift shops, and orientation theaters.

The CVC will provide an opportunity for visitors to learn about the construction of the Capitol from its very beginning. This education would not be complete without an acknowledgement of the contribution slave labor.

In 2004, Congress directed the Architect of the Capitol to produce a report on the history of slave labor in the construction of the United States Capitol. Although the record is incomplete because of limited documentation of slave labor, the evidence available and historical context provide several indications that slaves and free African Americans played a significant role in building these historical monuments.

The U.S. Capitol was constructed during a time when the Potomac region's population was sparse, but the concentration of slave laborers was the highest in the nation. Slave labor was an integral component of the region's workforce. Slave labor was utilized in all aspects of construction of the Capitol and slaves often worked alongside free blacks and whites in the areas of carpentry, masonry, carting, and painting. Many of the products of slave labor are still visible in the Capitol buildings today and they serve as a reminder of the significant and undeniable contribution that these individuals made to our nation.

In 2005, the Slave Laborers Task Force was established to study and recognize the contributions of enslaved African Americans in building the U.S. Capitol. On November 7, 2007, the Slave Laborers Task Force, chaired by Representative JOHN LEWIS, specifically recommended that the great hall of the Capitol Visitor Center be designated as "Emancipation Hall".

H.R. 3315 acknowledges the historic contributions of slaves and freedman to the building of the United States Capitol. This bill is a fitting tribute to those who worked tirelessly, but especially to those who were slaves and who gave their labor in this citadel of freedom and democracy.

I urge my colleagues to join me in supporting H.R. 3315.

Mr. MICA. Mr. Speaker, I support recognizing emancipation and honoring the contributions of slaves in the construction of the Capitol. However, as I discussed in the subcommittee hearing and full committee markup, I have concerns about renaming the Great Hall of the Capitol Visitor Center.

Throughout the history of the Capitol, none of the monumental spaces, such as the House and Senate chambers or the Rotunda, have been named after specific individuals or events in history. Instead, these great spaces of the Capitol have long been called by their functional names. By doing so, all people regardless of their race, ethnic heritage, contributions, or human travails are equally recognized.

These spaces are dramatic because of their physical settings and the unique historical events that took place within their walls. Similarly, the Great Hall of the Capitol Visitor Center will become a monumental space with its own unique history; and just as those spaces have not been named, I believe the Great Hall should be reserved and left to honor all Americans.

While I do not believe it is appropriate to rename the Great Hall, I do believe that it is important for Congress to acknowledge and honor the contributions slaves made to the Capitol. In the hearing held by the Subcommittee on Economic Development, Public Buildings, and Emergency Management and again in the full committee markup of this legislation, I recommended that other spaces could better acknowledge emancipation and honor the slaves that helped build the Capitol.

It would be most appropriate to name the exhibition hall that will provide an important historical context to the name Emancipation Hall. It would also provide visitors an opportunity to learn about and pay tribute to emancipation. One of the first recommendations I made as a member of the Capitol Preservation Commission was to create a first class museum space within the CVC. I proposed the highest level museum space so America could exhibit some of the Nation's treasurers—like the Emancipation Proclamation—which are rarely viewed by the public.

The exhibition hall will be 16,500 square feet. Outside of the National Archives Building, this will be our Nation's finest exhibition space. This hall will not only honor those who built the Capitol, but provide information about their contributions to American history. This exhibition hall will display and prominently house the catafalque that was built to support the casket of Abraham Lincoln—the Great Emancipator. This is the original funeral bier used as the Great Emancipator lay in state in the Capitol Rotunda. This hall will contain permanent exhibits on the Constitution and the post-Civil War amendments proposed by Congress and ratified by the States to abolish slavery, to guarantee equal protection under the law, and to ensure the right to vote.

This beautiful hall will have strong historical and contextual links to emancipation. It will be the primary venue for acknowledging and commemorating the slaves who helped build the Capitol and the country. It will help deepen the understanding of our Nation's long struggle with slavery and its ultimate abolition for all who visit here. For all of these reasons, nothing could be more appropriate or significant than naming this area of the Capitol Visitor Center Emancipation Hall.

Another possible Emancipation naming CVC venue would be the congressional auditorium. While it does not have the strong links to emancipation as the exhibition hall, it is the most significant functional space in the facility, a place where leaders will gather to discuss important ideas of their time. The auditorium is a grand space that is being designed to serve as an alternative House Chamber. Except for the current House and Senate Chambers, no other venue in the Capitol has such an important purpose. The name Emancipation Hall would serve as a valuable reminder of courage, leadership, and our unique commitment to advance the cause of human freedom and fulfill the promise of the Declaration of Independence and Constitution. As such, I believe it would be appropriate and fitting to name the facility Emancipation Hall.

In sum, I believe there are more appropriate areas in the Capitol Visitor Center to name Emancipation Hall. Additionally, we have a tradition of leaving the monumental spaces of the Capitol un-named. As a monumental space in, and an introduction to, the Capitol, the Great Hall should retain its current functional name like the other great spaces within the Capitol.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3315, to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall, and to commend the Slave Laborers Task Force, led by Congressman JOHN LEWIS, and its important work. As the Task Force concluded, H.R. 3315 helps to fill an important gap in the history of the Capitol. It is a fitting, albeit overdue, tribute to the slaves—gifted carpenters, skilled stone masons, woodworkers, clay makers and other craftsmen—who built the Capitol that the Capitol Visitor Center be renamed Emancipation Hall and celebrate the freeing of all Americans from bondage, oppression, and restraint.

The Capitol symbolizes our nation's core values of freedom and liberty and the basic rights of all humans. It symbolizes who we are as a nation. However, though countless visitors walk its halls each day, few know the important role slaves played in the construction of the Capitol.

Many slaves worked in quarries, extracting the stone used to construct this building. Others were used as carpenters. Women and children often molded clay in kilns. District of Columbia financial records show that hundreds of local residents received payment for the work of slaves, recorded in the ledger as "Negro hire." In all, hundreds of slaves helped build the Capitol from the late 1700s until the mid-1800s.

Indeed, it was Philip Reid, a slave laborer who figured out how to take apart the plaster mold for the "Freedom" statue, which still crowns the dome, beneath which we toil, to allow it to be cast in bronze. What irony, what symbolism: Slaves built our monument to freedom; and the "Freedom" statue was cast in bronze by a man who was not free.

Today we have an opportunity to celebrate freedom; to make sure that every person who visits the Capitol knows that it is for preserving and protecting freedom that we, as Members of Congress, gather in this building and work every day; and that it is for liberty, democracy and freedom—emancipation—that our nation stands.

Emancipation Hall is an important reminder that the floors on which we walk, the walls that surround us and, yes, the "Freedom" statue atop the Capitol dome, were constructed in significant part by men and women who knew no liberty and were not free. We should never forget that.

Mr. RANGEL. Mr. Speaker, I rise today to support naming the great hall at the Capitol Visitor Center the "Emancipation Hall." It is in the spirit of this country's great advances—particularly in solidifying our most precious values of freedom, equality, and justice—that I urge this body to move forward with this measure. Let the tenets of our great democracy ring down that hall—and throughout all the halls of Congress.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of H.R. 3315, a measure to designate the great hall of the Capitol Visitor Center as "Emancipation Hall." I commend my friend, Representative ZACH WAMP for introducing this legislation. I am extremely proud to be an original cosponsor of this legislation and commend my 226 other colleagues who share that pride as cosponsors.

I think the Akan principle of Sankofa symbolized by a bird with its head turned backwards taking an egg off its back, most appropriately demonstrates the importance of this legislation. This symbol demonstrates the old saying, "You cannot know where you are going, without knowing where you have been." The story of the United States Capitol exemplifies the importance of this principle in its many historically decorated corridors and monuments. However, the role of enslaved labor in the creation of the Capitol is most notably absent.

I strongly believe that the true history of our Capitol should be recognized so it is not forgotten or misinterpreted. Our Nation is so great because of the rich diversity of cultural narratives, including the experiences of my enslaved ancestors. Neglecting to acknowledge these facts when such an appropriate opportunity has presented itself, would mean forgetting the immense sacrifices of all who have contributed to building our nation. Emancipation Hall is the most appropriate title for the great hall of the Capitol Visitor Center to honor that sacrifice in perpetuity.

Mr. Speaker, I am moved that the imminent passage of this legislation will guarantee that the true story of the construction of our Capitol will greet generations of visitors to come. Emancipation Hall will formally recognize a legacy struggle by African Americans and the resulting freedom that affords me the opportunity to serve in this Congress. I urge my colleagues to stand with me to support this legislation.

Ms. LEE. Mr. Speaker, I rise in strong support of H.R. 3315—legislation which would designate the great hall of the new Capitol Visitor Center as Emancipation Hall. As Vice Chair of the Legislative Branch Subcommittee of the Appropriations Committee, I must note that similar language was added to H.R. 2771—the House-passed 2008 Legislative Branch appropriations bill.

Mr. Speaker, this recognition is long over due. For nearly two centuries, the slaves who helped to build our Capitol have been overlooked, brushed aside, and denied their just recognition. How ironic that this great building that is viewed world-wide as a symbol of freedom, a symbol of justice, and a symbol of democracy, was constructed in part, piece by piece, by those who did not know freedom nor justice.

That is why I would like to thank the Slave Laborers Task Force, chaired by Rep. JOHN LEWIS, for their diligence and commitment in ensuring that the slaves who labored to build our Nation's Capitol are both recognized and honored.

Mr. Speaker, I urge my colleagues to support this historic legislation.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 3315.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. NORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## COMPACTS OF FREE ASSOCIATION AMENDMENTS ACT OF 2007

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2705) to amend the Compact of Free Association Amendments Act of 2003, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2705

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Compacts of Free Association Amendments Act of 2007".

**SEC. 2. APPROVAL OF AGREEMENTS.**

(a) IN GENERAL.—Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: ", including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof"; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: ", including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of April 30, 2008.

### SEC. 3. FUNDS TO FACILITATE FEDERAL ACTIVITIES.

Unobligated amounts appropriated before the date of the enactment of this Act pursuant to section 105(f)(1)(A)(ii) of the Compact of Free Association Amendments Act of 2003 shall be available to both the United States Agency for International Development and the Federal Emergency Management Agency to facilitate each agency's activities under the Federal Programs and Services Agreements.

### SEC. 4. CONFORMING AMENDMENT.

(a) In General.—Section 105(f)(1)(A) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(A)) is amended to read as follows:

"(A) Emergency and Disaster Assistance.—

"(i) In General.—Subject to clause (ii), section 221(a)(6) of the U.S.-FSM Compact and section 221(a)(5) of the U.S.-RMI Compact shall each be construed and applied in accordance with the two Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively, provided that all activities carried out by the United States Agency for International Development and the Federal Emergency Management Agency under Article X of the Federal Programs and Services Agreements may be carried out notwithstanding any other provision of law. In the sections referred to in this clause, the term 'United States Agency for International Development, Office of Foreign Disaster Assistance' shall be construed to mean 'the United States Agency for International Development'.

"(ii) Definition of Will Provide Funding.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term 'will provide funding' means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.".

(b) Effective Date.—The amendments made by subsection (a) shall be effective as of April 30, 2008.

### SEC. 5. CLARIFICATIONS REGARDING PALAU.

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking "and its territories" and inserting ", its territories, and the Republic of Palau";

(2) in clause (iii)(II), by striking ", or the Republic of the Marshall Islands" and inserting ", the Republic of the Marshall Islands, or the Republic of Palau"; and

(3) in clause (ix)—

(A) by striking "Republic" both places it appears and inserting "government, institutions, and people";

(B) by striking "2007" and inserting "2009"; and

(C) by striking "was" and inserting "were".

### SEC. 6. AVAILABILITY OF LEGAL SERVICES.

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: ", which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions)".

### SEC. 7. TECHNICAL AMENDMENTS.

(a) Title I.—

(1) Section 177 Agreement.—Section 103(c)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is amended by striking "section 177" and inserting "Section 177".

(2) Interpretation and United States Policy.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting "the" before "U.S.-RMI Compact,";

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8), by striking "to include" and inserting "and include";

(ii) in paragraph (9)(A), by inserting a comma after "may"; and

(iii) in paragraph (10), by striking "related to service" and inserting "related to such services"; and

(C) in the first sentence of subsection (j), by inserting "the" before "Interior".

(3) Supplemental Provisions.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking "Trust Fund" and inserting "Trust Funds".

(b) Title II.—

(1) U.S.-FSM Compact.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking "courts" and inserting "court"; and

(ii) in subsection (b)(2), by striking "the" before "November";

(B) in section 177(a), by striking ", or Palau" and inserting "(or Palau)";

(C) in section 179(b), by striking "amended Compact" and inserting "Compact, as amended,";

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

(ii) in the fifth sentence of subsection (a), by striking "Trust Fund Agreement," and inserting "Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),";

(iii) in subsection (b)—

(I) in the first sentence, by striking "Government of the" before "Federated"; and

(II) in the second sentence, by striking "Sections 321 and 323 of the Compact of Free Association, as Amended" and inserting "Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,"; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: "and the Federal Programs and Services Agreement referred to in section 231";

(E) in the first sentence of section 215(b), by striking "subsection(a)" and inserting "subsection (a)";

(F) in section 221—

(i) in subsection (a)(6), by inserting "(Federal Emergency Management Agency)" after "Homeland Security"; and

(ii) in the first sentence of subsection (c), by striking "agreements" and inserting "agreement";

(G) in the second sentence of section 222, by inserting "in" after "referred to";

(H) in the second sentence of section 232, by striking "sections 102 (c)" and all that follows through "January 14, 1986)" and inserting "section 102(b) of Public Law 108-188, 117 Stat. 2726, December 17, 2003";

(I) in the second sentence of section 252, by inserting ", as amended," after "Compact";

(J) in the first sentence of the first undesignated paragraph of section 341, by striking "Section 141" and inserting "section 141";

(K) in section 342—

(i) in subsection (a), by striking "14 U.S.C. 195" and inserting "section 195 of title 14, United States Code"; and

(ii) in subsection (b)—

(I) by striking "46 U.S.C. 1295(b)(6)" and inserting "section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))"; and

(II) by striking "46 U.S.C. 1295b(b)(6)(C)" and inserting "section 1303(b)(6)(C) of that Act";

(L) in the third sentence of section 354(a), by striking "section 442 and 452" and inserting "sections 442 and 452";

(M) in section 461(h), by striking "Telecommunications" and inserting "Telecommunication";

(N) in section 462(b)(4), by striking "of Free Association" the second place it appears; and

(O) in section 463(b), by striking "Articles IV" and inserting "Article IV".

(2) U.S.-RMI Compact.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking "court" and inserting "courts";

(B) in section 177(a), by striking the comma before "(or Palau)";

(C) in section 179(b), by striking "amended Compact," and inserting "Compact, as amended,";

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

(ii) in the first sentence of subsection (b), by striking "Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Miliary Use and Operating Rights" and inserting "Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)"; and

(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: "and the Federal Programs and Services Agreement referred to in section 231";

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking "Section 231" and inserting "section 231"; and

(ii) in paragraph (5), by inserting "(Federal Emergency Management Agency)" after "Homeland Security";

(F) in the second sentence of section 232, by striking "sections 103(m)" and all that follows through "(January 14, 1986)" and inserting "section 103(k) of Public Law 108-188, 117 Stat. 2734, December 17, 2003";

(G) in the first sentence of section 341, by striking "Section 141" and inserting "section 141";

(H) in section 342—

(i) in subsection (a), by striking "14 U.S.C. 195" and inserting "section 195 of title 14, United States Code"; and

(ii) in subsection (b)—

(I) by striking "46 U.S.C. 1295(b)(6)" and inserting "section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))"; and

(II) by striking "46 U.S.C. 1295b(b)(6)(C)" and inserting "section 1303(b)(6)(C) of that Act";

(I) in the third sentence of section 354(a), by striking "section 442 and 452" and inserting "sections 442 and 452";

(J) in the first sentence of section 443, by inserting ", as amended." after "the Compact";

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking "1978" and inserting "1998"; and

(ii) by striking "Telecommunications" and inserting "Telecommunication Union"; and

(L) in section 463(b), by striking "Article" and inserting "Articles".

### SEC. 8. TRANSMISSION OF VIDEOTAPE PROGRAMMING.

Section 111(e)(2) of title 17, United States Code, is amended by striking "or the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall islands".

### SEC. 9. PALAU ROAD MAINTENANCE.

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101–219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

### SEC. 10. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.

In the U.S.-RMI Compact, the U.S.-FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term "State" means "State, territory, or the District of Columbia".

### SEC. 11. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) TURKEY.—To the Government of Turkey—

(A) the OLIVER HAZARD PERRY class guided missile frigates GEORGE PHILIP (FFG–12) and SIDES (FFG–14); and

(B) the OSPREY class minehunter coastal ship BLACKHAWK (MHC–58).

(2) LITHUANIA.—To the Government of Lithuania, the OSPREY class minehunter coastal ships CORMORANT (MHC–57) and KINGFISHER (MHC–56).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))), the OSPREY class minehunter coastal ships ORIOLE (MHC–55) and FALCON (MHC–59).

(2) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship SHRIKE (MHC–62).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516(g) of the Foreign Assistance Act of 1961.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of the recipient performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

#### GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

I would first like to recognize a distinguished colleague and dear friend of mine, the gentlelady who currently chairs the Subcommittee on International Affairs, the gentlelady from the Virgin Islands, Mrs. DONNA CHRISTENSEN, for introducing this legislation.

This bill makes conforming, clarifying, and technical amendments to the Compact of Free Association Amendments Act of 2003, which are important to ensuring that we maintain our obligations under the act to our friends in Micronesia.

This bill also approves agreements made pursuant to the act which determines how disaster relief will be handled for the Federated States of Micronesia and the Republic of the Marshall Islands.

In addition, Mr. Speaker, through amending the Compact of Free Association, this legislation before us today transfers excess military equipment to friendly foreign governments for their legitimate defense needs. It is a strong statement of trust and cooperation from the United States when we transfer excess U.S. military naval vessels.

While excess to our own needs, these refurbished vessels conserve significant and deeply appreciated roles in the navies of the recipient nations.

Mr. Speaker, this bill also authorizes the transfer of excess U.S. naval vessels to 3 of our most important friends and allies, Turkey, Lithuania, and Taiwan.

As my colleagues well know, Turkey is one of our most valued NATO members, and is one of the United States' closest allies. Turkey serves as one of the most important conduits for the transit of supplies to our forces in Iraq. The transfer of these missiles, two guided missile frigates and two minesweepers, will again reinforce our close relationship with Istanbul and our common commitments to each other's security needs.

Lithuania has been a staunch U.S. ally in the global war on terror. It makes an outside contribution to global security, contributing troops to military operations in Afghanistan and Iraq, and the leading provincial reconstruction team in Afghanistan.

The two minesweeper vessels in this bill will allow Vilnius to clear leftover sea mines from the two world wars in the Baltic Sea and supports Lithuania's commitment to NATO's Mine Counter-Measures Forces North mission.

Taiwan is a thriving and energetic democracy. Our two nations share a complex web of economic, political, and strategic ties that only deepens over time. Taiwan is a bulwark of democracy in the Asia-Pacific region, and we must do all we can to further strengthen our political, security and economic ties. This bill authorizes the sale of two minesweepers to Taiwan.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2705, the Compacts of Free Association Amendments Act of 2007.

The United States shares a uniquely close history and friendship with the Pacific Island nations of Micronesia, the Marshall Islands, and Palau.

In the aftermath of World War II, the United States administered those islands as Trust Territories until they became independent, sovereign nations in the 1980s and the 1990s. Our relations with those countries are governed by compacts of free association which guarantees certain forms of U.S. assistance and cooperation in exchange for defense rights and obligations that are unique in the world.

Those Pacific nations remain stalwart friends of the United States and dependable partisans in the United Nations General Assembly. Some of their citizens continue to serve with great distinction and personal sacrifice in the United States Armed Forces, including Iraq and Afghanistan.

The 108th Congress extended and significantly restructured the compacts of free association with Micronesia and the Marshall Islands in the Compact of Free Association Amendments Act of 2003. This bill makes technical corrections, updates, and minor changes to that act, as well as to the Palau Compact. Most importantly, it improves the disaster assistance agreements required by section 105 of the act, which were subsequently negotiated between the parties and presented to Congress.

I want to thank the author, the gentlelady from the U.S. Virgin Islands (Mrs. CHRISTENSEN) for providing us this opportunity to reaffirm our friendship with the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

The measure before us today has also been modified to include the text of H.R. 3912, the Naval Vessel Transfer Act of 2007, which was requested by the Department of Defense and introduced by the gentleman from California, our great chairman, TOM LANTOS.

According to the Secretary of the Navy, authority to transfer surplus vessels is an important aspect of our ship disposition strategy. It enables the Navy to manage its inventory while strengthening the ties with our allies by transferring the ships that enhance their defense capabilities.

This bill authorizes the transfer of eight decommissioned naval vessels to certain friends and allies of the United States, specifically Lithuania and Turkey and Taiwan. Five ships will be transferred on a grant basis, as excess defense articles, and three will be transferred through foreign military sales under section 21 of the Arms Export Control Act.

Importantly, the legislation also requires that any expense incurred by the United States in connection with a transfer authorized by this bill shall be charged to the recipient. Likewise, it states that, to the maximum extent feasible, repair and refurbishment of these vessels shall take place in U.S. shipyards.

I urge support of this legislation.

Mr. Speaker, I reserve the balance of my time.

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Mr. FALEOMAVAEGA. Mr. Speaker, it is my pleasure to yield 10 minutes to the distinguished gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Thank you for your generosity with time. I will not use anywhere near that much.

Mr. Speaker, I rise in support of H.R. 2705, the Compacts of Free Association Amendments Act, as amended by the Committee on Foreign Affairs.

This legislation I sponsored is important to usher in a new regime of how disaster assistance is provided to the Republic of the Marshall Islands and the Federated States of Micronesia. In addition, it clarifies access to educational programs for the Republic of Palau. Lastly, the legislation makes technical corrections to Compacts of Free Association with the RMI and the FSM as was suggested by the administration.

I want to take this opportunity to thank my colleagues on the Committee on Foreign Affairs for their attention to this legislation. Especially I would like to thank the chairman of the Subcommittee on Asia, the Pacific, and the Global Environment, the gentleman from American Samoa (Mr. FALEOMAVAEGA); and the subcommittee's ranking member, the gentleman from Illinois (Mr. MANZULLO). I would also like to thank Chairman LANTOS and Ranking Member ROS-LEHTINEN for their leadership in moving this legislation forward.

I urge my colleagues to support the passage of H.R. 2705.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I want first to compliment my good friend the gentleman from Florida on the other side of the aisle for part of our management of this proposed legislation.

I want to note for the record how important these islands in Micronesia were so critical in our Nation's history, and I might want to note as a matter of record that it was from Micronesia that the famous aircraft, the Enola Gay, took the two atom bombs to Nagasaki and Hiroshima which eventually ended the war against Japanese military forces. It was also in Micronesia that we initiated and conducted tests of some 67 nuclear devices that were exploded in the Marshall Islands. I think sometimes we don't seem to give a sense of appreciation of the fact that the whole Marshall archipelago, the whole Marshall Islands, were totally exposed to nuclear radiation as a result of our nuclear testing program, some 67 nuclear bombs, including the first hydrogen bomb that was exploded in the Marshall Islands, 1,000 times more powerful than the bombs that we exploded in Nagasaki and Hiroshima.

I am saddened to say, Mr. Speaker, that our government has not made a definite commitment to help, to meet the medical needs of the several hundred of the Marshallese people who were exposed to nuclear radiation. To this day we still have not done enough to help the Marshallese people in this regard. We have also not helped the Marshallese people to compensate them properly for the loss of their property when we conducted these tests in Micronesia.

I just want to note that for the record, Mr. Speaker. I hope that in the coming months that appropriate legislation will be introduced to address these very serious issues. I think we owe it to the Marshallese people. Our government surely should be grateful for the sacrifices that the Marshallese people have had to make as a result of conducting our nuclear testing program in this area of the world.

With that, Mr. Speaker, again I thank my good friend from Florida.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PASTOR). The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the bill, H.R. 2705, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## EXPRESSING SYMPATHY AND PLEDGING SUPPORT FOR VICTIMS OF FLOODING IN SOUTHERN MEXICO

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 812) expressing the sympathy and pledging the urgent support of the House of Representatives and the people of the United States for the victims of the devastating flooding in southern Mexico, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 812

Whereas in late October 2007, a series of storms brought torrential rainfall to southern Mexico, especially the States of Tabasco and Chiapas, causing the Grijalva, Carrizal, and Puxcatan Rivers to overflow their banks;

Whereas early reports have branded the resulting floods as the worst in Mexico in 50 years and Mexican President Calderon has called it "one of the worst natural disasters in the history of our country. Not only because of the size of the area affected, but because of the number of people affected";

Whereas the flooding is estimated to have affected 1,000,000 people so far;

Whereas Mexico's Federal Social Development Department now estimates that the homes of over 500,000 people were damaged or destroyed;

Whereas more than 300,000 people are reported to still be trapped inside their homes or on their rooftops, with uncertain access to food, medicine, and safe drinking water;

Whereas forecasts call for even more rain in the days ahead;

Whereas the Governor of the State of Tabasco Andres Granier stated that 100 percent of the states crops were lost and that 80 percent of the State of Tabasco is under water;

Whereas the capital of Tabasco, Villahermosa, has been particularly devastated, being compared to New Orleans after Hurricane Katrina;

Whereas the flooding has hampered the capacity of Mexico's oil industry;

Whereas in the State of Chiapas, authorities have declared a state of emergency in 22 municipalities and at least 7,000 people have been evacuated to shelters;

Whereas Red Cross workers in Mexico have called for urgent supplies of water, food, and basic materials to assist in the rescue efforts; and

Whereas health officials have begun warning against the serious possibility of cholera and waterborne diseases: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses its heartfelt sympathy for the victims of the devastating flooding affecting southern Mexico;

(2) conveys its sincere support to the people and Government of Mexico;

(3) urges the United States Government to immediately make available all appropriate assistance requested by the Mexican authorities; and

(4) reaffirms its commitment to provide relief aid to the victims as the effects of the flooding continue to unfold.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, I want to first thank my colleague and dear friend, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), and also the chairman of our House Foreign Affairs Committee and the distinguished senior ranking member, Ms. ROS-LEHTINEN, for their support and leadership; and again especially my good friend, Congresswoman LINDA SÁNCHEZ, for her authorship of this resolution. This is very, very critical, Mr. Speaker. We cannot support Mexico enough during one of the worst natural disasters in their history.

A series of storms have brought torrential rainfall to southern Mexico, especially the States of Tabasco and Chiapas, causing the Grijalva, Carrizal, and Puxcatan Rivers to overflow their banks. The homes of an estimated half a million people have been damaged or destroyed, and at least that many more people have been affected by severed utilities and transportation corridors.

Mr. Speaker, Mexican President Felipe Calderon has called it "one of the worst natural disasters in the history of our country. Not only because of the size of the area affected but because of the number of people affected."

The Governor of the State of Tabasco, Andres Granier, stated that 100 percent of the State's crops were lost and that 80 percent of the State of Tabasco is underwater. Over a million Tabascans, half the State's population, have been directly affected, with at least half a million losing their homes and even more losing all of their material possessions. The capital of Tabasco, Villahermosa, has been particularly devastated, being compared to New Orleans after Hurricane Katrina.

Mr. Speaker, an estimated 60,000 to 70,000 people were being housed in shelters, Interior Minister Francisco Ramirez Acuna said recently in a television interview. He estimated that some 400,000 people in Tabasco would need some kind of government aid to get back on their feet. The floodwaters' descent could lead to outbreaks of diseases like malaria, dengue fever and cholera.

Mr. Speaker, we must commend President Calderon, who has led Mexico's rapid response to its worst flooding in recent history and who has personally played a major role in averting a catastrophe on the level of Katrina. Amid heavy rains, President Calderon ordered in thousands of soldiers, marines, pilots and federal police on October 29, 2 days before the most damaging flooding hit. When the riverbanks finally burst, inundating some 70 percent of the city of Villahermosa on October 31, there were more than 60 helicopters ready to carry out nonstop rescue and relief missions. President Calderon and half his cabinet were on the ground, giving televised updates on everything from how to use satellite phones in shelters to the drop points of millions of bottles of water. The President's reaction is most impressive, and I take this opportunity here on the House floor to applaud this leader's efforts.

Mr. Speaker, this resolution expresses the empathy of the United States House of Representatives during this time and pledges our continued assistance. We applaud the prompt humanitarian response of the Mexican government, international organizations, and relief bodies. We must continue to support these efforts as long as they are necessary.

In this resolution, it is resolved that the House of Representatives urge the U.S. Government to immediately make available all possible assistance to Mexican authorities and reaffirms its commitment to provide relief aid to the victims as the effects of the flooding continue to unfold.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself as much time as I may consume.

I stand to join my colleague, my good friend from American Samoa, today to express my sincere sympathy and support for those who have suffered as a result of the recent torrential storms in southern Mexico. The damage has been devastating. It is reported that as many as 1 million people have been affected by the flooding, with the homes of an estimated 500,000 people being destroyed or damaged. The Governor of the State of Tabasco has stated that 100 percent of the State's crops have been lost and 80 percent of his state is underwater. What a shame.

Sadly, with more than 300,000 people reported trapped inside their homes or on rooftops and additional downpour predicted, it is still too early to quantify the total destruction wrought by these unrelenting rains. Just over 2 months ago, Mexico was ravaged by Hurricanes Dean and Henriette. Now what President Calderon has characterized, and I quote, one of the worst natural disasters in the history of Mexico has followed.

I am awed by the perseverance of our friends in Mexico and commend the courage they continue to demonstrate in their efforts to overcome the damage of these storms. Furthermore, I admire the contributions made by relief organizations and private citizens from around the world to assist in the aftermath. My prayers are with the families and friends of those harmed by the perils of this storm.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, it is my pleasure to yield 10 minutes to the distinguished gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. I want to thank the gentleman for graciously yielding me so much time. I would also like to thank the distinguished chairman of the House Committee on Foreign Affairs, Congressman TOM LANTOS, and the distinguished ranking member, Ileana Ros-Lehtinen, for supporting this important resolution that I am offering today.

The U.S. has had its share of natural disasters recently, from Hurricanes Katrina and Rita in 2005 to this year's southern California wildfires, some of which are still burning as I speak. As we have learned, it is difficult even for the United States, one of the wealthiest nations in the world, to adequately care for our victims and rebuild our communities once we have experienced one of these natural disasters.

In both of those disasters, our neighbor was there to help us with emergency relief units and firefighters. Now Mexico faces the challenge of a devastating natural disaster within its own borders.

This resolution recognizes the plight of our Mexican neighbors and expresses our desire and commitment to support Mexico during one of the worst natural disasters in its history, a disaster which the country's President has described as one of the worst not only because of the size of the area affected but because of the number of people affected.

As many Americans already know, a series of storms brought torrential rainfall to southern Mexico, especially the States of Tabasco and Chiapas, causing various rivers to overflow their banks.

At least half a million people's homes have been damaged or destroyed and perhaps double that number are without utilities or cut off from transportation routes.

In the State of Tabasco, as was already mentioned, 100 percent of the agricultural crops have been lost and 80 percent of the state is underwater. It's incredible.

Truly, this is a disaster of epic proportions. In this agricultural area, even those who were able to stay safe during the storm will face many challenges in the weeks ahead. Having lost their crops, which for many are their sole source of income, surviving and keeping their families fed and intact will be difficult.

In addition to picking up the pieces of their lives after losing their homes and crops and everything that they owned, the flood survivors face increased threats from diseases like malaria, dengue fever and cholera.

As a good neighbor, it is imperative that we do all that we can to help Mexico ensure that the flood victims can indeed get back on their feet. It is the least we can do for a neighbor who did what it could to help us in our times of need when we experienced natural disasters.

I also want to take a moment to commend and comment on Mexican President Felipe Calderon for leading his country's rapid response to this devastation and for the work that he did before the rains fell to avert an even greater catastrophe. The President's swift reaction avoided even greater disaster, and I applaud his efforts. They really were impressive.

This resolution today expresses the sympathy of the U.S. House of Representatives during this time and pledges our continued assistance. We want to acknowledge the prompt humanitarian response that has come from many quarters, not just the Mexican Government but international organizations and relief bodies. We must continue to support these efforts as long as they are necessary.

I urge my colleagues not only to support this resolution but to work together to ensure that its goals are realized. I urge us to continue to work in a bi-partisan manner to address this humanitarian crisis. We must not just speak of our good intentions; we must act on them. We must immediately make assistance available to Mexican authorities so that Mexico can continue to provide relief aid to the victims as the effects of the flooding continue to unfold.

I strongly encourage my colleagues to support this resolution.

□ 1315

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I commend the gentlewoman for her most eloquent remarks before the floor of this House and, again, I want to urge my colleagues to support this resolution.

Mr. RANGEL. Mr. Speaker, I rise today to add my voice to the many somber ones already extending sympathy and well wishes to the people of Mexico after the extensive flooding there last Saturday. The images were startling and sobering—a dramatic reminder of our own travails following Hurricane Katrina, as thousands in Mexico waited for rescue atop their rooftops. The southeastern state of Tabasco was struck the most crippling blow, as water inundated its capital city, Villahermosa, and affected as many as 1 million of the state's 2.2 million residents.

Words can only go so far. We should offer any and all resources that might soften the devastation in Mexico. When our struggling neighbors cry out, America heeds their calls. One of the worst natural disasters in that country's history requires immediate and attentive support.

We are with Mexico in this time of tribulation. This call to action merits our full endorsement—and the Mexican people, our most genuine compassion.

Mr. FALEOMAVAEGA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 812, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FALEOMAVAEGA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

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## SUPPORT FOR THE MUSEUM OF THE HISTORY OF POLISH JEWS ACT OF 2007

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3320) to provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 3320

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Support for the Museum of the History of Polish Jews Act of 2007".

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Current and future generations benefit greatly by visible reminders and documentation of the historical and cultural roots of their society.

(2) It is in the national interest of the United States to encourage the preservation and protection of artifacts associated with the heritage of United States citizens who trace their forbearers to other countries and to encourage the collection and dissemination of knowledge about that heritage.

(3) According to the 2000 United States Census, nearly 9,000,000 Americans are of Polish ancestry.

(4) At the beginning of World War II, Poland had the largest Jewish population in Europe.

(5) In 1996, Yeshayahu Weinberg, a founding director of Tel Aviv's Diaspora Museum and the United States Holocaust Memorial Museum, created an international team of experts with the goal of establishing a Museum of the History of Polish Jews.

(6) The Museum of the History of Polish Jews will preserve and present the history of the Jewish people in Poland and the wealth of their culture spanning a period of 1,000 years.

(7) In 1997, the City of Warsaw donated a parcel of land, opposite the Warsaw Ghetto Uprising Memorial, for the explicit use for the Museum of the History of Polish Jews.

(8) In 2005, the Government of Poland and the City of Warsaw agreed to provide 40,000,000 Polish zlotys for the construction of the Museum of the History of Polish Jews.

(9) In 2005, an international architectural competition selected a Finnish firm to design the building for the Museum of the History of Polish Jews.

(10) In 2006, the building for the Museum of the History of Polish Jews moved into the last phase of project design.

**SEC. 3. ASSISTANCE FOR THE MUSEUM OF THE HISTORY OF POLISH JEWS.**

(a) IN GENERAL.—Assistance provided by the Bureau of Educational and Cultural Affairs of the Department of State shall be made available to assist in the development of the permanent collection of the Museum of the History of Polish Jews.

(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purposes of subsection (a), the Secretary of State is authorized to provide $5,000,000, which shall remain available until expended, to the Museum for the History of Polish Jews.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Florida (Mr.

BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this bill and yield myself such time as I may consume.

First of all, I would like to commend and thank the gentleman from New Jersey (Mr. SMITH), my good friend and my colleague, for his sponsorship of this important legislation, and I also want to thank the distinguished gentleman from California (Mr. LANTOS), chairman of the House Foreign Affairs Committee, and the gentlewoman from Florida, our senior ranking member of the Foreign Affairs Committee, for their support of this legislation.

This bill that was introduced by my good friend, the gentleman from New Jersey, is a bill that seeks to preserve the cultural heritage of Poland's Jewish population. Mr. Speaker, the history of the Jewish people in Poland dates back over a millennium, when the country initially provided one of Europe's most tolerant homes for the Jewish people and housed one of the world's most vibrant Jewish communities. This tolerance waned from the 17th century onwards, as incidents of political and personal anti-Semitism began to increase.

However, when Poland regained its independence in the early 20th century, its Jewish population remained one of the largest in the world. Indeed, in 1939, over 3 million of the Jewish people lived in Poland, comprising the largest Jewish population of any country in Europe. Mr. Speaker, this situation changed radically when the Nazis occupied Poland, as over 90 percent of Poland's Jewish population was brutally killed or murdered and tortured during the Holocaust. Of the few who survived, around 200,000 people, most emigrated from Poland. Many came to the United States, while others fled to Israel and South America.

Mr. Speaker, estimates of Poland's Jewish population range from 3,500 to 15,000, out of a total population of over 38 million. This dramatically reduced post-war Jewish population has led to some false claims that there were no Jews in Poland. Given the long history of Poland's Jews, combined with the tragic decline of their population during the Holocaust, it is singularly important that steps are taken to preserve and protect their cultural heritage. Indeed, the nearly 9 million Americans who claim Polish lineage will benefit from visible reminders of their forebearers.

Mr. Speaker, for almost over 10 years now, a team of international experts has worked tirelessly to establish a Museum of the History of the Polish Jews for this very purpose. This museum aims to preserve the history and culture of Jewish people in Poland over the last 1,000 years, beginning with their 11th century emigration from Western Europe to escape persecution in their vibrant community between the world wars.

Mr. Speaker, the City of Warsaw and the Polish Government have been active supporters and contributors to this project. In 1997, the city donated the land near the Warsaw Ghetto Uprising Memorial on which to construct this new museum. This area is located in Warsaw's former Jewish quarter, which previously housed a thriving community of about 400,000 Jewish people.

Mr. Speaker, in 2005, two years ago, the city and the government donated 40 million zlotys, currently worth about $14.5 million, for the museum's construction. In the year 2005, again, two years ago, a Finnish architectural firm was selected to design the project. In June of this year, Polish authorities broke ground at the site. Construction is expected to take two years, enabling the museum to open by the year 2010.

This bill authorizes U.S. funding to assist in the development of the permanent collection of the museum. This money will ensure the protection of artifacts documenting the heritage of the Jewish Polish people and many of their descendants who currently live in the United States.

Museum organizers have already asked the people of Poland to donate memorabilia to the project, collecting photographs, documents, and other remaining items. One such object includes a penknife provided by a woman whose father, a forced laborer in a Nazi arms factory, obtained from a fellow prisoner who had received it as a bar mitzvah gift. American funding will help these efforts.

I strongly support this bill and ask my colleagues to join me in ensuring the preservation of such a rich cultural legacy.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3320, a measure to provide support for the Museum of the History of Polish Jews, which was introduced by the gentleman from New Jersey (Mr. SMITH), my good friend. This bill would authorize funding to assist in the development of the permanent collection of the Museum of the History of Polish Jews.

As we all know, the knowledge of history is tremendously important, both to understand our heritage and to our efforts to ensure that mistakes made in the past are avoided now and in the future. The Jewish people have a long and rich history in Poland. In fact, at the beginning of World War II, Poland had the largest Jewish population in Europe. Tragically, almost all of that population in Poland was murdered in the Holocaust.

The Polish Government has donated land and has also agreed to provide millions of dollars for construction of the museum. I ask my colleagues to support this bill, which would go on to assist in the development of the museum's collection. The tremendously rich 1,000-year history of the Jewish people in Poland should not be forgotten, Mr. Speaker. I urge my colleagues to pass this bill, and I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the sponsor of this bill, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend and colleague Mr. BILIRAKIS for yielding and Chairman FALEOMAVAEGA for his very strong words in support of this legislation; TOM LANTOS, the chairman of our committee; and ILEANA ROS-LEHTINEN, who were very strong supporters and backers of the bill before us today as well.

Mr. Speaker, at the beginning of World War II, Poland had the largest Jewish population in Europe. Over 50 percent of world Jewry has family ties to this pre-war community. Tragically, as a result of the Holocaust, a once thriving community was virtually destroyed.

In 1996, a group of people developed the idea for a museum dedicated to the culture, art and history of Poland's Jews. As one of the founders of the museum told me when I visited Warsaw a couple of years ago, We often learn how Jews died, but rarely how they lived. The Museum of the History of Polish Jews will change this. Indeed, it will solemnly remember the 3 million Polish Jews who died during the Holocaust and World War II, but also it will celebrate the rich 1,000 years of Polish Jewish life.

The interactive museum will allow visitors to view the long history of Jews in Poland in context, examining their lives through nine thematic galleries that illustrate their culture, their accomplishments, and the challenges they faced. The museum will measure 14,000 square feet and incorporate state-of-the-art multimedia installations that showcase the museum's collection, an archive of over 60,000 computer files of images collected from around the world. The nine galleries that house the museum's core exhibition provide 43,000 square feet of space that will be equipped with the latest technology to showcase a variety of multimedia displays. These exhibitions are being developed by a team of scholars, historians and museum experts from Poland, Israel, and the United States.

A crown jewel of the museum and a key element to serving the public will be the 5,400 square-foot state-of-the-art education center that includes a resource center for visitors. Multimedia displays and Web-based kiosks will share the museum's data base of 60,000 documents and objects with visitors, who will also have access to a reading room as well as a library.

Today, Mr. Speaker, despite the robust efforts of many good people, anti-Semitism remains a dangerous and a growing force in Europe and elsewhere in the world. By looking at the life of Polish Jewry and also documenting the events of the Holocaust, the museum and its educational center will make a major contribution in combating anti-Semitism. A better understanding of the great contributions that Polish Jews have made to society will help fight off the ignorance and the lies that bring about this bigotry.

There is no better time for a living monument to stand against anti-Semitism than now, and no better place than in the heart of Europe, the place where the Nazis put so many Jews to death. In 1997, the City of Warsaw donated land adjacent to the Warsaw Ghetto Uprising Monument for the construction of this museum. In June of 2007, authorities broke ground for its construction. It is now slated for opening in 2010, but there still is a significant deficit in funding.

It is one of the first institutions in post-European Poland to be built through a partnership of public and private support. The Government of Poland and the City of Warsaw have each designated some $15 million for the museum, and a number of private corporations and individuals from Israel, the United Kingdom, Sweden, the Netherlands, and elsewhere, of course that includes the United States, have also agreed to contribute. Just yesterday, the Government of Germany signed an agreement to donate over $7 million to the effort. All donors are united in preserving the memory of a magnificent people, who have made such a positive difference, and to combat the rising ugly tide of anti-Semitism.

As you can imagine, it's a costly and difficult project to assemble artifacts and memorabilia from Polish Jewry. Not only did the Nazis systematically destroy Jewish men, women and children, they sought to erase all memory of a noble people. The Nazis also decimated most of the City of Warsaw. Our contribution of $5 million will be more than just a symbol of American commitment to these principles, although that is important. It will be more than a reminder of the historical ties that bind many descendants of Polish Jews in the United States and elsewhere to Polish Jewry, although that, too, is a worthy goal. This contribution will be an important aid in making this project a reality. It will help bring it to completion.

I urge support for H.R. 3320. As one supporter called this, this is a "restitution of memory."

Mr. FALEOMAVAEGA. Mr. Speaker, I want to compliment and commend my good friend from New Jersey for a most eloquent statement. Whenever he speaks, I listen; not only as a great advocate and champion of human rights throughout the world, but I cannot think of a more appropriate piece of legislation where his mark is made to the fact that the persecutions that took place among the Jewish people during World War II. Again, I thank the gentleman from New Jersey for his efforts in bringing this piece of legislation to the floor for consideration.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to support H. Res. 3320, introduced by my friend and colleague, Mr. SMITH of New Jersey. This bill would authorize the United States to provide $5 million to assist in the development of the permanent collection of the Museum of the History of Polish Jews.

This past May, I had the opportunity to travel to Poland and, while there, met with Jerzy Halbersztadt, the director of the museum, and Ewa Wierzynska, the deputy director. The museum they are helping to establish is truly an historical undertaking and one that deserves the support of the United States.

Warsaw was once home to the largest Jewish community in Europe, and if we are to truly understand what was lost in the Holocaust, we must try to wrap our minds not only around the figure of 6 million, but around the 1,000 years of Polish Jewish life that preceded that tragedy. Poland is not only a place where Jews died, but a place where they lived and flourished. Moreover, it is estimated that 80 percent of all Jews and over nine million Americans trace some of their ancestry to the Polish Jewish community. This museum has the potential to touch the lives of our own citizens in deeply personal ways.

As chairman of the Helsinki Commission, I am heartened by the educational role this museum can play in fulfilling the goals that the OSCE participating States have undertaken in the field of combating anti-Semitism. I believe this museum will contribute to tolerance and mutual respect in Poland, will help counter the broader phenomenon of anti-Semitism in Europe, and will serve as an inspiration to the thousands of visitors who will come every year. The historical record of the Polish Jewish community must be preserved and shared with future generations.

Unfortunately, my own schedule did not permit me to return to Poland for the June 26 groundbreaking ceremony for the museum, which will be located in the heart of the pre-World War II Jewish district and next to the monument to the Jews who resisted the Nazis during the 1943 ghetto uprising. However, I did send a member of the Helsinki Commission staff, who witnessed firsthand the extraordinary turnout for this event. Among those present was the Chief Rabbi of Tel Aviv Meir Lau, whose parents were from Poland and who suggested that invited Iranian President Mahmoud Ahmadinejad, who has denied the Holocaust, be among the first to visit the museum.

I don't know if the Iranian President will accept this invitation, but I have no doubt that many Americans will be among the 500,000 people who are expected to visit the museum on an annual basis. I urge my colleagues to join me in supporting this extraordinary museum, with an extraordinary mission.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the bill, H.R. 3320.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1330

## CONDEMNING THE NOVEMBER 6, 2007, TERRORIST BOMBING IN AFGHANISTAN

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 811) condemning the November 6, 2007, terrorist bombing in Afghanistan and expressing condolences to the people of Afghanistan and the members of the Wolesi Jirga.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 811

Whereas on November 6, 2007, a terrorist carried out a suicide bombing in the Baghlan province of Afghanistan that deliberately targeted a delegation of 18 members of the Wolesi Jirga, the directly elected chamber of the National Assembly of Afghanistan;

Whereas this horrific bombing was the deadliest suicide attack since the liberation of Afghanistan from the brutal Taliban regime in 2001, reportedly killing at least 50 Afghan citizens, including several schoolchildren, and wounding dozens of others;

Whereas at least six members of the Wolesi Jirga were killed in the attack, including Sayed Mustafa Kazemi, Chair of the Economic Commission of the Wolesi Jirga and former Minister of Commerce; Engineer Abdul Matin, a member from the province of Helmland; Sibgatullah Zaki, a member from the province of Takhar; Haji Sahib Rahman Hemat, a member from the province of Kunar; Nazik Mir Sarferaz, a member from the Kunduz province; and Mohammad Arif Zarif, a member from Kabul;

Whereas the legislative delegation transcended political, ethnic, and regional divisions and was targeted by this heinous act while carrying out its official duties in service to the Afghan people;

Whereas nearly six years after the liberation of Afghanistan from the Taliban, who provided al-Qaeda with a safe haven for planning the attacks of September 11, 2001, Afghanistan remains under siege, and the democratically elected Government of Afghanistan remains subject to attacks from remnants of the Taliban who have regrouped along with other insurgent groups, including al-Qaeda;

Whereas poppy cultivation and opium production, which directly support, sustain, and finance insurgents, militias, and terrorist organizations operating in Afghanistan, continue to dramatically increase;

Whereas the security of Afghanistan is closely intertwined with the security of its regional neighbors, and therefore cooperation and support from its neighbors in defeating insurgents and establishing security is urgently required;

Whereas the international community, including the Government of the United States, has expressed its ongoing commitment to supporting the efforts of the Government and people of Afghanistan to build a stable, secure, and democratic nation with the achievement of the Afghanistan Compact in 2006;

Whereas Afghanistan remains a critical front in the global struggle against terrorism, and supporting the development of democratic institutions in Afghanistan is critical to defeating this threat; and

Whereas the House Democracy Assistance Commission of the United States House of Representatives has worked in partnership with the Wolesi Jirga to strengthen its institutional capacity, and remains committed to a strong and mutually-beneficial partnership: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns in the strongest terms the November 6, 2007, attack in the Baghlan province of Afghanistan and all other attacks against the democratic freedom and sovereignty of the Afghan people;

(2) expresses its condolences to the people of Afghanistan and the members of the Wolesi Jirga;

(3) supports the efforts of the Government of Afghanistan to investigate the attack and bring the perpetrators to justice;

(4) reaffirms the long-term commitment of the United States to the establishment of security, the strengthening of democratic and civil institutions, and the promotion of economic opportunity as the basis for a stable, secure, and democratic Afghanistan; and

(5) calls upon the United States and other responsible nations to strengthen their efforts to further the goals and standards set forth in the Afghanistan Compact for improvements in security, governance, and economic development.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

### GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on this proposed legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to recognize the chief sponsor and author of this important legislation, my good friend, the gentleman from North Carolina (Mr. PRICE) and I also want to thank the chairman of our Foreign Affairs Committee, Mr. LANTOS, and our ranking member, Ms. ROS-LEHTINEN of Florida, for their support and leadership in bringing this legislation to the floor.

Mr. Speaker, last week the United States was reminded once again that amongst the weekly sacrifices of Americans in Iraq, the continuing concern of Iran and the recent developments in Pakistan, there still exists in the geographic center of the Middle East and South Asia a country that faces a growing insurgency that directly threatens its stability and the national security and interests of the United States and its allies.

On November 6, a suicide bomber targeted a delegation of members of the Afghanistan National Assembly, or the Wolesi Jirga, killing at least 50 Afghans, including school children, ordinary citizens and half a dozen elected members. Mr. Speaker, I rise today to strongly condemn this attack and to echo again our unified commitment to the stabilization and development of Afghanistan.

This House shares a special bond with the Wolesi Jirga, which participates in a partnership in our House Democracy Assistance Commission, and it is indeed a tragedy to see our fellow legislators or parliamentarians be murdered in such a way.

A few months ago, this House passed on an overwhelming and bipartisan basis the Afghanistan Freedom Support and Security Act of 2007. This act reaffirmed our long-term commitment to the security and development of Afghanistan by reauthorizing a comprehensive package of assistance to a country in dire need of the international community's support.

Mr. Speaker, if there is any lesson to be taken from the tragic events like these, it is that now is the time to act. Poppy cultivation is up multifold, suicide attacks have increased dramatically in the past year, and Afghanistan still suffers as being one of the poorest countries in the world. In that regard, I urge my colleagues in the Senate, the other body, to take up an Afghanistan reauthorization bill as early as possible so that we may help that country drive out the forces of extremism and intolerance and bring the forces of moderation and progress in.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bipartisan resolution before us condemning the cowardly suicide bombings in Baghlan, Afghanistan, recently which killed at least six members of the Afghan Parliament and dozens of innocent men and women and children. Countless others were wounded.

Those who oppose the emergence of a free, democratic and stable Afghanistan mistakenly believe that through such nefarious acts they can deter the Afghan people from realizing their goal of a viable and independent Afghanistan that is secure and free from terrorism. This cowardly act will not deter us, nor will it deter the people of Afghanistan from achieving those vital goals. It only strengthens the will of the Afghan people to not revert back to the days of totalitarian rule by the Taliban and its radical allies.

Last month, the committee met with the Speaker of the Afghan Parliament here in Washington and we discussed the challenges and common goals we all face and share in Afghanistan. I am confident that he and his colleagues, both men and women democratically elected by the people, will carry on, despite the loss of their colleagues in this brutal attack.

Mr. Speaker, I believe that President Karzai of Afghanistan spoke for all of us when he condemned the attacks and noted it was against Islam and said, "It is the work of the enemies of peace and security in Afghanistan."

This brutal attack is a solemn reminder that Afghanistan continues to be subjected to a campaign of unrelenting violence by the Taliban, Hizb-I Islami, and other terrorist organizations. The security climate has the potential to further compromise reconstruction and relief efforts by the United States, our allies and the international community.

In particular, the poppy cultivation and opium production, which directly supports local warlords and sustains and finances insurgents, militias and terrorist organizations behind these attacks, continues to increase at a staggering rate. In response, this critical resolution demonstrates the continued commitment from the United States and the international community to support the people of Afghanistan in their time of need.

I want to thank Congressman PRICE and Congressman DREIER for their leadership in ensuring that this resolution was considered by the House in a unified, expeditious manner.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, it is with pleasure that I yield 6 minutes to the gentleman from North Carolina (Mr. PRICE), the author of this proposed bill.

Mr. PRICE of North Carolina. Mr. Speaker, I rise in support of H. Res. 811, to offer a message of solidarity to the people of Afghanistan.

The House Democracy Assistance Commission, which I chair at present and which our colleague Mr. DREIER chaired in the previous Congress, has worked in partnership with the Wolesi Jirga, the Afghan Parliament's equivalent of the House of Representatives, for the last 2 years.

In the course of that partnership, we have had the opportunity to travel to Afghanistan and meet with a range of Afghan leaders, including numbers of members of the Wolesi Jirga. We have been profoundly impressed by the courage and commitment of the Afghan people, who are striving against long odds to radically transform their society. Their nation has been at war or under attack for nearly all of the last 30 years, and yet they have faced down those who deny them their personal and political freedoms and have continued on course, to build a democratic and secure nation.

None have demonstrated this dedication more than the members of the Wolesi Jirga. Afghan voters have selected individuals representing every aspect of the Afghan culture—Islamic scholars, western businessmen, former communists, progressive women, and everything in between, for this remarkable assembly. They have approached their differences in a truly democratic fashion, settling disputes through debate, rather than violence. As their Speaker, Yunus Qanooni, likes to say, they now settle their differences by holding up voting cards instead of guns. And now they stand together, conservatives and progressives, men and women, Tajiks and Pashtuns, all working for a better Afghanistan.

Mr. Speaker, one week ago today, the Afghan democracy suffered its deadliest terrorist attack since the fall of the brutal Taliban regime. Over 50 Afghan citizens, including school children, tribal elders and other bystanders, were killed, and over 100 more were injured.

The main target of the attack was a delegation of members of the Wolesi Jirga, a delegation that strongly represented the new democratic spirit I have just described. The 18 members of the delegation represented diverse ethnic groups and religious affiliations. They included men and women, and covered the full political spectrum. It was a delegation traveling to Baghlan province to reach out to the constituents that the members have sworn to serve.

After the bombing, six Wolesi Jirga members lay dead. Sayed Mustafa Kazemi, Chair of the Economic Commission of the Wolesi Jirga and former Minister of Commerce; Engineer Abdul Matin, a member from the province of Helmland; Sibgatullah Zaki, a member from the province of Takhar; Haji Sahib Rahman Hemat, a member from the province of Kunar; Nazik Mir Sarferaz, a member from the Kunduz province; and Mohammad Arif Zarif, a member from Kabul.

Many more were injured. Some of the members killed and injured were members that our House Democracy Assistance Commission met with only last fall. We offer our deepest sympathies to the families and friends of these members who died in service to their country.

But I rise to say to those behind these attacks that despite your cowardly actions, Afghanistan's democracy remains strong, and our support for Afghanistan remains unwavering.

The resolution before us condemns this horrific attack and expresses our deep condolences to the Afghan people, who have sacrificed so much for the cause of a free and democratic nation. It also calls upon our Nation and the international community to redouble our efforts in support of Afghanistan, to turn back the forces within that country and beyond that are capable of the barbarism we witnessed last week.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the coauthor of this resolution.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. It is with a great deal of sadness that I rise in support of this resolution.

Our colleagues, Messrs. FALEOMAVAEGA, BILIRAKIS and PRICE, have very adequately outlined the circumstances around which this attack took place on November 6. But if there is one message that has come forward from the tragedy of a week ago, it is that if there is any doubt whatsoever that our enemies in Afghanistan are seeking to undermine democracy, liberalization and the cause of peace for the Afghan people, one needs look no further than what took place on November 6. This was a very sophisticated attack that took place, and it is one by those who clearly do want to undermine everything that we as Americans take for granted and for which the Afghan people aspire.

My dear friend and colleague Mr. PRICE has correctly pointed to the fact that just last week we had the opportunity as members of the House Democracy Assistance Commission to meet with our counterparts, members of the Wolesi Jirga, who have in many ways modeled their Parliament, their House of Representatives, after ours.

I know that we are not always the best model for everything. We are in fact a model to which many around the world, including the Afghan people and members of the Afghan Parliament, aspire. And that is why, as Mr. PRICE has correctly said, if anyone believes that this attack that took place on November 6 would in any way, in any way, diminish the commitment of the United States Congress and our 20-member bipartisan House Democracy Assistance Commission to our assistance to the Afghan people and to the future of peace, stability, democracy and political and economic liberalization in Afghanistan, they are wrong. In fact, Mr. Speaker, the tragedy of one week ago, on November 6, in my mind, stands to reaffirm and strengthen the commitment of the House Democracy Assistance Commission.

Now, while Mr. PRICE went through and talked about naming the six parliamentarians who tragically were killed and, as was pointed out, 50 people killed and many, many people wounded, I think it is important to note that Sayed Mustafa Kazemi was in fact a very bright 45-year-old leader who has, through his career, been responsible for bringing together a wide range of very, very diverse interests within Afghanistan. As Mr. PRICE pointed to the diversity that exists within the Wolesi Jirga, it is important to note that Mr. Kazemi was in fact, if not the paramount leader, one of the top leaders in bringing these very diverse groups together.

□ 1345

Now, this delegation was in the Baghlan province doing their work, as we as Members of the House of Representatives do our work when we have delegations going to visit and work on different projects. This was the Economics Commission. As Mr. PRICE said, we had seen Mr. Kazemi as the head of the Economics Commission in the past. These were members of the Wolesi Jirga, parliamentarians just as we are, working on the project of trying to bring about greater reform and success to the people of Afghanistan. And to have them attacked in such a way is something that will in fact go down in history.

My friend from North Carolina said this was the worst attack to take place since the Taliban has come to power. Mr. Speaker, just today the British Broadcasting Corporation reported that the attack on November 6 was the single worst attack and the largest loss of life in the history of Afghanistan. Never before has such a large number of people been killed in an attack such as this.

So that is why I am very pleased that Mr. PRICE asked me to join with him working on this resolution. That is why we stand together, Democrats and Republicans, reaffirming our commitment to the future of Afghanistan. We know it was September 11 of 2001 and the attacks that emerged from Osama bin Laden and the Taliban, support for that effort, and al Qaeda that led to the work that we have done in Afghanistan.

Mr. Speaker, we remain committed. Our resolve is in fact strengthened by this tragedy. I urge my colleagues to join in support of this resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I deeply appreciate the remarks of my good friend and colleague from California and also the author of this legislation. Truly, I echo his sentiments. This is bipartisan proposed legislation, and I urge my colleagues to support the bill.

Does my colleague from Florida have any further speakers?

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 811, Condemning the November 6, 2007, terrorist bombing in Afghanistan and expressing condolences to the people of Afghanistan and the members of the Wolesi Jirga, introduced by my distinguished colleague from North Carolina, Representative DAVID PRICE. As we all know, the situation in Afghanistan is critical, and it is essential that we maintain and strengthen our support of Afghanistan for the sake of the Afghan people and our own national security.

Mr. Speaker, it was almost exactly 6 years ago that, in response to the 9/11 terrorist attacks, the United States launched a military operation against Afghanistan, with the intent to capture Osama bin Laden, to destroy the al-Qaeda terrorist network, and to remove the Taliban regime that had provided support and safe harbor for al-Qaeda. Though the Taliban has been removed from power, they have since regrouped and are an increasingly resurgent force, while al-Qaeda remains a significant threat and Osama bin Laden continues to evade capture.

Meanwhile, Afghanistan continues to suffer from the chronic instability that has plagued the nation for much of its modern history. Its infrastructure and economy have been devastated by decades of conflict, the fledgling democratic government continues to face a very real threat from the resurgent Taliban, and the people of Afghanistan continue to live in a climate of ongoing turmoil, particularly in the southern regions of the country, where there are ongoing and dangerous clashes between coalition-led forces and insurgents.

This most recent attack that occurred on November 6, 2007 was the deadliest suicide attack since the liberation of Afghanistan from the Taliban in 2001. This attack deliberately targeted the members of the Wolesi Jirga, the directly elected chamber of the National Assembly of Afghanistan, which transcended political, regional, and ethnic divisions within this war-torn nation. The suicide attack killed at least 6 members of the Wolesi Jirga as well as at least 50 Afghan citizens, including women and children, and wounded dozens of others.

Mr. Speaker, it is essential that we provide considerable aid for Afghanistan, a region which we have consistently underfunded despite its critical needs. While we have thrown away billions of taxpayers' dollars in Iraq, the real security threat of Afghanistan, home to the al-Qaeda and the Taliban, has gone relatively unchecked. This is a problem not simply for the United States to handle, but for NATO. We must work with our NATO allies to put increased pressure on them to step up to the task of addressing the most serious security issues. Security is essential to not only economic growth but also makes it easier for humanitarian organizations to accomplish their tasks. Creating a stable security situation in Afghanistan is an international concern.

Furthermore, trends of opium production in Afghanistan have changed. According to the United Nations Office on Drugs and Crime (UNODC), "opium cultivation in Afghanistan is no longer associated with poverty." This is largely due to the fact that the poorer northern provinces are seeing a downward trend in poppy cultivation, while production and trafficking are growing in the eastern and southern provinces. As these are the areas of the, country currently experiencing the greatest amount of conflict, UNODC now associates the opiate trade with insurgency. According to UNODC, the Taliban have "started to extract from the drug economy resources for arms, logistics, and militia pay." This horrific attack may be directly linked to poppy cultivation and opium production, which has as of late been used to directly "support, sustain, and finance insurgents, militias, and terrorist organizations operating in Afghanistan."

In the 110th Congress, we have already passed important legislation that, I believe, will help promote peace and freedom in Afghanistan. However, it is necessary for us to continue to work together with the Afghan government and other members of the international community to address the outstanding challenges that continue to threaten the nation. As stated in this legislation, the United States must reaffirm its long-term commitment to Afghanistan, "to the establishment of security, the strengthening of democratic and civil institutions, and the promotion of economic opportunity as the basis for a stable, secure, and democratic Afghanistan.

The security and stability of Afghanistan is crucial to the current war on terror. The United States must strengthen and sustain its support of Afghanistan, we must continue in our commitment to this nation at this critical turning point. I am proud cosponsor of this legislation and I strongly urge my colleagues to join me in supporting this important legislation.

Mr. BILIRAKIS. I have no further speakers, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 811.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FALEOMAVAEGA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## ALLOWING EXCEPTION FROM $1 COIN DISPENSING CAPABILITY REQUIREMENT

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3703) to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3703

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 5112(p)(1)(A) of title 31, United States Code, is amended to read as follows:

"(A) any business operations conducted by any such agency, instrumentality, system, or entity that involve coins or currency will be fully capable of—

"(i) accepting $1 coins in connection with such operations; and

"(ii) other than vending machines that do not receive currency denominations higher than $1, dispensing $1 coins in connection with such operations; and".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Georgia (Mr. PRICE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. SCOTT).

### GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material therein.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I rise in support of H.R. 3703. This is a very timely and important piece of legislation because as you may recall, the Presidential $1 Coin Act of 2005 requires retailers, including vending machines that are located on Federal property, to both accept and disburse $1 coins by January of 2008. We are talking about 7 weeks from now. That brings about the urgency and the timeliness of the matter.

This requirement additionally applies to transit systems, military bases, and those that take Federal subsidies. Now, while most vending machines are already programmed and able to accept $1 coins, there are very few that are programmed to dispense $1 coins. So that is why this legislation is needed, to exempt those vending machines from dispensing requirements that do not have a reason to dispense the $1 coins in the first place.

So that in effect, Mr. Speaker, if we do not pass this bill, we will have unintendedly affected a hindrance of the circulation of the coins by compelling them to be stored in vending machines that will never dispense them. This legislation targets machines that have only $1 in currency and exchange. So you can see there will never be a need for the machine to dispense $1 coins.

We believe that these Presidential $1 coins are very important. They should be circulated. The public should circulate them, but certainly having them stored in a vending machine from which they will never be dispensed is not the way to do that. That is why we need this bill. I ask that the House urgently pass this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleague from Georgia in support of this legislation. This legislation is simple and direct, and as my colleague stated, is necessary. It is basically a technical correction for the Presidential $1 Coin Act enacted in December 2005. That bill sought to use the mechanism of a regularly changed design on the $1 coin to draw that coin into circulation, and it had specific language directing that retail operations on Federal property, including vending machines, accept and dispense $1 coins. It makes sense since the coin is an official form of U.S. exchange, and not to handle the coin would be inappropriate.

But certain vending machines, such as soda machines, only accept change and bank notes of no greater value than $1. Logically, there would be no reason for these machines to dispense a $1 coin. To convert them to do so and to stock them with a stack of coins that never would be dispensed clearly would be unnecessary and not intended by the original bill.

Worse, as my friend from Georgia mentioned, oftentimes that cost for doing so would fall on our servicemen and women. So there really is no point to this change that was mandated, and we can easily fix that today.

Mr. Speaker, the language of this bill exempts solely those $1 vending machines from the requirement to dispense $1 coins. I urge all Members to support this bill, and I commend my colleague from Georgia for bringing this bill to the House floor.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I have no other speakers, and I urge immediate passage of this bill and transmittal to the Senate.

Mr. PRICE of Georgia. Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3703.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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## EXPRESSING SENSE OF THE HOUSE THAT THE PRESIDENT SHOULD DECLARE LUNG CANCER A PUBLIC HEALTH PRIORITY

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 335) expressing the sense of the House of Representatives that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program to reduce the lung cancer mortality rate by at least 50 percent by 2015, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 335

Whereas lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths;

Whereas lung cancer kills more people annually than breast cancer, prostate cancer, colon cancer, liver cancer, melanoma, and kidney cancer combined;

Whereas, since the National Cancer Act of 1971 (Public Law 92-218; 85 Stat. 778), coordinated and comprehensive research has raised the 5-year survival rates for breast cancer to 88 percent, for prostate cancer to 99 percent, and for colon cancer to 64 percent;

Whereas the 5-year survival rate for lung cancer is still only 15 percent and a similar coordinated and comprehensive research effort is required to achieve increases in lung cancer survivability rates;

Whereas 60 percent of lung cancer cases are now diagnosed in nonsmokers or former smokers;

Whereas ⅔ of nonsmokers diagnosed with lung cancer are women;

Whereas certain minority populations, such as Black males, have disproportionately high rates of lung cancer incidence and mortality, notwithstanding their lower smoking rate;

Whereas members of the baby boomer generation are entering their sixties, the most common age at which people develop cancer;

Whereas tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans;

Whereas the August 2001 Report of the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was "far below the levels characterized for other common malignancies and far out of proportion to its massive health impact";

Whereas the Report of the Lung Cancer Progress Review Group identified as its "highest priority" the creation of integrated, multidisciplinary, multi-institutional research consortia organized around the problem of lung cancer rather than around specific research disciplines; and

Whereas the United States must enhance its response to the issues raised in the Report of the Lung Cancer Progress Review Group: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes lung cancer as a public health priority and the importance of taking steps toward reducing the lung cancer mortality rate by at least half by 2015;

(2) acknowledges the importance of the recommendations of the Lung Cancer Progress Review Group of the National Cancer Institute;

(3) encourages increased investment for lung cancer research and other lung cancer-related programs;

(4) supports efforts to develop a broad-based lung cancer screening and disease management program among members of the Armed Forces and veterans; and

(5) recognizes the benefit of graduate medical education programs in thoracic medicine and cardiothoracic surgery.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

### GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 335, and I would like to thank the lead cosponsors of the resolution, ED WHITFIELD and DONNA CHRISTENSEN. I also wish to strongly commend the Lung Cancer Alliance and other organizations that have supported this resolution. I am so pleased we could pass this resolution during Lung Cancer Awareness Month.

House Resolution 335 calls on the President to declare lung cancer a public health priority and encourages a greater investment in lung cancer research. This could not come at a more important time.

We have just seen newly released statistics that show, while overall cancer mortality rates are dropping quicker than ever, lung cancer mortality rates in women are actually increasing. As our Nation is committed to working towards the goal of eliminating all cancer deaths by 2015, the statistics for lung cancer are extremely disappointing.

Mr. Speaker, lung cancer is the number one cancer killer of both men and women, yet we are perhaps making the least amount of progress in effectively treating it. We must put greater investment into prevention and early diagnosis of lung cancer. This is the only way to improve outcomes.

One of the most effective ways to reduce lung cancer incidence is, of course, smoking cessation. I am proud of the remarkable achievements our Nation has made to encourage smokers to quit, and better yet, to teach people never to begin at all.

Disappointingly, some of America's leading women's magazines don't share that goal. As many of you have heard and seen, they continue running ads for cigarettes like Camel No. 9 which are clearly targeted at young women.

After years of steady decline, smoking rates have remained stagnant from 2004 to 2006. Launching an aggressive marketing campaign targeting young people is a terrible step backwards in our national efforts to reduce smoking. I hope this resolution today will reinforce our commitment to smoking cessation.

But one of the lesser known facts of lung cancer is that 8 percent of men and an astonishing 20 percent of women with lung cancer have never smoked. I am very aware of this fact through my own personal experience as my daughter became one of these statistics. I think the Nation as a whole became more aware with more visible cases, such as Dana Reeve. It often takes a high-profile case to propel us into action, and I hope that the growing awareness and action over the past 2 years will continue to improve our understanding of and our ability to confront lung cancer.

With a greater investment into integrated, multidisciplinary research organized around lung cancer, we do have a chance of reducing death. Let us use the opportunity of passing this resolution to reaffirm our shared commitment to combating lung cancer deaths, truly making it a public health priority for our Nation. I urge my colleagues to support H. Res. 335.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, Mrs. CAPPS. And I also want to thank Chairman DINGELL and Ranking Member BARTON, and others who have had a real hand in moving this legislation before us.

I rise today in support of this resolution, a resolution recognizing the impact of lung cancer and the recent recommendations of the Lung Cancer Progress Review Group of the National Cancer Institute. This group's process is a comprehensive, collaborative, integrated approach to control and eliminate lung cancer. The group was tasked with making recommendations, strategizing, and reporting on progress made in an effort to control and eliminate lung cancer.

□ 1400

The group was able to identify scientific priorities and needs and set forth a national agenda for research on lung cancer.

This Progress Review Group made the recommendation to foster the creation of scientifically integrated multi-institutional research consortia organized around the problem of lung cancer rather than around specific research disciplines. The recommendation speaks to the ongoing work at the NIH as well as in the private sector for cross-cutting research. And as a Congress, it is our responsibility to endow these researchers to best pursue answers. This report clarifies the benefits of broad science. Putting disease research into silos so that, as so many authorizing bills often do, is not always helpful to the greater goal. Let's take these recommendations to pursue a multilevel, multidisciplinary science in an effort to find a cure for lung cancer or thousands of other diseases that afflict the world. Reducing the mortality rate of lung cancer is an objective to which we all can subscribe. It is our responsibility to make sure that the scientists have the tools and the access necessary to pursue a cure.

So many of us here have been with someone at a bedside that is suffering from this awful disease, one of the worst. It is a great step forward that we can pass this legislation, to see the research come about, the funding with it, so that some day in fact we will have a cure to prevent this tragedy in families across the globe.

I yield back the balance of my time.

Mrs. CAPPS. In closing, I just want to urge our colleagues to pass this resolution and to press forward with the research on lung cancer. I do this in the name of my daughter and of Dana Reeve and other people whose lives have not been saved but who could be promoting others to be encouraged to eradicate this most deadly of cancer scourges.

Mr. LOBIONDO. Mr. Speaker, I rise today to urge my colleagues to support H. Res. 335, which expresses the sense of the House of Representatives with respect to lung cancer as a public health priority and the recommendations of the Lung Cancer Progress Review Group of the National Cancer Institute. I would also like to take this opportunity to thank Rep. LOIS CAPPS for introducing this important resolution and for her continued efforts on behalf of those affected by lung cancer.

As many of us know all too well, lung cancer remains the leading cause of cancer death for both men and women in the United States. While overall advancements in cancer research, treatment, and detection in recent years provide great hope, there is still much to do, especially in the field of lung cancer. The 5-year survival rates have risen significantly for breast, prostate, and colon cancer, but unfortunately, the gains for lung cancer remain modest at best.

For my family and me, these statistics are all too real. In April 2006, my father-in-law, Joseph L. Ercole, was diagnosed with non-small cell adenoma carcinoma stage III-b and 9 months later, on February 11, 2007, he died from lung cancer. While his story is not unique, it brought to my attention the need to shine a spotlight on this disease. Clearly, a coordinated and comprehensive research effort, like those used to tackle other cancers, is needed to achieve significant increases in lung cancer survivability rates and prevent other families from suffering the same loss.

H. Res. 335, like S. Res. 87 passed by the Senate in August, clearly states our goals—to have lung cancer declared a public health priority and to reduce the lung cancer mortality rate by 50 percent by 2015—and a pathway to achieve it. Working together these goals can become reality.

I urge my colleagues in the House to join us in this fight and pass H. Res. 335.

Mrs. CAPPS. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PASTOR). The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 335, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution expressing the sense of the House of Representatives with respect to lung cancer as a public health priority and the recommendations of the Lung Cancer Progress Review Group of the National Cancer Institute.".

A motion to reconsider was laid on the table.

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## SUPPORTING THE GOALS AND IDEALS OF CHILDREN'S HEALTH MONTH

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 760) supporting the goals and ideals of Children's Health Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 760

Whereas children comprise one quarter of the population of the United States;

Whereas nearly 1 in 5 children in the United States are overweight;

Whereas 7 percent of children in the United States have limitations on activity due to chronic health conditions;

Whereas an estimated 12 percent of high school seniors put themselves at risk by smoking cigarettes daily;

Whereas children account for 30,000,000 annual visits to the emergency room to receive care for injuries or illnesses;

Whereas asthma affects nearly 5,000,000 American children;

Whereas allergies affect about 50,000,000 American children;

Whereas motor vehicle crashes are the number one cause of death for children and adolescents ages 1 to 21;

Whereas dental caries is the most common chronic disease affecting American children, and is 5 times more common than asthma and 7 times more common than hay fever;

Whereas during fiscal year 2005, an estimated 899,000 children in the 50 States, the District of Columbia, and Puerto Rico were determined to be victims of abuse or neglect; and

Whereas every year since 1928 the President has issued a proclamation designating the month October as "Children's Health Month": Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of Children's Health Month;

(2) invites the chief executive officers of the States, territories, and possessions of the United States to issue proclamations recognizing the goals and ideals of Children's Health Month;

(3) commends the efforts of States, territories, and possessions of the United States, localities, nonprofit organizations, businesses, and the people of the United States who support the goals and ideals of Children's Health Month;

(4) recognizes and reaffirms our Nation's commitment to providing access to health care, ensuring preventative care, seeking cures for debilitating diseases and chronic conditions, and promoting healthy living habits for America's children;

(5) recognizes and salutes the health care professionals who provide care and treatment for childhood illnesses and afflictions;

(6) recognizes and salutes the officials who protect children from environmental health and safety risks;

(7) recognizes and salutes the officials who educate parents, schools, and communities about health risks and related issues for children; and

(8) encourages States, territories, and possessions of the United States to educate children about healthy living habits when they are young so that they will be more likely to lead healthy lives as adults.

The SPEAKER pro tempore (Mr. COSTA). Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 760 which supports the goals and ideals of Children's Health Month. I commend my colleagues, Kathy Castor of Florida and Dave Reichert of Washington, for introducing this important resolution. A school nurse myself for 20 or more years, I can't emphasize enough the importance of reaffirming a stronger commitment to provide better access to health care for children.

We absolutely must take greater steps in providing preventive care, promoting healthy habits, and finding cures to chronic conditions that are becoming more prevalent in our Nation's children.

Perhaps one of the greatest steps we can take is to finally reauthorize the Children's Health Insurance Programs. As this resolution notes, one of the greatest contributors to unhealthy outcomes in our children is a lack of access to care. Our Children's Health Insurance Program would provide health care access to an additional 4 million children who are eligible but not now covered. This bill was supported by 265 House Members and 64 Senators. I hope we will soon see this bill signed into law. Though we know there are other steps we must also take, this is the primary one.

There are steps in addition to this legislation that we can take. When one in five children in the United States are overweight, 5 million children are affected by asthma, and 50 million children suffer from allergies, we know we must take steps to improve healthy environments as well as healthy habits. With this resolution, we applaud the efforts of the many families, communities, health care professionals, and others in our communities, and officials as well, who are taking these steps already; and we encourage in this resolution that States be proactive in promoting healthy living habits to children so that they can lead healthy lives as adults.

Most importantly, perhaps, this resolution reminds us of what our priorities in this Congress should be. Undoubtedly, our children should be number one. I commend this resolution for reaffirming that.

I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself such time as I might consume.

I want to again thank Chairman DINGELL, Ranking Member BARTON, and certainly LOIS CAPPS for her leadership on this issue. I again rise in support of H. Res. 760, a resolution supporting the goals and ideals of Children's Health Month.

The overarching goal of designating October each year as Children's Health Month is to draw attention to the need to provide access to health care, insuring preventative care, seek cures for diseases and chronic conditions, and promote healthy living habits for all of America's children.

There has been much discussion recently both on the floor and in the media about children's health care. The objective, obviously, to cover the health needs of children is of paramount concern, particularly with low-income children. Children's Health Month should remind us of that important message. I stand in support, and ask that my colleagues support the resolution as well.

I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I am very pleased to yield such time as she may consume to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR. Mr. Speaker, I would like to thank my good friend and colleague, Mrs. CAPPS from California, for yielding the time, and thank her for her ongoing efforts and advocacy on behalf of the health of America's children and all Americans all across this country.

Mr. Speaker, I rise today in support of House Resolution 760, supporting the goals and ideals of Children's Health Month. As cochair of the Congressional Children's Health Care Caucus, I am pleased to offer this resolution along with my colleague from the other side of the aisle, Mr. REICHERT of Washington, who is the cochair of the caucus.

This has been an important year for work on children's health issues. As grandparents and parents and teachers and doctors and nurses and all community members understand, our work on behalf of children's health is constant, notwithstanding the fact that we are going to recognize a certain month here today.

We are working on behalf of children's health in so many collaborative ways, and we want to encourage more. We are encouraging families and schools to focus on healthy living habits and healthy nutrition for children. We are working to combat childhood obesity and to promote exercise and physical activity. We are continuing our concerted efforts to keep our children and teens from smoking. We are working to educate families and raise medical awareness about critical childhood illnesses such as asthma and diabetes. And, so many across this country are working to help parents and other families sign their kids up for Medicaid and the Children's Health Insurance Program, and those activities must continue.

But our concerns are not limited only to the physical health of our children, but also to their mental health and their behavioral health. I note just today that 2 new studies were released relating to early childhood behavior. We have got to remain at the cutting edge, and we have got to continue to encourage our talented researchers in my home State in Florida, Mrs. CAPPS' State of California, and all across the country to continue their work.

In addition, all too often our children are victims of abuse and neglect and do not receive the special care required to meet their health care needs and their mental health care needs. Here in the Congress, we are working to ensure that these disparities are eliminated and that our children receive all the support that they need. We would like our neighbors back home to know that we care about their families and the well-being of their children, and we will continue to draw attention to these issues and work hard to amend these problems.

Mr. Speaker, today as we acknowledge Children's Health Month and the importance of its meaning, we remind our neighbors and this body of the special attention needed for children's health. We salute the parents, pediatricians, nurses, and all community members that work every day to care for our kids, for their physical and mental well-being. We commend those institutions that have honored the goals of this special month, and we acknowledge the importance of supporting America's children by reinforcing our sincere dedication to providing access to health care for our kids, ensuring preventative care, seeking cures for debilitating diseases and chronic conditions, and promoting healthy lifestyles for America's children.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

Mrs. CAPPS. Mr. Speaker, in closing, I would like to urge adoption of this resolution which goes to the heart of a major priority that we have in this Congress, which is to support our children's health. This is for the sake of our children, of course, but it is also on behalf of their families, the most important people in their lives, on behalf of our communities. And really, in truth, it is about our future, because, after all, our children are our future, and a healthy future is that much better for all of us.

Mr. REICHERT. Mr. Speaker, I rise in strong support of House Resolution 760, which recognizes October as Children's Health Month and supports the goals and ideals of this annual designation.

I was proud to introduce this resolution with Representative KATHY CASTOR. As cochairmen of the Congressional Children's Health Care Caucus, we are committed to building bipartisan support for efforts to facilitate access to care for the uninsured, seek cures for debilitating diseases and chronic conditions, and promote preventive health and wellness measures for America's children.

This resolution recognizes the importance of raising awareness of children's health needs and commends the health care professionals who provide for them. It also reaffirms our Nation's commitment to improving children's health and encourages State officials, nonprofit organizations and businesses to join the House in supporting these objectives.

I am grateful for the enthusiastic backing this resolution enjoys from more than 100 Members spanning both sides of the aisle, and I urge all of my colleagues to support its passage.

Mrs. CAPPS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 760, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

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## SUPPORTING THE GOAL AND MISSION OF AMERICA RECYCLES DAY

Mr. WYNN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 122) supporting the goal and mission of America Recycles Day, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

### H. CON. RES. 122

Whereas America Recycles Day is on November 15th of each year;

Whereas America Recycles Day is an annual national awareness event, the mission of which is promoting the social, environmental, and economic benefits of recycling and buying recycled-content products;

Whereas the goal of America Recycles Day is to increase the purchase of recycled-content products and recycling throughout America;

Whereas Americans have a long tradition of recycling;

Whereas in 1896, the first recycling center was established in New York City, and, by 1989, the Environmental Protection Agency had set a national waste reduction and recycling goal, and 26 States had enacted laws making recycling an integral part of their solid waste management plans;

Whereas in 2003, homes, businesses, and institutions in the United States produced more than 236,000,000 tons of municipal solid waste;

Whereas this amounts to approximately 4.5 pounds of waste per person in the United States per day, and is almost triple the amount of municipal solid waste generated in 1960;

Whereas the Environmental Protection Agency reports that 30 percent of municipal solid waste is recovered for recycling or composting, 14 percent is incinerated, and the remaining 56 percent is discarded in landfills;

Whereas a significant amount of this disposed solid waste can be recovered for recycling or composting through source separation, mechanical separation, and community-based recycling programs;

Whereas recycling saves energy, which in turn can reduce American dependence on foreign oil and prevent pollution; reduces the need for certain natural resources; can create more jobs; can cost communities less than other waste disposal options; supplies valuable raw materials to industry; stimulates green technology development; and reduces the need for new landfills and combustors;

Whereas over the past 10 years, many new markets for recycled products have been created, including remanufacturing plastic containers into other plastic containers, fleece, carpet, car parts, strapping, stuffing, bottles, pipe, lawn and garden products, injection molded products, and plastic lumber;

Whereas while there are many new markets for recycled products, community curbside pickup programs have decreased and recycling rates for certain recyclable household products, like plastic and aluminum containers, have decreased or stayed the same;

Whereas Federal, State, and local governments should encourage increased recycling of recyclable household products; and

Whereas there remains significant opportunity to increase recycling in the United States, and Americans should be encouraged to participate in endeavors that promote waste separation methods, community-based recycling programs, and expanded utilization of recovered materials: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress—

(1) supports the goal and mission of America Recycles Day; and

(2) encourages all Americans to participate in promoting the social, environmental, and economic benefits of recycling and buying recycled-content products.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. WYNN) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

### GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. WYNN. Mr. Speaker, I yield myself such time as I may consume.

Today, I rise in strong support of H. Con. Res. 122, to support the goal and mission of America Recycles Day.

A strong commitment to recycling is needed in this country. Recycling saves energy consumption and can reduce our dependence on foreign oil, prevent pollution, provide valuable raw materials, and, most importantly, create more jobs. I think this is an excellent resolution, and I urge my colleagues to support its passage.

I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 5 minutes to the chief Republican cosponsor of this resolution, Mr. SHAYS from Connecticut.

Mr. SHAYS. I thank the gentleman for yielding me time.

I rise in support of H. Con. Res. 122, introduced by JAY INSLEE of Washington State, a resolution supporting the goal and mission of America Recycles Day.

November 15, 2007, marks the 10th anniversary of this nationally recognized day dedicated to encouraging Americans to recycle and buy recycled products. This bill expresses support for this day of recognition, and encourages all of us to participate in promoting the social, environmental, and economic benefits of recycling and buying recycled-content products.

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America Recycles Day informs millions of Americans about the importance of daily recycling and asks us to commit ourselves to increasing our recycling habits at home and at work.

Across the country, the National Recycling Coalition organizes community awareness and education campaigns about the benefits of recycling, and volunteers work with communities and schools to organize recycling awareness events in conjunction with their local municipalities.

Recycling is one of the easiest ways anyone can work to improve the world we live in on a daily basis. Recycling saves energy and reduces greenhouse gas emissions that cause global warming.

The EPA estimates that recycling a ton of mixed recyclables avoids emissions equivalent to 2.8 tons of carbon dioxide. Today there are more than 10,000 curbside recycling programs in the United States, which serve approximately half of the population.

These programs are also good for our economy. Recycling is a $236 billion a year industry, and more than 56,000 recycling and reuse enterprises employ 1.1 million workers.

I believe we should increase our recycling for ourselves and future generations because we simply will not have a world to live in if we continue our neglectful ways. Recycling and buying recycled products create demand for more recycled products, decreasing waste, protecting our natural resources, and helping our environment and economy.

America Recycles Day asks that we pledge ourselves to recycle and buying recycled products, and I strongly urge support of this resolution and the recognition that this is not just a resolution about nothing. It is about something very important. It's about getting us, as human beings, to think about wasting less and economizing and helping to save our planet in the process.

Mr. WYNN. Mr. Speaker, at this time I am pleased to yield to the sponsor of this resolution, a leader on environmental matters in this Congress, the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I rise to support passage of H. Con. Res. 122, a resolution to support America Recycles Day, the only nationally recognized day dedicated to recycling.

And I want to thank the Chair, Chairman AL WYNN, for getting this to the floor; and my cosponsor, Republican CHRIS SHAYS, who has been a leader on so many environmental issues, for working on this issue.

You know, the economic ramifications of recycling are well known. It creates 1.1 million jobs. It has annual sales of $236 billion gross sales, and has $37 billion in annual payrolls.

But I want to focus my comments for the moment on why recycling is so much even more important than it was originally. We know it has been the most successful environmental initiative in the country's history. It allows people to take individual action to preserve the environment.

But now that global warming is upon us, the wisdom, prudence, and genius of recycling is even more apparent. When 1 million square miles of the arctic melted, the size of six Californias this summer, the need for recycling has become even more apparent.

Because recycling substantially reduces carbon dioxide emissions when it's associated with raw material extraction, with product manufacture, with emissions from landfills or burning carbon based waste, when we conserve material, we don't waste energy, and we don't put global warming gases into the atmosphere.

In fact, the Environmental Protections Agency estimates that recycling a ton of mixed recyclables saves 2.8 tons of carbon dioxide from going into the atmosphere. If we simply increased our recycle efforts from the current 30 percent level to 35 percent, we would reduce global greenhouse gas emissions by an amount equal to the average emissions from 4.6 million households. There is real savings still available to us.

We also have a growing problem with electronic material waste. We only have 1 percent of the 130 million phones currently owned by consumers recycled. We're going to do something about that. I can report in Seattle, at America Recycles Day, Dell, Microsoft and InTechra will raise awareness for recycling of electronics at Safeco Field, home of the Seattle Mariners.

Here on Capitol Hill, the Office of Greening has helped promote the House America Recycling Day. So passage of this bill will certainly support these ongoing efforts. We need to build on them.

It's time for Congress to recognize this important day. I urge my colleagues to support this bill and find something to recycle, and recycle it.

Mr. UPTON. Mr. Speaker, I yield myself 3 minutes.

Again, I want to thank Mr. INSLEE, Mr. SHAYS, Mr. WYNN, Mr. BARTON, Mr. DINGELL as well.

Recycling is an important environmental concept that predates, by decades, the first Earth Day and talk of global climate change. In fact, according to the National Recycling Coalition, before the 1920s, 70 percent of U.S. cities ran programs to recycle certain materials. And during World War II, 60 years ago, American industry reused and recycled 25 percent of the waste system. Today we're recycling and reusing about 33 percent of our Nation's waste.

Moreover, the need for serious recycling takes on an added dimension when one considers the state of America's landfill capacity. According to the EPA, since 1980 the total annual generation of municipal solid waste, otherwise known as regular household trash, has increased by more than 60 percent to its 2005 level of nearly 246 million tons every year.

And further, according to the EPA, over the last 15 years, 9 percent less, or about 9 million tons, of household garbage is going to our Nation's landfills. That means that the increased recycling efforts must step in to bridge the gap.

And while many folks may think that promoting recycling is confined just to picking up a newspaper printed on recycled papers, or buying a soft drink or beer in a recycled bottle, our domestic recycling industry is even more sophisticated and diverse than those perceptions. I've seen it firsthand in my district. In fact, domestic paper recycling helps create everything from cereal boxes, Kelloggs in Michigan, to furniture, recycled plastic soda bottles yield fibers that produce T-shirts, recycled carpet forms the basic fill for ski jackets. Recycling is not just a good environmental practice; it's also a great way to help grow our economy.

So, Mr. Speaker, this resolution is simply not just a remind of the virtue of a good stewardship. It's also a charge to every one of us that taking time to recycle does indeed make a difference for the world. And I would urge that my colleagues support this resolution encouraging every American to participate in promoting the social, environmental, and economic benefits of recycling and buying recycled-content products.

Mr. Speaker, I reserve the balance of my time.

Mr. WYNN. Mr. Speaker, I don't believe I have any further speakers, and we do have the right to close.

Mr. UPTON. I yield back the balance of my time.

Mr. WYNN. Mr. Speaker, in closing, I would only say that I think we have at force a very important, a very practical, and a very creative bill encouraging all Americans to participate in recycling. This is a wonderful bipartisan opportunity for all of us to do something good for the environment. I urge the adoption of the resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 122, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## MERCURY EXPORT BAN ACT OF 2007

Mr. WYNN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1534) to prohibit the sale, distribution, or transfer of mercury, to prohibit the export of mercury, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1534

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### *SECTION 1. SHORT TITLE.*

*This Act may be cited as the "Mercury Export Ban Act of 2007".*

### *SEC. 2. FINDINGS.*

*Congress finds that—*

*(1) mercury is highly toxic to humans, ecosystems, and wildlife;*

*(2) as many as 10 percent of women in the United States of childbearing age have mercury in the blood at a level that could put a baby at risk;*

*(3) as many as 630,000 children born annually in the United States are at risk of neurological problems related to mercury;*

*(4) the most significant source of mercury exposure to people in the United States is ingestion of mercury-contaminated fish;*

*(5) the Environmental Protection Agency reports that, as of 2004—*

*(A) 44 States have fish advisories covering over 13,000,000 lake acres and over 750,000 river miles;*

*(B) in 21 States the freshwater advisories are statewide; and*

*(C) in 12 States the coastal advisories are statewide;*

*(6) the long-term solution to mercury pollution is to minimize global mercury use and releases to eventually achieve reduced contamination levels in the environment, rather than reducing fish consumption since uncontaminated fish represents a critical and healthy source of nutrition worldwide;*

*(7) mercury pollution is a transboundary pollutant, depositing locally, regionally, and globally, and affecting water bodies near industrial sources (including the Great Lakes) and remote areas (including the Arctic Circle);*

*(8) the free trade of elemental mercury on the world market, at relatively low prices and in ready supply, encourages the continued use of elemental mercury outside of the United States, often involving highly dispersive activities such as artisanal gold mining;*

*(9) the intentional use of mercury is declining in the United States as a consequence of process changes to manufactured products (including batteries, paints, switches, and measuring devices), but those uses remain substantial in the developing world where releases from the products are extremely likely due to the limited pollution control and waste management infrastructures in those countries;*

*(10) the member countries of the European Union collectively are the largest source of elemental mercury exports globally;*

*(11) the European Commission has proposed to the European Parliament and to the Council of the European Union a regulation to ban exports of elemental mercury from the European Union by 2011;*

*(12) the United States is a net exporter of elemental mercury and, according to the United States Geological Survey, exported 506 metric tons of elemental mercury more than the United States imported during the period of 2000 through 2004; and*

*(13) banning exports of elemental mercury from the United States will have a notable effect on the market availability of elemental mercury and switching to affordable mercury alternatives in the developing world.*

### *SEC. 3. PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF ELEMENTAL MERCURY.*

*Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:*

*"(f) MERCURY.—*

*"(1) PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF ELEMENTAL MERCURY BY FEDERAL AGENCIES.—Except as provided in paragraph (2), effective beginning on the date of enactment of this subsection, no Federal agency shall convey, sell, or distribute to any other Federal agency, any State or local government agency, or any private individual or entity any elemental mercury under the control or jurisdiction of the Federal agency.*

*"(2) EXCEPTION.—Paragraph (1) shall not apply to a transfer between Federal agencies of elemental mercury for the sole purpose of facilitating storage of mercury to carry out this Act.".*

### *SEC. 4. PROHIBITION ON EXPORT OF ELEMENTAL MERCURY.*

*Section 12 of the Toxic Substances Control Act (15 U.S.C. 2611) is amended—*

*(1) in subsection (a) by striking "subsection (b)" and inserting "subsections (b) and (c)"; and*

*(2) by adding at the end the following:*

*"(c) PROHIBITION ON EXPORT OF ELEMENTAL MERCURY.—*

*"(1) PROHIBITION.—Effective January 1, 2010, the export of elemental mercury from the United States is prohibited.*

*"(2) INAPPLICABILITY OF SUBSECTION (a).—Subsection (a) shall not apply to this subsection.*

*"(3) REPORT TO CONGRESS ON MERCURY COMPOUNDS.—*

*"(A) REPORT.—Not later than one year after the date of enactment of the Mercury Export Ban Act of 2007, the Administrator shall publish and submit to Congress a report on mercuric chloride, mercurous chloride or calomel, mercuric oxide, and other mercury compounds, if any, that may currently be used in significant quantities in products or processes. Such report shall include an analysis of—*

*"(i) the sources and amounts of each of the mercury compounds imported into the United States or manufactured in the United States annually;*

*"(ii) the purposes for which each of these compounds are used domestically, the amount of these compounds currently consumed annually for each purpose, and the estimated amounts to be consumed for each purpose in 2010 and beyond;*

*"(iii) the sources and amounts of each mercury compound exported from the United States annually in each of the last three years;*

*"(iv) the potential for these compounds to be processed into elemental mercury after export from the United States; and*

*"(v) other relevant information that Congress should consider in determining whether to extend the export prohibition to include one or more of these mercury compounds.*

*"(B) PROCEDURE.—For the purpose of preparing the report under this paragraph, the Administrator may utilize the information gathering authorities of this title, including sections 10 and 11.*

*"(4) ESSENTIAL USE EXEMPTION.—(A) Any person residing in the United States may petition the Administrator for an exemption from the prohibition in paragraph (1), and the Administrator may grant by rule, after notice and opportunity for comment, an exemption for a specified use at an identified foreign facility if the Administrator finds that—*

*"(i) nonmercury alternatives for the specified use are not available in the country where the facility is located;*

*"(ii) there is no other source of elemental mercury available from domestic supplies (not including new mercury mines) in the country where the elemental mercury will be used;*

*"(iii) the country where the elemental mercury will be used certifies its support for the exemption;*

*"(iv) the export will be conducted in such a manner as to ensure the elemental mercury will be used at the identified facility as described in the petition, and not otherwise diverted for other uses for any reason;*

*"(v) the elemental mercury will be used in a manner that will protect human health and the environment, taking into account local, regional, and global human health and environmental impacts;*

*"(vi) the elemental mercury will be handled and managed in a manner that will protect human health and the environment, taking into account local, regional, and global human health and environmental impacts; and*

*"(vii) the export of elemental mercury for the specified use is consistent with international obligations of the United States intended to reduce global mercury supply, use, and pollution.*

*"(B) Each exemption issued by the Administrator pursuant to this paragraph shall contain such terms and conditions as are necessary to minimize the export of elemental mercury and ensure that the conditions for granting the exemption will be fully met, and shall contain such other terms and conditions as the Administrator may prescribe. No exemption granted pursuant to this paragraph shall exceed three years in duration and no such exemption shall exceed 10 metric tons of elemental mercury.*

*"(C) The Administrator may by order suspend or cancel an exemption under this paragraph in the case of a violation described in subparagraph (D).*

*"(D) A violation of this subsection or the terms and conditions of an exemption, or the submission of false information in connection therewith, shall be considered a prohibited act under section 15, and shall be subject to penalties under section 16, injunctive relief under section 17, and citizen suits under section 20.*

*"(5) CONSISTENCY WITH TRADE OBLIGATIONS.—Nothing in this subsection affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.*

*"(6) EXPORT OF COAL.—Nothing in this subsection shall be construed to prohibit the export of coal.".*

### *SEC. 5. LONG-TERM STORAGE.*

*(a) ESTABLISHMENT OF PROGRAM.—Not later than January 1, 2010, the Secretary of Energy (in this section referred to as the "Secretary") shall accept custody, for the purpose of long-term management and storage, of elemental mercury generated within the United States and delivered to a facility of the Department of Energy designated by the Secretary.*

*(b) FEES.—*

*(1) IN GENERAL.—After consultation with persons who are likely to deliver elemental mercury to a designated facility for long-term management and storage under the program prescribed in subsection (a), and with other interested persons, the Secretary shall assess and collect a fee at the time of delivery for providing such management and storage, based on the pro rata cost of long-term management and storage of elemental mercury delivered to the facility. The amount of such fees—*

*(A) shall be made publically available not later than October 1, 2009;*

*(B) may be adjusted annually; and*

*(C) shall be set in an amount sufficient to cover the costs described in paragraph (2).*

*(2) COSTS.—The costs referred to in paragraph (1)(C) are the costs to the Department of Energy of providing such management and storage, including facility operation and maintenance, security, monitoring, reporting, personnel, administration, inspections, training, fire suppression, closure, and other costs required for compliance with applicable law. Such costs shall not include costs associated with land acquisition or permitting of a designated facility under the Solid Waste Disposal Act or other applicable law. Building design and building construction costs shall only be included to the extent that the Secretary finds that the management and storage of elemental mercury accepted under the program under this section cannot be accomplished without construction of a new building or buildings.*

*(c) REPORT.—Not later than 60 days after the end of each Federal fiscal year, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on all of the costs incurred in the previous fiscal year associated with the long-term management and storage of elemental mercury. Such report shall set forth separately the costs associated with activities taken under this section.*

*(d) MANAGEMENT STANDARDS FOR A FACILITY.—*

*(1) GUIDANCE.—Not later than October 1, 2009, the Secretary, after consultation with the Administrator of the Environmental Protection Agency and all appropriate State agencies in affected States, shall make available, including to potential users of the long-term management and storage program established under subsection (a), guidance that establishes procedures and standards for the receipt, management, and long-term storage of elemental mercury at a designated facility or facilities, including requirements to ensure appropriate use of flasks or other suitable shipping containers. Such procedures and standards shall be protective of human health and the environment and shall ensure that the elemental mercury is stored in a safe, secure, and effective manner. In addition to such procedures and standards, elemental mercury managed and stored under this section at a designated facility shall be subject to the requirements of the Solid Waste Disposal Act, including the requirements of subtitle C of that Act, except as provided in subsection (g)(2) of this section. A designated facility in existence on or before January 1, 2010, is authorized to operate under interim status pursuant to section 3005(e) of the Solid Waste Disposal Act until a final decision on a permit application is made pursuant to section 3005(c) of the Solid Waste Disposal Act. Not later than January 1, 2012, the Administrator of the Environmental Protection Agency (or an authorized State) shall issue a final decision on the permit application.*

*(2) TRAINING.—The Secretary shall conduct operational training and emergency training for all staff that have responsibilities related to elemental mercury management, transfer, storage, monitoring, or response.*

*(3) EQUIPMENT.—The Secretary shall ensure that each designated facility has all equipment necessary for routine operations, emergencies, monitoring, checking inventory, loading, and storing elemental mercury at the facility.*

*(4) FIRE DETECTION AND SUPPRESSION SYSTEMS.—The Secretary shall—*

*(A) ensure the installation of fire detection systems at each designated facility, including smoke detectors and heat detectors; and*

*(B) ensure the installation of a permanent fire suppression system, unless the Secretary determines that a permanent fire suppression system is not necessary to protect human health and the environment.*

*(e) INDEMNIFICATION OF PERSONS DELIVERING ELEMENTAL MERCURY.—*

*(1) IN GENERAL.—(A) Except as provided in subparagraph (B) and subject to paragraph (2), the Secretary shall hold harmless, defend, and indemnify in full any person who delivers elemental mercury to a designated facility under the program established under subsection (a) from and against any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of elemental mercury as a result of acts or omissions occurring after such mercury is delivered to a designated facility described in subsection (a).*

*(B) To the extent that a person described in subparagraph (A) contributed to any such release or threatened release, subparagraph (A) shall not apply.*

*(2) CONDITIONS.—No indemnification may be afforded under this subsection unless the person seeking indemnification—*

*(A) notifies the Secretary in writing within 30 days after receiving written notice of the claim for which indemnification is sought;*

*(B) furnishes to the Secretary copies of pertinent papers the person receives;*

*(C) furnishes evidence or proof of any claim, loss, or damage covered by this subsection; and*

*(D) provides, upon request by the Secretary, access to the records and personnel of the person for purposes of defending or settling the claim or action.*

*(3) AUTHORITY OF SECRETARY.—(A) In any case in which the Secretary determines that the Department of Energy may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage referred to in paragraph (1)(A), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.*

*(B) In any case described in subparagraph (A), if the person to whom the Department of Energy may be required to make indemnification payments does not allow the Secretary to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.*

*(f) TERMS, CONDITIONS, AND PROCEDURES.—The Secretary is authorized to establish such terms, conditions, and procedures as are necessary to carry out this section.*

*(g) EFFECT ON OTHER LAW.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section changes or affects any Federal, State, or local law or the obligation of any person to comply with such law.*

*(2) EXCEPTION.—(A) Elemental mercury that the Secretary is storing on a long-term basis shall not be subject to the storage prohibition of section 3004(j) of the Solid Waste Disposal Act (42 U.S.C. 6924(j)). For the purposes of section 3004(j) of the Solid Waste Disposal Act, a generator accumulating elemental mercury destined for a facility designated by the Secretary under subsection (a) for 90 days or less shall be deemed to be accumulating the mercury to facilitate proper treatment, recovery, or disposal.*

*(B) Elemental mercury that is stored at a facility with respect to which a permit has been issued under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)) shall not be subject to the storage prohibition of section 3004(j) of the Solid Waste Disposal Act (42 U.S.C. 6924(j)) if—*

*(i) the Secretary is unable to accept the mercury at a facility designated by the Secretary under subsection (a) for reasons beyond the control of the owner or operator of the permitted facility;*

*(ii) the owner or operator of the permitted facility certifies in writing to the Secretary that it will ship the mercury to the designated facility when the Secretary is able to accept the mercury; and*

*(iii) the owner or operator of the permitted facility certifies in writing to the Secretary that it will not sell, or otherwise place into commerce, the mercury.*

*This subparagraph shall not apply to mercury with respect to which the owner or operator of the permitted facility fails to comply with a certification provided under clause (ii) or (iii).*

*(h) STUDY.—Not later than July 1, 2011, the Secretary shall transmit to the Congress the results of a study, conducted in consultation with the Administrator of the Environmental Protection Agency, that—*

*(1) determines the impact of the long-term storage program under this section on mercury recycling; and*

*(2) includes proposals, if necessary, to mitigate any negative impact identified under paragraph (1).*

***SEC. 6. REPORT TO CONGRESS.***

*At least 3 years after the effective date of the prohibition on export of elemental mercury under section 12(c) of the Toxic Substances Control Act (15 U.S.C. 2611(c)), as added by section 4 of this Act, but not later than January 1, 2014, the Administrator of the Environmental Protection Agency shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the global supply and trade of elemental mercury, including but not limited to the amount of elemental mercury traded globally that originates from primary mining, where such primary mining is conducted, and whether additional primary mining has occurred as a consequence of this Act.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. WYNN) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. WYNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1534, the Mercury Export Ban Act of 2007. The bill will place an export ban on elemental mercury beginning in the year 2010; prevent Federal agencies from selling, distributing or transferring elemental mercury, except for its transfer between Federal agencies to facilitate storage; and it will create a long-term storage option for private sources of elemental mercury at a facility to be designated by the Secretary of Energy. The location of the designated facility where the elemental mercury will be stored is within the sole discretion of the Secretary of Energy. The bill does not designate a facility location.

Let me begin by congratulating Mr. ALLEN of Maine, the sponsor of this bill, along with Mr. SHIMKUS, the ranking member of the Subcommittee on Environmental and Hazardous Materials, for their hard work in developing this bipartisan legislation which has attained endorsement from the environmental community, the mining industry, the chemical industry, as well as the States.

Mercury is a potent neurotoxin that is harmful even at low exposure levels. It disrupts biological processes critical for brain development in developing fetuses and young children.

Mercury emissions can be transported over long distances and remain airborne for more than a year. These emissions deposit into water bodies where they are transformed into methylmercury that accumulates in fish and subsequently in humans who eat mercury-contaminated fish. Forty-eight States, including my own State of Maryland, have issued fish advisories warning residents to limit consumption of mercury-contaminated fish.

Currently, excess elemental mercury is exported from developed countries to developing countries where it is used in artisanal and small-scale gold mining, mainly in Africa, Asia, and Latin America. This rudimentary mining process releases most of the mercury into the environment, creating thousands of polluted sites and exposing miners and nearby residents to toxic fumes that can cause neurological damage. Data from the EPA and other research groups indicate that 60 to over 70 percent of all mercury deposited in the United States comes from global sources.

The United States has an excess supply of elemental mercury that will only increase in future years as the demand for mercury-containing products continues to decline. As of 2010, there are expected to be only four chlor-alkali plants using mercury cell technology in the United States. The decommissioning of these plants would result in an estimated surplus of 1,200 to 1,500 metric tons of elemental mercury.

The Department of Defense and the Department of Energy combined are storing close to 6,000 metric tons of elemental mercury and are not selling it on the open market because of the EPA's concerns about the impacts of mercury releases on human health and the environment.

This legislation is necessary because the elemental mercury that we export overseas returns to our country in the atmosphere as toxic pollution contaminating our air, soil and water and fish, demonstrating the fact that pollution knows no borders.

I urge my colleagues to support passage of this very important and bipartisan bill..

I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

I want to thank, in particular, Mr. ALLEN, Mr. SHIMKUS, Mr. DINGELL, Mr. BARTON, obviously Mr. WYNN for helping to manage this bill this afternoon. You know, this bill culminates an agreement that took many weeks of talks between the majority and minority members and their staffs. I want to thank all of the stakeholders that were involved in those discussions. Significant improvements clearly were made as that legislation moved through our committee, Energy and Commerce, as it winds its way to the floor this afternoon.

The bill tackled the serious concern that elemental mercury pollution in other countries will eventually convert to methylmercury pollution in the United States. Methylmercury is the most potent form of mercury poisoning, and a serious, very serious neurotoxin.

And, obviously, as Mr. WYNN indicated, this bans the export of such mercury, elemental mercury in the year 2010.

This legislation directs the Department of Energy, which has experience storing elemental mercury, to set up a domestic storage option.

□ 1430

The legislation does not preclude any private storage solutions from occurring. Private entities wishing to take advantage of the DOE-sponsored storage option must pay the Department of Energy for that privilege, but in return they are indemnified against any environmental damage that is caused once DOE takes possession of that mercury.

The bill only covers elemental mercury. It does not cover coal exports. It is not intended to cover fly ash exports, from coal combustion, or small amounts of mercury in manufactured consumer products.

The bill requires that EPA monitor the global implications of a U.S. export ban on elemental mercury. EPA is also required to report back to the Congress on any negative consequences caused by that export ban.

The legislation permits EPA to grant targeted, temporary waivers for individual shipments of elemental mercury to other countries. And I would note that groups that are supporting this bill include the American Chemistry Council; the National Mining Association; the Chlorine Institute; the Environmental Council of the States; and the NRDC, the Natural Resources Defense Council.

Again, I compliment all those Members and staff that worked so hard to make this truly a bipartisan bill. I would like to think that we can pass this with unanimous support this afternoon.

Mr. Speaker, I reserve the balance of my time

Mr. WYNN. Mr. Speaker, at this time it gives me great pleasure to yield such time as he may consume to the distinguished gentleman from Maine (Mr. ALLEN) who is the sponsor of this legislation and who has done a wonderful job in moving this bill forward and working on a bipartisan basis.

Mr. ALLEN. I thank the gentleman for yielding and thank him for his outstanding work on this piece of legislation.

Mr. Speaker, I rise in support of my legislation, H.R. 1534, the Mercury Export Ban Act. I want to thank not just Mr. WYNN but Mr. DINGELL, Mr. SHIMKUS, and Mr. BARTON, all of those who have worked so hard on this particular legislation.

It is a well-established fact that mercury is a powerful neurotoxin harmful at even low exposure levels. Mercury is harmful whether it is inhaled, ingested, or absorbed through the skin. Once exposed to water, elemental mercury is transformed to methylmercury, which is highly toxic and which has a tendency to bio-accumulate in both fish and the humans who eat the fish. Very young children with developing nervous systems are particularly at risk. In addition, pregnant mothers who are exposed to mercury pollution can transmit mercury to their unborn children, increasing the chances of miscarriage and birth defects. Mercury can also be found in high concentrations in mothers' breast milk.

My bill seeks to combat a large source of mercury pollution worldwide: namely, the export of elemental mercury from the United States to developing countries. This mercury is used largely for artesinal mining. Exposure occurs when miners handle the mercury. It enters the water when miners pan for gold, and it enters the air through the smelting process which emits mercury vapor.

According to the U.N. Environmental Programme, approximately 15 million people worldwide, including 4.5 million women and 1 million children, engage in artesinal mining with mercury, exposing them to the poisons that mercury produces. Some of this mercury is exported from the United States. That should be unacceptable to us as a Nation.

Further, the export of mercury for artesinal mining harms Americans who are exposed through the global air transport of mercury pollution or through the consumption of mercury-contaminated fish. Scientists have estimated that up to one-third of U.S. mercury air pollution has traveled to the U.S. from Asia, where mercury pollution is extensive, including from mercury exported for artesinal mining. Much of the fish that we eat, including tuna, is imported from off the coast of Asian and South American countries where the use of mercury in artesinal mining is widespread.

The Departments of Defense and Energy are the two largest holders of mercury in the United States. The EPA has urged DOE and DOD not to sell its mercury stockpiles due to the serious human health and environmental risks associated with mercury. DOD and DOE have agreed. However, that ban is not in law, which is why my bill prohibits the Federal Government from exporting mercury. In addition, private companies may still export this poisonous and hazardous material, which is why my legislation is necessary.

Together with my friend Mr. SHIMKUS at the full committee markup, I offered an amendment to create a long-term mercury storage repository. This amendment was the result of a stakeholder process over the last several months to develop a consensus product. Stakeholders included NRDC, the Environmental Council of the States, the American Chemistry Council, the Chlorine Institute, and the National Mining Association, all of whom have endorsed this amendment.

Mr. Speaker, I will place in the RECORD a letter from these groups in support of this legislation.

NOVEMBER 8, 2007.

Re: H.R. 1534.

DEAR REPRESENTATIVE: H.R. 1534, the "Mercury Export Ban Act of 2007", which bans the export of surplus elemental mercury into global commerce, was reported out of the House Energy & Commerce Committee on October 30, 2007, by an overwhelmingly bipartisan vote of 45–2. The undersigned organizations support this negotiated version of H.R. 1534 and urge its passage under Suspension of the Rules.

Collectively, our organizations negotiated in good faith to produce the bill as reported, which addresses our individual concerns, advances our shared objective of reducing global mercury pollution, and reflects good public policy.

Specifically, the Committee-reported version of H.R. 1534 establishes a practical and workable domestic framework for sequestering the elemental mercury prohibited from export under the legislation. To develop this framework, our organizations worked diligently and collectively to reach consensus, each of us agreeing not to raise related mercury matters which may have prevented a successful outcome. Therefore, we hope the full House of Representatives will acknowledge the compromises made and approve H.R. 1534 without further changes.

In closing, the undersigned organizations urge your "YES" vote on H.R. 1534 in the coming days.

Sincerely,

FRANCES G. BEINECKE,
*President, Natural Resources Defense Council.*
JACK N. GERARD,
*President & CEO, American Chemistry Council.*
KRAIG R. NAASZ,
*President & CEO, National Mining Association.*
R. STEVEN BROWN,
*Executive Director, Environmental Council of States.*
ARTHUR E. DUNGAN,
*President, The Chlorine Institute Inc.*

The bill requires DOE to designate a facility to accept mercury from private sector sources, particularly the chlor-alkali industry and the mining industry, when the export ban in the underlying bill takes effect on January 1, 2010. The bill does not require that all excess mercury be transferred to DOE; rather, it gives the private sector the option of placing mercury into storage at DOE. If there is a more practical or cost-effective private sector solution, the affected industries are more than welcome to pursue that option.

DOE will be allowed to charge a fee to recoup the government's cost of storing this waste. As CBO has shown, enactment of this bill will have no effect on the taxpayers. All applicable and appropriate environmental laws apply with respect to this facility.

The legislation will allow the chlor-alkali industry to place into safe storage the roughly 1,500 tons of mercury still to be used at aging plants. It will also allow the mining industry to store the approximately 50 to 100 tons of mercury it generates annually as a by-product of air filtration systems.

The process used to develop this legislation can be a model. On a bipartisan basis, we sat down together, we worked out our differences, and brought interested and affected parties to the table to hammer out a compromise.

Again, I want to thank Chairman WYNN, Chairman DINGELL, Ranking Member BARTON, and Mr. SHIMKUS for the work they have done on this legislation. I also want to thank Dick Frandsen, Caroline Ahearn, and Ann Strickland from the majority staff, as well as Dave McCarthy and Jerry Couri from the minority staff, Jim Bradley from my staff, and Mo Zilly on Mr. SHIMKUS' staff for their hard work as well.

Mr. Speaker, this is good legislation, and I urge all Members to support its passage.

Mr. UPTON. Mr. Speaker, at this point, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding.

All I want to do is rise to raise some concerns, because I think this is a case where clearly these motives of this legislation are meritorious, worthy. But at the Commerce Committee, when this bill was reported out, some concerns were raised, and I want to reraise those concerns on the floor of the House today because I think everything that has been said is accurate, but I think the likely place that this mercury is going to come is to my district, Oak Ridge, Tennessee. Everybody within DOE and the NNSA, the National Nuclear Security Administration, expects this mercury to come to the Y–12 National Security Complex.

We are in the middle of modernization, sweeping modernization, new facilities, because we are the Fort Knox for highly enriched uranium for our country, and we basically received a mandate from the Congress to more properly secure this material. We've got a new design basis threat. We have new security challenges. This is about a $42 million price tag. I understand there are ways to pay for it, but it's going to go somewhere, and when you push on one side of the balloon, out pops the other. We just want to raise the concern because probably no place in America wants to be the place that this mercury comes to.

You've raised the concerns about mercury. We can safely store it and we do. We have got an excellent record and reputation. But we want to make sure that this is done properly. And I am not going to speak in opposition to the legislation because I think that the merits of the legislation are justified, but I am raising these concerns because we need to address this.

The administration has issued a SAP, Statement of Administration Policy, today against this bill. So we need to solve some of these problems as we go forward.

With that I applaud your efforts, the work that you've done, raise these concerns because we are probably going to end up with this stuff, and I thank you for your work. And with that, I am not going to object; I am just going to raise these concerns.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

Mr. WYNN. Mr. Speaker, I yield myself 1 minute.

I only want to indicate that we are sensitive to the concerns that have been raised, but I do want to clarify that the bill does not specify any particular location, and DOE certainly would be in a position to take into consideration any concerns with regard to where the mercury is ultimately stored.

But the point is we do need to make sure that we do not continue exporting this mercury which then comes back to our own shores.

I would conclude by saying that I would like to thank Mr. ALLEN again for his leadership and thank our committee chairman, Mr. DINGELL, as well as our ranking member, Mr. BARTON. I would like to thank Mr. UPTON for his kind words in support of this bipartisan legislation. I would like to recognize the contribution of Mr. SHIMKUS in working with us and also the role of the stakeholders in bringing together a bipartisan bill that works across the spectrum, both the environmental community and the business community, to give us a bill that I think we can all be proud of.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Illinois for giving me a few moments to speak on this bill.

I want to congratulate the sponsor of this bill, as well as the Chairman and Ranking Member of the Subcommittee on Environment and Hazardous Materials on coming to agreement on this legislation. Their consensus work is the culmination of 6 weeks of talks among majority and minority Members and staff as well as affected private stakeholders. Significant improvements have been made that make this legislation workable from a realistic and practical standpoint. I support these changes and urge my colleagues to do so as well.

A hearing before the Subcommittee on Environment and Hazardous Materials made clear the serious domestic health concerns that elemental mercury pollution presents when it is mishandled in other, less developed countries. Specifically, this form of mercury converts into neuro-toxic, methyl-mercury that comes back to the United States in the form of tainted fish and polluted air.

This legislation attempts to break this global transport cycle by banning the export of elemental mercury in 2010. It does not cover coal exports and is not intended to cover fly ash exports from coal combustion, or elemental mercury in manufactured consumer products.

This bill also, importantly, assures that domestic stocks of elemental mercury—which currently are a valuable commodity—have some place to safely go. Under the consensus language we are considering, the Department of Energy—which has experience storing elemental mercury—is directed to set up a domestic storage option that will open when the ban commences. Further, the legislation does not preclude private storage solutions. I am glad that this bill allows enterprising folks to facilitate good environmental policy.

In addition, I am pleased this bill recognizes that we should not punish people who do the right thing. Under the legislation we are considering today, private entities wishing to take advantage of the DOE-sponsored storage option must pay DOE for the privilege, but in return are indemnified against any environmental damage that is caused once DOE takes possession of the elemental mercury. This is common sense policy and a key feature of ensuring that the proper handling and safe long-term storage of elemental mercury occur.

Mr. Speaker, I am pleased that the Energy and Commerce Committee has produced another example of compromise, bipartisan legislation. It represents serious give and take by all parties. I hope that efforts like this will continue to be more the norm than the exception throughout this Congress.

I urge all my colleagues to support H.R. 1534.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 1534, the Mercury Export Ban of 2007. This bill is a bipartisan effort that will effectively reduce the amount of elemental mercury in the atmosphere.

Mercury is a neurotoxin that is very harmful to children, fetuses, and pregnant women. It took us many years to realize there are negative health effects associated with mercury. Once the true health effects of mercury were realized in the US its use for manufacturing and products was decreased.

The decrease in the use of mercury has left us burdened with reserves of commercial mercury that is being sold to recyclers who have no means of disposing of the mercury. The recyclers sell this mercury to brokers who distribute this mercury on the global market.

Once on the global market this mercury is used by small scale gold miners who unknowingly allow their miners to unsafely expose themselves to mercury.

Once the mercury is released into the atmosphere or water we are allowing other countries to contribute to a global mercury contamination problem.

We essentially are selling mercury to other countries in an attempt to get rid of it only to have the mercury come back to us in the form of contamination.

This bill would ban exporting elemental mercury by 2010 and the sale, distribution, or transfer of elemental mercury between state and local government, Federal agency, or private entity except for storage purposes.

It would also require the EPA issue a report to Congress one year after the ban to address the issue of mercury in the U.S. and create an Excess Mercury Storage Committee so that we can address the storage and health issues related to elemental mercury in the U.S.

This is a good bill and I strongly urge my colleagues to support it.

Mr. WYNN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and pass the bill, H.R. 1534, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to prohibit certain sales, distributions, and transfers of elemental mercury, to prohibit the export of elemental mercury, and for other purposes.".

A motion to reconsider was laid on the table.

## 911 MODERNIZATION AND PUBLIC SAFETY ACT OF 2007

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3403) to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encouraging the nation's transition to a national IP-enabled emergency network and improve 911 and E-911 access to those with disabilities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3403

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "911 Modernization and Public Safety Act of 2007".

### TITLE I—911 SERVICES AND IP-ENABLED VOICE SERVICE PROVIDERS

### SEC. 101. DUTY TO PROVIDE 911 AND E-911 SERVICE.

The Wireless Communications and Public Safety Act of 1999 is amended—

(1) by redesignating section 6 (47 U.S.C. 615b) as section 7;

(2) by inserting after section 5 the following new section:

### "SEC. 6. DUTY TO PROVIDE 911 AND E-911 SERVICE.

"(a) DUTIES.—It shall be the duty of each IP-enabled voice service provider to provide 911 service and E-911 service to its subscribers in accordance with the requirements of the Federal Communications Commission (in this section referred to as the 'Commission'), as in effect on the date of enactment of the 911 Modernization and Public Safety Act of 2007 and as such requirements may be modified by the Commission from time to time.

"(b) PARITY FOR IP-ENABLED VOICE SERVICE PROVIDERS.—An IP-enabled voice service provider that seeks capabilities from an entity with ownership or control over such capabilities to comply with its obligations under subsection (a) shall, for the exclusive purpose of complying with such obligations, have the same rights, including rights of interconnection, and on the same rates, terms, and conditions, as apply to a provider of commercial mobile service (as such term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))), subject to such regulations as the Commission prescribes under subsection (c).

"(c) REGULATIONS.—The Commission—

"(1) within 90 days after the date of enactment of the 911 Modernization and Public Safety Act of 2007, shall issue regulations implementing such Act, including regulations that—

"(A) ensure that IP-enabled voice service providers have the ability to exercise their rights under subsection (b);

"(B) take into account any technical, network security, or information privacy requirements that are specific to IP-enabled voice services; and

"(C) provide, with respect to any capabilities that are not required to be made available to a commercial mobile service provider but that the Commission determines under subparagraph (B) of this paragraph or paragraph (2) are necessary for an IP-enabled voice service provider to comply with its obligations under subsection (a), that such capabilities shall be available at the same rates, terms, and conditions as would apply if such capabilities were made available to a commercial mobile service provider; and

"(2) may modify such regulations from time to time, as necessitated by changes in the market or technology, to ensure the ability of an IP-enabled voice service provider to comply with its obligations under subsection (a) and to exercise its rights under subsection (b).

"(d) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the regulations issued under subsection (c) to State commissions or other State agencies or programs with jurisdiction over emergency communications. Nothing in this section is intended to alter the authority of State commissions or other State agencies with jurisdiction over emergency communications, provided that the exercise of such authority is not inconsistent with Federal law or Commission requirements.

"(e) IMPLEMENTATION.—

"(1) LIMITATION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technology standard.

"(2) ENFORCEMENT.—The Commission shall enforce this section as if this section was a part of the Communications Act of 1934. For purposes of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

"(f) STATE AUTHORITY OVER FEES.—

"(1) AUTHORITY.—Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the 911 Modernization and Public Safety Act of 2007, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, or Indian tribe for the support or implementation of 911 or E-911 services, provided that the fee or charge is obligated or expended only in support of 911 and E-911 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services.

"(2) FEE ACCOUNTABILITY REPORT.—To ensure efficiency, transparency, and accountability in the collection and expenditure of fees for the support or implementation of 911 or E-911 services, the Commission shall submit a report within 1 year after the date of enactment of the 911 Modernization and Public Safety Act of 2007, and annually thereafter, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives detailing the status in each State of the collection and distribution of 911 fees, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any fee or charges are presented.

"(g) AVAILABILITY OF PSAP INFORMATION.—The Commission may compile a list of public safety answering point contact information, contact information for providers of selective routers, testing procedures, classes and types of services supported by public safety answering points, and other information concerning 911 elements, for the purpose of assisting IP-enabled voice service providers in complying with this section, and may make any portion of such information available to telecommunications carriers, wireless carriers, IP-enabled voice service providers, other emergency service providers, or the vendors to or agents of any such carriers or providers, if such availability would improve public safety.

"(h) RULE OF CONSTRUCTION.—Nothing in the 911 Modernization and Public Safety Act of 2007 shall be construed as altering, delaying, or otherwise limiting the ability of the Commission to enforce the rules adopted in the Commission's First Report and Order in WC Docket Nos. 04-36 and 05-196, as in effect on the date of enactment of the 911 Modernization and Public Safety Act of 2007, except as such rules may be modified by the Commission from time to time."; and

(3) in section 7 (as redesignated by paragraph (1) of this section) by adding at the end the following new paragraph:

"(8) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' has the meaning given the term 'interconnected VoIP service' by section 9.3 of the Federal Communications Commission's regulations (47 CFR 9.3).".

### SEC. 102. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) in subsection (b)(1), by inserting before the period at the end the following: "and for migration to an IP-enabled emergency network";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection:

"(d) MIGRATION PLAN REQUIRED.—

"(1) NATIONAL PLAN REQUIRED.—No more than 270 days after the date of the enactment of the 911 Modernization and Public Safety Act of 2007, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications and improving information sharing among all emergency response entities.

"(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

"(A) outline the potential benefits of such a migration;

"(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

"(C) include a proposed timetable, an outline of costs, and potential savings;

"(D) provide specific legislative language, if necessary, for achieving the plan;

"(E) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network;

"(F) assess, collect, and analyze the experiences of the public safety answering points and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the 911 Modernization and Public Safety Act of 2007;

"(G) identify solutions for providing 911 and E-911 access to those with disabilities and needed steps to implement such solutions, including a recommended timeline; and

"(H) analyze efforts to provide automatic location for E-911 purposes and recommendations on regulatory or legislative changes that are necessary to achieve automatic location for E-911 purposes.

"(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, groups representing those with disabilities, technology and telecommunications providers, IP-enabled voice service providers, Telecommunications Relay Service providers, and other emergency communications providers and others it deems appropriate.".

### SEC. 103. TECHNICAL AMENDMENTS.

Section 3011(b) of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109-171; 47 U.S.C. 309 note), and section 158(b)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(b)(4)) are each amended by striking "the 911 Modernization Act" and inserting "the 911 Modernization and Public Safety Act of 2007".

## TITLE II—PARITY OF PROTECTION

### SEC. 201. LIABILITY.

(a) AMENDMENTS.—Section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) is amended—

(1) by striking "**PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS SERVICE**" in the section heading and inserting "**SERVICE PROVIDER PARITY OF PROTECTION**";

(2) in subsection (a)—

(A) by striking "wireless carrier," and inserting "wireless carrier, IP-enabled voice service provider, or other emergency communications provider,";

(B) by striking "its officers" the first place it appears and inserting "their officers";

(C) by striking "emergency calls or emergency services" and inserting "emergency calls, emergency services, or other emergency communications services";

(3) in subsection (b)—

(A) by striking "using wireless 9-1-1 service shall" and inserting "using wireless 9-1-1 service, or making 9-1-1 communications via IP-enabled voice service or other emergency communications service, shall"; and

(B) by striking "that is not wireless" and inserting "that is not via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service"; and

(4) in subsection (c)—

(A) by striking "wireless 9-1-1 communications, a PSAP" and inserting "9-1-1 communications via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service, a PSAP"; and

(B) by striking "that are not wireless" and inserting "that are nct via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service".

(b) DEFINITION.—Section 7 of the Wireless Communications and Public Safety Act of 1999 (as redesignated by section 101(1) of this Act) is further amended by adding at the end the following new paragraphs:

"(9) OTHER EMERGENCY COMMUNICATIONS SERVICE.—The term 'other emergency communications service' means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 911 and enhanced 911 services.

"(10) OTHER EMERGENCY COMMUNICATIONS SERVICE PROVIDER.—The term 'other emergency communications service provider' means—

"(A) an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Federal Communications Commission consistent with the Commission's authority under the Communications Act of 1934 to provide other emergency communications services; or

"(B) in the absence of a Commission requirement as described in subparagraph (A), an entity that voluntarily elects to provide other emergency communications services and is specifically authorized by the appropriate local or State 911 governing authority to provide other emergency communications services.".

## TITLE III—AUTHORITY TO PROVIDE CUSTOMER INFORMATION FOR 911 PURPOSES

### SEC. 301. AUTHORITY TO PROVIDE CUSTOMER INFORMATION.

Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) by inserting "or the user of an IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b))" after "section 332(d))" each place it appears in subsections (d)(4) and (f)(1);

(2) by striking "WIRELESS" in the heading of subsection (f); and

(3) in subsection (g)—

(A) by inserting "or a provider of IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b))" after "telephone exchange service";

(B) by striking "Notwithstanding subsections (b)" and inserting the following:

"(1) IN GENERAL.—Notwithstanding subsections (b)"; and

(C) by adding at the end the following new paragraph:

"(2) PROHIBITED USE OF LOCATION INFORMATION DATABASES.—No administrator of any database used for the purpose of facilitating the provision of emergency services may use for any competitive purpose data obtained from unaffiliated telecommunications carriers or IP-enabled voice service providers in the course of maintaining and operating that database. Nothing in this section is intended to prohibit government agencies otherwise authorized under law from requesting information contained in any such database.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3403, introduced by Representative BART GORDON, is designed to ensure that a consumer calling 911 in an emergency from an Internet phone, using so-called "Voice over Internet Protocol," or VoIP service, can do so with a degree of confidence matching that of traditional phone service and wireless service.

The bill seeks to achieve this goal through 2 key provisions: The first provision extends liability protections to VoIP service providers. The Federal Communications Commission lacks authority to grant liability protection to VoIP service providers, and, therefore, Congress must take action to achieve this policy objective. This is similar to action this subcommittee took in 1999 when such liability protection was accorded to wireless providers.

The second key provision in the bill establishes the right of VoIP providers to access the parts of the 911 infrastructure they need in order to complete 911 calls for consumers. This is an important provision because while the FCC has acted to require VoIP providers to meet enhanced 911 service obligations, the commission did not order that such VoIP providers had a legal right to the components of the 911 infrastructure they would need to fulfill their E-911 obligations under the commission's own rules.

□ 1445

I want to commend Representative GORDON for his excellent work and leadership on this bill. We have endeavored, over the last several months, to work on a bipartisan basis through several issues, and the bill we bring to the House floor this afternoon reflects the results of these discussions. It is an excellent step forward.

I also want to salute Ms. ESHOO, Mr. SHIMKUS and Mr. PICKERING for their work on this legislation and, as always, to commend the chairman of the full committee, Mr. DINGELL; the ranking member of the full committee, Mr. BARTON; and my good friend, the gentleman from Michigan (Mr. UPTON) for their excellent efforts as well.

At this point, Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself as much time as I may consume.

I want to take particular time to thank Mr. MARKEY, my good friend, Mr. DINGELL, as well as Mr. GORDON, the bill's sponsor, as well as Mr. SHIMKUS and Ms. ESHOO for their really outstanding leadership on this issue.

This is a good bill. All of us here know stories, many of us can relate personally to stories, using 911. This goes a bit further when we talk about E–911.

There is a recent news story that highlighted the importance of this service. A mother in Washington State was playing with her 2-year-old daughter, Alana, one night when suddenly a migraine hit her. She collapsed, she took a few painkillers, she felt dizzy, collapsed to the floor, and yet the 2-year-old daughter, Alana, watching her mom collapse, walked over to the coffee table, picked up the phone, and dialed 911.

While she was on the phone, all she said was "mommy, ouch." Those two words alone were enough to send the paramedics to their home. Inside they found the mom on the floor and the daughter in the other room getting a blanket for her mom who was shivering. Thankfully, she was released the very next day. But without that technology, who knows how the situation, or many others like it, would end up.

Our 911 system continues to evolve. We've made a lot of progress on enhanced 911 deployment, but E-911 can provide the actual phone number and location of a caller, which can be essential in reaching people who need the help, especially if they're having trouble communicating.

The FCC helped move the ball forward in June of 2005 by requiring that VoIP providers offer 911 services to their customers. And while technologically it is more complicated for VoIP providers to provide the service, it certainly is of equal importance.

We've all heard the horror stories in the past of people trying unsuccessfully to use 911 from their homes or mobile phones, and I'm hopeful that with the leaps taken so far, along with this legislation, all consumers, regardless of the phone service or their location, will be better served in an emergency.

This bill, H.R. 3403, the 911 Modernization and Public Safety Act of 2007, is certainly a significant public safety bill. I would urge my colleagues to vote for it. And, again, I want to thank the bipartisan cooperation that we've seen every step along the way, not only in this body, but in the Senate as well.

Mr. Speaker, I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I would, once again, like to commend the bill to the Members. I also want to thank the staff, Mark Seifert, Amy Levine, David Vogel, Courtney Reinhard, and Dana Lichtenberg on the Democrat and Republican staffs for their excellent work on this legislation.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of H.R. 3403, the "911 Modernization and Public Safety Act of 2007."

Each time a new communications technology arrives on the market, we must adapt our 911 system and our laws to accommodate it. In 1999, Congress passed the Wireless Communications and Public Safety Act to ensure that emergency 911 calls made from wireless phones would go to the nearest Public Safety Answering Point or "PSAP".

Today, Voice-over-Internet-Protocol is revolutionizing the way we communicate by adding the flexibility and innovation of the Internet to the traditional phone call. However, unlike wireless carriers, VoIP providers have no rights to interconnect with the 911 infrastructure and only a handful of 911 centers were prepared to receive VoIP calls, until recently. This left VoIP providers with no easy way to deliver 911 or E–911 service to their subscribers.

After people using VoIP phones were unable to call 911 when they needed help, the FCC responded in June 2005 by requiring VoIP providers to incorporate E–911 capability into their service. While this forced VoIP providers to deploy E–911 access to almost all of their subscribers through commercial agreements with third parties, the FCC did not have the authority to address all of the important issues.

That is why the House Energy and Commerce Committee passed H.R. 3403. This bill seeks to better ensure that consumers using VoIP service can access enhanced 911 emergency services. It puts VoIP providers on the same legal footing as wireless carriers and gives providers the same access as wireless, at the same rates, terms and conditions. It gives VoIP carriers and PSAPs receiving the VoIP 911 calls the same liability protection that is afforded to wireless calls. The bill allows VoIP providers to join wireless carriers in a narrow exemption from the Customer Proprietary Network Information Laws, so that they can transmit customer name and location information during an emergency call. The bill also allows the FCC to delegate to states enforcement of regulations implementing VoIP 911, without disrupting the interstate nature of VoIP service.

In addition to ensuring the success of VoIP E–911, H.R. 3403 takes strong steps to improve our 911 system going forward. First, the bill will stop states from raiding their 911 funds by prohibiting states from spending the 911 line-item fee they collect on phone bills for any purpose other than improvements to the 911 system. Second, the bill directs the E–911 Coordination and Implementation Office to develop a nationwide migration plan to an IP-enabled network. An Internet-based emergency network will enhance public safety by allowing for greater flexibility in the types and amount of information that may be transmitted to emergency service providers. Finally, H.R. 3403 alters an existing grant program to allow PSAPs to obtain federal funding for IP-enabled emergency networks.

H.R. 3403, the "911 Modernization and Public Safety Act of 2007" is about public safety. I want to praise the work of the bill's sponsor, Congressman BART GORDON, who has provided strong leadership in addressing the VoIP E–911 challenge. I also commend the House co-chairs of the Congressional E–911 Caucus: Congresswoman ESHOO and Congressman SHIMKUS, for their determined work to advance all 911 issues. I would also like to thank the Telecommunications Subcommittee Chairman Mr. ED MARKEY and the chairman of the full committee, Mr. JOHN DINGELL, and their staffs, for their leadership and commitment to working with our side in a bipartisan fashion on this bill.

H.R. 3403 is an important piece of legislation and I urge my colleagues to vote for it to become law.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 3403, the "911 Modernization and Public Safety Act of 2007".

This legislation ensures that consumers using Voice over Internet Protocol or VoIP technology can access the 911 system. It also requires the development of a national plan to ensure that the 911 system continues to evolve.

Consumers expect that when they place a call to 911 using a wireline phone, wireless phone, or any other type of technology, the emergency operator who answers will send the right type of first responder to the correct location in the shortest time possible. The ability to dial 911 and reach an emergency operator is so integral to our daily lives that we teach our children from the earliest moment how to dial 911.

As our communications system has evolved, so too has the 911 system. We have seen this before with the introduction of wireless phone service. As more consumers began using cell phones, Congress passed legislation to ensure that the 911 system could accommodate emergency calls made over the wireless network.

Over the last few years, VoIP technology has provided a new way for consumers to make calls using the Internet. H.R. 3404 ensures that consumers using VoIP service are able to access 911 as easily as consumers using wireline or wireless services. H.R. 3403 will give VoIP providers access to the components they need to provide 911 service and will extend the liability protections afforded to wireline and wireless carriers today to VoIP providers, public safety officials, and end users in relation to VoIP 911 calls.

The constantly evolving nature of technology can present a challenge to legislators. H.R. 3403 meets that challenge by ensuring that our 911 system continues to adapt. It requires the development of a national plan to migrate to an Internet Protocol-enabled 911 system. It also amends an existing grant program to allow funding for public safety answering points that are moving to an IP-enabled system.

As technology evolves, it is important that public safety communications also evolve. Too often public safety is left behind, burdened by yesterday's technology and yesterday's network. H.R. 3403 therefore requires that public safety representatives participate in the formation of the national plan. This will help ensure that public safety has access to the communications platform of the future.

Moving to an IP-enabled 911 system will also benefit consumers with disabilities. H.R. 3403 requires that the national plan address solutions for providing 911 and enhanced 911 services to members of the disabilities community who may not be able to speak to or hear an emergency operator. By including those representing the disabilities community in the formation of the national plan, we will ensure that all consumers are able to access emergency services.

Because consumers rely on 911, Congress must ensure that the 911 system is reliable. H.R. 3403 fulfills this duty by addressing the addition of VoIP service to the marketplace and by establishing a pathway to the future of the 911 system. This important measure has strong bipartisan support, including the support of the Committee on Energy and Commerce Ranking Member, Representative BARTON, and the Ranking Member of the Subcommittee on Telecommunications and Internet, Representative UPTON.

I commend Representative GORDON for his excellent work on this legislation. I also thank the other members of the 911 Caucus, and Representatives ESHOO, SHIMKUS, and PICKERING for their important and ongoing work in the area of Emergency communications.

I urge my colleagues to support H.R. 3403.

Ms. ESHOO. Mr. Speaker, I've been working on 911 issues for over a decade. We've come a long way during this time, and this bill is another step toward full interoperability. It is essential for our constituents to have access to emergency services whether they're using a mobile phone or using a VoIP service. Confidence that our network will be able to access emergency services when they are needed is fundamental.

My thanks to Representative GORDON and the Energy and Commerce Committee for their work on this 911 legislation which I'm a cosponsor of. The bill places a duty on VoIP services to provide 911 for their customers. This gives customers a guarantee that they will have emergency services when they need it. Importantly, this legislation requires that carriers allow VoIP providers to interconnect with their facilities. In return, carriers will be compensated at the same rate that wireless carries pay to interconnect. This interconnection mandate is necessary so that consumers will have timely access to 911 services.

This legislation will connect the 98 million Americans that live in areas where VoIP providers do not yet have access to the 911 network and are unable to receive reliable VoIP 911 services.

My colleague Mr. SHIMKUS and I are cochairs of the E–911 Caucus and I thank him for his terrific work on this issue. We've worked closely together and passed legislation to provide federal grants to enhance our emergency communications system. So far no funding has been appropriated for this purpose but we were successful in passing an amendment to the Commerce, Justice, Science Appropriations that added $5 million for this grant program. The funding "plants the seed" for advanced E–911 equipment so necessary in our communities.

This is a good bill and I strongly support it and urge Members to vote for it.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of this legislation to update and improve 911 services for today's technology.

Improving public safety is a constant struggle, as I have learned working on improving 911 services for the Houston area and the entire state of Texas as a state legislator, and I want to thank Mr. GORDON for his work on this legislation, both in introducing it and for working with all involved parties throughout the process to create a bill with such broad support.

In June 2005, after it received reports about the inability of some Voice over Internet Protocol (VoIP) customers to access 911 services, the Federal Communications Commission (FCC) issued regulations requiring VoIP providers to automatically provide 911 services to their customers, and to route these calls with a call-back number and the caller's registered location, either directly or through a third-party.

After trying to address this issue for several years, I hope we can send a bill to the President this Congress addressing VoIP E911. The purpose of H.R. 3403 is to ensure that consumers using VoIP services to place phone calls have access to E911, by giving VoIP providers access to 911 infrastructure and by extending existing liability protections to VoIP service.

This bill requires VoIP providers to provide 911 service and E911 service to its subscribers in accordance with the Federal Communications Commission (FCC) regulations. It allows VoIP to access the nation's existing 911 infrastructure, which is largely operated by their competitors, traditional telephone companies. VoIP companies will also be permitted to access existing 911 infrastructure not only to deliver 911 calls, but also to provide location and call-back information for those calls.

Customers using VoIP services expect to access 911 services just as wireless and wireline customers do, and this legislation ensures it is parallel with those services when it comes to E911 regulations and requirements.

I strongly support this legislation to improve public safety, and I urge my colleagues to join me in supporting it.

Mr. MARKEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. MARKEY) that the House suspend the rules and pass the bill, H.R. 3403, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## BROADBAND CENSUS OF AMERICA ACT OF 2007

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3919) to provide for a comprehensive nationwide inventory of existing broadband service, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3919

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Broadband Census of America Act of 2007".

**SEC. 2. CENSUS OF BROADBAND SERVICE DEPLOYMENT.**

(a) DUTY TO COLLECT AND REPORT.—

(1) ANNUAL ASSESSMENT AND REPORT.—The Commission shall, on an annual basis, conduct an assessment and publish a report on the nature and deployment of, and subscription to, broadband service capability throughout the States.

(2) BANDWIDTH SERVICE TIERS.—The Commission shall designate bandwidth service tiers by identifying tiers of increasing data transmission speeds of broadband service capability that will provide useful information about the nature and extent of deployment of broadband service capability. At a minimum, the tiers in the aggregate shall encompass all data transmission speeds deployed, and shall consist of multiple combinations of upstream and downstream data transmission speeds. Each tier shall be designated, to the extent possible, to correspond to the ability to support qualitatively different applications and services, which the Commission shall also identify.

(3) INFORMATION COLLECTION.—The Commission shall collect, or provide for the collection of, information from all commercial and public providers of broadband service capability under its jurisdiction in each State. Such information shall include—

(A) for each area encompassed by a United States postal zip code of the 5 digit level—

(i) information concerning the types of technology used to provide broadband service capability in such area;

(ii) the tiers designated under paragraph (2) used to provide such capability in such area; and

(iii) the actual number of residential subscribers and the actual number of business subscribers in such area; and

(B) for each State, the actual number of residential subscribers and the actual number of business subscribers for each tier of service designated under paragraph (2).

(4) INFORMATION REPORTED.—In the annual report required by paragraph (1), the Commission shall provide to the public—

(A) for each area encompassed by a United States postal zip code of the 5 digit level—

(i) a list of the types of technology used to provide such capability in such area; and

(ii) the actual number of residential subscribers and the actual number of business subscribers to broadband service capability in such area, each in the aggregate; and

(B) for each State, the actual number of residential subscribers and the actual number of business subscribers for each tier of service designated under paragraph (2), each in the aggregate.

(b) EVOLUTION OF ASSESSMENT.—The Commission shall periodically review both the bandwidth service tiers and the types of technology utilized in its assessment under subsection (a) to take into account changes in technology and marketplace conditions.

(c) INTERNATIONAL COMPARISON.—

(1) INTERNATIONAL COMPARISON.—As part of the assessment and report required by this section, the Commission shall include information comparing the extent of broadband service capability (including data transmission speeds and price for broadband service capability) in a total of 75 communities in at least 25 countries abroad for each of the tiers designated pursuant to subsection (a)(2).

(2) CONTENTS.—The Commission shall choose communities for the comparison under this subsection in a manner that will offer, to the extent possible, communities of a population size, population density, topography, and demographic profile that are comparable to the population size, population density, topography, and demographic profile of various communities within the United States. The Commission shall include in the comparison under this subsection—

(A) a geographically diverse selection of countries; and

(B) communities including the capital cities of such countries.

(3) SIMILARITIES AND DIFFERENCES.—The Commission shall identify relevant similarities and differences in each community, including their market structures, the number of competitors, the number of facilities-based providers, the types of technologies deployed by such providers, the applications and services those technologies enable, and the regulatory model under which broadband service capability is provided.

(d) PROTECTION OF INFORMATION.—Except for the information provided to the public by the Commission in its annual report pursuant to subsection (a)(4), nothing in this section shall reduce or remove any obligation the Commission has to protect proprietary information, nor shall this section be construed to compel the Commission to make publicly available any proprietary information. Any information collected by the Commission pursuant to subsection (a)(3) that reveals any competitively sensitive information of an individual provider of broadband service capability shall not be disclosed by the Commission under subsection (a)(4) or otherwise.

(e) REGULATIONS.—The Commission shall, within 180 days after the date of the enactment of this Act, promulgate regulations to implement this section.

(f) ENFORCEMENT AUTHORITY.—The Commission shall enforce this section as if such section was a part of the Communications Act of 1934. For the purpose of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

**SEC. 3. BROADBAND INVENTORY MAP.**

(a) ESTABLISHMENT.—To provide a comprehensive nationwide inventory of existing broadband service capability and availability, the NTIA shall develop and maintain a broadband inventory map of the United States that identifies and depicts the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider throughout each State.

(b) INFORMATION SHOWN.—The broadband inventory map developed and maintained pursuant to this section shall be capable of identifying and depicting, nationwide, for each State, and for each county or parish of each State—

(1) each area encompassed by a United States postal zip code of 9 digit level, census tract level, or functional equivalent in which broadband service capability is deployed at that time, including—

(A) each commercial or public provider of broadband service capability within such area; and

(B) subject to subsection (f)(5)—

(i) each type of technology used to provide broadband service capability within such area; and

(ii) which bandwidth service tiers designated pursuant to section 2(a)(2) are available within such area for each provider of broadband service capability; and

(2) each area encompassed by a United States postal zip code of 9 digit level, census tract level, or functional equivalent in which broadband service capability is not deployed at that time.

(c) DATA USE ENCOURAGED.—The NTIA shall—

(1) seek to overlay demographic data obtained from other sources in the Department of Commerce and elsewhere for use with such broadband inventory map; and

(2) make available such map, and the information on which it is based, to such other sources in the Department for demographic purposes, subject to section 7.

(d) PUBLIC AVAILABILITY AND INTERACTIVITY.—Not later than 2 years after the date of the enactment of this Act, the NTIA shall make the broadband inventory map developed and maintained pursuant to this section accessible by the public on a World Wide Web site of the NTIA in a form that is interactive and searchable.

(e) UPDATING.—The NTIA shall update the broadband inventory map developed and maintained pursuant to this section to ensure that the information provided by the broadband inventory map is timely and accurate.

(f) OBTAINING INFORMATION.—

(1) IN GENERAL.—The NTIA shall request and obtain such information as may be necessary to carry out this section from the following:

(A) eligible entities under section 4;

(B) the Commission; and

(C) commercial and public providers of broadband service capability.

(2) PRIORITY OF INFORMATION REQUESTS.—If the NTIA has not otherwise obtained such information pursuant to paragraph (3), the NTIA shall—

(A) first request and try to obtain such information from such eligible entities before requesting and obtaining such information from the Commission; and

(B) only request such information from commercial and public providers of broadband service capability if such information cannot be obtained in a timely fashion from such eligible entities or the Commission.

(3) COMPATIBLE FORMAT.—Such entities or such providers may elect to provide the NTIA with the information necessary for displaying a statewide map, provided that such map meets, at a minimum, the requirements of subsection (b) for that State and such information is in a format that NTIA is able to incorporate into the broadband inventory map required under this section. Nothing in this paragraph precludes such providers or any such entity, with agreement of the providers concerned, from providing to the NTIA, or using for its own purposes, more geographically-specific information than required by subsection (b).

(4) ADDITIONAL INFORMATION, INCLUDING WIFI HOTSPOTS.—The NTIA shall also try to obtain accurate information from reliable publicly available sources about broadband service capability that is offered to the public but that is not provided by either a commercial provider or a public provider directly to the public.

(5) OPT-OUT BY PROVIDERS.—Notwithstanding subsection (b)(1)(B), if a provider of broadband service capability requests that the map developed and maintained pursuant to this section shall not depict the information in clause (i) or (ii), or both, of such subsection for a particular area or areas, the NTIA shall comply with such request.

(g) PROTECTION OF INFORMATION.—Except for the information provided to the public by the NTIA in subsection (d), nothing in this section shall reduce or remove any obligation the NTIA has to protect proprietary information, nor shall this section be construed to compel the NTIA to make publicly available any proprietary information. Notwithstanding any other provision of this section, any information obtained by NTIA pursuant to subsection (f) that reveals competitively sensitive information of an individual provider of broadband service capability shall not be disclosed by NTIA.

### SEC. 4. GRANTS TO STATES FOR BROADBAND MAP DEVELOPMENT.

(a) IN GENERAL.—The NTIA may, to the extent amounts are made available pursuant to section 10(b) for use under this section, make grants to an eligible entity to assist in providing the NTIA with information to facilitate the development of the broadband inventory map required under section 3.

(b) STATE ENTITY APPLICATION AND DESIGNATION.—An eligible entity in any State that seeks to obtain a grant under this section shall submit an application to the NTIA at such time, in such form, and containing such information and assurances as the NTIA may require.

(c) USE.—Amounts from a grant under this section may be used only for costs involved in developing and obtaining information for the broadband inventory map required under section 3.

(d) CONDITIONS.—

(1) INFORMATION SHARING.—As a condition of receipt of a grant under this section, the eligible entity shall agree to provide to the NTIA the information developed or obtained using such grant amounts and necessary for the broadband inventory map required under section 3.

(2) MATCHING REQUIREMENT.—An eligible entity may not obtain a grant under this section to carry out the activities under this section unless such entity agrees to provide, from non-Federal funds, an amount equal to not less than 20 percent of the amount of the grant toward the costs of carrying out such activities.

(e) GRANT CRITERIA.—The NTIA shall select an eligible entity to receive a grant under this section based upon criteria that shall include—

(1) whether such entity requesting a grant is organized on a statewide basis and prepared to develop information for use by NTIA on a timely basis;

(2) the need of such entity for financial support, taking into account the financial support from State or other sources, to fulfill the objectives of this Act; and

(3) whether the denial of such entity's grant request would—

(A) result in the inability of such entity to develop information on a timely or comprehensive basis; and

(B) result in a gap in the information for that State or otherwise thwart the objectives of this Act.

(f) REGULATIONS.—The NTIA shall issue such regulations as may be necessary to carry out the functions assigned under this section.

(g) ELIGIBLE ENTITY.—For the purposes of this section, the term "eligible entity" for any State means—

(1) an entity that is either—

(A) an agency or instrumentality of that State, or a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of that State; or

(B) a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code; and

(2) the entity is the single eligible entity in such State that has been designated by the State to receive a grant under this section.

### SEC. 5. GRANTS FOR DEMAND-SIDE BROADBAND SERVICE IDENTIFICATION AND ASSESSMENTS.

(a) GRANT AUTHORITY.—From the amounts appropriated under section 10(c), the NTIA shall establish a grant program to create and facilitate the work of local technology planning entities that represent a broad cross-section of their community, including representatives of business, telecommunications labor organizations, consumer organizations, elementary and secondary education, health care providers, libraries, higher education, community-based organizations, tribal organizations, and local government.

(b) STATE ENTITY APPLICATION AND DESIGNATION.—Each eligible planning entity in any State that seeks to obtain a grant under this section shall submit an application to the NTIA at such time, in such form, and containing such information and assurances as the NTIA may require. Such application shall contain a demonstration that—

(1) the entity is an eligible planning entity; and

(2) the eligible planning entity—

(A) is the single eligible planning entity in such State that has been designated by the State for an exclusive geographic area within the State to receive a grant under this section; or

(B) is the single eligible planning entity that is designated by the governing body of an Indian tribe to receive a grant under this section.

(c) USE OF FUNDS.—Amounts from a grant under this section shall be used to assist an eligible planning entity to—

(1) assess the current use of broadband service capability across relevant community sectors;

(2) set goals for improving or maximizing such use within each sector;

(3) develop a plan for achieving the eligible planning entity's goals, with specific recommendations for identifying and spurring demand for such capability;

(4) collaborate with providers of broadband service capability and other high technology companies to encourage the deployment and use of broadband service capability in unserved and underserved areas;

(5) identify local demand for broadband service capability and aggregate such demand;

(6) establish programs, but not acquire equipment or facilities, to improve computer ownership and Internet access for unserved and underserved populations; and

(7) facilitate the exchange of information regarding the use and demand for broadband service capability between the public and private sectors.

(d) PROHIBITION.—Funds made available by a grant under this section shall not be used for the provision of broadband service capability or the acquisition of equipment or facilities for such capability, except that this prohibition shall not prohibit an eligible planning entity's use of such funds to acquire broadband service capability or equipment or facilities for such capability for use by such entity in its own conduct of planning activities.

(e) REGULATIONS.—The NTIA shall issue such regulations as may be necessary to carry out the functions assigned under this section.

(f) ELIGIBLE PLANNING ENTITY.—For the purposes of this section, the term "eligible planning entity" for any State means—

(1) an agency or instrumentality of that State, a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of that State, or an Indian tribe; or

(2) a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.

### SEC. 6. CONSUMER SURVEY OF BROADBAND SERVICE CAPABILITY.

(a) AUTHORITY.—For the purpose of evaluating, on a statistically significant basis, the national characteristics of the use of broadband service capability, the Commission shall conduct and make public periodic surveys of consumers in urban, suburban, and rural areas in the large business, small business, and residential consumer markets to determine the following:

(1) The types of technology used to provide the broadband service capability to which consumers subscribe.

(2) The amounts consumers pay per month for such capability.

(3) The actual data transmission speeds of such capability.

(4) The types of applications and services consumers most frequently use in conjunction with such capability.

(5) For consumers who have declined to subscribe to broadband service capability, the reasons given by such consumers for declining such capability.

(6) Other sources of broadband service capability which consumers regularly use or on which they rely.

(7) Any other information the Commission deems appropriate for such purpose.

(b) PUBLIC AVAILABILITY.—The Commission shall make publicly available the results of surveys conducted under this section at least once per year.

### SEC. 7. CONFIDENTIALITY OF CONSUMER INFORMATION.

(a) IN GENERAL.—The Commission shall, within 180 days after the date of the enactment of this Act, promulgate regulations—

(1) to protect the confidentiality of personal consumer information collected for the purposes of this Act;

(2) to require the Commission, the NTIA, and each other entity that collects or controls such information for the purposes of this Act (including any eligible entity under section 4, eligible planning entity designated under section 5(b)(2), and commercial and public provider of broadband service capability) to protect the confidentiality of such information; and

(3) to permit such information to be disclosed by such entities only to the extent consistent with the provisions and for the purposes of this Act, or with the prior express authorization of the consumer to whom it pertains.

(b) LIMITATION.—The regulations promulgated under subsection (a) shall not preclude the ability of any consumer or other person or entity to search, by individual street address, the broadband inventory map developed and maintained pursuant to section 3, or any of the individual State maps that may compose it.

### SEC. 8. STATE OR LOCAL AUTHORITY.

Except as provided in section 7, nothing in this Act shall be construed to expand or limit the authority of States, Indian tribes, or units of local government to compel the collection of information.

### SEC. 9. SUNSET PROVISIONS.

(a) BROADBAND DEPLOYMENT INFORMATION & CONSUMER SURVEY.—Sections 2 and 6 shall cease to be effective after the end of the 6-year period beginning on the date of the enactment of this Act.

(b) BROADBAND INVENTORY MAP.—Section 3 shall cease to be effective after the end of the 7-year period beginning on the date of enactment of this Act.

### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out sections 3 and 4 of this Act—

(1) $20,000,000 for fiscal year 2008;

(2) $20,000,000 for fiscal year 2009; and

(3) $20,000,000 for fiscal year 2010.

(b) BROADBAND MAP INFORMATION DEVELOPMENT GRANTS.—Of any amounts appropriated in each fiscal year pursuant to subsection (a), not less than $15,000,000 shall be available only for grants under section 4.

(c) LOCAL TECHNOLOGY PLANNING GRANTS.—In addition to the amount appropriated under subsection (a), there is authorized to be appropriated to make grants under section 5—

(1) $50,000,000 for fiscal year 2008;

(2) $100,000,000 for fiscal year 2009; and

(3) $125,000,000 for fiscal year 2010.

### SEC. 11. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) BROADBAND SERVICE CAPABILITY.—The term "broadband service capability" means an Internet Protocol-based transmission service that is offered to end users to enable such end users to send and receive voice, video, data, graphics, or a combination, to or from the Internet without regard to any transmission media or technology.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) INDIAN TRIBE.—The term "Indian tribe" has the meaning given in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(4) NTIA.—The term "NTIA" means the National Telecommunications and Information Administration of the Department of Commerce.

(5) PERSONAL CONSUMER INFORMATION.—The term "personal consumer information"—

(A) means information that allows a human being to be identified individually;

(B) includes the following information with respect to an individual:

(i) the first and last name;

(ii) a home or physical address;

(iii) a date or place of birth;

(iv) an email address or a telephone number;

(v) a Social Security account number, tax identification number, birth certificate number, passport number, driver's license number, or any other any government-issued identification number; or

(vi) a credit card number or bank account or card number; and

(C) does not include any record of aggregate information that does not permit the identification of particular individuals.

(6) PROVIDER.—

(A) PUBLIC PROVIDER.—The term "public" when used with respect to a provider of broadband service capability means a provider that is an agency or instrumentality of a State, or a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of a State, regardless of the facilities used.

(B) COMMERCIAL PROVIDER.—The term "commercial" when used with respect to a provider of broadband service capability means a provider that offers broadband service capability for a fee, or on an advertising-supported basis, directly to the public or to such classes of users as to be effectively available to the public, regardless of the facilities used.

(7) STATE.—The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory and possession of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

I rise to suspend the rules and to pass the Broadband Census of America Act of 2007 because, Mr. Speaker, the overarching telecommunications policy goal of the United States is achieving ubiquitously available, competitive, high-speed, affordable broadband service to all Americans. Such broadband service capability is indispensable to various aspects of the United States economy, including public safety, education, entrepreneurial investment, innovation, job creation, health care delivery, and energy efficiency.

The ability of the United States to promote and achieve a competitive high-speed broadband infrastructure will also be a key factor in determining our Nation's success in the fiercely competitive global economy.

International competitors to the United States are achieving progress in broadband deployment and adoption. Many countries have broadband service capabilities superior to the United States in terms of choice, speed, and price.

For the United States, offering broadband service capability at ever higher transmission speeds could spur new growth in investment in cutting-edge applications, services, and technologies that utilize higher bandwidth functionality.

This bill represents an indispensable first step in developing an overarching blueprint for broadband policy in the United States. In brief, the Broadband Census of America Act tasked the Federal Communications Commission with collecting data from providers of broadband service capability throughout the country, and with developing a series of tiers for categorizing the speeds of such services.

The data collected will be disclosed to the public in an annual report that will include: one, the actual number of residential and business subscribers within each five-digit ZIP code with a list of the broadband technologies present in each ZIP code: and, two, the actual number of residential and business subscribers, correlated to each broadband speed tier identified by the FCC on a statewide basis.

This bill also encompasses a broadband mapping effort as well as community organization initiatives for unserved and underserved areas to increase knowledge of where, what type, and what speed of broadband service may be available.

The bill requires the National Telecommunications Information Agency to develop a national broadband availability map which will include the availability of broadband service capability at the nine-digit ZIP code level, census track level, or functional equivalent.

This is a very consumer-friendly mapping function and "demand side" identification initiative that consumer groups, the high-tech community and the telecommunications industry all support.

This map will be interactive and searchable by consumers, and at the providers' discretion will also indicate the type of technology and speed of service offered in that area.

The legislation also includes authorizations for grants to local planning entities and communities around the country. These grants are designed to increase broadband availability and usage in local communities through so-called "demand side" identification and other initiatives.

To better gauge how the country is performing compared to international competitors, the bill also requires the FCC to conduct a comparison of the extent of broadband service capability abroad in 75 foreign communities with equivalent American communities.

This legislation reflects several months of negotiations. And I want to thank Mr. UPTON from Michigan for his patient attention to this legislation. No legislation in telecommunications has received the detailed attention that this legislation has on a bipartisan basis, and for that I want to thank Mr. UPTON.

I also want to thank the ranking member of the full committee, Mr. BARTON, for his work on this legislation. And of course on our side, Mr. DINGELL and I worked with the minority towards achieving this legislation. And with the thanks of Mr. DINGELL and myself, we once again want to point out how cooperative all of our working relationships were on this legislation.

It also has the support of consumer groups, the Communications Workers of America, NARUC Connect Kentucky, Qwest, and organizations representing the high-tech industry, the cable industry, the telephone industry, and the wireless industry.

I want to again thank Mr. UPTON and Mr. BARTON for their cooperation in working through the differences on this legislation, and to thank Mr. DINGELL for his excellent work on this legislation.

I urge Members of the House to support this bill.

At this point, Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Someone watching this debate and they hear the nice words between the two of us, they are, for sure, very genuine. We had many hand-holding scenes and meetings over the last number of months.

I am a cosponsor of H.R. 3919, and I want to thank the gentleman from Massachusetts for allowing our thoughtful and constructive input into this process because clearly I think we ended up with a good piece of legislation. And I commend the gentleman's patience on our side as we were able to work out a consensus that, in fact, has brought us to the floor this afternoon.

I also want to thank Chairman DINGELL and Mr. BARTON for working with all of us to ensure that the bill was able to move forward in a bipartisan way. And Mr. WHITFIELD, who I remember at our first hearing on this as he talked about Connect Kentucky and the positive impact that it had there. He obviously added some good things as well to legislation. And I would urge all of my colleagues to support the legislation as it moves through this process.

I view the thrust of this legislation as an effort to get a better idea of the U.S. broadband penetration, not as a window to increased regulation of the already competitive broadband marketplace.

We were quite fortunate to learn from the successful statewide broadband mapping plan in Kentucky called Connect Kentucky. And it isn't often that we have the advantage of looking at a successful model such as this one, which could implement in a bipartisan way again there on a national level what we're able to do on this legislation in H.R. 3919.

Connect Kentucky demonstrated perfectly how a public/private partnership can work with industry in a nonregulatory manner that benefits not only consumers, but also provides a catalyst to greater broadband investments.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. SPACE), who has spent a considerable amount of time working on this legislation.

□ 1500

Mr. SPACE. Thank you, Mr. Chairman and Mr. Ranking Member, for your work on this legislation important for America and especially important for rural America. We who live in rural America understand that there are special challenges we face, whether it be in health care delivery or education, economic infrastructure. This bill will help bridge the gap that exists between rural America and urban and suburban America.

By providing a comprehensive mapping plan, we will enable access to these issues that are so vital. Many of us think about broadband in terms of economic development and the importance that it brings to economic infrastructure. Certainly, that is a big part of what access to high-speed Internet is all about. But it is more than that. It affects quality of life in many ways.

We have heard about distance learning and the affect that it has on the educational process. We have heard about telemedicine and the ability to deliver quality health care. Certainly it affects the ability of our first responders to coordinate efforts in the event of disasters or emergencies.

This is a good bill for rural America. I commend our leadership, as well as the ranking member for his leadership in helping to enact its passage.

Mr. UPTON. Mr. Speaker, I have no further Members wishing to be allocated time, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I, as well, have no additional requests for speaking time. I would like to thank the staff who worked on this bill, Tim Powderly, Amy Levine, David Vogel, Neil Fried, Courtney Reinhard, thank you, Michael Beckerman, and I would like to thank Maureen Flood from my staff for her excellent work on this legislation. And to correct an oversight from the last piece of legislation, I would like to thank Colin Crowell, who has worked on both this bill and the last bill which just passed as well. I can't say enough about Colin and his work on all of these issues to bring them to a conclusion that is truly bipartisan and nonideological.

### GENERAL LEAVE

I also ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3403, as amended, and H.R. 3919, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. So with that, I again, highly recommend this piece of legislation to the Members. It is something that will give us the broadband overview that our country needs. We have been falling over the last 6 years in our international rankings. It is time for us to find out exactly where we are because it will help us to put together the policies that will make us No. 1 looking over our shoulders at No. 2 and 3 in the world.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 3919, the "Broadband Census of America Act of 2007".

This bipartisan legislation marks an important step in bringing us closer to affordable, robust broadband service for all Americans.

Currently the Government does not adequately collect information on the extent of broadband deployment and usage in the United States. H.R. 3919 addresses this knowledge gap by improving the quality and quantity of data that the Government is authorized to collect concerning broadband availability and subscribership. Armed with this information, Government decision-makers. will have the in-depth information necessary to craft informed, coherent broadband policy.

H.R. 3919 calls for the creation of a national broadband inventory map. This map will depict, at granular levels, where broadband service is available. We are informed by the efforts of States such a Kentucky that have successfully developed similar maps. State-level experience tells us that this map will likely spur the deployment of additional broadband facilities and will be a valuable resource for consumers.

H.R. 3919 will also jump start efforts by local communities to improve broadband deployment and usage through the creation of grant programs to facilitate the collection of data for the broadband inventory map and local technology planning. These programs will help bring broadband facilities to communities that currently have little or no service.

This is a good bill produced through positive, bipartisan efforts. I commend Ranking Member BARTON, Subcommittee Chairman MARKEY, and Subcommittee Ranking Member UPTON for their leadership and contributions to this legislation. I am proud to support it, and I urge my colleagues to vote for it.

Mr. GENE GREEN of Texas. Mr Speaker, as an original cosponsor of H.R. 3919, I rise in strong support of this legislation.

Recent data indicate that the United States has fallen behind other nations in the availability, speed, and value of broadband services, which refers to high-speed Internet access. The Organization for Economic Cooperation and Development reported earlier this year that among the group's 30 member countries, the United States had fallen to 15th place in per capita broadband use by the end of 2006, whereas in 2001 the United States had been in fourth place. The United States recently ranked 21st in the International Telecommunication Union's Digital Opportunity Index, which includes 11 different variables of technology development, including the cost of connectivity relative to per capita income.

H.R. 3919 would direct the National Telecommunications and Information Administration (NTIA) to produce a public, online map showing what types of broadband access are provided where and by which companies. As the Government Accountability Office (GAO) noted in May, 2006: "Without accurate, reliable data to aid in analysis of the existing deployment gaps, it will be difficult to develop policy responses toward gaps in broadband availability." Some experts have forecast that implementation of universal broadband service would fuel the American economy, adding $500 billion and creating 1.2 million new jobs. H.R. 3919 is an essential first step toward bringing high-speed Internet to every American and in ensuring that our Nation's citizens can realize the vibrant future that the information age offers.

This bill requires the Federal Communications Commission (FCC) to complete an annual broadband census, i.e., an assessment and report on the deployment of broadband service capability, which would include a comparison with deployment in other countries. The measure also requires the National Technology Information Administration (NTIA) to develop a broadband inventory map showing the availability of service and types of service available, and it permits the NTIA to make grants to assist in the development of such a map. It also requires periodic FCC consumer surveys regarding broadband service.

It has been said before that "sound data makes sound policy," and this legislation will provide the information that is necessary to assist Congress and the FCC in creating a sound, national broadband strategy to bring us in line with other countries' broadband deployment.

Mr. Speaker, I again what to express my strong support for this legislation and I urge my colleagues to join me in supporting H.R. 3919.

Mr. MARKEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. MARKEY) that the House suspend the rules and pass the bill, H.R. 3919, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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## SAFEGUARDING AMERICA'S FAMILIES BY ENHANCING AND REORGANIZING NEW AND EFFICIENT TECHNOLOGIES ACT OF 2007

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3461) to establish a public awareness campaign regarding Internet safety, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3461

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Safeguarding America's Families by Enhancing and Reorganizing New and Efficient Technologies Act of 2007".

### SEC. 2. INTERNET SAFETY.

For purposes of this Act, the issue of Internet safety includes issues regarding use of the Internet in a manner that promotes safe online activity, including safe transactions involved in online commerce, and protects against threats to financial information and privacy, threats from cyber-crime, and threats to juveniles, including cyber-predators and material that is inappropriate for minors.

### SEC. 3. PUBLIC AWARENESS CAMPAIGN.

The Federal Trade Commission shall carry out a nationwide program to increase public awareness and provide education regarding Internet safety, for families, businesses, organizations, and other users, that utilizes existing resources and efforts of the Federal Government, State and local governments, nonprofit organizations, private technology and financial companies, Internet service providers, World Wide Web-based resources, and other appropriate entities, that includes—

(1) identifying, promoting, and encouraging best practices for Internet safety;

(2) establishing and carrying out a national outreach and education campaign regarding Internet safety utilizing various media and Internet-based resources;

(3) facilitating access to, and the exchange of, information regarding Internet safety to promote up-to-date knowledge regarding current issues; and

(4) facilitating access to Internet safety education and public awareness efforts the Commission considers appropriate to States, units of local government, schools, police departments, nonprofit organizations, and such other entities.

### SEC. 4. ANNUAL REPORTS.

The Commission shall submit a report to Congress not later than March 31 of each year that describes the activities carried out under section 3 by the Commission during the preceding calendar year.

### SEC. 5. ONLINE SAFETY AND TECHNOLOGY WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall establish an Online Safety and Technology working group comprised of representatives of relevant sectors of the business community, public interest groups, and other appropriate groups and Federal agencies to review and evaluate—

(1) the status of industry efforts to promote online safety through educational efforts, parental control technology, blocking and filtering software, age-appropriate labels for content or other technologies or initiatives designed to promote a safe online environment for children;

(2) the status of industry efforts to promote online safety among providers of electronic communications services and remote computing services by reporting apparent child pornography under section 13032 of title 42, United States Code;

(3) the practices of electronic communications service providers and remote computing service providers related to record retention in connection with crimes against children; and

(4) the development of technologies to help parents shield their children from inappropriate material on the Internet.

(b) REPORT.—Not later than 1 year after the working group established under subsection (a) is first convened, it shall submit a report to the Assistant Secretary and the Committee on Energy and Commerce of the House of Representatives that—

(1) describes in detail its findings, including any information related to the effectiveness of such strategies and technologies and any information about the prevalence within industry of educational campaigns, parental control technologies, blocking and filtering software, labeling, or other technologies to assist parents; and

(2) includes recommendations as to what types of incentives could be used or developed to increase the effectiveness and implementation of such strategies and technologies.

### SEC. 6. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) INTERNET.—The term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

For carrying out the public awareness campaign under section 3, there is authorized to be appropriated to the Commission $5,000,000 for fiscal year 2008, which shall remain available until until September 30, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3461, the Safeguarding America's Families by Enhancing and Reorganizing New and Efficient Technologies Act of 2007, or the SAFER NET Act as we refer to it, was introduced by Congresswoman MELISSA BEAN from Illinois. The bill, Mr. Speaker, has 41 cosponsors, and it was reported out of the Energy and Commerce Committee with unanimous, bipartisan support just 2 weeks ago, I believe it was, on October 30. As a member of the Subcommittee on Commerce, Trade and Consumer Protection, I want to thank the gentlelady for her ongoing and tireless efforts to protect children from the lurking dangers on the Internet.

Earlier this year, the distinguished gentlewoman (Ms. BEAN) introduced H. Res. 455, which was a resolution supporting the goals of National Internet Safety Month, which passed the House on June 12. As such, the bill on the floor today is a quality legislative extension of her previous work on Internet safety.

H.R. 3461, the SAFER NET Act, directs the Federal Trade Commission to carry out a nationwide public awareness campaign about Internet safety and directs the Commission to annually report to Congress on its activity to promote Internet safety. The bill, as amended, authorizes $5 million for 1 year to carry out this public awareness campaign.

Currently, Mr. Speaker, the Federal Trade Commission is engaged in numerous activities to promote awareness and on-line safety habits. The Commission has established a toll-free number which serves as a help line where consumers can file their complaints. Moreover, the FTC has set up a very special Web site, www.OnGuardOnline.gov, that is all one word, to provide tips to consumers in protecting themselves and their children from Internet fraud.

Lastly, the Federal Trade Commission is engaged in a public awareness campaign to promote Internet safety through a child friendly mascot named Dewie the Turtle, much the same way that Smokey the Bear successfully promoted the prevention of forest fires many years ago. The office responsible for managing these initiatives is the Division of Consumer and Business Education. And Congresswoman BEAN's bill will aid the FTC in its laudable efforts to protect children from inappropriate content and from the predators that would do them harm.

Mr. Speaker, the Internet is one of the most significant technological developments in the history of humankind, and my friend, Mr. MARKEY, who spoke just moments before me, made that point in a profound way. The way people obtain information and communicate with each other has been completely revolutionized in a manner unthinkable just 20 years ago. However, with this great revolution comes a price. Our children are now more vulnerable to the despicable creatures that would prey on them by exploiting the powers of the Internet. It is, therefore, imperative that we in Congress do everything we can to fulfill our duties to promote healthy and safe environments for our children. The SAFER NET Act is a quality step in the right direction. I urge my colleagues to vote "yes" on this legislation and pass the bill.

Mr. Speaker, I retain the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

I want to again thank Chairman DINGELL and Mr. BARTON, the ranking member of the committee. I remember 2 weeks ago when we moved this through our committee, it was a very important piece of legislation. Ms. BEAN is the author of this. I know Mary Bono on our side helped immensely in getting it through the subcommittee. We all rise in support of H.R. 3461, Safeguarding America's Families by Enhancing and Reorganizing New and Efficient Technologies Act of 2007.

This bill directs the FTC, the Federal Trade Commission, to carry out a nationwide public awareness campaign about Internet safety, provides a 1-year authorization of $5 million to carry out that campaign, and directs the FTC to report annually to the Congress on its activities to promote Internet safety. I look forward to those reports as the ranking member of the Telecommunications and Internet Subcommittee.

The FTC has been very active in the area, and its current computer security education campaign is built around an innovative multimedia Web site, www.OnguardOnline.gov, with special tips and features for children, teens and their parents. H.R. 3461 expands these underway. Moreover, the Internet defines Internet safety to include threats to juveniles, including cyber predators and material that is inappropriate for minors, criminal activity beyond the FTC's authority and scope. And to fulfill that directive, the FTC would then partner with the FBI and the U.S. Postal Service and with prominent nongovernmental organizations such as the National Center for Missing and Exploited Children.

Mr. Speaker, I visit a school almost every week, actually more than once a week, and often when I speak to an elementary school, I will ask those third or fourth graders, "How many of you have seen something inappropriate on the Internet?" It didn't used to be. It used to be that my question was, "How many of you have a computer at home?" Now practically everyone has a computer at home. But now when I ask that question, "Have you seen something inappropriate?" every hand goes up, including mine.

Mr. Speaker, I hosted an event in our district two Mondays ago on Internet safety in our intermediate school district in Berrien County, was attended by hundreds of people. We had votes that night so I couldn't be there. But it is a concern. Parents have to know what is going on. And that is why this new Web site, OnGuardOnline.gov is very important so that the word can get out, because the Internet is a double-edged sword. Yes, it helps our lives in so many different ways, but we have to look out for the nightmare that could come into that home from someone who we would not want in as a decent parent.

So this is good legislation. It is going to have a positive impact. There is a reason that it passed by unanimous vote among Republicans and Democrats. I hope that the Senate can move along quickly. We will be willing to give them a kick if they don't do that.

I don't have any other speakers requesting time, and I yield back my time.

Mr. BUTTERFIELD. Mr. Speaker, I don't have any further speakers on this side. I am ready to close this out and to yield back my time. Before doing so, I again want to thank Ms. BEAN for this legislation and thank Mr. UPTON for his advocacy and his passion for this issue. These legislators work very hard to bring this issue to the forefront, and they have done a magnificent job in doing this today.

Ms. BEAN. Mr. Speaker, I rise today in strong support of my bill, H.R. 3461, The Safeguarding America's Families by Enhancing and Reorganizing New and Efficient Technologies Act or SAFER NET. I want to thank Chairman DINGELL and Chairman RUSH for their help in bringing this bill to the floor today. I also to thank Congressman BARON HILL, the lead cosponsor of this bill, and Congresswoman MARY BONO for her contributions to this legislation.

The Internet is a wonderful resource for our children. Over 90 percent of school age children use the Internet on a regular basis. They use it to expand their knowledge beyond what they can learn in the classroom and use it to stay connected with their friends when not at school.

The Internet has increased productivity and opened new opportunities to our children, but while doing so, it has created new threats. These threats whether it be unwanted online solicitations, Internet scams, or cyber-bullying are dangerous and real.

In order for our children to be protected from the dangers of the Internet, we must work together to raise awareness and educate them about Internet safety. As noted in a study conducted by the National Assessment Center:

41 percent of middle and high school students do not share with their parents what they do on the Internet.

61 percent of students admit to using the Internet unsafely or inappropriately.

And of most concern, 20 percent of middle school and high school students have met face-to-face with someone they first met online.

In recent studies conducted by the Department of Justice in conjunction with the National Center for Missing and Exploited Children, one in seven children between the ages of 10 and 17 received a sexual solicitation online.

And one in 25 or one per classroom receives an aggressive sexual solicitation when a predator calls them on the phone, sends them gifts, or requests a meeting.

Informing parents is just as important to keep our kids safe online. Unfortunately, approximately half of parents surveyed admit that they do not properly monitor their children's Internet activity and do not use filter, blocking, or monitoring software on their home computers.

Parents need to be engaged and ask their children what they are doing online. Unfortunately, nearly half of parents surveyed do not believe that they are able to properly monitor their children's actions online.

As a parent, you wouldn't let your son or daughter play with a friend without knowing who was in charge and where they would be playing. The same should be the case with the Internet. The Internet is a large virtual playground and just like on the playground at the park, kids need to be supervised.

Fortunately, our schools, non-profits, local, state, and federal governments, and concerned corporate citizens have been actively engaging children on Internet safety. Programs vary but all emphasize the importance of protecting personal information, keeping parents informed of Internet actions, and being careful who you talk to online.

Although these resources are great, not enough kids and parents are aware of them. Internet safety is an issue of national importance that deserves a national response.

That is why passing The SAFER NET Act today is so important.

The SAFER NET Act would authorize $5 million for the Federal Trade Commission to conduct a national public awareness campaign to promote Internet Safety.

In addition, the bill will direct the Federal Trade Commission to build on the efforts of its Onguard Online website so it can better serve as a virtual clearinghouse of Internet safety information.

Finally the SAFER NET Act would establish a working group through the National Telecommunications and Information Administration (NTIA) to review and evaluate industry efforts to promote online safety and protect children from inappropriate material online.

In closing, I want to thank the staff on the Energy & Commerce Committee, J.D. Grom on my staff, and Nathan Fenstermacher who previously served in my office and helped draft the original SAFER NET Act last Congress for their assistance.

I urge my colleagues to support H.R. 3461.

Mr. BUTTERFIELD. Mr. Speaker, I yield back the balance of my time

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the bill, H.R. 3461, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BUTTERFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## ATTORNEY-CLIENT PRIVILEGE PROTECTION ACT OF 2007

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3013) to provide appropriate protection to attorney-client privileged communications and attorney work product, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 3013

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Attorney-Client Privilege Protection Act of 2007".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) Justice is served when all parties to litigation are represented by experienced diligent counsel.

(2) Protecting attorney-client privileged communications from compelled disclosure fosters voluntary compliance with the law.

(3) To serve the purpose of the attorney-client privilege, attorneys and clients must have a degree of confidence that they will not be required to disclose privileged communications.

(4) The ability of an organization to have effective compliance programs and to conduct comprehensive internal investigations is enhanced when there is clarity and consistency regarding the attorney-client privilege.

(5) Prosecutors, investigators, enforcement officials, and other officers or employees of Government agencies have been able to, and can continue to, conduct their work while respecting attorney-client and work product protections and the rights of individuals, including seeking and discovering facts crucial to the investigation and prosecution of organizations.

(6) Despite the existence of these legitimate tools, the Department of Justice and other agencies have increasingly employed tactics that undermine the adversarial system of justice, such as encouraging organizations to waive attorney-client privilege and work product protections to avoid indictment or other sanctions.

(7) An indictment can have devastating consequences on an organization, potentially eliminating the ability of the organization to survive post-indictment or to dispute the charges against it at trial.

(8) Waiver demands and other tactics of Government agencies are encroaching on the constitutional rights and other legal protections of employees.

(9) The attorney-client privilege, work product doctrine, and payment of counsel fees shall not be used as devices to conceal wrongdoing or to cloak advice on evading the law.

(b) PURPOSE.—It is the purpose of this Act to place on each agency clear and practical limits designed to preserve the attorney-client privilege and work product protections available to an organization and preserve the constitutional rights and other legal protections available to employees of such an organization.

**SEC. 3. DISCLOSURE OF ATTORNEY-CLIENT PRIVILEGE OR ADVANCEMENT OF COUNSEL FEES AS ELEMENTS OF COOPERATION.**

(a) IN GENERAL.—Chapter 201 of title 18, United States Code, is amended by inserting after section 3013 the following:

**"§3014. Preservation of fundamental legal protections and rights in the context of investigations and enforcement matters regarding organizations**

"(a) DEFINITIONS.—In this section:

"(1) ATTORNEY-CLIENT PRIVILEGE.—The term 'attorney-client privilege' means the attorney-client privilege as governed by the principles of the common law, as they may be interpreted by the courts of the United States in the light of reason and experience, and the principles of article V of the Federal Rules of Evidence.

"(2) ATTORNEY WORK PRODUCT.—The term 'attorney work product' means materials prepared by or at the direction of an attorney in anticipation of litigation, particularly any such materials that contain a mental impression, conclusion, opinion, or legal theory of that attorney.

"(b) IN GENERAL.—In any Federal investigation or criminal or civil enforcement matter, an agent or attorney of the United States shall not—

"(1) demand, request, or condition treatment on the disclosure by an organization, or person affiliated with that organization, of any communication protected by the attorney-client privilege or any attorney work product;

"(2) condition a civil or criminal charging decision relating to a organization, or person affiliated with that organization, on, or use as a factor in determining whether an organization, or person affiliated with that organization, is cooperating with the Government—

"(A) any valid assertion of the attorney-client privilege or privilege for attorney work product;

"(B) the provision of counsel to, or contribution to the legal defense fees or expenses of, an employee of that organization;

"(C) the entry into a joint defense, information sharing, or common interest agreement with an employee of that organization if the organization determines it has a common interest in defending against the investigation or enforcement matter;

"(D) the sharing of information relevant to the investigation or enforcement matter with an employee of that organization; or

"(E) a failure to terminate the employment of or otherwise sanction any employee of that organization because of the decision by that employee to exercise the constitutional rights or other legal protections of that employee in response to a Government request; or

"(3) demand or request that an organization, or person affiliated with that organization, not take any action described in paragraph (2).

"(c) INAPPLICABILITY.—Nothing in this Act shall prohibit an agent or attorney of the United States from requesting or seeking any communication or material that such agent or attorney reasonably believes is not entitled to protection under the attorney-client privilege or attorney work product doctrine.

"(d) VOLUNTARY DISCLOSURES.—Nothing in this Act is intended to prohibit an organization from making, or an agent or attorney of the United States from accepting, a voluntary and unsolicited offer to share the internal investigation materials of such organization.

"(e) NOT TO AFFECT EXAMINATION OR INSPECTION ACCESS OTHERWISE PERMITTED.—This Act does not affect any other federal statute that may authorize, in the course of an examination or inspection, an agent or attorney of the United States to require or compel the production of attorney-client privileged material or attorney work product.

"(f) CHARGING DECISIONS NOT TO INCLUDE DECISIONS TO CHARGE UNDER INDEPENDENT

PROHIBITIONS.—It is not conditioning a charging decision under subsection (b)(2) of this section to charge an organization or person affiliated with that organization for conduct described in subparagraphs (B), (C), or (D) of that subsection under a federal law which makes that conduct in itself an offense.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 18, United States Code, is amended by adding at the end the following:

"3014. Preservation of fundamental legal protections and rights in the context of investigations and enforcement matters regarding organizations.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced H.R. 3013, the Attorney-Client Privilege Protection Act of 2007 on July 12 of this year. At the time, I was joined by eight original bipartisan cosponsors, including the chairman of the Judiciary Committee, Mr. CONYERS; ranking member of the full committee, Mr. SMITH; Crime Subcommittee ranking member, Mr. FORBES; and other members, Mr. COBLE, Mr. DAVIS of Alabama, Mr. LUNGREN, Mr. FEENEY and Mr. ROSKAM. I would like to take a moment to personally thank each of them for their support.

The purpose of H.R. 3013 is fairly simple and straightforward. It is designed to prevent a practice that has regrettably become too common in many of Federal Government's recent investigations into corporate wrongdoing. I am specifically referring to the government's use of what are called "coercive waivers" to gain access to privileged communications that otherwise would remain private and protected under the constitutional doctrine of attorney-client privilege.

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Coercing waivers of corporate attorney-client privilege has not always been the practice among Federal prosecutors. Formerly, a company could produce evidence of its "cooperation" with prosecutors by providing insight into relevant corporate information, as well as by providing general access to the company's workplace and its employees. Unfortunately, since that time, memoranda issued by the Department of Justice suggest that the policy has changed to one which now exposes corporations to an increased risk of prosecution if they claim this constitutionally protected privilege.

One of the first such memoranda was issued in 1999. The Holder memorandum was designed to provide prosecutors with factors to be considered when determining whether to charge a corporation with criminal activity, and specifically allowed prosecutors, in gauging the extent of a corporation's cooperation, to consider the corporation's willingness to waive attorney-client privilege and work-product privilege.

This memorandum was superceded in 2003 by the Thompson memorandum. This memorandum contained the same language regarding the waiver of attorney-client privilege and work-product privileges and also addressed the adverse weight that might be given to a corporation's participation in a joint defense agreement with its officers or employees and its agreement to pay legal fees.

Today, the current Department policies relating to corporate attorney-client privilege and work-product privileges are embodied in the McNulty memorandum, issued in December of last year. While this new memorandum does state that the waiver requests should be the exception rather than the rule, it continues to threaten the viability of attorney-client privilege in business organizations by allowing prosecutors to request a waiver of privilege upon the finding of so-called "legitimate need."

I fully recognize the Department may face hurdles when undertaking investigations and prosecutions of corporate malfeasance. We look at the victims of Enron's collapse, the nearly 10,000 individuals who lost their jobs and pensions, their plans for their future, and know how vital it is for Federal prosecutors to have the tools necessary to prosecute these crimes and hold accountable wrongdoers who profit at the expense of ordinary working men and women. However, I also believe that facilitating and even encouraging such investigations should not come at the expense of vital constitutionally protected rights.

H.R. 3013 therefore prohibits the demanding of constitutionally protected materials as a necessary condition of receiving favorable consideration in decisions relating to prosecution and sentencing. This bill is supported by diverse groups such as the American Bar Association, the Chamber of Commerce, the American Civil Liberties Union, and the Heritage Foundation. That said, Mr. Speaker, I would like to once again thank the bipartisan members of the committee who have joined me in supporting this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 3013, the Attorney-Client Privilege Protection Act of 2007. H.R. 3013 bars Federal prosecutors from requiring corporations and individuals to waive their attorney-client privilege as a condition of cooperation or for avoiding criminal charges. H.R. 3013 would not prohibit a corporation from voluntarily waiving the attorney-client privilege.

This bill is designed to remedy overreaching by Federal prosecutors. It protects the attorney-client privilege, which is deeply rooted in our jurisprudence and the legal profession. The attorney-client privilege encourages frank and open communication between clients and their attorneys so that clients can receive effective advice and counsel.

In the corporate context, as we saw in the case of Arthur Andersen, the life of a corporation can turn on a prosecutor's discretionary decision to charge a corporation. That decision can have profound consequences on our economy, the employees and the community; and it should not turn on whether or not a company waives its attorney-client privilege.

Cooperation in the criminal justice system is an important engine of truth. However, prosecutors should not require privileged waivers as a routine matter.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I enter into the RECORD a letter from the American Bar Association outlining their support for this legislation.

Mr. Speaker, I would hope that the House would adopt the bill.

AMERICAN BAR ASSOCIATION,
*Chicago, IL, November 8, 2007.*

Re H.R. 3013, the "Attorney-Client Privilege Protection Act of 2007."

DEAR REPRESENTATIVE: On behalf of the American Bar Association ("ABA") and its more than 415,000 members, I write to express our strong support for H.R. 3013, the "Attorney-Client Privilege Protection Act of 2007." This bipartisan bill, sponsored by Representatives Bobby Scott, John Conyers, Lamar Smith, Randy Forbes, and eight other Members of Congress from both parties, was approved unanimously by the House Judiciary Committee on August 1 and will be considered by the full House next week under suspension of the rules. We urge you to vote in favor of this important legislation.

H.R. 3013 is a comprehensive reform measure designed to roll back a number of harmful federal agency policies that are seriously eroding the attorney-client privilege, the work product doctrine and the constitutional rights of employees. Although all of these federal policies raise concerns, the most problematic is the Department of Justice's policy—set forth in the 2003 "Thompson Memorandum" and 2006 "McNulty Memorandum"—that pressures companies and other organizations to waive their privileges as a condition for receiving cooperation credit, and hence leniency, during investigations. In addition, these federal policies contain separate provisions that violate employees' Sixth Amendment right to counsel and Fifth Amendment right against self-incrimination by pressuring companies to not pay their employees' legal fees during investigations, to fire the employees for not waiving their rights, or to take other punitive actions against them long before any guilt has been established.

Despite the serious concerns raised by congressional leaders, former Justice Department officials, and the legal and business communities, the Department of Justice and other federal agencies have refused to reverse or fundamentally change their harmful privilege waiver or employee rights policies. Although the Department reluctantly issued new cooperation guidelines on December 12, 2006 as part of the McNulty Memorandum, the new policy falls far short of what is needed to prevent further erosion of fundamental attorney-client privilege, work product, and employee legal protections.

As demonstrated by the report that former Delaware Chief Justice Norman Veasey recently sent to congressional leaders, the McNulty Memorandum has not significantly reduced the incidence of government coerced waiver, and federal prosecutors continue to routinely demand waiver of the privilege during investigations despite the new policy. (The Veasey Report is available at *http://www.abanetorg/poladv/priorities/privilegewaiver/cjveaseyletter.pdf*.) As a result, the Department's new policy continues to seriously weaken the confidential attorney-client relationship between companies and their lawyers, which, in turn, impedes the lawyers' ability to conduct thorough internal investigations and effectively counsel compliance with the law. This harms companies, employees and the investing public as well.

In addition, while the McNulty Memorandum bars prosecutors from requiring companies to not pay their employees' legal fees in some cases, it continues to allow the practice in many instances. The new Department policy and other similar federal policies also continue to deny cooperation credit to companies that assist employees with their legal defenses or decline to fire them for exercising their Fifth Amendment rights. By forcing companies to punish employees long before any guilt has been shown, these federal policies weaken the constitutional presumption of innocence and undermine principles of sound corporate governance.

H.R. 3013 would reverse these harmful policies by prohibiting federal agencies from pressuring companies or other organizations to waive their privileges or take certain unfair punitive actions against their employees as conditions for receiving cooperation credit during investigations. At the same time, however, the bill specifically preserves the ability of prosecutors and other federal officials to obtain the important, non-privileged factual material they need to punish wrongdoers and enforce the law. In our view, H.R. 3013 would strike the proper balance between effective law enforcement and the preservation of essential attorney-client privilege, work product and employee legal protections, and we urge you to support the bill during next week's floor vote.

Thank you for considering the views of the American Bar Association on this subject, which is of such vital importance to our system of justice. If you have any questions regarding the ABA's views or need more information, please ask your staff to contact Larson Frisby of the ABA Governmental Affairs Office at (202) 662-1098.

Sincerely,

William H. Neukom,
*President.*

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. Scott) that the House suspend the rules and pass the bill, H.R. 3013, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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## SECOND CHANCE ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1593) to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 1593

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Second Chance Act of 2007: Community Safety Through Recidivism Prevention" or the "Second Chance Act of 2007".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Purposes; findings.
Sec. 4. Definition of Indian tribe.
Sec. 5. Submission of reports to Congress.
Sec. 6. Rule of construction.

TITLE I—AMENDMENTS RELATED TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Subtitle A—Improvements to Existing Programs

Sec. 101. Reauthorization of adult and juvenile offender State and local reentry demonstration projects.
Sec. 102. Improvement of the residential substance abuse treatment for State offenders program.
Sec. 103. Definition of violent offender for drug court grant program.
Sec. 104. Use of violent offender truth-in-sentencing grant funding for demonstration project activities.

Subtitle B—New and Innovative Programs To Improve Offender Reentry Services

Sec. 111. State, tribal, and local reentry courts.
Sec. 112. Prosecution drug treatment alternative to prison programs.
Sec. 113. Grants for family-based substance abuse treatment.
Sec. 114. Grant to evaluate and improve education at prisons, jails, and juvenile facilities.
Sec. 115. Technology Careers Training Demonstration Grants.

TITLE II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

Subtitle A—Drug Treatment

Sec. 201. Offender reentry substance abuse and criminal justice collaboration program.

Subtitle B—Mentoring

Sec. 211. Mentoring grants to nonprofit organizations.
Sec. 212. Responsible reintegration of offenders.
Sec. 213. Bureau of prisons policy on mentoring contacts.
Sec. 214. Bureau of prisons policy on chapel library materials.

Subtitle C—Administration of Justice Reforms

CHAPTER 1—IMPROVING FEDERAL OFFENDER REENTRY

Sec. 231. Federal prisoner reentry initiative.
Sec. 232. Bureau of prisons policy on restraining of female prisoners.

CHAPTER 2—REENTRY RESEARCH

Sec. 241. Offender reentry research.
Sec. 242. Grants to study parole or post-incarceration supervision violations and revocations.
Sec. 243. Addressing the needs of children of incarcerated parents.
Sec. 244. Study of effectiveness of depot naltrexone for heroin addiction.
Sec. 245. Authorization of appropriations for research.

CHAPTER 3—CORRECTIONAL REFORMS TO EXISTING LAW

Sec. 251. Clarification of authority to place prisoner in community corrections.
Sec. 252. Residential drug abuse program in Federal prisons.
Sec. 253. Contracting for services for post-conviction supervision offenders.

CHAPTER 4—MISCELLANUOUS PROVISIONS

Sec. 261. Extension of national prison rape elimination commission.

**SEC. 3. PURPOSES; FINDINGS.**

(a) PURPOSES.—The purposes of the Act are—

(1) to break the cycle of criminal recidivism, increase public safety, and help States, local units of government, and Indian Tribes, better address the growing population of criminal offenders who return to their communities and commit new crimes;

(2) to rebuild ties between offenders and their families, while the offenders are incarcerated and after reentry into the community, to promote stable families and communities;

(3) to encourage the development and support of, and to expand the availability of, evidence-based programs that enhance public safety and reduce recidivism, such as substance abuse treatment, alternatives to incarceration, and comprehensive reentry services;

(4) to protect the public and promote law-abiding conduct by providing necessary services to offenders, while the offenders are incarcerated and after reentry into the community, in a manner that does not confer luxuries or privileges upon such offenders;

(5) to assist offenders reentering the community from incarceration to establish a self-sustaining and law-abiding life by providing sufficient transitional services for as short of a period as practicable, not to exceed one year, unless a longer period is specifically determined to be necessary by a

medical or other appropriate treatment professional; and

(6) to provide offenders in prisons, jails or juvenile facilities with educational, literacy, vocational, and job placement services to facilitate re-entry into the community.

(b) FINDINGS.—Congress finds the following:

(1) In 2002, over 7,000,000 people were incarcerated in Federal or State prisons or in local jails. Nearly 650,000 people are released from Federal and State incarceration into communities nationwide each year.

(2) There are over 3,200 jails throughout the United States, the vast majority of which are operated by county governments. Each year, these jails will release more than 10,000,000 people back into the community.

(3) Recent studies indicate that over ⅔ of released State prisoners are expected to be rearrested for a felony or serious misdemeanor within 3 years after release.

(4) According to the Bureau of Justice Statistics, expenditures on corrections alone increased from $9,000,000,000 in 1982, to $59,600,000,000 in 2002. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

(5) The Serious and Violent Offender Reentry Initiative (SVORI) provided $139,000,000 in funding for State governments to develop and implement education, job training, mental health treatment, and substance abuse treatment for serious and violent offenders. This Act seeks to build upon the innovative and successful State reentry programs developed under the SVORI, which terminated after fiscal year 2005.

(6) Between 1991 and 1999, the number of children with a parent in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. According to the Bureau of Prisons, there is evidence to suggest that inmates who are connected to their children and families are more likely to avoid negative incidents and have reduced sentences.

(7) Released prisoners cite family support as the most important factor in helping them stay out of prison. Research suggests that families are an often underutilized resource in the reentry process.

(8) Approximately 100,000 juveniles (ages 17 years and under) leave juvenile correctional facilities, State prison, or Federal prison each year. Juveniles released from secure confinement still have their likely prime crime years ahead of them. Juveniles released from secure confinement have a recidivism rate ranging from 55 to 75 percent. The chances that young people will successfully transition into society improve with effective reentry and aftercare programs.

(9) Studies have shown that between 15 percent and 27 percent of prisoners expect to go to homeless shelters upon release from prison.

(10) Fifty-seven percent of Federal and 70 percent of State inmates used drugs regularly before going to prison, and the Bureau of Justice statistics report titled "Trends in State Parole, 1990-2000" estimates the use of drugs or alcohol around the time of the offense that resulted in the incarceration of the inmate at as high as 84 percent.

(11) Family-based treatment programs have proven results for serving the special populations of female offenders and substance abusers with children. An evaluation by the Substance Abuse and Mental Health Services Administration of family-based treatment for substance-abusing mothers and children found that 6 months after such treatment, 60 percent of the mothers remained alcohol and drug free, and drug-related offenses declined from 28 percent to 7 percent. Additionally, a 2003 evaluation of residential family-based treatment programs revealed that 60 percent of mothers remained clean and sober 6 months after treatment, criminal arrests declined by 43 percent, and 88 percent of the children treated in the program with their mothers remained stabilized.

(12) A Bureau of Justice Statistics analysis indicated that only 33 percent of Federal inmates and 36 percent of State inmates had participated in residential in-patient treatment programs for alcohol and drug abuse 12 months before their release. Further, over one-third of all jail inmates have some physical or mental disability and 25 percent of jail inmates have been treated at some time for a mental or emotional problem.

(13) State Substance Abuse Agency Directors, also known as Single State Authorities, manage the publicly funded substance abuse prevention and treatment system of the Nation. Single State Authorities are responsible for planning and implementing statewide systems of care that provide clinically appropriate substance abuse services. Given the high rate of substance use disorders among offenders reentering our communities, successful reentry programs require close interaction and collaboration with each Single State Authority as the program is planned, implemented, and evaluated.

(14) According to the National Institute of Literacy, 70 percent of all prisoners function at the lowest literacy levels.

(15) Less than 32 percent of State prison inmates have a high school diploma or a higher level of education, compared to 82 percent of the general population.

(16) Approximately 38 percent of inmates who completed 11 years or less of school were not working before entry into prison.

(17) The percentage of State prisoners participating in educational programs decreased by more than 8 percent between 1991 and 1997, despite growing evidence of how educational programming while incarcerated reduces recidivism.

(18) The National Institute of Justice has found that 1 year after release, up to 60 percent of former inmates are not employed.

(19) Transitional jobs programs have proven to help people with criminal records to successfully return to the workplace and to the community, and therefore can reduce recidivism.

### SEC. 4. DEFINITION OF INDIAN TRIBE.

In this Act, the term "Indian Tribe" has the meaning given that term in section 901 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791).

### SEC. 5. SUBMISSION OF REPORTS TO CONGRESS.

Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives each report required by the Attorney General under this Act or an amendment made by this Act during the preceding year.

### SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act or an amendment made by this Act shall be construed as creating a right or entitlement to assistance or services for any individual, program, or grant recipient. Each grant made under this Act or an amendment made by this Act shall—

(1) be made as competitive grants to eligible entities for a 12-month period, except that grants awarded under section 113, 201, 211, and 212 may be made for a 24-month period; and

(2) require that services for participants, when necessary and appropriate, be transferred from programs funded under this Act or the amendment made by this Act, respectively, to State and community-based programs not funded under this Act or the amendment made by this Act, respectively, before the expiration of the grant.

## TITLE I—AMENDMENTS RELATED TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

## Subtitle A—Improvements to Existing Programs

### SEC. 101. REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.

(a) ADULT AND JUVENILE OFFENDER DEMONSTRATION PROJECTS AUTHORIZED.—Section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) providing offenders in prisons, jails, or juvenile facilities with educational, literacy, vocational, and job placement services to facilitate re-entry into the community;

"(2) providing substance abuse treatment and services (including providing a full continuum of substance abuse treatment services that encompasses outpatient and comprehensive residential services and recovery);

"(3) providing coordinated supervision and comprehensive services for offenders upon release from prison, jail, or a juvenile facility, including housing and mental and physical health care to facilitate re-entry into the community, and which, to the extent applicable, are provided by community-based entities (including coordinated reentry veteran-specific services for eligible veterans);

"(4) providing programs that—

"(A) encourage offenders to develop safe, healthy, and responsible family relationships and parent-child relationships; and

"(B) involve the entire family unit in comprehensive reentry services (as appropriate to the safety, security, and well-being of the family and child);

"(5) encouraging the involvement of prison, jail, or juvenile facility mentors in the reentry process and enabling those mentors to remain in contact with offenders while in custody and after reentry into the community;

"(6) providing victim-appropriate services, encouraging the timely and complete payment of restitution and fines by offenders to victims, and providing services such as security and counseling to victims upon release of offenders; and

"(7) protecting communities against dangerous offenders by using validated assessment tools to assess the risk factors of returning inmates and developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely.".

(b) JUVENILE OFFENDER DEMONSTRATION PROJECTS REAUTHORIZED.—Section 2976(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(c)) is amended by striking "may be expended for" and all that follows through the period at the end and inserting "may be expended for any activity described in subsection (b).".

(c) APPLICATIONS; REQUIREMENTS; PRIORITIES; PERFORMANCE MEASUREMENTS.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

(1) by redesignating subsection (h) as subsection (o); and

(2) by striking subsections (d) through (g) and inserting the following:

"(d) APPLICATIONS.—A State, unit of local government, territory, or Indian Tribe, or combination thereof, desiring a grant under this section shall submit an application to the Attorney General that—

"(1) contains a reentry strategic plan, as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to pay for the program after the Federal funding is discontinued;

"(2) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations;

"(3) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this section, and specifically explains how such measurements will provide valid measures of the impact of that program; and

"(4) describes how the project could be broadly replicated if demonstrated to be effective.

"(e) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this section only if the application—

"(1) reflects explicit support of the chief executive officer of the State, unit of local government, territory, or Indian Tribe applying for a grant under this section;

"(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring successful reentry of offenders into their communities;

"(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

"(4) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community; and

"(5) includes the use of a State, local, territorial, or Tribal task force, described in subsection (i), to carry out the activities funded under the grant.

"(f) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this section that best—

"(1) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

"(2) include—

"(A) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

"(B) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities; and

"(C) coordination with families of offenders;

"(3) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

"(A) planning while offenders are in prison, jail, or a juvenile facility, prerelease transition housing, and community release;

"(B) establishing prerelease planning procedures to ensure that the eligibility of an offender for Federal or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services; and

"(C) delivery of continuous and appropriate drug treatment, medical care, job training and placement, educational services, or any other service or support needed for reentry;

"(4) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

"(5) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs; and

"(6) target high-risk offenders for reentry programs through validated assessment tools.

"(g) USES OF GRANT FUNDS.—

"(1) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of a grant received under this section may not exceed 50 percent of the project funded under such grant in fiscal year 2009.

"(B) WAIVER.—Subparagraph (A) shall not apply if the Attorney General—

"(i) waives, in whole or in part, the requirement of this paragraph; and

"(ii) publishes in the Federal Register the rationale for such waiver.

"(C) IN-KIND CONTRIBUTIONS.—

"(i) IN GENERAL.—Subject to clause (ii), the recipient of a grant under this section may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

"(ii) MAXIMUM PERCENTAGE.—Not more than 50 percent of the amount provided by a recipient of a grant under this section to meet the matching requirement under subparagraph (A) may be provided through in-kind contributions under clause (i).

"(2) SUPPLEMENT NOT SUPPLANT.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

"(h) REENTRY STRATEGIC PLAN.—

"(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5-year performance outcomes, and that uses, to the maximum extent possible, random assigned and controlled studies to determine the effectiveness of the program funded with a grant under this section. One goal of that plan shall be to reduce the rate of recidivism (as defined by the Attorney General, consistent with the research on offender reentry undertaken by the Bureau of Justice Statistics) by 50 percent over a 5-year period for offenders released from prison, jail, or a juvenile facility who are served with funds made available under this section.

"(2) COORDINATION.—In developing a reentry plan under this subsection, an applicant shall coordinate with communities and stakeholders, including persons in the fields of public safety, juvenile and adult corrections, housing, health, education, substance abuse, children and families, victims services, employment, and business and members of nonprofit organizations that can provide reentry services.

"(3) MEASUREMENTS OF PROGRESS.—Each reentry plan developed under this subsection shall measure the progress of the applicant toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

"(i) REENTRY TASK FORCE.—

"(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to—

"(A) examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders and minimize the harmful effects of offenders' time in prison, jail, or a juvenile facility on families and communities of offenders by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations; and

"(B) provide the analysis described in subsection (e)(4).

"(2) MEMBERSHIP.—The task force or other authority under this subsection shall be comprised of—

"(A) relevant State, Tribal, territorial, or local leaders; and

"(B) representatives of relevant—

"(i) agencies;

"(ii) service providers;

"(iii) nonprofit organizations; and

"(iv) stakeholders.

"(j) STRATEGIC PERFORMANCE OUTCOMES.—

"(1) IN GENERAL.—Each applicant shall identify in the reentry strategic plan developed under subsection (h), specific performance outcomes relating to the long-term goals of increasing public safety and reducing recidivism.

"(2) PERFORMANCE OUTCOMES.—The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—

"(A) reduction in recidivism rates, which shall be reported in accordance with the measure selected by the Director of the Bureau of Justice Statistics under section 234(c)(2) of the Second Chance Act of 2007;

"(B) reduction in crime;

"(C) increased employment and education opportunities;

"(D) reduction in violations of conditions of supervised release;

"(E) increased payment of child support;

"(F) increased housing opportunities;

"(G) reduction in drug and alcohol abuse; and

"(H) increased participation in substance abuse and mental health services.

"(3) OTHER OUTCOMES.—A grantee under this section may include in the reentry strategic plan developed under subsection (h) other performance outcomes that increase the success rates of offenders who transition from prison, jails, or juvenile facilities.

"(4) COORDINATION.—A grantee under this section shall coordinate with communities and stakeholders about the selection of performance outcomes identified by the applicant, and shall consult with the Attorney General for assistance with data collection and measurement activities as provided for in the grant application materials.

"(5) REPORT.—Each grantee under this section shall submit to the Attorney General an annual report that—

"(A) identifies the progress of the grantee toward achieving its strategic performance outcomes; and

"(B) describes other activities conducted by the grantee to increase the success rates of the reentry population, such as programs that foster effective risk management and treatment programming, offender accountability, and community and victim participation.

"(k) PERFORMANCE MEASUREMENT.—

"(1) IN GENERAL.—The Attorney General, in consultation with grantees under this section, shall—

"(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section;

"(B) identify sources and methods of data collection in support of performance measurement required under this section;

"(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

"(D) consult with the Substance Abuse and Mental Health Services Administration and the National Institute on Drug Abuse on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

"(2) COORDINATION.—The Attorney General shall coordinate with other Federal agencies to identify national and other sources of information to support performance measurement of grantees.

"(3) STANDARDS FOR ANALYSIS.—Any statistical analysis of population data conducted pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

"(l) FUTURE ELIGIBILITY.—To be eligible to receive a grant under this section in any fiscal year after the fiscal year in which a grantee receives a grant under this section, a grantee shall submit to the Attorney General such information as is necessary to demonstrate that—

"(1) the grantee has adopted a reentry plan that reflects input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

"(2) the reentry plan of the grantee includes performance measures to assess progress of the grantee toward a 10 percent reduction in the rate of recidivism over a 2-year period;

"(3) the grantee will coordinate with the Attorney General, nonprofit organizations (if relevant input from nonprofit organizations is available and appropriate), and other experts regarding the selection and implementation of the performance measures described in subsection (k); and

"(4) the grantee has made adequate progress, as determined by the Attorney General, toward reducing the rate of recidivism by 10 percent over a 2-year period.

"(m) NATIONAL ADULT AND JUVENILE OFFENDER REENTRY RESOURCE CENTER.—

"(1) AUTHORITY.—The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

"(2) ELIGIBLE ORGANIZATION.—An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, that provides technical assistance and training to, and has special expertise and broad, national-level experience in, offender reentry programs, training, and research.

"(3) USE OF FUNDS.—The organization receiving a grant under paragraph (1) shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

"(A) provide education, training, and technical assistance for States, tribes, territories, local governments, service providers, nonprofit organizations, and corrections institutions;

"(B) collect data and best practices in offender reentry from demonstration grantees and others agencies and organizations;

"(C) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes;

"(D) disseminate information to States and other relevant entities about best practices, policy standards, and research findings;

"(E) develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

"(F) develop and implement procedures to identify efficiently and effectively those violators of probation, parole, or supervision following release from prison, jail, or a juvenile facility who should be returned to prisons, jails, or juvenile facilities and those who should receive other penalties based on defined, graduated sanctions;

"(G) collaborate with the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, and the Federal Resource Center for Children of Prisoners;

"(H) develop a national reentry research agenda; and

"(I) establish a database to enhance the availability of information that will assist offenders in areas including housing, employment, counseling, mentoring, medical and mental health services, substance abuse treatment, transportation, and daily living skills.

"(4) LIMIT.—Of amounts made available to carry out this section, not more than 4 percent of the authorized level shall be available to carry out this subsection.

"(n) ADMINISTRATION.—Of amounts made available to carry out this section—

"(1) not more than 2 percent of the authorized level shall be available for administrative expenses in carrying out this section; and

"(2) not more than 2 percent of the authorized level shall be made available to the National Institute of Justice to evaluate the effectiveness of the demonstration projects funded under this section, using a methodology that—

"(A) includes, to the maximum extent feasible, random assignment of offenders (or entities working with such persons) to program delivery and control groups; and

"(B) generates evidence on which reentry approaches and strategies are most effective.".

(d) GRANT AUTHORIZATION.—Section 2976(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(a)) is amended by striking "States, Territories" and all that follows through the period at the end and inserting the following: "States, local governments, territories, or Indian Tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 2976(o) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w), as so redesignated by subsection (c) of this section, is amended—

(1) in paragraph (1), by striking "$15,000,000 for fiscal year 2003" and all that follows and inserting "$55,000,000 for each of fiscal years 2009 and 2010."; and

(2) by amending paragraph (2) to read as follows:

"(2) LIMITATION; EQUITABLE DISTRIBUTION.—

"(A) LIMITATION.—Of the amount made available to carry out this section for any fiscal year, not more than 3 percent or less than 2 percent may be used for technical assistance and training.

"(B) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that grants awarded under this section are equitably distributed among the geographical regions and between urban and rural populations, including Indian Tribes, consistent with the objective of reducing recidivism among criminal offenders.".

### SEC. 102. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE OFFENDERS PROGRAM.

(a) REQUIREMENT FOR AFTERCARE COMPONENT.—Section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-1(c)), is amended—

(1) by striking the subsection heading and inserting "REQUIREMENT FOR AFTERCARE COMPONENT"; and

(2) by amending paragraph (1) to read as follows:

"(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services, which may include case management services and a full continuum of support services that ensure providers furnishing services under that program are approved by the appropriate State or local agency, and licensed, if necessary, to provide medical treatment or other health services.".

(b) DEFINITION.—Section 1904(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-3(d)) is amended to read as follows:

"(d) RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM DEFINED.—In this part, the term 'residential substance abuse treatment program' means a course of comprehensive individual and group substance abuse treatment services, lasting a period of at least 6 months, in residential treatment facilities set apart from the general population of a prison or jail (which may include the use of pharmacological treatment, where appropriate, that may extend beyond such period).".

(c) REQUIREMENT FOR STUDY AND REPORT ON AFTERCARE SERVICES.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall conduct a study on the use and effectiveness of funds used by the Department of Justice for aftercare services under section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by subsection (a) of this section, for offenders who reenter the community after completing a substance abuse program in prison or jail.

### SEC. 103. DEFINITION OF VIOLENT OFFENDER FOR DRUG COURT GRANT PROGRAM.

(a) DEFINITION.—Section 2953(a)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u-2(a)(1)) is amended by inserting "that is punishable by a term of imprisonment exceeding one year" after "convicted of an offense".

(b) PERIOD FOR COMPLIANCE.—Notwithstanding Section 2952(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u-1(2)), each grantee under part EE of such Act shall have not more than 3 years from the date of the enactment of this Act to adopt the definition of "violent offender" under such part, as amended by subsection (a) of this section.

(c) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall revise any regulations or guidelines described in section 2952 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u-1) in accordance with the amendments made by subsection (a). Such regulations shall specify that grant amounts under part EE of such Act shall be reduced for any drug court that does not adopt the definition of "violent offender" under such part, as amended by subsection (a) of this section, within 3 years after such date of enactment.

### SEC. 104. USE OF VIOLENT OFFENDER TRUTH-IN-SENTENCING GRANT FUNDING FOR DEMONSTRATION PROJECT ACTIVITIES.

(a) PERMISSIBLE USES.—Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is amended—

(1) in paragraph (2) by striking "and" at the end;

(2) in paragraph (3) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) to carry out any activity referred to in section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b))."

(b) USE OF FUNDS APPROPRIATED.—Section 20108(b)(4) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13708(b)(4)) is amended by adding at the end the following: "Funds obligated, but subsequently unspent and deobligated, may remain available, to the extent as may provided in appropriations Acts, for the purpose described in section 20102(a)(4) for any subsequent fiscal year. The further obligation of such funds by an official for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch."

## Subtitle B—New and Innovative Programs To Improve Offender Reentry Services

### SEC. 111. STATE, TRIBAL, AND LOCAL REENTRY COURTS.

Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w et seq.) is amended by adding at the end the following:

### "SEC. 2978. STATE, TRIBAL, AND LOCAL REENTRY COURTS.

"(a) GRANTS AUTHORIZED.—The Attorney General may award grants, in accordance with this section, of not more than $500,000 to—

"(1) State, Tribal, and local courts; and

"(2) State agencies, municipalities, public agencies, nonprofit organizations, territories, and Indian Tribes that have agreements with courts to take the lead in establishing a reentry court (as described in section 2976(b)(19)).

"(b) USE OF GRANT FUNDS.—Grant funds awarded under this section shall be administered in accordance with such guidelines, regulations, and procedures as promulgated by the Attorney General, and may be used to—

"(1) monitor juvenile and adult offenders reentering the community;

"(2) provide juvenile and adult offenders reentering the community with coordinated and comprehensive reentry services and programs such as—

"(A) drug and alcohol testing and assessment for treatment;

"(B) assessment for substance abuse from a substance abuse professional who is approved by the State or Indian Tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

"(C) substance abuse treatment from a provider that is approved by the State or Indian Tribe, and licensed, if necessary, to provide medical and other health services;

"(D) health (including mental health) services and assessment;

"(E) aftercare and case management services that—

"(i) facilitate access to clinical care and related health services; and

"(ii) coordinate with such clinical care and related health services; and

"(F) any other services needed for reentry;

"(3) convene community impact panels, victim impact panels, or victim impact educational classes;

"(4) provide and coordinate the delivery of community services to juvenile and adult offenders, including—

"(A) housing assistance;

"(B) education;

"(C) job training;

"(D) conflict resolution skills training;

"(E) batterer intervention programs; and

"(F) other appropriate social services; and

"(5) establish and implement graduated sanctions and incentives.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as preventing a grantee that operates a drug court under part EE at the time a grant is awarded under this section from using funds from such grant to supplement such drug court in accordance with paragraphs (1) through (5) of subsection (b).

"(d) APPLICATION.—To be eligible for a grant under this section, an entity described in subsection (a) shall, in addition to any other requirements required by the Attorney General, submit to the Attorney General an application that—

"(1) describes the program to be assisted under this section and the need for such program;

"(2) describes a long-term strategy and detailed implementation plan for such program, including how the entity plans to pay for the program after the Federal funding is discontinued;

"(3) identifies the governmental and community agencies that will be coordinated by the project;

"(4) certifies that—

"(A) all agencies affected by the program, including community corrections and parole entities, have been appropriately consulted in the development of the program;

"(B) there will be appropriate coordination with all such agencies in the implementation of the program; and

"(C) there will be appropriate coordination and consultation with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) of the State; and

"(5) describes the methodology and outcome measures that will be used to evaluate the program.

"(e) MATCHING REQUIREMENTS.—The Federal share of a grant under this section may not exceed 75 percent of the costs of the project assisted by such grant unless the Attorney General—

"(1) waives, wholly or in part, the matching requirement under this subsection; and

"(2) publicly delineates the rationale for the waiver.

"(f) ANNUAL REPORT.—Each entity receiving a grant under this section shall submit to the Attorney General, for each fiscal year in which funds from the grant are expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—

"(1) a summary of the activities carried out under the program assisted by the grant;

"(2) an assessment of whether the activities are meeting the need for the program identified in the application submitted under subsection (d); and

"(3) such other information as the Attorney General may require.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2009 and 2010 to carry out this section.

"(2) LIMITATIONS; EQUITABLE DISTRIBUTION.—

"(A) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

"(i) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

"(ii) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.

"(B) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that grants awarded under this section are equitably distributed among the geographical regions and between urban and rural populations, including Indian Tribes, consistent with the objective of reducing recidivism among criminal offenders.".

### SEC. 112. PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS.

(a) AUTHORIZATION.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part BB the following:

## "PART CC—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAM

### "SEC. 2901. GRANT AUTHORITY.

"(a) IN GENERAL.—The Attorney General may make grants to State, Tribal, and local prosecutors to develop, implement, or expand qualified drug treatment programs that are alternatives to imprisonment, in accordance with this part.

"(b) QUALIFIED DRUG TREATMENT PROGRAMS DESCRIBED.—For purposes of this part, a qualified drug treatment program is a program—

"(1) that is administered by a State, Tribal, or local prosecutor;

"(2) that requires an eligible offender who is sentenced to participate in the program (instead of incarceration) to participate in a comprehensive substance abuse treatment program that is approved by the State or Indian Tribe and licensed, if necessary, to provide medical and other health services;

"(3) that requires an eligible offender to receive the consent of the State, Tribal, or local prosecutor involved to participate in such program;

"(4) that, in the case of an eligible offender who is sentenced to participate in the program, requires the offender to serve a sentence of imprisonment with respect to the crime involved if the prosecutor, in conjunction with the treatment provider, determines that the offender has not successfully completed the relevant substance abuse treatment program described in paragraph (2);

"(5) that provides for the dismissal of the criminal charges involved in an eligible offender's participation in the program if the offender is determined to have successfully completed the program;

"(6) that requires each substance abuse provider treating an eligible offender under the program to—

"(A) make periodic reports of the progress of the treatment of that offender to the State, Tribal, or local prosecutor involved and to the appropriate court in which the eligible offender was convicted; and

"(B) notify such prosecutor and such court if the eligible offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program, consistent with Federal and State confidentiality requirements; and

"(7) that has an enforcement unit comprised of law enforcement officers under the supervision of the State, Tribal, or local prosecutor involved, the duties of which shall include verifying an eligible offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an eligible offender who has absconded from the facility of a substance abuse treatment provider or otherwise violated the terms and conditions of the program, consistent with Federal and State confidentiality requirements, and returning such eligible offender to court for sentencing for the crime involved.

### "SEC. 2902. USE OF GRANT FUNDS.

"(a) IN GENERAL.—A State, Tribal, or local prosecutor that receives a grant under this part shall use such grant for expenses of a qualified drug treatment program, including for the following expenses:

"(1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.

"(2) Payments for substance abuse treatment providers that are approved by the State or Indian Tribe and licensed, if necessary, to provide alcohol and drug addiction treatment to eligible offenders participating in the program, including aftercare supervision, vocational training, education, and job placement.

"(3) Payments to public and nonprofit private entities that are approved by the State or Indian Tribe and licensed, if necessary, to provide alcohol and drug addiction treatment to offenders participating in the program.

"(b) SUPPLEMENT AND NOT SUPPLANT.—Grants made under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this part.

### "SEC. 2903. APPLICATIONS.

"To request a grant under this part, a State, Tribal, or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require. Each such application shall contain the certification by the State, Tribal, or local prosecutor that the program for which the grant is requested is a qualified drug treatment program, in accordance with this part.

### "SEC. 2904. FEDERAL SHARE.

"The Federal share of a grant made under this part shall not exceed 75 percent of the total costs of the qualified drug treatment program funded by such grant for the fiscal year for which the program receives assistance under this part.

### "SEC. 2905. GEOGRAPHIC DISTRIBUTION.

"The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this part is equitable and includes State, Tribal, or local prosecutors—

"(1) in each State; and

"(2) in rural, suburban, Tribal, and urban jurisdictions.

### "SEC. 2906. REPORTS AND EVALUATIONS.

"For each fiscal year, each recipient of a grant under this part during that fiscal year shall submit to the Attorney General a report with respect to the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

### "SEC. 2907. DEFINITIONS.

"In this part:

"(1) STATE OR LOCAL PROSECUTOR.—The term 'State, Tribal, or local prosecutor' means any district attorney, State attorney general, county attorney, tribal attorney, or corporation counsel who has authority to prosecute criminal offenses under State, Tribal, or local law.

"(2) ELIGIBLE OFFENDER.—The term 'eligible offender' means an individual who—

"(A) has been convicted, pled guilty, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

"(B) has never been charged with or convicted of an offense, during the course of which—

"(i) the individual carried, possessed, or used a firearm or dangerous weapon; or

"(ii) there occurred the use of force against the person of another, without regard to whether any of the behavior described in clause (i) is an element of the offense or for which the person is charged or convicted;

"(C) does not have 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm; and

"(D)(i) has received an assessment for alcohol or drug addiction from a substance abuse professional who is approved by the State or Indian Tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate; and

"(ii) has been found to be in need of substance abuse treatment because that individual has a history of substance abuse that is a significant contributing factor to the criminal conduct of that individual.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

"(26) There are authorized to be appropriated to carry out part CC $10,000,000 for each of fiscal years 2009 and 2010.".

### SEC. 113. GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE TREATMENT.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part CC, as added by this Act, the following:

## "PART DD—GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE TREATMENT

### "SEC. 2921. GRANTS AUTHORIZED.

"The Attorney General may make grants to States, units of local government, territories, and Indian Tribes to—

"(1) develop, implement, and expand comprehensive and clinically-appropriate family-based substance abuse treatment programs as alternatives to incarceration for nonviolent parent drug offenders; and

"(2) to provide prison-based family treatment programs for incarcerated parents of minor children.

### "SEC. 2922. USE OF GRANT FUNDS.

"Grants made to an entity under section 2921 for a program described in such section may be used for—

"(1) the development, implementation, and expansion of prison-based family treatment programs in correctional facilities for incarcerated parents with minor children (except for any such parent who there is reasonable evidence to believe engaged in domestic violence or child abuse);

"(2) the development, implementation, and expansion of residential substance abuse treatment;

"(3) coordination between appropriate correctional facility representatives and the appropriate governmental agencies;

"(4) payments to public and nonprofit private entities to provide substance abuse treatment to nonviolent parent drug offenders participating in that program; and

"(5) salaries, personnel costs, facility costs, and other costs directly related to the operation of that program.

### "SEC. 2923. PROGRAM REQUIREMENTS.

"(a) IN GENERAL.—A program for which a grant is made under section 2921(1) shall comply with the following requirements:

"(1) The program shall ensure that all providers of substance abuse treatment are approved by the State or Indian Tribe and are licensed, if necessary, to provide medical and other health services.

"(2) The program shall ensure appropriate coordination and consultation with the Single State Authority for Substance Abuse of the State (as that term is defined in section 201(e) of the Second Chance Act of 2007).

"(3) The program shall consist of clinically-appropriate, comprehensive, and long-term family treatment, including the treatment of the nonviolent parent drug offender, the child of such offender, and any other appropriate member of the family of the offender.

"(4) The program shall be provided in a residential setting that is not a hospital setting or an intensive outpatient setting.

"(5) The program shall provide that if a nonviolent parent drug offender who participates in that program does not successfully complete the program the offender shall serve an appropriate sentence of imprisonment with respect to the underlying crime involved.

"(6) The program shall ensure that a determination is made as to whether a nonviolent drug offender has completed the substance abuse treatment program.

"(7) The program shall include the implementation of a system of graduated sanctions (including incentives) that are applied based on the accountability of the nonviolent parent drug offender involved throughout the course of that program to encourage compliance with that program.

"(8) The program shall develop and implement a reentry plan for each participant.

"(b) PRISON-BASED PROGRAMS.—A program for which a grant is made under section 2921(2) shall comply with the following requirements:

"(1) The program shall integrate techniques to assess the strengths and needs of immediate and extended family of the incarcerated parent to support a treatment plan of the incarcerated parent.

"(2) The program shall ensure that each participant in that program has access to consistent and uninterrupted care if transferred to a different correctional facility within the State or other relevant entity.

"(3) The program shall be located in an area separate from the general population of the prison.

**"SEC. 2924. APPLICATIONS.**

"(a) IN GENERAL.—An entity described in section 2921 desiring a grant under this part shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General requires.

"(b) CONTENTS.—An application under subsection (a) shall include a description of the methods and measurements the applicant will use for purposes of evaluating the program involved.

**"SEC. 2925. REPORTS.**

"An entity that receives a grant under this part during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of that program during such fiscal year that—

"(1) is based on evidence-based data; and

"(2) uses the methods and measurements described in the application of that entity for purposes of evaluating that program.

**"SEC. 2926. AUTHORIZATION OF APPROPRIATIONS.**

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2009 and 2010.

"(b) USE OF AMOUNTS.—Of the amount made available to carry out this part in any fiscal year, not less than 5 percent shall be used for grants to Indian Tribes.

**"SEC. 2927. DEFINITIONS.**

"In this part:

"(1) NONVIOLENT PARENT DRUG OFFENDER.—The term 'nonviolent parent drug offender' means an offender who is—

"(A) a parent of an individual under 18 years of age; and

"(B) convicted of a drug (or drug-related) felony that is a nonviolent offense.

"(2) NONVIOLENT OFFENSE.—The term 'nonviolent offense' has the meaning given that term in section 2991(a).

"(3) PRISON-BASED FAMILY TREATMENT PROGRAM.—The term 'prison-based family treatment program' means a program for incarcerated parents in a correctional facility that provides a comprehensive response to offender needs, including substance abuse treatment, child early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, physical therapy, prenatal care, sexual abuse therapy, relapse prevention, transportation, and vocational or GED training.".

**SEC. 114. GRANT TO EVALUATE AND IMPROVE EDUCATION AT PRISONS, JAILS, AND JUVENILE FACILITIES.**

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is further amended—

(1) by redesignating part X as part KK; and

(2) by inserting after part II the following:

**"PART JJ—GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES**

**"SEC. 3001. GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.**

"(a) GRANT PROGRAM AUTHORIZED.—The Attorney General may carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian Tribes, and other public and private entities to—

"(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities;

"(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1); and

"(3) improve the academic and vocational education programs (including technology career training) available to offenders in prisons, jails, and juvenile facilities.

"(b) APPLICATION.—To be eligible for a grant under this part, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

"(c) REPORT.—Not later than 90 days after the last day of the final fiscal year of a grant under this part, each entity described in subsection (a) receiving such a grant shall submit to the Attorney General a detailed report of the progress made by the entity using such grant, to permit the Attorney General to evaluate and improve academic and vocational education methods carried out with grants under this part.

**"SEC. 3002. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated $5,000,000 to carry out this part for each of fiscal years 2009 and 2010.".

**SEC. 115. TECHNOLOGY CAREERS TRAINING DEMONSTRATION GRANTS.**

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General shall make grants to States, units of local government, territories, and Indian Tribes to provide technology career training to prisoners.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for establishing a technology careers training program to train prisoners for technology-based jobs and careers during the 3-year period before release from prison, jail, or a juvenile facility.

(c) CONTROL OF INTERNET ACCESS.—An entity that receives a grant under subsection (a) shall restrict access to the Internet by prisoners, as appropriate, to ensure public safety.

(d) REPORTS.—Not later than the last day of each fiscal year, an entity that receives a grant under subsection (a) during the preceding fiscal year shall submit to the Attorney General a report that describes and assesses the uses of such grant during the preceding fiscal year.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2009 and 2010.

## TITLE II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

### Subtitle A—Drug Treatment

**SEC. 201. OFFENDER REENTRY SUBSTANCE ABUSE AND CRIMINAL JUSTICE COLLABORATION PROGRAM.**

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General may make competitive grants to States, units of local government, territories, and Indian Tribes, in accordance with this section, for the purposes of—

(1) improving the provision of drug treatment to offenders in prisons, jails, and juvenile facilities; and

(2) reducing the use of alcohol and other drugs by long-term substance abusers during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and through the completion of parole or court supervision of such long-term substance abuser.

(b) USE OF GRANT FUNDS.—A grant made under subsection (a) may be used—

(1) for continuing and improving drug treatment programs provided at a prison, jail, or juvenile facility;

(2) to develop and implement programs for supervised long-term substance abusers that include alcohol and drug abuse assessments, coordinated and continuous delivery of drug treatment, and case management services;

(3) to strengthen rehabilitation efforts for offenders by providing addiction recovery support services; and

(4) to establish pharmacological drug treatment services as part of any drug treatment program offered by a grantee to offenders who are in a prison or jail.

(c) APPLICATION.—

(1) IN GENERAL.—An entity described in subsection (a) desiring a grant under that subsection shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General requires.

(2) CONTENTS.—An application for a grant under subsection (a) shall—

(A) identify any agency, organization, or researcher that will be involved in administering a drug treatment program carried out with a grant under subsection (a);

(B) certify that such drug treatment program has been developed in consultation with the Single State Authority for Substance Abuse;

(C) certify that such drug treatment program shall—

(i) be clinically-appropriate; and

(ii) provide comprehensive treatment;

(D) describe how evidence-based strategies have been incorporated into such drug treatment program; and

(E) describe how data will be collected and analyzed to determine the effectiveness of such drug treatment program and describe how randomized trials will be used where practicable.

(d) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—Not later than September 30, 2009, the Attorney General shall submit to Congress a report that identifies the best practices relating to—

(A) substance abuse treatment in prisons, jails, and juvenile facilities; and

(B) the comprehensive and coordinated treatment of long-term substance abusers, including the best practices identified through the activities funded under subsection (b)(3).

(2) FINAL REPORT.—Not later than September 30, 2010, the Attorney General shall submit to Congress a report on the drug treatment programs funded under this section, including on the matters specified in paragraph (1).

(e) DEFINITION OF SINGLE STATE AUTHORITY FOR SUBSTANCE ABUSE.—The term "Single State Authority for Substance Abuse" means an entity designated by the Governor or chief executive officer of a State as the single State administrative authority responsible for the planning, development, implementation, monitoring, regulation, and evaluation of substance abuse services.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2009 and 2010.

(2) EQUITABLE DISTRIBUTION OF GRANT AMOUNTS.—Of the amount made available to

carry out this section in any fiscal year, the Attorney General shall ensure that grants awarded under this section are equitably distributed among geographical regions and between urban and rural populations, including Indian Tribes, consistent with the objective of reducing recidivism among criminal offenders.

### Subtitle B—Mentoring

### SEC. 211. MENTORING GRANTS TO NONPROFIT ORGANIZATIONS.

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General shall make grants to nonprofit organizations and Indian Tribes for the purpose of providing mentoring and other transitional services essential to reintegrating offenders into the community.

(b) USE OF FUNDS.—A grant awarded under subsection (a) may be used for—

(1) mentoring adult and juvenile offenders during incarceration, through transition back to the community, and post-release;

(2) transitional services to assist in the reintegration of offenders into the community; and

(3) training regarding offender and victims issues.

(c) APPLICATION; PRIORITY CONSIDERATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a nonprofit organization or Indian Tribe shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) PRIORITY CONSIDERATION.—Priority consideration shall be given to any application under this section that—

(A) includes a plan to implement activities that have been demonstrated effective in facilitating the successful reentry of offenders; and

(B) provides for an independent evaluation that includes, to the maximum extent feasible, random assignment of offenders to program delivery and control groups.

(d) STRATEGIC PERFORMANCE OUTCOMES.—The Attorney General shall require each applicant under this section to identify specific performance outcomes related to the long-term goal of stabilizing communities by reducing recidivism (using a measure that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6)), and reintegrating offenders into the community.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year and that identifies the progress of the grantee toward achieving its strategic performance outcomes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $15,000,000 for each of fiscal years 2009 and 2010.

### SEC. 212. RESPONSIBLE REINTEGRATION OF OFFENDERS.

(a) ELIGIBLE OFFENDERS.—

(1) IN GENERAL.—In this section, the term "eligible offender" means an individual who—

(A) is 18 years of age or older;

(B) has been convicted as an adult and imprisoned under Federal or State law;

(C) has never been convicted of a violent or sex-related offense; and

(D) except as provided in paragraph (2), has been released from a prison or jail for not more than 180 days before the date on which the individual begins participating in a grant program carried out under this section.

(2) EXCEPTION.—Each grantee under this section may permit not more than 10 percent of the individuals served with a grant under this section to be individuals who—

(A) meet the conditions of subparagraphs (A) through (C) of paragraph (1); and

(B) have been released from a prison or jail for more than 180 days before the date on which the individuals begin participating in the grant program carried out under this section.

(3) PRIORITY OF SERVICE.—Grantees shall provide a priority of service in projects funded under this section to individuals meeting the requirements of paragraph (1) who have been released from State correctional facilities.

(b) AUTHORITY TO MAKE GRANTS.—The Secretary of Labor may make grants to nonprofit organizations for the purpose of providing mentoring, job training and job placement services, and other comprehensive transitional services to assist eligible offenders in obtaining and retaining employment.

(c) USE OF FUNDS.—

(1) IN GENERAL.—A grant awarded under this section may be used for—

(A) mentoring eligible offenders, including the provision of support, guidance, and assistance in the community and the workplace to address the challenges faced by such offenders;

(B) providing job training and job placement services to eligible offenders, including work readiness activities, job referrals, basic skills remediation, educational services, occupational skills training, on-the-job training, work experience, and post-placement support, in coordination with the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)), businesses, and educational institutions; and

(C) providing outreach, orientation, intake, assessments, counseling, case management, and other transitional services to eligible offenders, including prerelease outreach and orientation.

(2) LIMITATIONS.—

(A) CERTAIN SERVICES EXCLUDED.—A grant under this section may not be used to provide substance abuse treatment services, mental health treatment services, or housing services, except that such a grant may be used to coordinate with other programs and entities to arrange for such programs and entities to provide substance abuse treatment services, mental health treatment services, or housing services to eligible offenders.—

(B) ADMINISTRATIVE COST LIMIT.—Not more than 15 percent of the amounts awarded to a grantee under this section may be used for the costs of administration, as determined by the Secretary of Labor.

(d) APPLICATION.—

(1) IN GENERAL.—

(A) APPLICATION REQUIRED.—A nonprofit organization desiring a grant under this section shall submit an application to the Secretary of Labor at such time, in such manner, and accompanied by such information as the Secretary of Labor may require.

(B) CONTENTS.—At a minimum, an application for a grant under this section shall include—

(i) the identification of the eligible area that is to be served and a description of the need for support in such area;

(ii) a description of the mentoring, job training and job placement, and other services to be provided;

(iii) a description of partnerships that have been established with the criminal justice system (including coordination with demonstration projects carried out under section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, where applicable), the local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832)), and housing authorities that will be used to assist in carrying out grant activities under this section; and

(iv) a description of how other Federal, State, local, or private funding will be leveraged to provide support services that are not directly funded under this section, such as mental health and substance abuse treatment and housing.

(2) ELIGIBLE AREA.—In this subsection, the term "eligible area" means an area that—

(A) is located within an urbanized area or urban cluster, as determined by the Bureau of the Census in the most recently available census;

(B) has a large number of prisoners returning to the area each year; and

(C) has a high rate of recidivism among prisoners returning to the area.

(e) PERFORMANCE OUTCOMES.—

(1) CORE INDICATORS.—Each nonprofit organization receiving a grant under this section shall report to the Secretary of Labor on the results of services provided to eligible offenders with that grant with respect to the following indicators of performance:

(A) Rates of recidivism.

(B) Entry into employment.

(C) Retention in employment.

(D) Average earnings.

(2) ADDITIONAL INDICATORS.—In addition to the indicators described in paragraph (1), the Secretary of Labor may require a nonprofit organization receiving a grant under this section to report on additional indicators of performance.

(f) REPORTS.—Each nonprofit organization receiving a grant under this section shall maintain such records and submit such reports, in such form and containing such information, as the Secretary of Labor may require regarding the activities carried out under this section.

(g) TECHNICAL ASSISTANCE.—The Secretary of Labor may reserve not more than 4 percent of the amounts appropriated to carry out this section to provide technical assistance and for management information systems to assist grantees under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor to carry out this section $20,000,000 for each of fiscal years 2009 and 2010.

### SEC. 213. BUREAU OF PRISONS POLICY ON MENTORING CONTACTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall, in order to promote stability and continued assistance to offenders after release from prison, adopt and implement a policy to ensure that any person who provides mentoring services to an incarcerated offender is permitted to continue such services after that offender is released from prison. That policy shall permit the continuation of mentoring services unless the Director demonstrates that such services would be a significant security risk to the released offender, incarcerated offenders, persons who provide such services, or any other person.

(b) REPORT.—Not later than September 30, 2009, the Director of the Bureau of Prisons shall submit to Congress a report on the extent to which the policy described in subsection (a) has been implemented and followed.

### SEC. 214. BUREAU OF PRISONS POLICY ON CHAPEL LIBRARY MATERIALS.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall discontinue the Standardized Chapel Library project, or any other project by whatever designation that seeks to compile, list, or otherwise restrict prisoners' access to reading materials, audiotapes, videotapes, or any other materials made available in a chapel library, except that the Bureau of Prisons may restrict access to—

(1) any materials in a chapel library that seek to incite, promote, or otherwise suggest the commission of violence or criminal activity; and

(2) any other materials prohibited by any other law or regulation.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to impact policies of the Bureau of Prisons related to access by specific prisoners to materials for security, safety, sanitation, or disciplinary reasons.

## Subtitle C—Administration of Justice Reforms

## CHAPTER 1—IMPROVING FEDERAL OFFENDER REENTRY

### SEC. 231. FEDERAL PRISONER REENTRY INITIATIVE.

(a) IN GENERAL.—The Attorney General, in coordination with the Director of the Bureau of Prisons, shall, subject to the availability of appropriations, conduct the following activities to establish a Federal prisoner reentry initiative:

(1) The establishment of a Federal prisoner reentry strategy to help prepare prisoners for release and successful reintegration into the community, including, at a minimum, that the Bureau of Prisons:

(A) assess each prisoner's skill level (including academic, vocational, health, cognitive, interpersonal, daily living, and related reentry skills) at the beginning of the term of imprisonment of that prisoner to identify any areas in need of improvement prior to reentry;

(B) generate a skills development plan for each prisoner to monitor skills enhancement and reentry readiness throughout incarceration;

(C) determine program assignments for prisoners based on the areas of need identified through the assessment described in subparagraph (A);

(D) ensure that priority is given to the reentry needs of high-risk populations, such as sex offenders, career criminals, and prisoners with mental health problems;

(E) coordinate and collaborate with other Federal agencies and with State, Tribal, and local criminal justice agencies, community-based organizations, and faith-based organizations to help effectuate a seamless reintegration of prisoners into communities;

(F) collect information about a prisoner's family relationships, parental responsibilities, and contacts with children to help prisoners maintain important familial relationships and support systems during incarceration and after release from custody; and

(G) provide incentives for prisoner participation in skills development programs.

(2) Incentives for a prisoner who participates in reentry and skills development programs which may, at the discretion of the Director, include—

(A) the maximum allowable period in a community confinement facility; and

(B) such other incentives as the Director considers appropriate (not including a reduction of the term of imprisonment).

(b) IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.—

(1) OBTAINING IDENTIFICATION.—The Director shall assist prisoners in obtaining identification (including a social security card, driver's license or other official photo identification, or birth certificate) prior to release.

(2) ASSISTANCE DEVELOPING RELEASE PLAN.—At the request of a direct-release prisoner, a representative of the United States Probation System shall, prior to the release of that prisoner, help that prisoner develop a release plan.

(3) DIRECT-RELEASE PRISONER DEFINED.—In this section, the term "direct-release prisoner" means a prisoner who is scheduled for release and will not be placed in prerelease custody.

(c) IMPROVED REENTRY PROCEDURES FOR FEDERAL PRISONERS.—The Attorney General shall take such steps as are necessary to modify the procedures and policies of the Department of Justice with respect to the transition of offenders from the custody of the Bureau of Prisons to the community—

(1) to enhance case planning and implementation of reentry programs, policies, and guidelines;

(2) to improve such transition to the community, including placement of such individuals in community corrections facilities; and

(3) to foster the development of collaborative partnerships with stakeholders at the national, State, and local levels to facilitate the exchange of information and the development of resources to enhance opportunities for successful offender reentry.

(d) DUTIES OF THE BUREAU OF PRISONS.—

(1) DUTIES OF THE BUREAU OF PRISONS EXPANDED.—Section 4042(a) of title 18, United States Code, is amended—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(D) establish prerelease planning procedures that help prisoners—

"(i) apply for Federal and State benefits upon release (including Social Security Cards, Social Security benefits, and veterans' benefits); and

"(ii) secure such identification and benefits prior to release, subject to any limitations in law; and

"(E) establish reentry planning procedures that include providing Federal prisoners with information in the following areas:

"(i) Health and nutrition.

"(ii) Employment.

"(iii) Literacy and education.

"(iv) Personal finance and consumer skills.

"(v) Community resources.

"(vi) Personal growth and development.

"(vii) Release requirements and procedures.".

(2) MEASURING THE REMOVAL OF OBSTACLES TO REENTRY.—

(A) CODING REQUIRED.—The Director shall ensure that each institution within the Bureau of Prisons codes the reentry needs and deficits of prisoners, as identified by an assessment tool that is used to produce an individualized skills development plan for each inmate.

(B) TRACKING.—In carrying out this paragraph, the Director shall quantitatively track the progress in responding to the reentry needs and deficits of individual inmates.

(C) ANNUAL REPORT.—On an annual basis, the Director shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that documents the progress of the Bureau of Prisons in responding to the reentry needs and deficits of inmates.

(D) EVALUATION.—The Director shall ensure that—

(i) the performance of each institution within the Bureau of Prisons in enhancing skills and resources to assist in reentry is measured and evaluated using recognized measurements; and

(ii) plans for corrective action are developed and implemented as necessary.

(3) MEASURING AND IMPROVING RECIDIVISM OUTCOMES.—

(A) ANNUAL REPORT REQUIRED.—

(i) IN GENERAL.—At the end of each fiscal year, the Director shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing statistics demonstrating the relative reduction in recidivism for inmates released by the Bureau of Prisons within that fiscal year and the 2 prior fiscal years, comparing inmates who participated in major inmate programs (including residential drug treatment, vocational training, and prison industries) with inmates who did not participate in such programs. Such statistics shall be compiled separately for each such fiscal year.

(ii) SCOPE.—A report under this paragraph is not required to include statistics for a fiscal year that begins before the date of the enactment of this Act.

(B) MEASURE USED.—In preparing the reports required by subparagraph (A), the Director shall, in consultation with the Director of the Bureau of Justice Statistics, select a measure for recidivism (such as rearrest, reincarceration, or any other valid, evidence-based measure) that the Director considers appropriate and that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6).

(C) GOALS.—

(i) IN GENERAL.—After the Director submits the first report required by subparagraph (A), the Director shall establish goals for reductions in recidivism rates and shall work to attain those goals.

(ii) CONTENTS.—The goals established under clause (i) shall use the relative reductions in recidivism measured for the fiscal year covered by the first report required by subparagraph (A) as a baseline rate, and shall include—

(I) a 5-year goal to increase, at a minimum, the baseline relative reduction rate of recidivism by 2 percent; and

(II) a 10-year goal to increase, at a minimum, the baseline relative reduction rate of recidivism by 5 percent within 10 fiscal years.

(4) FORMAT.—Any written information that the Bureau of Prisons provides to inmates for reentry planning purposes shall use common terminology and language.

(5) MEDICAL CARE.—The Bureau of Prisons shall provide the United States Probation and Pretrial Services System with relevant information on the medical care needs and the mental health treatment needs of inmates scheduled for release from custody. The United States Probation and Pretrial

Services System shall take this information into account when developing supervision plans in an effort to address the medical care and mental health care needs of such individuals. The Bureau of Prisons shall provide inmates with a sufficient amount of all necessary medications (which will normally consist of, at a minimum, a 2-week supply of such medications) upon release from custody.

(e) Encouragement of Employment of Former Prisoners.—The Attorney General, in consultation with the Secretary of Labor, shall take such steps as are necessary to educate employers and the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) regarding incentives (including the Federal bonding program of the Department of Labor and tax credits) for hiring former Federal, State, or local prisoners.

(f) Medical Care for Prisoners.—Section 3621 of title 18, United States Code, is further amended by adding at the end the following new subsection:

"(g) Continued Access to Medical Care.—

"(1) In general.—In order to ensure a minimum standard of health and habitability, the Bureau of Prisons should ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine through partnerships with local health service providers and transition planning.

"(2) Definition.—In this subsection, the term 'community confinement' has the meaning given that term in the application notes under section 5F1.1 of the Federal Sentencing Guidelines Manual, as in effect on the date of the enactment of the Second Chance Act of 2007.".

(g) Elderly and Family Reunification for Certain Nonviolent Offenders Pilot Program.—

(1) Program authorized.—

(A) In general.—The Attorney General shall conduct a pilot program to determine the effectiveness of removing eligible elderly offenders from a Bureau of Prisons facility and placing such offenders on home detention until the expiration of the prison term to which the offender was sentenced.

(B) Placement in home detention.—In carrying out a pilot program as described in subparagraph (A), the Attorney General may release some or all eligible elderly offenders from the Bureau of Prisons facility to home detention.

(2) Violation of terms of home detention.—A violation by an eligible elderly offender of the terms of home detention (including the commission of another Federal, State, or local crime) shall result in the removal of that offender from home detention and the return of that offender to the designated Bureau of Prisons institution in which that offender was imprisoned immediately before placement on home detention under paragraph (1), or to another appropriate Bureau of Prisons institution, as determined by the Bureau of Prisons.

(3) Scope of pilot program.—A pilot program under paragraph (1) shall be conducted through a Bureau of Prisons facility designated by the Attorney General as appropriate for the pilot program and shall be carried out during fiscal years 2009 and 2010.

(4) Implementation and evaluation.—The Attorney General shall monitor and evaluate each eligible elderly offender placed on home detention under this section, and shall report to Congress concerning the experience with the program at the end of the period described in paragraph (3). The Administrative Office of the United States Courts and the United States probation offices shall provide such assistance and carry out such functions as the Attorney General may request in monitoring, supervising, providing services to, and evaluating eligible elderly offenders released to home detention under this section.

(5) Definitions.—In this section:

(A) Eligible elderly offender.—The term "eligible elderly offender" means an offender in the custody of the Bureau of Prisons who—

(i) is not less than 65 years of age;

(ii) is serving a term of imprisonment that is not life imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16 of title 18, United States Code), sex offense (as defined in section 111(5) of the Sex Offender Registration and Notification Act), offense described in section 2332b(g)(5)(B) of title 18, United States Code, or offense under chapter 37 of title 18, United States Code, and has served the greater of 10 years or 75 percent of the term of imprisonment to which the offender was sentenced;

(iii) has not been convicted in the past of any Federal or State crime of violence, sex offense, or other offense described in clause (ii);

(iv) has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence, or of engaging in conduct constituting a sex offense or other offense described in clause (ii);

(v) has not escaped, or attempted to escape, from a Bureau of Prisons institution;

(vi) satisfies the requirements for seeking a reduction of the term of imprisonment under section 3582(c)(1)(A)(i) of title 18, United States Code, as set forth in regulations issued by the Attorney General or the Director of the Bureau of Prisons;

(vii) has been determined by the Bureau of Prisons to be a person whose release to home detention under this section will result in a substantial net reduction of costs to the Federal Government; and

(viii) has been determined by the Bureau of Prisons to be at no substantial risk of engaging in criminal conduct or of endangering any person or the public if released to home detention.

(B) Home detention.—The term "home detention" has the same meaning given the term in the Federal Sentencing Guidelines as of the date of the enactment of this Act, and includes detention in a nursing home or other residential long-term care facility.

(C) Term of imprisonment.—The term "term of imprisonment" includes multiple terms of imprisonment ordered to run consecutively or concurrently, which shall be treated as a single, aggregate term of imprisonment for purposes of this section.

(h) Federal Remote Satellite Tracking and Reentry Training Program.—

(1) Establishment of program.—The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General, may establish the Federal Remote Satellite Tracking and Reentry Training (ReStart) program to promote the effective reentry into the community of high risk individuals.

(2) High risk individuals.—For purposes of this section, the term "high risk individual" means—

(A) an individual who is under supervised release, with respect to a Federal offense, and who has previously violated the terms of a release granted such individual following a term of imprisonment; or

(B) an individual convicted of a Federal offense who is at a high risk for recidivism, as determined by the Director of the Bureau of Prisons, and who is eligible for early release pursuant to voluntary participation in a program of residential substance abuse treatment under section 3621(e) of title 18, United States Code, or a program described in section 231.

(3) Program elements.—The program authorized under paragraph (1) shall include, with respect to high risk individuals participating in such program, the following core elements:

(A) A system of graduated levels of supervision, that uses, as appropriate and indicated—

(i) satellite tracking, global positioning, remote satellite, and other tracking or monitoring technologies to monitor and supervise such individuals in the community; and

(ii) community corrections facilities and home confinement.

(B) Substance abuse treatment and aftercare related to such treatment, mental and medical health treatment and aftercare related to such treatment, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, and other programs to promote effective reentry into the community as appropriate.

(C) Involvement of the family of such an individual, a victim advocate, and the victim of the offense committed by such an individual, if such involvement is safe for such victim (especially in a domestic violence case).

(D) A methodology, including outcome measures, to evaluate the program.

(E) Notification to the victim of the offense committed by such an individuals of the status and nature of such an individual's reentry plan.

(i) Authorization for Appropriations for Bureau of Prisons.—There are authorized to be appropriated to the Attorney General to carry out this section, $5,000,000 for each of fiscal years 2009 and 2010.

### SEC. 232. BUREAU OF PRISONS POLICY ON RESTRAINING OF FEMALE PRISONERS.

Not later than one year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the practices and policies of agencies within the Department of Justice relating to the use of physical restraints on pregnant female prisoners during pregnancy, labor, delivery of a child, or post-delivery recuperation, including the number of instances occurring after the date of enactment of this Act in which physical restraints are used on such prisoners, the reasons for the use of the physical restraints, the length of time that the physical restraints were used, and the security concerns that justified the use of the physical restraints.

## CHAPTER 2—REENTRY RESEARCH

### SEC. 241. OFFENDER REENTRY RESEARCH.

(a) National Institute of Justice.—The National Institute of Justice may conduct research on juvenile and adult offender reentry, including—

(1) a study identifying the number and characteristics of minor children who have had a parent incarcerated, and the likelihood

of such minor children becoming adversely involved in the criminal justice system some time in their lifetime;

(2) a study identifying a mechanism to compare rates of recidivism (including rearrest, violations of parole, probation, post-incarceration supervision, and reincarceration) among States; and

(3) a study on the population of offenders released from custody who do not engage in recidivism and the characteristics (housing, employment, treatment, family connection) of that population.

(b) BUREAU OF JUSTICE STATISTICS.—The Bureau of Justice Statistics may conduct research on offender reentry, including—

(1) an analysis of special populations (including prisoners with mental illness or substance abuse disorders, female offenders, juvenile offenders, offenders with limited English proficiency, and the elderly) that present unique reentry challenges;

(2) studies to determine which offenders are returning to prison, jail, or a juvenile facility and which of those returning offenders represent the greatest risk to victims and community safety;

(3) annual reports on the demographic characteristics of the population reentering society from prisons, jails, and juvenile facilities;

(4) a national recidivism study every 3 years;

(5) a study of parole, probation, or post-incarceration supervision violations and revocations; and

(6) a study concerning the most appropriate measure to be used when reporting recidivism rates (whether rearrest, reincarceration, or any other valid, evidence-based measure).

### SEC. 242. GRANTS TO STUDY PAROLE OR POST-INCARCERATION SUPERVISION VIOLATIONS AND REVOCATIONS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General may make grants to States to study and to improve the collection of data with respect to individuals whose parole or post-incarceration supervision is revoked, and which such individuals represent the greatest risk to victims and community safety.

(b) APPLICATION.—As a condition of receiving a grant under this section, a State shall—

(1) certify that the State has, or intends to establish, a program that collects comprehensive and reliable data with respect to individuals described in subsection (a), including data on—

(A) the number and type of parole or post-incarceration supervision violations that occur with the State;

(B) the reasons for parole or post-incarceration supervision revocation;

(C) the underlying behavior that led to the revocation; and

(D) the term of imprisonment or other penalty that is imposed for the violation; and

(2) provide the data described in paragraph (1) to the Bureau of Justice Statistics, in a form prescribed by the Bureau.

(c) ANALYSIS.—Any statistical analysis of population data under this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

### SEC. 243. ADDRESSING THE NEEDS OF CHILDREN OF INCARCERATED PARENTS.

(a) BEST PRACTICES.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General may collect data and develop best practices of State corrections departments and child protection agencies relating to the communication and coordination between such State departments and agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

(2) CONTENTS.—The best practices developed under paragraph (1) shall include information related to policies, procedures, and programs that may be used by States to address—

(A) maintenance of the parent-child bond during incarceration;

(B) parental self-improvement; and

(C) parental involvement in planning for the future and well-being of their children.

(b) DISSEMINATION TO STATES.—Not later than 1 year after the development of best practices described in subsection (a), the Attorney General shall disseminate to States and other relevant entities such best practices.

(c) SENSE OF CONGRESS.—It is the sense of Congress that States and other relevant entities should use the best practices developed and disseminated in accordance with this section to evaluate and improve the communication and coordination between State corrections departments and child protection agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

### SEC. 244. STUDY OF EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.

(a) GRANT PROGRAM AUTHORIZED.—From amounts made available to carry out this section, the Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, may make grants to public and private research entities (including consortia, single private research entities, and individual institutions of higher education) to evaluate the effectiveness of depot naltrexone for the treatment of heroin addiction.

(b) EVALUATION PROGRAM.—An entity described in subsection (a) desiring a grant under this section shall submit to the Attorney General an application that—

(1) contains such information as the Attorney General specifies, including information that demonstrates that—

(A) the applicant conducts research at a private or public institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1101);

(B) the applicant has a plan to work with parole officers or probation officers for offenders who are under court supervision; and

(C) the evaluation described in subsection (a) will measure the effectiveness of such treatments using randomized trials; and

(2) is in such form and manner and at such time as the Attorney General specifies.

(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

### SEC. 245. AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH.

There are authorized to be appropriated to the Attorney General to carry out sections 241, 242, 243, and 244 of this chapter, $10,000,000 for each of the fiscal years 2009 and 2010.

## CHAPTER 3—CORRECTIONAL REFORMS TO EXISTING LAW

### SEC. 251. CLARIFICATION OF AUTHORITY TO PLACE PRISONER IN COMMUNITY CORRECTIONS.

(a) PRERELEASE CUSTODY.—Section 3624(c) of title 18, United States Code, is amended to read as follows:

"(c) PRERELEASE CUSTODY.—

"(1) IN GENERAL.—The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

"(2) HOME CONFINEMENT AUTHORITY.—The authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months.

"(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during prerelease custody under this subsection.

"(4) NO LIMITATIONS.—Nothing in this subsection shall be construed to limit or restrict the authority of the Director of the Bureau of Prisons under section 3621.

"(5) REPORTING.—Not later than 1 year after the date of the enactment of the Second Chance Act of 2007 (and every year thereafter), the Director of the Bureau of Prisons shall transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report describing the Bureau's utilization of community corrections facilities. Each report under this paragraph shall set forth the number and percentage of Federal prisoners placed in community corrections facilities during the preceding year, the average length of such placements, trends in such utilization, the reasons some prisoners are not placed in community corrections facilities, and any other information that may be useful to the committees in determining if the Bureau is utilizing community corrections facilities in an effective manner.

"(6) ISSUANCE OF REGULATIONS.—The Director of Bureau of Prisons shall issue regulations pursuant to this subsection not later than 90 days after the date of the enactment of the Second Chance Act of 2007, which shall ensure that placement in a community correctional facility by the Bureau of Prisons is—

"(A) conducted in a manner consistent with section 3621(b) of this title;

"(B) determined on an individual basis; and

"(C) of sufficient duration to provide the greatest likelihood of successful reintegration into the community.".

(b) COURTS MAY NOT REQUIRE A SENTENCE OF IMPRISONMENT TO BE SERVED IN A COMMUNITY CORRECTIONS FACILITY.—Section 3621(b) of title 18, United States Code, is amended by adding at the end the following: "Any order, recommendation, or request by a sentencing court that a convicted person serve a term of imprisonment in a community corrections facility shall have no binding effect on the authority of the Bureau under this section to determine or change the place of imprisonment of that person.".

### SEC. 252. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL PRISONS.

Section 3621(e)(5)(A) of title 18, United States Code, is amended by striking "means a course of" and all that follows and inserting the following: "means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population (which may include the use of pharmocotherapies, where appropriate, that may extend beyond the 6-month period);".

### SEC. 253. CONTRACTING FOR SERVICES FOR POST-CONVICTION SUPERVISION OFFENDERS.

Section 3672 of title 18, United States Code, is amended by inserting after the third sentence in the seventh undesignated paragraph the following: "He also shall have the authority to contract with any appropriate public or private agency or person to monitor and provide services to any offender in the community authorized by this Act, including treatment, equipment and emergency housing, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public and promote the successful reentry of the offender into the community.".

## CHAPTER 4—MISCELLANUOUS PROVISIONS

### SEC. 261. EXTENSION OF NATIONAL PRISON RAPE ELIMINATION COMMISSION.

Section 7(d)(3)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606(d)(3)(A)) is amended by striking "3 years" and inserting "5 years".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

Mr. GOHMERT. Mr. Speaker, I ask to manage the time on behalf of the opposition since I am opposed to the bill in its current form.

The SPEAKER pro tempore. Is the gentleman from Virginia (Mr. GOODLATTE) opposed to the motion?

Mr. GOODLATTE. Not in its current form.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XV, the gentleman from Texas (Mr. GOHMERT) will control 20 minutes in opposition.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration and on H.R. 3461.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Members of the House, as the prison population has grown over the past two decades, so has the number of prisoners completing their sentencing and returning to the general population. More than half a million, some 650,000 men and women, are leaving the Federal and State prisons each year. While the vast majority of the prisoners are committed to abiding by the law and becoming productive members of society, they often encounter the same pressures, the same environment, the same temptations that they faced before prison, and with insufficient resources to assist them in dealing with those pressures and temptations, sometimes, despite their best intentions at the time of release, too many of them commit new crimes and end up back in prison. More than two-thirds of them are arrested for new crimes within 3 years of their release. This exacts a terrible cost in financial terms as well as in human terms.

Congress has been very active over the years in strengthening our criminal laws and our investigative and prosecutorial tools against crime. The bipartisan legislation we are considering today, aptly named the Second Chance Act, complements those efforts by helping give ex-offenders the tools they need to stay out of trouble. It's a very commonsense piece of legislation and it recognizes that too many ex-offenders lack the education, job skills and stable living arrangements, the substance abuse treatment and health services that they need to successfully reintegrate into our society.

Many have trouble finding a job and some have trouble holding a job. Many move straight from their prison cell to a homeless shelter. Many entered prison with alcohol and drug habits, and the pull remains hard to resist once they reemerge in our society. Many are physically or mentally disabled. Some have chronic disease; others need psychological treatment. Many left spouses and young children behind when they entered prison. While these family relationships can be of tremendous value in helping an ex-offender build a stable life outside prison, it can be very difficult to rekindle these ties after a long and painful absence.

The Second Chance Act will help provide these men and women with the education, training, counseling and other support needed to help them obtain and hold steady jobs; to kick their drug and alcohol habits, if they have one; address medical and dental needs; rebuild their families; and deal with the many other challenges that they face in their efforts to successfully rejoin society. These kinds of programs have been tested on a smaller scale, to be sure, where they have already made a measurable difference in reducing recidivism. The Second Chance Act builds on these efforts in a measured but significant way to reduce recidivism, increase public safety, and help ex-offenders lead productive and law-abiding lives.

We have the support of current and former chairmen and ranking members of the Judiciary Committee and the crime subcommittee, chaired by BOBBY SCOTT of Virginia, as well as a wide range of national, State and local law enforcement and rehabilitative organizations.

I submit for the RECORD a new section-by-section analysis reflecting some of the revisions to the bill reported in response to suggestions by members of the Committee on the Judiciary. I urge my colleagues to give careful consideration in their support of this measure.

CHANGES TO SECOND CHANCE ACT OF 2007
(REPORTED VERSION TO SUSPENSION VERSION)

Added Rule of Construction to confirm Act does not create a right or entitlement to assistance or services, and to promote transfer of programs to programs not funded under this Act.

Reduced number of new Federal programs from 18 to 10 by consolidating or eliminating programs.

Reduce authorized spending from $427 million to $330 million over two fiscal years.

Reduced permissible uses under reauthorized reentry demonstration programs from 21 to 9.

Added measurable goals for programs—reducing recidivism rate by 50 percent over 5 years, and 10 percent over 2 years.

Prohibited Bureau of Prisons from Preventing Access to Chapel Library Materials.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am sure glad my friend, the chairman of Judiciary, sought time for people to revise and extend their remarks, because they are going to need it. This thing keeps changing. I mean, I reviewed this bill last week. I spent a long time going line by line, only to find yesterday there's still a new version, and today I was provided a 98-page bill. I can't tell you the pages of the issues that I am most concerned about because the version keeps changing.

□ 1530

Now, this bill includes $330 million in authorizations. Normally, suspensions are noncontroversial, but the fact that this bill keeps changing is absolute evidence that this is not noncontroversial. It keeps changing because people can't figure out what is the best thing to do.

I would submit there is a good reason for that. The bill that this seeks to renew and programs that are sought to be renewed are ones we don't have information on how successful they were, and that was the original purpose of this bill. Back when it expired in 2005, we still did not have the information on what worked and what didn't.

I can tell you from my days as a judge, there was some anecdotal evidence that it looked like faith-based programs did a better job of dramatically reducing recidivism. In one case I was shown results from a prison in Texas where it dropped down to about 8 percent from over 80 percent because of faith-based programs and mentoring.

This new version, I haven't even been through it. I haven't had time to go through it. But the one that I saw and reviewed on Friday, it included reentry programs allowing payment for housing and health care. I know our military members who are leaving after less than 20 years in the service with honorable discharges would love to have that kind of help reentering.

There are some provisions that allow for too much administration, in my opinion; 11 percent at one point, 15 percent at another. That is not going to help people. That is going to build a bigger bureaucracy.

Dismissing all charges if someone completes drug rehab under another provision I think is outrageous. You are going to remove the hammer that would allow you to keep people in line? It is one thing to say we are going to remove you and not have you go to prison and instead send you to drug rehab, and then if you get through there, before you have a chance to go out and do cocaine again, we are going to drop all charges so we have no hammer over your head. I don't know if this is in the final bill. It was in there last I saw on Friday.

There is a provision that allows payments through the Department of Labor for support. There are military members, and I went to another funeral Saturday, a gentleman who was not killed in Iraq, he was killed during surgery, but I know his family would love to have the kind of support being provided in here for felons.

We also have a provision in here, we are going to pay people through these grants to teach inmates how they can go about getting the most welfare before they leave prison and go out on their own. There is also a provision that moves inmates to home detention without approval of the judge who sentenced the individual.

In this bill, the elderly, for purposes of moving to home detention, is defined as 65. I guess apparently under this bill, without any underlying evidence or research to support it, we have arbitrarily picked 65 as deciding that is when people are harmless. But I know from my own experience around this Chamber, there are people in Congress that are 65 or older that are certainly not harmless. In any event, I think that is a little bit too young to classify people as harmless.

There is a provision that assistance will be provided by the United States probation system and it "shall" be done. I don't know, I can't find from the bill what kind of assistance that will be. But I think we have all got the same goal. I think one of the worst atrocities in the justice system has been our lack of rehabilitating and educating and preparing people to go out into the world and become productive citizens and finally reach the God-given potential that every one of them has. I couldn't agree more with the proposition, and I know that is the heart of my colleagues across the aisle. But we don't have the information on which programs are successful and which aren't.

I want to work together on a program. I've kind of been cut out of this process. The National Summit on Prisoner Reentry is coming up in Los Angeles on November 27 and 28, but we are going to rush this through on a suspension bill for $330 million without even having a chance to really review the most recent document.

Mrs. JONES of Ohio. Mr. Speaker, will the gentleman yield?

Mr. GOHMERT. Yes, I will be glad to yield, and if you can show that we have gotten the recent version——

Mrs. JONES of Ohio. Let me say for the record my name is STEPHANIE TUBBS JONES. I am the Congresswoman from Cleveland, Ohio. I served for 10 years as a judge in Cuyahoga County, Ohio, 8 years as the elected prosecutor in Cuyahoga County. And, Mr. GOHMERT, your remarks are just outrageous.

Mr. GOHMERT. Claiming back my time, I am not yielding for you to criticize me.

Mrs. JONES of Ohio. Very well. I will talk to you when I get my own.

Mr. GOHMERT. I appreciate yielding to the gentlelady to come down and call me outrageous. But what is outrageous is this process, this process of taking something so important and rushing it in here without having the proper input and the proper information. The National Institute of Justice has got their biggest study program in its history ongoing, and we don't have the results, and yet my colleagues want to rush in and throw $330 million at a process that is unproven and untried.

I just don't think that is the way to go. We have got honest people involved in the process, but the process itself here has not been honest.

With that, I would reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here we are the day after Veterans Day. We come back in comity and goodwill. We are trying to finish off the last week before the Thanksgiving recess. And I want Judge Louie Gohmert, my dear friend from Texas, to understand as much as I can explain to him about the reservations that he has raised thus far.

I want him to know this is not a partisan bill at all and that the changes that have been made to the bill were made before Friday when you examined it. So if you were examining this measure on Friday, that is the last, that is all she wrote, because we haven't been in since then.

So, please understand that, first of all, this is a bipartisan bill. We had the hearings. We had a markup in which you participated rather actively. We had a record vote. We went to the Rules Committee. Everything is working I think very smoothly, according to the chairman of the Subcommittee on Crime, Bobby Scott, and the author of this bill for three Congresses, Congressman Danny Davis of Illinois.

Please know that we have been working on this bill. You are right, it has been through a lot of changes. The changes started before you graced us with your presence in the Judiciary Committee as a very important member of it. We have been working on this all the time. We think it is in an improved state.

I would just like you to know that we have 212 organizations, and because we are on a rather fast schedule here this afternoon, I won't bother you with them, but none of them are political. They are all community organizations. They are all organizations concerned with the reentry of people who have served their time and are now coming out.

We are trying to deal, Judge Gohmert, with this huge problem of people returning from their terms in prison. They come out and sometimes in my State, I hate to say this, they don't even have a bus ticket or a suit of new clothing to get to where they are supposed to be going. Many of them don't know where they are going. It is that dislocation that creates the situation of so many of them returning back.

One of the most distressing things I ever heard when I was visiting one of these places is that the guard tells the exiting prisoner, former prisoner who serves his term, "I'll see you when you get back." Nothing tells the story more than I know there is nothing for you out in society. You're not trained for anything, you're not fit for anything, there are no jobs for you, so you're going to go back into your old ways and we're going to get you back in our clutches again. What we are trying to do, Judge Gohmert, is to change that. I know in your court you have seen your share of this kind of process even in Texas.

So I urge you to join with us in trying to be as constructive as you normally are, to help make everybody understand that we are trying to make rehabilitation mean something besides just the phrase used in the criminal justice system.

Mr. GOHMERT. Mr. Speaker, would the gentleman yield for a question?

Mr. CONYERS. Of course.

Mr. GOHMERT. Was there no version of the bill filed today? Was there no version of the Second Chance Act filed today?

Mr. CONYERS. Absolutely, yes, it was.

Mr. GOHMERT. Thank you.

Mr. CONYERS. You're welcome.

I reserve the balance of my time.

Mr. GOHMERT. May I inquire how much time I've got.

The SPEAKER pro tempore. The gentleman from Texas has 13 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

Nothing would please me more than to be involved in the process of constructively working on these issues. When I think about the gentlelady saying that my comments were outrageous, everything that I have said is documented. Everything I have said comes from reading through this bill, as well as my own experience from my days of being a judge.

I wholeheartedly agree, we should do a better job of rehabilitating and educating. In fact, I just get concerned when we get so anxious to try to do something good that we end up throwing money at a problem just so we can say we worked on it, something had to be done.

But it was the National Institute of Justice Award to RTI International, a nonprofit research organization, to evaluate the programs funded by the Serious and Violent Offender Reentry Initiative. This is one of the largest evaluation studies funded by the NIJ, and it is doing this research. The Urban Institute, a nonpartisan economic and social policy research organization in D.C., is the collaborator on the project. I am really looking forward to getting that information. I am wondering why we throw more money at a situation before we get the information that tells me how and tells us how to be most effective?

When my good friend the chairman, and I do think the world of him, talks about comity and goodwill, that is what I would love to have. But when we have such trouble getting copies of the latest versions, and then the chairman says, gee, I had the latest version on Friday, I was notified by the committee staff that there was a new version as of yesterday and then the new version was filed today. So, I didn't have everything Friday. That has been one of the problems here. This is too important of an issue to just be throwing good money after bad.

I would also point out that in the interests of comity and goodwill, the bills that follow this, H.R. 3845, PROTECT Our Children Act of 2007, I indicated before that sounded like something I would want to be part of and helping with, but we never did get a final version that we could say, yes, I want to cosponsor that.

Keeping the Internet Devoid of Sexual Predators Act of 2007 sounds like another good bill, but we haven't seen it. And talking to the Judiciary staff, that and the Effective Child Pornography Prosecution Act, H.R. 4120, that follows that, we are still trying to get updated versions of those things. So that doesn't sound to me like comity and goodwill, when we are struggling over here to even get copies.

We don't know what requests had been granted. There were things requested by the Department of Justice, in the interest of justice, please get these provisions put in this bill. We don't know what was put in and what wasn't. That, to me, does not indicate comity and goodwill. It creates all kinds of problems.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. GOHMERT. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

I am being told that we have been working with the minority in Judiciary on an ongoing basis, and I just wonder if you are aware that four of your changes in particular have been accepted and incorporated into the measure that is before us now?

Mr. GOHMERT. I am not sure which four things the chairman is referring to.

Mr. CONYERS. I will bring them out for you and be happy to show them to you.

Mr. GOHMERT. I thank the chairman.

Reclaiming my time, I have been over here in the 20 minutes or so before I came up to speak talking to Judiciary staff who, unless they are changing their story now, have not been able to get the latest information on this bill. Well, they have got it on this bill. We have the final copy. I haven't had a chance to review it since it has been filed today. Most of us were out doing what we should have been doing yesterday, paying tribute to veterans all over our districts. But these subsequent bills, these are still a problem that I have been having with the Second Chance Act, getting the latest information on this.

☐ 1545

My dear friend, Mr. COBLE, we serve together on the Judiciary, had asked for time, and at this time I yield 3 minutes to the gentleman from North Carolina.

Mr. COBLE. I thank the gentleman from Texas for yielding.

Mr. Speaker, I rise in support of the bill before us. The cost of maintaining our Federal, State and local prisons is ballooning out of control. We must continue to enforce our criminal laws, but we cannot ignore the fact that most of the people who are released from incarceration are likely to return. The Second Chance Act will support programs that help prisoners reenter society which is essential to reducing recidivism.

We can expect, Mr. Speaker, over half of the adult prisoners who are to be released around the country this year will be rearrested again and likely will return to prison. This cycle is overwhelming our criminal system, it is overwhelming our prisons, and it is costing more than $90 billion every year, $50 billion as far as Federal institutions are concerned.

I am in agreement that stiff sentences serve a good purpose. Criminals must know if they violate the law, they will be punished. But when we seeing growing numbers of ex-offenders returning to our prisons, something in the system is not working. Something, Mr. Speaker, is flawed.

The Second Chance Act is endorsed by the Council of State Governments, the National Sheriffs Association, the American Bar Association, and countless religious organizations from around the Nation. For some time many of you have heard me express alarm and concern about the dangers of prison overcrowding. It is a ticking bomb waiting to explode.

In my district, in fact, there is a county jail that is bursting at the seams. We can begin to defuse this bomb today by passing the Second Chance Act and supporting programs that reduce recidivism.

Now, much has been said about the cost. And I will stipulate, I will say to my friend from Texas, it is costly. But if the Second Chance Act proves to be effective, I believe it is realistic for us to conclude it will result in saving taxpayer money because to house prisoners is a costly operation.

Rarely do I disagree with my colleague from Texas, but on this occasion we are going to disagree agreeably. I think this is a good proposal. I heartily endorse it.

Chairman SCOTT, you remember I chaired, along with you, two hearings in the last Congress, and I believe this is the third time it has passed the House Judiciary Committee, if the gentleman from Michigan will corroborate that.

Mr. CONYERS. That is correct.

Mr. COBLE. I thank Mr. GOHMERT for yielding, and I urge passage of the Second Chance Act.

Mr. CONYERS. Mr. Speaker, I am pleased to recognize the Chair of the Subcommittee on Crime of the House Judiciary Committee, the gentleman from Virginia (Mr. SCOTT) for 2 minutes.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of the Second Chance Act and would like to commend Mr. DAVIS from Illinois and the gentleman from Utah (Mr. CANNON) for their continued leadership on this bill and also acknowledge the dedication and tireless efforts of many members of the diverse coalition of national, State and local organizations referred to by Chairman CONYERS.

While our national crime rates may have fallen significantly over the last decade, we have seen an unprecedented explosion in our prison and jail populations. Today, over 2.2 million people are incarcerated in Federal and State jails and prisons, a 10-fold increase since 1980 and at a present cost of $65 billion.

As a result of this focus on incarceration, the United States leads the world in per capita incarceration rates, over 700 per 100,000 population. While most of the world locks up about 50 to 200 per 100,000, the United States is first in the world at over 700 per 100,000. And as a result, more than 650,000 people will be released from Federal and State prisons to communities nationwide, along with 9 million people leaving local jails.

Unfortunately, the Department of Justice's Bureau of Justice Statistics estimates that two-thirds of the offenders leave State and Federal prisons are rearrested in 3 years. If we are to reduce the number of inmates returning to prison, we need to provide our ex-offenders with the education and training necessary for them to obtain and hold steady jobs. They also need drug treatment, and medical and mental health services to decrease the chances they will come back to prison.

The Second Chance Act will provide these investments, and every study shows it will not only reduce crime but also save money in the process. Mr. Speaker, it is very infrequent that we have the opportunity to reduce crime and save money. I hope we will take that opportunity today and pass this bill.

Mr. GOHMERT. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Texas has 5 minutes remaining.

Mr. GOHMERT. Thank you, Mr. Speaker.

We heard moments ago that there are 212 organizations supporting the bill. I have talked to many of them over the course of our discussions on the Second Chance Act, great, noble, wonderful organizations. I couldn't find but one out of numerous ones that I talked to that actually read the bill. They all have the same goals. They all want to see adequate education and rehabilitation, cutting down on recidivism. We all want to see that. I want to see that. I think we have got to do that as a civilized society. There are many that support this goal. But, again, many haven't seen the bill.

And I have checked with the staff in the interim. For example, H.R. 719 is file-stamped November 13 at 1:11 today, and the Judiciary got it for the first time just before 3 p.m. so that you know.

But if we really want to help the situation, doesn't it make sense to get the information on one of the biggest-funded programs NIJ has ever had so we put the money where it works and take it away from where it doesn't work?

Mr. Speaker, in responding to the chairman's comment, I would have to say I noticed in reviewing the bill on Friday, it is a better bill than it was, in my opinion; but we still have a little ways to go. That is why I just think this is a bill in its present form, as it continues to morph, that should not be on the Suspension Calendar, but should come up under a regular rule where we have a chance to work on these other issues.

Mr. Speaker, I reserve the balance of my time so the gentleman from Michigan has the time to respond.

Mr. CONYERS. Mr. Speaker, I am glad that you find we are making progress; that is very encouraging. How much time do you think we would need to arrive at a point where your observations about the bill and the needed improvement and our position would intersect so we could get it before the body?

I yield to the gentleman.

Mr. GOHMERT. I appreciate the chairman yielding. I think we are getting closer, actually.

Mr. CONYERS. How about tomorrow? If I gave you 24 hours, what would happen differently?

Mr. GOHMERT. I would like to see the information that is being prepared to come forth on November 27 and 28, the newest information that is being brought to bear, all of these groups coming together. I would think then by December we ought to be able to have something.

Mr. CONYERS. Mr. Speaker, I am going to recognize the distinguished whip of the majority, the gentleman from South Carolina (Mr. CLYBURN), for 2 minutes, and maybe within his comments he can help us frame some kind of time line.

Mr. CLYBURN. I thank the chairman for yielding me the time.

I want to thank Chairman SCOTT and especially Congressman DANNY DAVIS for not giving up on this legislation.

We have been here for approximately 6 years now, Mr. Speaker; and if we are ever going to make progress in the crime that is crippling our communities, we cannot give up on any human being, because it is not enough to say we are just going to lock up every offender and throw away the key. Such narrow-mindedness does nothing to prevent our vulnerable youth from being indefinitely trapped in our Nation's correctional system.

In order to stop crime, Mr. Speaker, we have to eliminate the criminal mindset. And we help to eliminate this mindset by offering alternatives for the offenders in their lives of crime. We do this by enrolling them in programs that provide them with an education, help them find employment, and remind them constantly of the consequences of antisocial behavior.

I am happy to say that the Second Chance Act does all of this. It reaches out to offenders by increasing their access to vocational education. It also goes a long ways in helping many of our juvenile offenders understand the dangers associated with crime and providing them with counseling services.

Many of the individuals currently incarcerated in this country are young, nonviolent, first-time offenders who made stupid mistakes. These kids should not be denied the opportunity to reposition their paths in a more stable and law-abiding direction.

This bill makes tremendous strides in protecting the public and rehabilitating offenders, and I urge my colleagues to vote for its passage.

Mr. GOHMERT. Might I inquire, I don't have any other speakers, if I can find out where the chairman is with regard to additional speakers.

The SPEAKER pro tempore. The gentleman from Texas has 3 minutes and the gentleman from Michigan has 5 minutes.

Mr. CONYERS. Mr. Speaker, I would like to recognize now the author of this bill, the gentleman from Illinois (Mr. DAVIS). We said it started three Congresses ago, but DANNY DAVIS started it many years before three Congresses ago, and I am proud to yield 2 minutes to him.

Mr. DAVIS of Illinois. Mr. Speaker, first of all, let me thank Chairman JOHN CONYERS and Ranking Member JAMES SENSENBRENNER of the Judiciary Committee for their unrelenting commitment to passing this landmark legislation. I also extend my appreciation to Senator LEAHY and the Judiciary Committee in the Senate for their hard work, cooperation, and sensitivity.

I also want to commend Congressman CHRIS CANNON of Utah who was the chief Republican sponsor on this legislation. I want to thank Congressmen BOBBY SCOTT and HOWARD COBLE and all of the cosponsors who signed on. I want to express appreciation to former Congressman ROB PORTMAN, who was very instrumental in moving this legislation to this point.

I want to thank CAROLYN CHEEKS KILPATRICK and all of the members of the Congressional Black Caucus, all of the organizations who have worked unceasingly to try and bring us to this point.

I want to thank what we call the working group under the leadership of Gene Guerro. I don't know about them not reading this stuff. They have read it time and time and time again. As a matter of fact, they know it backwards, forwards, crossways, and sideways.

I want to thank the staffs of all Members who have worked extremely hard, and thank especially the members of my advisory committee back in Chicago, Dennis Deer and George Williams and Tumia Romero, who helped orchestrate all of the activity. I thank Dr. Caleb Gilchrist, Bernard Moore, and Helen Mitchell in my office here.

□ 1600

I also want to thank, Mr. Chairman, STENY HOYER, the majority leader, and Mr. BLUNT, the minority whip, who have been working on this now for months, bringing us to this point, and the President of the United States supported this when it was first introduced, and I want to thank him for his interest.

Mr. GOHMERT. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield to the distinguished Member from Ohio, a former jurist and prosecutor herself, STEPHANIE TUBBS JONES, for 1 minute.

Mrs. JONES of Ohio. I won't do all the thank-you's that Mr. DAVIS has already done.

I want to say to you, Judge, if I offended you, I apologize. But you know as well as I do that it is so important for us to have programs for ex-offenders. In the time that I was a judge and prosecutor, it was those young people that we helped, that we gave a second chance to, that we said to them, all right, you made a mistake, let's make a difference in your life.

I can't tell you how many times I have walked down the street, Judge GOHMERT, and young people have walked up to me and said, "Judge, you gave me a break and I thank you." "Judge, you gave me an opportunity." And more than those young people need an opportunity. They need a second chance. This is the program.

We can't study anymore. We have studied. There are all kinds of studies that have shown that community reentry works. There is all kind of programs that say diversion works. And there is a lot of young people out here who don't have a mother or father that is a judge or a prosecutor or a Congresswoman or a State Representative to call and say I am a good person. They need us to say in the world that young people, older people, whatever their age, who have been involved in the criminal justice system, paid their dues. They need a chance, and we ought to give them the second chance.

Last week we were talking about reading the Bible, the week of the Bible and how important it was to follow God's word. What more important? God said you visited me when I was sick, when I was in jail. Second Chance can do that.

And, Judge, all I am saying to you, and I didn't mean to offend you, but if I did I want you to know, your comments that fuel the fire make it hard for us to do a second chance.

Mr. Speaker, I have been waiting nearly 30 years for Congress to enact meaningful reentry legislation, as I have been deeply involved in prisoner reentry issues since my days as a judge and county prosecutor in Cleveland, Ohio, before serving in Congress. While Cuyahoga County prosecutor, I helped establish the Pretrial Diversion Program, as well as the Municipal Drug Court. Both programs, I am proud to say, still exist and continue to help ex-offenders move on with their lives and become productive citizens of society.

Prisoner reentry is not a Democratic or Republican issue. It is a common sense issue. The facts are clear—meaningful reentry programs significantly diminish the chances that ex-offenders will return to prison. That saves taxpayer dollars and increases public safety. So why not invest in enhancing reentry programs in order to end the cycle of recidivism? That is exactly what the Second Chance Act does.

In 2002, 2 million people were incarcerated in all Federal and State prisons. Each year, nearly 650,000 people are released from prison to communities nationwide. Nearly two-thirds of released prisoners are expected to be re-arrested for a felony or serious misdemeanor within three years of their release.

The State of Ohio has one of the largest populations of ex-offenders re-entering the community, with about 24,000 ex-offenders returning to their respective communities annually. Of those ex-offenders, about 6,000 will return to Cuyahoga County and almost 5,000 will re-enter in the city of Cleveland. Statewide, about 40 percent of ex-offenders will return to prison. In Cuyahoga County, about 41 percent will return to prison. Such high recidivism rates translate into thousands of new crimes each year and wasted taxpayer dollars, which can be averted through improved prisoner reentry efforts.

This legislation is critical to successful reentry of offenders. The bill provides as a beginning the essential ingredients necessary to assure public safety and recovery. It will help begin the process of breaking down barriers to successful re-entry and allow offenders and their families the tools necessary to break the cycle of criminality.

I would like to thank my colleague DANNY DAVIS for all of his hard work on this issue as well as former Congressman Rob Portman who was the first to introduce the legislation. I encourage my colleagues to support this very important legislation.

Mr. CONYERS. Mr. Speaker, I am proud now to yield to GWEN MOORE, the gentlelady from Wisconsin, 1 minute.

Ms. MOORE of Wisconsin. I thank you, Mr. Chairman. Mr. Speaker, I rise today in strong support of the Second Chance Act.

According to the 2001 census, Wisconsin had the highest incarceration rate for African American males in the country, and I can tell you that this legislation represents a second chance for these convicted felons. You know, becoming a felon is akin to the civic death penalty. Ex-offenders are often lacking a high school diploma, lacking vocational skills. They are drug and alcohol dependent. They are estranged from families. They are homeless. But this legislation not only is a second chance for those felons, but it is a second chance for our communities. Those communities, our States that are tethered to these billion dollar budgets for incarcerating particularly African American men and can't use those billions of dollars for more constructive and productive purposes like job creation and job training, educational and vocational training, and strengthening our families and communities.

Please support this Second Chance Act.

Mr. Speaker, I rise today in strong support of the Second Chance Act. I would like to thank Congressman DANNY DAVIS for his hard work on this vitally important legislation. In my community, according to 2001, census data, Wisconsin had the highest incarceration rate of African Americans in the nation.

In 2005, there were over 2 million people incarcerated in Federal or State prisons. Nearly 650,000 people are released from prison to our communities each year.

Nearly two-thirds of released prisoners are expected to be rearrested for a felony or serious misdemeanor within three years of release.

It is no secret that high recidivism rates translate into thousands of new crimes each year, many of which can be averted through improved prisoner reentry efforts.

In my district alone, there were approximately 10,308 Milwaukee County Residents incarcerated as of June 2006.

Since 1993 Milwaukee County has experienced nearly a four-fold increase in its recently released incarcerated population.

In 1993 2,191 prisoners were released, compared to 8,147 in 2005.

32 percent of offenders released to Milwaukee County are under the age of 25 at the time of release from prison.

31 percent of the offenders released to Milwaukee County have less than a High School education.

We are seeing an increased use of imprisonment to address the "War on drugs" :

We are now incarcerating people at an alarming rate who have never been convicted of violent crimes and who have had no prior convictions.

24 percent of the offenders released to Milwaukee County are in prison for Property crimes; 18 percent Drug crimes; 14 percent violent crimes; 4 percent Sex crimes and 3 percent Other Non-Violent crimes.

Ex-offenders face an automatic uphill battle when released from prison. As a result of being incarcerated, they are denied:

The right to vote:

The U.S has the most restrictive felony voting rights in the World.

In Wisconsin, those in prison, probation or parole are restricted from voting.

Access to public assistance:

Those with felony drug convictions are ineligible for food stamps and TANF services.

Some are not eligible at all for subsidized housing, while all face significant barriers when applying for public housing and subsidies.

Some can't apply for financial aid to get an education:

Felons with drug-related convictions are denied financial aid to attend vocational education classes, college, and other postsecondary education programs.

It is beneficial for an entire community when we provide proper resources and services to ex-offenders.

The Second Chance Act will do just that by:

Directing the Bureau of Prisons to create a Federal Re-Entry program to assist prisoners in successfully returning to their communities.

Authorizing new grant programs to assist states and local governments with drug abuse treatment for those convicted of or facing criminal charges.

Authorizing a new educational program that will improve vocational education programs in prisons, jails and juvenile detention facilities.

Mr. Speaker, it is high time that we change our focus from catching ex-offenders violating parole or probation to providing the adequate resources and programs to help them successfully integrate back into society.

I urge my colleagues to vote for the Second Chance Act.

Mr. GOHMERT. Mr. Speaker, I do appreciate Mrs. Tubbs Jones' comments. And I guess calling me or my comments outrageous was somewhat offensive, but as an old judge I was used to that. In fact, I have been called all kinds of names.

And, yes, even 2 days ago when I was buying some potting soil back home, I had a guy come up to me with his father and said if it were not for me, he would never have straightened his life up.

Those are not uncommon comments. And what it came from was being fair, but also having tough love. Because, as those who have been involved in dealing with people who have been addicted to drugs or alcohol, it does take tough love. And you do want to help them get out of the cycle rather than becoming an enabler. And that is my number one concern, is that we do not want to be enablers.

And when we talk about Scripture, absolutely, there are all kinds of verses that apply to us for those that believe the teachings of Jesus as I do. They are entirely appropriate. Those are directed to individuals. If you get over to Romans 13, that is directed to the government. And where it says if you do evil, you need to be afraid, because God does not give the government the sword in vain, that is part of the role of government; if you do evil, then there are consequences.

But it is a worthy goal to want to try to stop the cycle of recidivism. We all, I think, want that. No, I don't think; I know, we all want that same goal. But I am very concerned that we may be enabling by throwing money at a problem.

One of the saddest words and lines I ever heard came at a hearing when the wealthiest people in my home county, they had the courtroom packed so that they were hoping that I would put her on probation yet again, and they knew she had had it too many times and it wasn't going to happen under me. And it didn't. And it turns out she had a huge trust fund every month. She never had to work, she never had to study, and she had spent all her money on drugs. And the last thing she said before I sentenced her was, "I wish somebody had told me 'no' before today and meant it."

She has now gotten out. Her mother, when I was walking neighborhoods, I went up to her door and her mother said, "Come in and sit down." She said, "You know, my husband and I just hated you at one point, but you saved our daughter's life."

Sometimes it is the tough love things that turn things around. We want the same goal. I don't want to throw good money after bad in renewed programs that shouldn't be. And I hope that if this fails on suspension, we can get the new data that is going to be forthcoming and work toward the same goal with additional, more helpful information.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield to close the debate on our side to ELEANOR HOLMES NORTON, who has been not just a trial lawyer but has been before the Supreme Court on numerous occasions.

The SPEAKER pro tempore (Mr. CAPUANO). The gentlewoman from the District of Columbia is recognized for 1 minute.

Ms. NORTON. I thank the gentleman for his important work. Two thousand five hundred ex-felons return to the District of Columbia every year. They are a microcosm of who is coming home to every community in this country.

There is a special benefit and a special burden that has to be spoken of on this bill. Twelve percent of our population is African American; 40 percent of those in Federal prison are African Americans. Most of these are nonviolent drug offenders. It is the sentencing guidelines, the mandatory minimums that have done this. All of us here have played a major role in destroying the African American family and their children, because these have been drug peddlers, not kingpins.

The disparities have been recently relaxed. Justices, beginning with Justice Rehnquist, have spoken to the injustice. These inmates are now coming home. They have been in Federal prisons. Let's not make it any worse than it was in condemning them disproportionately under the crack cocaine guidelines. We owe it to their communities to help them return and become good citizens. That is all this bill aims to do.

I thank the gentleman for all of his work on this bill, and particularly the sponsor, Mr. DAVIS.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 1593, the Second Chance Act of 2007. I would like to thank my dear colleague Mr. DANNY DAVIS of Illinois for sponsoring this very important legislation that addresses the prison warehousing crisis in this country. H.R. 1593, a bill of which I am an original co-sponsor, addresses the very serious concerns about the compromised state of warehousing prisoners.

Earlier this year, the Judiciary Subcommittee on Crime, Terrorism and Homeland Security of which I am a member, held hearings to address the state of certain conditions within the United States prison system. In one of those hearings, my colleagues and I considered the merits of The Second Chance Act, and my amendment which I offered in the last Congress was included in the base bill this year.

The Second Chance Act is designed to reduce recidivism, increase public safety, and help State and local governments better address the growing population of ex-offenders returning to their communities. The bill focuses on four areas: development and support of programs that provide alternatives to incarceration, expansion of the availability of substance abuse treatment, strengthening families and the expansion of comprehensive re-entry services.

Nearly two-thirds of released state prisoners are expected to be re-arrested for a felony or serious misdemeanor within 3 years of their release. Such high recidivism rates translate into thousands of new crimes each year and wasted taxpayer dollars, which can be averted through improved prisoner reentry efforts.

The "Second Chance Act of 2007" allocates funding towards a variety of reentry programs. One of the main components of the bill is the funding of demonstration projects that would provide ex-offenders with a coordinated continuum of housing, education, health, employment, and mentoring services. This broad array of services would provide stability and make the transition for ex-offenders easier, in turn reducing recidivism.

Another reason why I strongly support this legislation is because it includes a provision contained in an amendment I offered during the Judiciary Committee markup of this bill in the 109th Congress. That amendment, incorporated in H.R. 1593 as Section 243 of the bill, requires that the:

> Attorney General shall collect data and develop best practices of State corrections departments and child protection agencies relating to the communication and cordination between such State departments and agencies to ensure the safety and support of children of incarcerated parents, including those in foster care and kinship care, and the support of parent-child relationships between incarcerated, and formerly incarcerated, parents and their children, as appropriate to the health and well-being of the children.

My amendment provides for a systematic means of ensuring the safety and support of children of incarcerated parents and the support of children of release for non-violent offenders who have attained the age of at least 45 years of age, have never been convicted of a violent crime, have never escaped or attempted to escape from incarceration, and have not engaged in any violation, involving violent conduct, of institutional disciplinary regulations.

The Second Chance Act seeks to ensure that in affording offenders a second chance to turn around their lives and contribute to society, ex-offenders are not too old to take advantage of a second chance to redeem themselves. A second benefit of the legislation is that it would relieve some of the strain on Federal, State, and local government budgets by reducing considerably government expenditures on warehousing prisoners.

Mr. Speaker, some of those who are incarcerated face extremely long sentences, and this language would help to address this problem. Releasing rehabilitated, middle-aged, non-violent offenders from an already overcrowded prison population can be a win-win situation for society and the individual who, like the Jean Valjean made famous in Victor Hugo's Les Miserables, is redeemed by the grace of a second chance. The reentry of such individuals into the society will enable them to repay the community through community service and obtain or regain a sense of self-worth and accomplishment. It promises a reduction in burdens to the taxpayer, and an affirmation of the America value that no nonviolent offender is beyond redemption.

Mr. Speaker, the number of Federal inmates has grown from just over 24,000 in 1980 to 173,739 in 2004. The cost to incarcerate these individuals has risen from $330 million to $4.6 billion since 2004. At a time when tight budgets have forced many States to consider the early release of hundreds of inmates to conserve tax revenue, early release is a commonsense option to raise capital.

The rate of incarceration and the length of sentence for first-time non-violent offenders have become extreme. Over the past two decades, no area of State government expenditures has increased as rapidly as prisons and jails. According to data collected by the Justice Department, the number of prisoners in America has more than tripled over the last two decades from 500,000 to 1.8 million, with States like California and Texas experiencing eightfold prison population increases during that time. Mr. Chairman, there are more people in the prisons of America than there are residents in States of Alaska, North Dakota, and Wyoming combined.

Over 1 million people have been warehoused for nonviolent, often petty crimes. The European Union, with a population of 370 million, has one-sixth the number of incarcerated persons as we do, and that includes violent and nonviolent offenders. This is one-third the number of prisoners which America, a country with 70 million fewer people, incarcerates for nonviolent offenses.

The 1.1 million nonviolent offenders we currently lock up represents 5 times the number of people held in India's entire prison system, even though its population is 4 times greater than the United States.

As the number of individuals incarcerated for nonviolent offenses has steadily risen, African-Americans and Latinos have comprised a growing percentage of the overall number incarcerated. In the 1930s, 75 percent of the people entering State and Federal prison were white (roughly reflecting the demographics of the Nation). Today, minority communities represent 70 percent of all new admissions and more than half of all Americans behind bars.

This is why for the last several years I have introduced the H.R. 261, the Federal Prison Bureau Nonviolent Offender Relief Act. H.R. 261 directs the Bureau of Prisons, pursuant to a good time policy, to release a prisoner who has served one-half or more of his or her term of imprisonment if that prisoner: (1) has attained age 45; (2) has never been convicted of a crime of violence; and (3) has not engaged in any violation, involving violent conduct, of institutional disciplinary regulations.

Over 2 million offenders are incarcerated in the nation's prisons and jails. At midyear 2002, 665,475 inmates were held in the Nation's local jails, up from 631,240 at midyear 2001. Projections indicate that the inmate population will unfortunately continue to rise over the years to come.

To illustrate the impact that The Second Chance Act will potentially have on Texas, the Federal prison population for the years 2000, 2001, and 2002 reached 39,679, 36,138 and 36,635 persons respectively; the State prison population for the same years reached 20,200, 20,898, and 23,561 persons. These numbers have grown since 2002, so the impact is indeed significant and the State of Texas is an important stakeholder.

I am also concerned about the rehabilitation and treatment of juvenile offenders in my home State of Texas as it appears that the administrators of TYC have neglected their duties. The April 10, 2007 "Dallas Morning News", reported that "two former Texas Youth Commission administrators were indicted on charges that they sexually abused teenage inmates at the state juvenile prison in Pyote". The same article also cited the 2005 investigative report by Texas Rangers' Sgt Burzynski which found that the two indicted TYC administrators, Brookins and Hernandez, had repeatedly molested inmates in the Pyote prison. The report is cited as saying that Mr. Brookins, who during some periods was the top official, had shown sex toys and pornography in his office, while Mr. Hernandez molested inmates in classrooms and closets.

I hope that all of my colleagues would join me in supporting the Second Chance Act. Passage of H.R. 1593 would be the start of a long overdue process to eliminate unnecessary costs that result from warehousing prisoners.

Ms. LEE. Mr. Speaker, I rise in strong support of H.R. 1593, The Second Chance Act. I thank Congressman DANNY DAVIS for introducing this important legislation and thank him for his leadership in support of formerly incarcerated persons making a successful transition back into their communities.

We must all begin to recognize the unique needs of those on the path of re-entry. I believe that there needs to be a comprehensive system of support to reduce the rates of recidivism and wasted tax dollars.

Today, our prisons and jails are filled beyond capacity, mostly with non-violent drug offenders, at enormous cost to the taxpayer. The politics of locking people up are easy. Not enough lawmakers have given much thought to the hard part: the inconvenient fact that more than 95 percent of the people who got to prison or jail will return at some point to our communities, with little or no preparation to succeed when they do.

The reality is, recidivism rates continue to rise with nearly 70 percent of those released from incarceration returning to prison within 3 years. By releasing the formerly incarcerated back into our communities without arming them with the necessary tools for survival, we are condemning them to repeat their past mistakes. This does nothing to reduce the crime rate or provide for safer communities.

We need to put the rehabilitation back into our penal system, to prepare people for reentry with job training and to send people with drug problems to treatment, not jail.

Today, we can change the landscape of reentry programs for the formerly incarcerated in this country. We need to make rehabilitation a reality not just an abstract proposal. By providing all formerly incarcerated individuals with greater access to education, health care, job placement, and drug treatment we will reduce recidivism rates across the board.

Mr. Speaker, this legislation is especially important to me because over 14,000 formerly incarcerated persons return to our community every year. The State of California had over 500,000 adults on parole or probation in 2005.

Comprehensive re-entry programs are critical to safely and productively returning the formerly incarcerated into the communities that they came from. Up to 60 percent are unemployed a year after release and up to 30 percent go directly to homeless shelters upon their release. The incidence of drug use among ex-offenders is over 80 percent, twice the rate of the United States population. It's more than clear that something needs to be done.

Following the lead of my colleague from Illinois, I host an annual Clean Slate Summit, which we held on November 3, to help those who qualify to legally clean up their records so that they can access the employment, education, housing and civic opportunities they need. We work to coordinate the efforts of community groups like the East Bay Community Law Center and All of Us or None, with local and county government leaders like Assemblymember Sandre Swanson and Alameda County Supervisor Keith Carson as well as local judges and the district attorney's office. It is only through this comprehensive and cooperative approach that we can successfully assist those who are so often completely cut off from their communities.

We have a vested interest in making sure that people reentering our community do so successfully. Help with cleaning their records provides and opportunity for a second chance to read an application, get a job or go back to school.

Booker T. Washington once said that "Success is to be measured not so much by the position that one has reached in life as by the obstacles which he, or she, has overcome."

Mr. Speaker, we must end the cycle of injustice that is perpetuated by a system that continues to punish people, long after they have paid their debt to society. H.R. 1593, the Second Chance Act, is a critical step forward. No one condones criminal activity but once one serves their time, they should be free to feed their family and move on with their lives.

Mr. SMITH of Texas. Mr. Speaker, I rise in support of the "Second Chance Act of 2007." I commend Chairman CONYERS, Crime Subcommittee Chairman SCOTT, along with Ranking Member Mr. FORBES, and Representatives CHRIS CANNON, DANNY DAVIS, HOWARD COBLE, and STEPHANIE TUBBS-JONES for their commitment to the issue of prisoner re-entry.

I also want to thank Minority Whip ROY BLUNT for his tireless dedication to this legislation. Congressman BLUNT and his staff devoted countless hours to bicameral and bipartisan negotiations to reach a consensus on this important legislation. The new bill, which is modeled on prior versions, is an excellent example of bipartisan cooperation on important criminal justice matters.

This bill represents a common sense approach to addressing the problems posed by prisoner reentry.

President Bush stated in his 2004 State of the Union address: "We know from long experience that if [former prisoners] can't find work, or a home, or help, they are much more likely to commit more crimes and return to prison. . . . America is the land of the second chance, and when the gates of the prison open, the path ahead should lead to a better life."

The Second Chance Act of 2007 implements the President's initiative.

I believe in tough enforcement of our criminal laws. Public safety is essential to a free society, and criminals must be aggressively prosecuted and incarcerated to protect our communities. However, once criminals are incarcerated, we have an obligation to make sure they are rehabilitated and treated humanely.

The Second Chance Act creates a framework of strategic policy innovations to provide effective re-entry services.

The demand for innovative solutions is obvious—it is conservatively estimated that approximately 650,000 inmates will be released from State prisons in the next year. In the absence of action, 67 percent of these individuals will be rearrested and over half will return to prison in the 3 years following their release from prison. States are being crushed by an overwhelming financial burden of correctional costs.

We need to help State and local governments implement innovative programs to ease the transition for offenders, to bring families together once again, and to make sure that offenders get the necessary support so that they can truly have a second chance to live a law-abiding life.

Successful reentry protects those who might otherwise be crime victims. It also improve the likelihood that individuals released from prison, jail or juvenile detention facilities can pay fines, fees, restitution, and provide family support.

The Second Chance Act expands existing demonstration programs to improve coordination among service providers, supervision services and re-entry task forces, and between State substance abuse agencies and criminal justice agencies. The Act also strengthens reentry services and authorizes grants to operate State and local reentry courts, and to establish local re-entry task forces to develop comprehensive reentry plans during each phase of transition—from incarceration, to transitional housing, to release in the community.

I urge my colleagues to support the bill.

Mr. CANNON. Mr. Speaker, I rise in support of the Second Chance Act. This is an important bill not only to ex-offenders but to our communities and families.

This bill is a modest, commonsense response to the increasing number of offenders returning to our communities each year.

The Second Chance Act is a bipartisan approach to prisoner reentry that will better coordinate Federal agencies and policies on prisoner reentry with an eye towards less crime and taxpayer savings.

The Second Chance Act addresses important areas for offenders and communities, including: jobs, housing, substance abuse, mental health treatment, and support for families.

This legislation brings together State and local governments to work together on the problem of prisoner reentry.

A modest expenditure to help transition offenders back into their communities can save taxpayers millions of dollars in the long run because the cost of paying for inmates is a serious burden to our citizens.

The average cost to house a Federal inmate is over $25,000 a year. If we can reduce recidivism we can save taxpayers millions of dollars.

I supported the Second Chance Act when our former colleague Representative Rob Portman introduced the bill in 2004. He should be acknowledged for his diligent work on this important issue and paving the way for us to be here today.

After Mr. Portman left Congress, I took over as the primary sponsor and this Congress I cosponsored this legislation for the reasons I have stated.

I believe there are some fundamental ideas that we hold as Americans.

The first is that there is a God and that we will all at some point face divine judgment.

You don't have to believe in God to be an American, but most Americans, believers or not, when given a choice will support limiting government to promote the welfare of their fellow man.

For believers like me, this legislation does that.

It is part of our Judeo-Christian ethics that we have a responsibility to care for widows, orphans and those less fortunate, including, always and explicitly, prisoners.

The issues addressed in the Second Chance Act are not only safety and cost savings but reflect a moral imperative.

The President laid out in his State of the Union Address in 2004 the need for this bill, stating, "America is the land of second chance and when the gates of prison open, the path should lead to a better life."

This bill will give those released from prison a better chance to improve their circumstances by turning away from crime and turning into productive contributing citizens.

I want to thank Congressman DANNY DAVIS, Chairman CONYERS, Judiciary Ranking Member LAMAR SMITH and Congressman SENSENBRENNER, Congressman FORBES, and Congressman COBLE for their work and leadership on this legislation.

I urge my colleagues to support the Second Chance Act of 2007.

Mr. SHAYS. Mr. Speaker, as a cosponsor of H.R. 1593, I am pleased we are considering this legislation today.

The fact is this bill will save taxpayers money by breaking the expensive cycle of sending people back to prison. This bill authorizes $65 million in fiscal year 2008 for Department of Justice, DoJ, grants to boost programs that provide newly released prisoners with housing, drug treatment, counseling, job training and literacy and education services.

The bill would improve residential drug treatment programs and follow-up care, and would expand family-based treatment centers. It would also authorize the Bureau of justice Statistics to study substance abusers' re-entry into society.

Our goal needs to be helping offenders successfully re-enter society. According to DoJ statistics, nearly two-thirds of those released from prison are likely to be re-arrested within 3 years. This is troubling, but the good news is Congress has recognized the problem and is implementing an innovative strategy to address it.

Mr. Speaker, I urge support of this legislation.

Mr. RANGEL. Mr. Speaker, I rise today to express my full support for the Second Chance Act of 2007, a bill to reauthorize the grant program for reentry of ex-offenders into the community.

With the dramatic increase in criminal convictions involving illegal drugs since the 1980's, the Nation's prisons have become severely overcrowded. As a result, every day hundreds of men and women are released from prison into their communities for the difficult task of restarting their lives.

It is even more difficult for those who have been incarcerated for a lengthy amount of time, those with limited education, and those who lack basic job skills. These men and women need assistance transitioning back into the community. Some assistance is needed with locating housing, finding employment, getting drug treatment, and mentoring.

This bill would provide that assistance. It is crucial to provide that assistance because it will reduce recidivism, improve lives, and improve communities. At a time when communities all across our great country have been torn apart by crime and drugs, we need to do all we can to help Americans who need a second chance at life. Let's send a message to America that we care about those who need help getting on their feet.

I thank my colleague DANNY DAVIS for introducing this important bill. I urge my colleagues to support this bill.

Ms. SCHAKOWSKY. Mr. Speaker, far too often this country does too little to keep people out of the revolving door of our prison system. Rather than taking steps that will provide long-term, rehabilitative solutions that will lower recidivism rates, Congress has adopted short-term fixes like stricter sentencing standards that keep prisoners in prison longer and bring them back more frequently. Study after study has shown that this approach does not work, and yet we continue to build new prisons and fill them beyond capacity.

That is why I support H.R. 1593, the Second Chance Act of 2007, which provides a new direction for our criminal justice system, one that focuses on helping prisoners turn their lives around and become contributing members of society. Specifically, H.R. 1593 allocates $110 million to support a variety of prisoner re-entry programs which include mentorship, housing, drug treatment, education and job training. All of these programs are designed to assist former inmates as they transition back into society and provide the support they need to keep them from returning to prison.

I support this bill because it will begin to reverse the misguided policy of instituting harsher laws that create longer mandatory sentences for crimes. This country sends more and more people to prison every year. A 2006 Justice Department report found that a record 7 million people, 1 in every 32 U.S. adults, were behind bars, on probation, or on parole last year. These statistics are especially troubling because not only does time spent in jail affect the prisoner; it also creates a vicious cycle that has a detrimental impact on their families. Research shows that children of incarcerated parents are three to six times more likely to exhibit violent or serious delinquent behavior than other children.

While, I believe strongly in securing appropriate prison sentences for people who break our laws, I also feel that it is important that we do everything we can to ensure that, when people get out of prison, they enter our communities as productive members of society. H.R. 1593 makes an important step toward changing our country's outlook on crime and punishment. I would like to thank my friend and colleague DANNY DAVIS for his tenacity and hard work on this legislation, and I urge my colleagues to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1593, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## PROTECT OUR CHILDREN ACT OF 2007

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3845) to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3845

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children Act of 2007" or the "PROTECT Our Children Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—SPECIAL COUNSEL FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION

Sec. 101. Establishment of special counsel for child exploitation prevention and interdiction.
Sec. 102. Establishment of National ICAC Task Force Program.
Sec. 103. Purpose of ICAC task forces.
Sec. 104. Duties and functions of task forces.
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TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

Sec. 201. Additional regional computer forensic labs.
Sec. 202. Additional field agents for the FBI.
Sec. 203. Immigrations and customs enforcement enhancement.
Sec. 204. Combating trafficking via the United States Postal Service.
Sec. 205. Accountability provisions for child exploitation prevention and interdiction.

### SEC. 2. FINDINGS.

Congress finds the following:

(1) The Internet has facilitated the growth of a multi-billion dollar global market for images and video of children being sexually-displayed, raped, and tortured, far exceeding the capacity of law enforcement to respond at the Federal, State, and local level.

(2) The explosion of child pornography trafficking is claiming very young victims. Research by the Department of Justice, the University of New Hampshire, and the National Center for Missing and Exploited Children indicates that among those arrested for possession of child pornography, 83 percent have images of children 6-12 years old, 39 percent have images of children 3-5 years old, and 19 percent have images of children under the age of 3 years old.

(3) The images and videos being trafficked typically depict sexual assaults that are both graphic and brutal. The research described in paragraph (2) also indicates that 80 percent of known child pornography possessors have images of children being sexually penetrated and 21 percent have images depicting children bound, gagged, blindfolded, or "otherwise enduring sadistic sex." Just one percent of such possessors restricted their collecting to images of simple child nudity.

(4) Millions of children and teens in the United States are at risk from sexual predators who are hunting, stalking, and luring minors online. Along with the incredible access to the world offered our children by the Internet, the Internet also offers the world access to our children.

(5) The Internet Crimes Against Children task forces at the Department of Justice have identified millions of child pornography transactions involving images and video of child sexual assault from millions of computer IP addresses worldwide.

(6) The ICAC Program has been highly successful in creating and sustaining an emerging national network of 59 Federal, State, and local task forces in all 50 States, which form the backbone of national readiness to combat child exploitation.

(7) In testimony before Congress, law enforcement experts have expressed consensus that lack of law enforcement resources, including dedicated forensic analysis capacity, is a severe problem at the Federal, State, and local level, severely limiting the number of predators that can be interdicted and children that can be identified and rescued.

(8) The Federal Bureau of Investigation, United States Immigrations and Customs Enforcement, and the United States Postal Inspection Service have each developed highly specialized and successful child exploitation investigative capabilities, yet these agencies have testified to Congress that they must triage the overwhelming number of child exploitation crimes and cannot investigate a large percentage of known crimes.

(9) Child pornography and online child enticement crimes have among the highest conviction rates of any child sexual offense, and the research funded by the Department of Justice indicates that the majority of child pornography offenders have committed or attempted direct sexual contact offenses against children. Investigating and prosecuting these predators is one of the most concrete and measurable strategies for the prevention of future child sexual abuse.

### SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) CHILD EXPLOITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "child exploitation" means any conduct, or an attempt or conspiracy to commit such conduct, constituting criminal sexual abuse of a minor, sexual exploitation of a minor, abusive sexual contact of a minor, sexually explicit conduct with a minor, or any similar offense under Federal or State law.

(B) STATUTORY RAPE EXCEPTION.—The term "child exploitation" shall not include sexual conduct involving a minor if—

(i) the minor involved in such conduct has attained 16 years of age or older;

(ii) no other individual involved in such conduct is more than 4 years older than such minor; and

(iii) such conduct was consensual.

(2) MINOR.—The term "minor" means any person under the age of 18 years.

(3) SEXUALLY EXPLICIT CONDUCT.—The term "sexually explicit conduct" has the meaning given such term in section 2256 of title 18, United States Code.

## TITLE I—SPECIAL COUNSEL FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION

### SEC. 101. ESTABLISHMENT OF SPECIAL COUNSEL FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION.

(a) IN GENERAL.—The Attorney General shall appoint a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General.

(b) DUTIES OF THE SPECIAL COUNSEL.—The Special Counsel appointed under subsection (a) shall have the following duties:

(1) Coordinating the policies and strategies of the Department of Justice related to the prevention and investigation of child exploitation cases, including the policies and strategies of the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Federal Bureau of Investigation, and any other agency or bureau of the Department of Justice whose activities relate to child exploitation cases.

(2) Pursuing memorandums of understanding or other interagency agreements

related to the prevention, investigation, and apprehension of individuals exploiting children, including seeking cooperation and collaboration with—

(A) United States Immigration and Customs Enforcement;

(B) the Department of State;

(C) the Department of Commerce;

(D) the Department of Education; and

(E) other Federal agencies.

(3) Coordinating and overseeing the ICAC Task Force Program established under section 102.

(4) Coordinating and overseeing the National Internet Crimes Against Children Data Network Center established under section 105.

(5) Reviewing and approving the grants awarded by the ICAC grant program as administered by the Office of Justice Programs, including developing and approving the funding formula established under section 106, after consultation with the Office of Justice Programs.

(6) Developing, providing, and coordinating technical assistance and training for Federal, State, local, and tribal law enforcement agencies related to the prevention, investigation, and prosecution of child exploitation crimes.

(7) Developing, providing, and coordinating training and technical assistance to Federal, State, local, and tribal law enforcement related to forensic computer examination and analysis.

(8) Developing and overseeing research programs related to child exploitation prevention.

(9) Directing and overseeing programs for child exploitation prevention and education, including programs related to Internet safety.

(10) Maintaining liaison with the judicial branches of the Federal and State Governments on matters relating to child exploitation.

(11) Providing information to the President, Congress, the judiciary, State, local, and tribal governments, and the general public on matters relating to child exploitation.

(12) Serving, at the request of the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policies or issues relating to child exploitation.

(13) Providing technical assistance, coordination, training, and support to—

(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to child exploitation cases, including the litigation of civil and criminal actions relating to enforcing such laws;

(B) other Federal, State, local, and tribal agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate child exploitation; and

(C) grantees, in efforts to combat child exploitation and to provide support and assistance to victims of such exploitation.

(c) STAFF.—The Special Counsel appointed under subsection (a) may hire or appoint such staff as may be required to carry out the duties described in this section.

**SEC. 102. ESTABLISHMENT OF NATIONAL ICAC TASK FORCE PROGRAM.**

(a) ESTABLISHMENT.—There is established within the Department of Justice, under the general authority of the Attorney General, a National Internet Crimes Against Children Task Force (hereinafter in this title referred to as the "ICAC Task Force"), which shall consist of a national program of State and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases.

(b) NATIONAL PROGRAM.—The National ICAC Task Force Program established under subsection (a) shall include at least one ICAC task force in each State.

**SEC. 103. PURPOSE OF ICAC TASK FORCES.**

The National ICAC Task Force Program, and each State or local ICAC task force that is part of the national program of task forces, shall be dedicated towards—

(1) increasing the investigative capabilities of State and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders, including technology-facilitated child exploitation offenses;

(2) conducting proactive and reactive Internet crimes against children investigations;

(3) providing training and technical assistance to ICAC task forces and other Federal, State, and local law enforcement agencies in the areas of investigations, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs;

(4) increasing the number of Internet crimes against children offenses being investigated and prosecuted in both Federal and State courts;

(5) creating a multiagency task force response to Internet crimes against children offenses within each State;

(6) enhancing nationwide responses to Internet crimes against children offenses, including assisting other ICAC task forces, as well as other Federal, State, and local agencies with Internet crimes against children investigations and prosecutions;

(7) developing and delivering Internet crimes against children public awareness and prevention programs; and

(8) participating in such other activities, both proactive and reactive, that will enhance investigations and prosecutions of Internet crimes against children.

**SEC. 104. DUTIES AND FUNCTIONS OF TASK FORCES.**

Each State or local ICAC task force that is part of the national program of task forces shall—

(1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of such task force;

(2) work consistently towards achieving the purposes described in section 103;

(3) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children;

(4) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;

(5) develop multijurisdictional, multiagency responses and partnerships to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses;

(6) participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force;

(7) establish or adopt investigative and prosecution standards, consistent with established norms, to which such task force shall comply;

(8) investigate, and seek prosecution on, tips related to Internet crimes against children, including tips from other law enforcement agencies, ICAC task forces, the National Center for Missing and Exploited Children, and other Federal, State, and local agencies;

(9) develop procedures for handling seized evidence;

(10) maintain such reports and records as are required under this title; and

(11) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.

**SEC. 105. NATIONAL ICAC DATA NETWORK CENTER.**

(a) IN GENERAL.—The Attorney General shall establish a National Internet Crimes Against Children Data Network Center.

(b) PURPOSE OF CENTER.—The National Internet Crimes Against Children Data Network Center established under subsection (a) shall be dedicated to assisting—

(1) the National ICAC Task Force Program established under this title; and

(2) Federal, State, local, and tribal agencies investigating and prosecuting child exploitation.

(c) MANDATORY REQUIREMENTS FOR CENTER.—The National Internet Crimes Against Children Data Network Center established under subsection (a) shall develop and maintain an integrated technology and training program that provides—

(1) a secure system enabling online communication and collaboration by ICAC task forces, Federal law enforcement agencies, and other State and local law enforcement agencies regarding ongoing investigations;

(2) a secure, online system for resolving case conflicts, for use by ICAC task forces, Federal law enforcement agencies, and other State and local law enforcement agencies;

(3) a secure data storage and analysis system for use by ICAC task forces, Federal law enforcement agencies, and other State and local law enforcement agencies;

(4) guidelines for the use of such Data Network by Federal, State, and local law enforcement agencies; and

(5) training and technical assistance on the use of such Data Network by Federal, State, and local law enforcement agencies.

(d) ICAC DATA NETWORK STEERING COMMITTEE.—The Attorney General shall establish an ICAC Data Network Center Steering Committee to provide guidance to the Center relating to the program under subsection (c), and to assist in the development of strategic plans for the Center. The Steering Committee shall consist of 9 members with expertise in child exploitation prevention and interdiction prosecution, investigation, or prevention, including—

(1) 3 representatives elected by the local directors of the ICAC task forces;

(2) 1 representative from the law enforcement agency having primary responsibility for hosting and maintaining the ICAC Data Network;

(3) 1 representative of the Federal Bureau of Investigation's Innocent Images National Initiative or Regional Computer Forensic Lab program;

(4) 1 representative of the Immigration and Customs Enforcement's Cyber Crimes Center;

(5) 1 representative of the United States Postal Inspection Service;

(6) 1 representative of the Department of Justice's Child Exploitation and Obscenity Section or a United States Attorney's Office; and

(7) 1 representative appointed by the Special Counsel for Child Exploitation Prevention and Interdiction.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2009 through 2016, $2,000,000 to carry out the provisions of this section, including for—

(1) the establishment of the National Internet Crimes Against Children Data Network Center; and

(2) the costs of operating and maintaining such Center.

### SEC. 106. ICAC GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Office of Justice Programs, in consultation with the Special Counsel for Child Exploitation Prevention and Interdiction, is authorized to award grants to State and local ICAC task forces to assist in carrying out the duties and functions described under section 104.

(2) FORMULA GRANTS.—

(A) DEVELOPMENT OF FORMULA.—At least 75 percent of the total funds appropriated to carry out this section shall be available to award or otherwise distribute grants pursuant to a funding formula established by the Office of Justice Programs, in consultation with the Special Counsel for Child Exploitation Prevention and Interdiction, in accordance with the requirements in subparagraph (B).

(B) FORMULA REQUIREMENTS.—Any formula established by the Office of Justice Programs, in consultation with the Special Counsel for Child Exploitation Prevention and Interdiction, under subparagraph (A) shall—

(i) ensure that each State or local ICAC task force shall, at a minimum, receive an amount equal to 0.5 percent of the funds available to award or otherwise distribute grants under subparagraph (A); and

(ii) take into consideration the following factors:

(I) The population of each State, as determined by the most recent decennial census performed by the Bureau of the Census.

(II) The number of investigative leads within the applicant's jurisdiction generated by the ICAC Data Network, the Cyber Tipline, and other sources.

(III) The number of criminal cases related to Internet crimes against children referred to a task force for Federal, State, or local prosecution.

(IV) The number of successful prosecutions of child exploitation cases by a task force.

(V) The amount of training, technical assistance, and public education or outreach by a task force related to the prevention, investigation, or prosecution of child exploitation offenses.

(VI) Such other criteria as the Attorney General determines demonstrate the level of need for additional resources by a task force.

(3) DISTRIBUTION OF REMAINING FUNDS BASED ON NEED.—

(A) IN GENERAL.—Any funds remaining from the total funds appropriated to carry out this section after funds have been made available to award or otherwise distribute formula grants under paragraph (2)(A) shall be distributed to State and local ICAC task forces based upon need, as set forth by criteria established by the Office of Justice Programs, in consultation with the Special Counsel for Child Exploitation Prevention and Interdiction. Such criteria shall include the factors under paragraph (2)(B)(ii).

(B) MATCHING REQUIREMENT.—A State or local ICAC task force shall contribute matching non-Federal funds in an amount equal to not less than 25 percent of the amount of funds received by the State or local ICAC task force under subparagraph (A) of this paragraph. A State or local ICAC task force that is not able or willing to contribute matching funds in accordance with this subparagraph shall not be eligible for funds under subparagraph (A) of this paragraph.

(b) APPLICATION.—

(1) IN GENERAL.—Each State or local ICAC task force seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this title.

(c) ALLOWABLE USES.—Grants awarded under this section may be used to—

(1) hire personnel, investigators, prosecutors, education specialists, and forensic specialists;

(2) establish and support forensic laboratories utilized in Internet crimes against children investigations;

(3) support investigations and prosecutions of Internet crimes against children;

(4) conduct and assist with education programs to help children and parents protect themselves from Internet predators;

(5) conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children; and

(6) fund any other activities directly related to preventing, investigating, or prosecuting Internet crimes against children.

(d) REPORTING REQUIREMENTS.—

(1) ICAC REPORTS.—To measure the results of the activities funded by grants under this section, and to assist the Attorney General in complying with the Government Performance and Results Act (Public Law 103-62; 107 Stat. 285), each State or local ICAC task force receiving a grant under this section shall, on an annual basis, submit a report to the Attorney General that sets forth the following:

(A) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

(B) Investigation and prosecution performance measures of the task force, including—

(i) the number of investigations initiated related to Internet crimes against children;

(ii) the number of arrests related to Internet crimes against children;

(iii) the number of prosecutions for Internet crimes against children, including—

(I) whether the prosecution resulted in a conviction for such crime; and

(II) the sentence and the statutory maximum for such crime under State law.

(C) The number of referrals made by the task force to the United States Attorneys office, including whether the referral was accepted by the United States Attorney.

(D) Statistics that account for the disposition of investigations that do not result in arrests or prosecutions, such as referrals to other law enforcement.

(E) The number of investigative technical assistance sessions that the task force provided to nonmember law enforcement agencies.

(F) The number of computer forensic examinations that the task force completed.

(G) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to Congress on—

(A) the progress of the development of the ICAC Task Forces established under this title; and

(B) the number of Federal and State investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

### SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $60,000,000 for fiscal year 2009;

(2) $75,000,000 for fiscal year 2010;

(3) $75,000,000 for fiscal year 2011;

(4) $75,000,000 for fiscal year 2012;

(5) $75,000,000 for fiscal year 2013;

(6) $75,000,000 for fiscal year 2014;

(7) $100,000,000 for fiscal year 2015; and

(8) $100,000,000 for fiscal year 2016.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

## TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

### SEC. 201. ADDITIONAL REGIONAL COMPUTER FORENSIC LABS.

(a) ADDITIONAL RESOURCES.—The Attorney General shall establish additional computer forensic capacity to address the current backlog for computer forensics, including for child exploitation investigations. The Attorney General may utilize funds under this title to establish new regional computer forensic laboratories within the Regional Computer Forensic Laboratories Program operated by the Federal Bureau of Investigation or may increase capacity at existing laboratories.

(b) NEW COMPUTER FORENSIC LABS.—If the Attorney General determines that new regional computer forensic laboratories are needed under subsection (a) to address existing backlogs, such new laboratories shall be established pursuant to subsection (d).

(c) PURPOSE OF NEW RESOURCES.—The additional forensic capacity established by the resources provided under this section shall prioritize its activities to assist Federal agencies, State and local Internet Crimes Against Children task forces, and other Federal, State, and local law enforcement agencies in preventing, investigating, and prosecuting Internet crimes against children.

(d) LOCATION OF NEW LABS.—The location of any new regional computer forensic laboratories under this section shall be determined by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, the Regional Computer Forensic Laboratory National Steering Committee, and other relevant stakeholders.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit a report to the Congress on how the funds appropriated under this section were utilized.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2009 through 2016, $7,000,000 to carry out the provisions of this section.

### SEC. 202. ADDITIONAL FIELD AGENTS FOR THE FBI.

(a) IN GENERAL.—There are authorized to be appropriated to the Attorney General $30,000,000 for each of the fiscal years 2009 through 2016 to fund the hiring of full-time Federal Bureau of Investigation field agents and associated analysts and support staff in addition to the number of such employees serving in those capacities on the date of enactment of this Act.

(b) SOLE PURPOSE.—The sole purpose of the additional staff required to be hired under subsection (a) is to work on child exploitation cases as part of the Federal Bureau of Investigation's Innocent Images National Initiative.

### SEC. 203. IMMIGRATIONS AND CUSTOMS ENFORCEMENT ENHANCEMENT.

(a) ADDITIONAL AGENTS.—There are authorized to be appropriated to the Secretary of Homeland Security $15,000,000, for each of the fiscal years 2009 through 2016, to fund the hiring of full-time agents and associated analysts and support staff within the Bureau of Immigration and Customs Enforcement in addition to the number of such employees serving in those capacities on the date of enactment of this Act.

(b) SOLE PURPOSE.—The sole purpose of the additional staff required to be hired under subsection (a) is to work on child exploitation and child obscenity cases.

### SEC. 204. COMBATING TRAFFICKING VIA THE UNITED STATES POSTAL SERVICE.

(a) IN GENERAL.—There are authorized to be appropriated to the Postmaster General $5,000,000, for each of the fiscal years 2009 through 2016, to fund the hiring of full-time agents and associated analysts and support staff in addition to the number of such employees serving in those capacities on the date of enactment of this Act.

(b) SOLE PURPOSE.—The sole purpose of the additional staff required to be hired under subsection (a) is to work on child exploitation and child obscenity cases.

### SEC. 205. ACCOUNTABILITY PROVISIONS FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION.

The Attorney General, in consultation with the Secretary of Homeland Security and the Postmaster General, shall report to the Committees on the Judiciary of the Senate and House of Representatives and any other relevant committee of jurisdiction, on an annual basis, on the resources (agents, forensic labs, prosecutors, etc.) being utilized by such agencies to investigate and prosecute child exploitation and child obscenity cases, including the resources established under this title, the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248; 120 Stat. 587), and any other law related to combating child exploitation and child obscenity.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just last week we learned that police arrested a senior executive at the National Children's Museum right here in Washington, DC, for distributing child pornography over the Internet. This headline floored me, but it is a good example of a problem that has gotten completely out of control.

The Internet has facilitated an exploding multibillion dollar market for child pornography. Tragically, the demand for this criminal market can only be supplied by graphic new images, and these can only be supplied through the sexual assault of more children. I rise today to urge my colleagues to support H.R. 3845, the PROTECT Our Children Act of 2007.

This bill addresses an issue that is central to the goals of Speaker NANCY PELOSI and the New Direction Congress, and one that should be at the top of everyone's agenda, the protection of our children. Our children deserve a future that is healthy, prosperous, safe, and bright, but our children are vulnerable when they are on line. If this bill becomes law, we have the potential to save many thousands of children from sexual abuse and exploitation.

I want to start by thanking my friend and colleague, JOE BARTON of Texas, for working with me on this bipartisan legislation, and for his counsel, his very good counsel, as the lead Republican sponsor of the bill.

In the last Congress, Congressman BARTON, then the chairman of the Energy and Commerce Committee, conducted a series of hearings on this topic. Not only did those hearings expose the dearth of Federal resources devoted to investigating and prosecuting child exploitation crimes, but they also brought together an extraordinary group of parents who formed an organization called the Surviving Parents Coalition. In June of this year, I had the opportunity to visit with this very special group of parents.

When I sat down with Mark Lunsford, Erin Runnion, Ed Smart, Marc Klaas, Mary Kozakiewicz, and other founders of the Surviving Parents Coalition, I was not prepared for what they had to tell me. They shared with me their own horrific stories of how their children were abducted by sexual predators. As we all know, some of these children will never come home. As the mother of three young children myself, their stories broke my heart, and as a Member of Congress I felt compelled to act.

What surprised me most about these brave parents was their message about child pornography and child exploitation. What they said was this: If you want to prevent predators from hurting other children like ours, the way to do that is to go back through the Internet and get them.

As we learned last month with the apprehension of a child predator in Las Vegas, Nevada, for the first time we have the technology and the evidence not only to find these predators, we have the technology to rescue their victims as well. A 2005 Justice Department study found that 80 percent of child pornography possessors have images and videos of children being sexually penetrated. Another 21 percent possess images of bondage, sadistic abuse, and torture. The children depicted in these photos are very young. Eighty-three percent of child pornography possessors have images of children younger than 12, and another 19 percent possess images of infants and toddlers. There are even Web sites that provide live pay-per-view rape of very young children.

Let me be clear. This is not about obscenity or pornography; these images are crime scene photos, created by a thriving industry that uses children as a sexual commodity.

□ 1615

I want to thank Chairman JOHN CONYERS for holding a hearing on Internet predators in October. At that hearing, Special Agent Flint Waters of the Wyoming State Police, a highly respected child exploitation investigator, testified that right now there are nearly 500,000 identified individuals in the United States trafficking child pornography on the Internet. That's half a million people right here in the United States. And law enforcement knows who they are, and they know where they are.

But what shocked me the most and what compelled me to get involved in this issue is that, due to a lack of resources, law enforcement is investigating less than 2 percent of these known 500,000 individuals. Less than 2 percent.

What was even more shocking is that it is estimated that if we were to investigate these cases, we could actually rescue child victims nearly 30 percent of the time.

It is clear that our current efforts are not working. We need a national campaign with everyone joining the fight: that means the full weight of law enforcement, the National Center for Missing and Exploited Children, Congress, the executive branch, parents and victims advocacy groups and Internet service providers.

Alicia Kozakiewicz, whose testimony at the October Judiciary hearing moved us all, is a living, breathing reminder of the lives that we can save. Alicia is not just a victim; she is a survivor.

Alicia told us how over a period of months she was groomed by a 45-year-old predator pretending to be a teenage girl. When Alicia, who was 13 years old at the time, agreed to meet her cyberfriend in real life, he kidnapped her from her suburban Pittsburgh driveway and held her captive in his Virginia dungeon, where he performed unspeakable sexual acts upon her day after day and broadcast it over the Internet. Just when Alicia told us she had given up all hope, she was finally rescued by FBI agents. The FBI found her because the Virginia Internet Crimes Against Children task force, or ICAC, had the technology to lift the digital fingerprints of this perpetrator's crime and to discover the location where he held her captive, chained to the floor.

The PROTECT Our Children Act will help provide the safety net we so desperately need by creating statutory authority for these highly successful ICAC task forces which support State and local law enforcement agencies. It will supplement this local effort with hundreds of new Federal agents who will be solely dedicated to crimes against children. It will also provide desperately needed forensic crime and computer labs so agents can uncover troves of electronic evidence, locate these perpetrators, and bring them to justice.

Finally, the bill will create a special counsel within the Department of Justice who will be responsible for planning and coordinating our child exploitation prosecution efforts across the Federal agencies.

At the October Judiciary Committee hearing, a representative from the FBI told us two things, Mr. Speaker, that boggled my mind. First, he told us that the number of agents being exclusively assigned to these cases is actually shrinking; and, second, that they are giving millions of dollars that Congress has appropriated to combat child pornography to programs that have nothing to do with child protection. Should we be shrinking critical staffing power and diverting badly needed funds at a time when we are investigating less than 2 percent of known traffickers of child pornography? We can do better, and we must do better.

Mr. Speaker, the time has come to reorder priorities at the Department of Justice, and the PROTECT Our Children Act will do just that. Our mandate here is clear: we must prevent predators from hurting our children.

Again, I want to thank Ranking Member BARTON for his leadership, his concern, and his compassion for our children and their safety, not just on this issue but on the Pool Safety bill that we worked together in the 109th and the 110th Congress, and I truly appreciate his leadership and effort on this bill and many others.

Mr. Speaker, this is what Congress can do when we come together in a bipartisan fashion. And maybe it's our children that can be the catalyst for the change that we need in America.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, unfortunately, the majority has decided to promote politics rather than fully protecting our Nation's children. In its last-minute rush to bring bills to the floor, the majority has selected five bills addressing the problem of sex offenders on the Internet and Internet safety for children. These bills were never considered by the Judiciary Committee, never subject to legislative hearings, and never brought through the markup process.

In addition, the majority failed to address concerns that the National Center for Missing and Exploited Children and the Justice Department expressed. To ignore the concerns of these major stakeholders is no way to legislate when it comes to the safety of our children.

Why did the majority avoid the Judiciary Committee process? For one reason, they knew the amendments we would offer at the committee would gain bipartisan support. Again, avoiding amendments that both parties would support is no way to protect our children.

Even on the substance, the majority's bills ignore the needs of law enforcement. At a full committee oversight hearing on October 17, 2007, the majority heard from law enforcement and the Justice Department about specific tools needed to protect children. The testimony at the hearing underscored the need to give law enforcement flexible tools necessary to protect children and apprehend sex offenders.

Instead of working to produce a strong bill that responds to law enforcement's requests, the majority has bypassed the normal committee process and brought an incomplete bill to the floor.

Last Congress we passed landmark child protection legislation, the Adam Walsh Act of 2006, which combined new tools, new authorities, additional programs, and important requirements on the registration and notification requirements for sex offenders. This legislation was developed through bipartisan cooperation, subject to full Judiciary Committee markup, extensive testimony on legislative proposals, and consultation with the NCMEC, and the Justice Department. In stark contrast, the majority has failed to meet these basic requirements in developing new child protection legislation.

H.R. 3845 is replete with problems. For example, the bill creates a superbureaucratic special counsel in the Justice Department and charges that counsel with coordinating all child protection efforts across the Federal Government.

The special prosecutor duplicates existing offices within the Department of Justice with the expertise to prosecute child crimes cases and administer the ICAC grant program.

The innumerable responsibilities of this new special prosecutor require expertise across so many issues, prosecution, policy, and grant administration, just to name a few, that no one person can fulfill this role. The bill in fact acknowledges this by directing the creation of an entirely new office within the office of the Deputy Attorney General, creating yet another layer of bureaucracy in Washington. This eats up precious resources, rather than sending them to our neighborhoods and communities.

Moreover, the bill places approval for all ICAC grants with the new special prosecutor, a role traditionally held by the Office of Justice Programs. Why? We don't know. We have been presented no evidence to suggest that the Department's performance in administering grants to existing ICAC task forces is somehow flawed.

It is sad to see that our children's safety is being sacrificed for the benefits of a quick press hit. While the bill has some good provisions, much more could have been done.

I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, at this time I yield as much time as he may consume to the distinguished chairman of the Judiciary Committee, Mr. CONYERS.

Mr. CONYERS. I'm hoping that the discussion and the presentation by my good friend, Mr. GOODLATTE, does not indicate that he is opposed to the substance of this measure and that his remarks were generated around the process, the procedure, because I'm sure he worked on the Adam Walsh bill, and here, to me, is another important step forward on that. And so we look forward to his continued support.

Now, with reference to process, that's a little bit more sensitive issue, because, you know me, I don't like to bring up things that sound partisan. But you guys avoided more process in the Judiciary Committee than we ever have in the 110th Congress. So I've got a long record of it.

But we don't want to get off the track here. This isn't about process. But I've got some not-complimentary statistics about the way we've operated in the past. And I've had good relationships with all the Republican, it almost seems like forever, chairmen of the Judiciary Committee that have preceded us for this last 12 years.

But what our floor manager DEBBIE WASSERMAN SCHULTZ is talking about now is something for which there can be no disagreement. We've got to get these Internet sex predators out of business. And that's what this measure does. It does it well. I don't know how much more benefited anybody would be if we had gone any different direction.

We're under a little duress now. We've got measures on top of measures. The scheduling is getting horrific. But I commend the gentlelady and the members of the committee on both sides of the aisle that have worked with her in pursuance of this legislation to get it to the floor today.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to respond briefly to the distinguished chairman, for whom I have great respect. And when bills do go through the process of the Judiciary Committee, the chairman has been most fair to us on our side of the aisle. And the previous chairman, Mr. SENSENBRENNER on our side of the aisle, was also very dedicated to fulfilling that process. In fact, that indeed is what took place with regard to the Adam Walsh legislation, which was moved through the process of the committee. I only wish the same thing had been done here. It would have enabled us to have produced a much, much better piece of legislation that would more effectively protect our children.

At this time, it is my pleasure to recognize the distinguished ranking member of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON), for such time as he may consume.

Mr. BARTON of Texas. I thank the distinguished gentleman from Virginia, the former chairman of the Agriculture Committee, one of the senior members of the Judiciary Committee.

I want to, in a somewhat milder vein, share the concerns that Mr. GOODLATTE shared about the process. When I agreed to be the principal Republican sponsor of this legislation, I asked and was told that there would be a committee markup in the Judiciary Committee and that there would be amendments made in order. So I was a little bit surprised last week to find that this was going to be on the Suspension Calendar and expressed that surprise to Ms. WASSERMAN SCHULTZ and her staff.

Having said that, there have been bipartisan discussions, negotiations. There have been changes made in the bill as originally introduced. It is a good bill. And I am proud to be the senior Republican sponsor.

This bill needs to be passed. I will agree with Mr. GOODLATTE that it's not a perfect bill, and I'll agree that had there been a committee markup or a subcommittee markup and a bipartisan markup amendment process, some of the issues would have been addressed a little bit differently. I'll agree with that.

But having said that, let's look at what's positive in the bill. And let's compare the bill to current law. There are over 3 million images of child pornography on the Internet right now. Three million. And in the last Congress, as chairman of the Energy and Commerce Committee, under my direct request as chairman, the Oversight and Investigations Subcommittee held nine hearings on the problem of Internet child pornography. And it's more than a problem. It is a vicious, malicious, virus, viral disease that has the potential to destroy our children. And at some point in time we have to do something. And this bill, the PROTECT bill that's before us this afternoon, is a good first start.

We found out in our hearings last year that the various State and Federal agencies didn't have enough resources. We found out that they didn't coordinate. And so this bill before us, as my good friend, Mr. GOODLATTE, has pointed out, it does set up a new special counsel office in the Justice Department. And normally that would probably not be a good thing to do. But in this case, given the lack of coordination under current law, at a minimum, I think it's acceptable. And I personally think that it's commendable.

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We give additional resources. Not one witness in our hearings last year said that there were sufficient financial resources. The bill before us authorizes, over the course of the next 8 years, over 1 billion additional dollars to fight this infestation of child pornography. It sets up an additional $400 million to increase funding over the next 8 years for the Federal law enforcement agencies: the FBI's Innocent Images Unit, Immigration and Customs Enforcement, and the United States Postal Service. These are the Federal agencies that are at the forefront in investigating Internet child pornography.

The bill also authorizes increased funding for new forensic computer laboratories. One of the things that we found out is that there just wasn't enough law enforcement laboratory capability in terms of forensics to track down the information that was being provided by the agents in the field. This bill recommends and authorizes an additional $7 million each year for 2008 through 2015 for new national forensic computer laboratories.

We also found out, as I pointed out, that some of these task forces that have been set up and are well intentioned simply didn't have the resources that they needed. So the bill before us authorizes over $600 million over the next 8 years on a staggered basis for these Internet Crimes Against Children, or ICAC, task forces. That is a huge improvement over the current situation, and I don't think any Member of Congress is going to oppose that.

This bill provides additional funding for Federal and State law enforcement, greater coordination of the overall United States law enforcement effort at both the State, Federal, and local level. It establishes a Special Counsel office that I have already talked about. And I want to comment on that.

I agree with what Mr. GOODLATTE said that the current task force in the current system in terms of allocating resources is doing an acceptable job. So the Special Counsel will coordinate with them. The Special Counsel will have the ability to sign off, but it doesn't have the ability to unilaterally decide where these additional funds are going to go for the very reasons that Mr. GOODLATTE said in his statement a few minutes ago.

The bill before us brings additional resources that are vitally needed to the fight against the scourge of child pornography on the Internet. Almost all of us have children or grandchildren. And when you go on the Internet today and you type in www.snowwhite.com, you may well get a pornographic child pornography site. Now, that's unacceptable. It's unacceptable to every Member on both sides of the aisle and both sides of the other body, our friends on the other side of this Capitol.

This bill before us may not be a perfect bill, but it is time to act. It is a good start. Anything can be improved.

Again, I respect the process questions that have been raised. I have some of those same questions about some issues under the committee that I serve on as jurisdiction. But in this case it really is time to protect our children. It really is time to move forward. And if we have a roll call vote, I hope every Member of the House of Representatives votes "yes" on the PROTECT Act because it is a huge step forward in protecting our children.

I thank my good friend Mr. GOODLATTE for yielding to me.

Thank you, Congresswoman WASSERMAN-SCHULTZ, for your hard work and dedication to this bill.

Almost 2 years ago, the Energy and Commerce Committee began a wide-ranging investigation of Internet child pornography. During our investigation, we had nine hearings and interviewed numerous witnesses involved in the fight against child sexual exploitation: Federal and local law enforcement, Federal and local prosecutors, victims, educators, Internet service providers, and financial institutions.

This investigation helped expose the epidemic that is Internet child pornography. At that time, we learned that the Internet contained approximately three million images of child pornography. Law enforcement testified to the Committee that the images were becoming increasingly violent in nature, and that the victims in the photos were getting younger, some as young as 2 years old.

Although law enforcement is working to tackle the epidemic of abuse that exists on the Internet, their resources are taxed, because predators around the world are working just as diligently to continue flooding the Internet with images of child sexual abuse.

I am proud to be the lead cosponsor of the PROTECT Act, because this bill provides the resources that are so desperately needed by law enforcement to take the fight to those predators who seek to exploit and abuse children, often for their own financial gain. We will never win the battle against the sexual exploitation of children unless we arm law enforcement with the necessary resources and tools to bring these predators to justice.

First, the PROTECT Act authorizes, over fiscal years 2008 to 2015, $400,000,000 in increased funding to the Federal law enforcement agencies—FBI's Innocent Images Unit, Immigration and Customs Enforcement, and the United States Postal Service—that are at the forefront in investigating Internet child pornography. The funding is directed for the hiring of additional, full-time agents to work child exploitation cases.

The bill also authorizes increased funding for forensic computer labs. One of the key findings in the Energy and Commerce Committee's investigation of Internet child pornography is that law enforcement investigations were often hampered by the backlog at forensic computer labs. This backlog sometimes made it difficult for law enforcement to identify predators or obtain subpoenas in a timely manner—a delay that endangers the welfare and safety of the victims of Internet child pornography. To address this problem, the PROTECT Act authorizes $7,000,000 for fiscal years 2008 to 2015 for new regional forensic computer labs.

The Energy and Commerce Committee's investigation also found that just as important as the Federal law enforcement effort against child pornography is the effort of State and local law enforcement, in particular, the effort of the state Internet Crimes Against Children, or ICAC task forces. In fact, 70 percent of the cases involving the sexual exploitation of children over the Internet are prosecuted at the state level. While the Department of Justice has provided funding for these ICACs through a grant program, the funding nowhere near matched the needs of these state task forces.

Now, through the PROTECT Act, these task forces will finally receive the support they need. The bill authorizes over $600,000,0000 in new funding for ICACs over fiscal years 2008 to 2015. I believe the PROTECT Act's formula for allocating this funding among states strikes the right balance between ensuring a stable base of funding for the individual ICACs and giving the Justice Department the flexibility to direct funds based on need.

Not only does the bill provide additional funding for Federal and State law enforcement, it also provides greater coordination of the overall United States law enforcement effort—Federal, State, and local—to investigate and prosecute child sexual exploitation crimes. The bill establishes a Special Counsel office within the Justice Department that is charged with coordinating the efforts and strategy of the Department of Justice and Federal and State law enforcement agencies when investigating child exploitation crimes. While I do not believe that the creation of a new Federal office is always the best solution to a problem, in this instance, I believe that this office will help to ensure that the various law enforcement agencies are receiving the assistance they need and are coordinating their investigations in a way that ensures their valuable resources are not being wasted.

This bill brings incredible resources to bear in the fight against child sexual exploitation. We must ensure that the efforts of predators are more than matched by an aggressive law enforcement strategy to bring these criminals to justice. Our children deserve nothing less. For this reason, I urge my colleagues to support the PROTECT Act and make the Internet a safer place for our children.

Mr. GOODLATTE. Mr. Speaker, I yield back the balance of my time.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I yield myself such time as I may consume.

Just in response to Mr. GOODLATTE regarding the Special Counsel, I appreciate the comments of the gentleman from Texas (Mr. BARTON). Special Counsel is an essential element to this legislation because right now you have no less than eight different entities and agencies that have something to do with the grants and the coordination and the prosecution and the pursuit of child exploitation crimes and particularly child pornography.

It is imperative that we have a single go-to entity, a single leadership position in the Department of Justice to ensure that there is someone who is responsible to Congress for the accountability, for the coordination, to make sure that it is elevated to the highest level of priority at the Department of Justice where clearly right now it is not.

And I again want to thank my colleague Mr. BARTON for working with us on this legislation. This is an issue that transcends party. It is an issue that transcends process. When you have 500,000 known individuals out there pursuing our children on-line, Internet predators, any of our children could fall victim just by a click of the computer.

Mr. Speaker, I can tell you I have a 4-year-old who goes on-line with the most basic of Web sites, and you just never know, and we need to make sure that we have a massive effort to coordinate and put resources into going after child exploitation and child predators.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3845, the PROTECT Our Children Act of 2007, introduced by my distinguished colleague from Florida, Representative WASSERMAN SCHULTZ. This important legislation will protect this Nation's most valuable resource, its children.

As Chair of the Congressional Children's Caucus, I have been an outspoken advocate for the protection of our children against all predators, be it disease, natural disasters, or sexual deviants. While we may not be able to avoid natural disasters, there is nothing but a lack of political will and Congressional action that prevents us from protecting our children from known sexual predators. I am appalled that while the Department of Justice knows the location of hundreds of thousands of sexual predators that prey on our Nation's children within the U.S. at this very moment, the Department of Justice has consistently refused to take action or ask Congress for help despite the fact that law enforcement is investigating less than 2 percent of this criminal activity. I applaud this important piece of legislation for the accountability it will create by building the largest law enforcement army ever created for the protection of children.

This issue is not one of obscenity or pornography but rather one of human rights and this Congress's dedication to protecting them. While surveillance by the Internet Crimes Against Children, ICAC, Data Network has provided the Department of Justice with the location of hundreds of thousands of sexual predators, far too little has been done. Child pornography must be considered an issue of human rights. These photos go beyond obscenity or pornography but rather must be acknowledged for what they are, "crime scene photos, created by a thriving industry that uses children as sexual commodities." We must focus on the weapon of these predators, the internet, which has provided a multi-billion dollar network for child pornography and led to the additional exploitation of exponential amounts of children.

While the child exploitation industry is global in scale, the majority of both supply and demand is based right here, within the United States. Due to the lack of attention to this issue by the Department of Justice, it is hard to quantify the number of child pornography traffickers that are involved in this gross violation of our children's rights; the best estimates are that this practice involves 485,000 perpetrators in the United States alone. A 2005 Justice Department study found that:

80 percent of child pornography possessors have images and videos depicting sexual penetration.

20 percent of child pornography possessors have images of bondage, sadistic abuse and torture.

83 percent of child pornography possessors have images of children aged 6–12.

19 percent of child pornography possessors have images of infants or toddlers.

Only 1 percent of child pornography possessors restricted their "collecting" to images of nude children.

Law enforcement reports of websites providing live "pay-per-view" rape of very young children.

Mr. Speaker, we must act now to protect our children from these atrocities and this legislation is an important first step in doing so. This bill will increase funding for state and local task forces by tripling the size of the Internet Crimes Against Children, ICAC, program in the first year alone, which will support the 46 state and local task forces that "have become the backbone of America's war on child exploitation." It further adds hundreds of new Federal agents to the FBI, ICE, and U.S. Postal Inspection Service who will be charged with the sole responsibility of working on crimes against children. This legislation also provides for the creation of new dedicated forensic crimes labs for America's overwhelmed child exploitation investigators and provides legal structure and funding for the ICAC Data Network, which has emerged as a critical asset in the fight against child pornography and exploitation. Perhaps most significantly, it will create a new Justice Department Special Prosecutor, a new high-level office within the Department with sole dedication to combating child exploitation and the oversight of ICAC Task Force Network.

This legislation is imperative to ensuring the protection of our Nation's children and engaging in a much needed and long overdue national war on child pornography. As the Chair of the Congressional Children's Caucus, a Representative of the people of the United States, and a mother of two, I am proud to cosponsor this legislation and I urge my colleagues to join me in supporting this legislation.

Mr. SHAYS. Mr. Speaker, as a cosponsor of the PROTECT Our Children Act, I am grateful we are considering this legislation today.

This legislation will create a Special Counsel within the Department of Justice, DoJ, to design and organize the Departments child exploitation prosecution work.

The bill will also establish grants to inrease the number of Federal Bureau of Investigation, FBI, agents dedicated to protecting children and ensure local authorities have funding available to create vigorous cyber units with well-trained officers.

Having a child exploited is a parent's worst fear. This legislation will, strengthen our police force to ensure we can track down and imprison child sex predators.

Mr. Speaker, I urge passage of this legislation.

Mr. SHULER. Mr. Speaker, I rise today to express my strong support for H.R. 3845, the PROTECT (Providing Resources Officers and Technology to Eradicate Cyber Threats) Act. This legislation takes a strong stand against the exploitation of our children on the Internet.

H.R. 3845 will authorize the largest increase ever in funding for state and local law enforcement agencies to investigate child exploitation, through the Internet Crimes Against Children (ICAC) task force program.

Expanding the ICAC program will build state and local capacity and also modernize the way U.S. law enforcement at every level investigate crimes against children.

Current technologies have assisted local law enforcement to identify over 500,000 individuals trafficking child pornography. Without the necessary resources, however, local law enforcement officials have only been able to investigate 2 percent of these cases.

The PROTECT Act would provide our law enforcement officials the tools and resources to investigate and prosecute these offenders.

I urge my colleagues to join me in supporting the PROTECT Act to ensure the safety of our Nation's children.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) that the House suspend the rules and pass the bill, H.R. 3845, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## KIDS ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 719) to require convicted sex offenders to register online identifiers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 719

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Keeping the Internet Devoid of Sexual Predators Act of 2007" or the "KIDS Act of 2007".

### SEC. 2. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR SUPERVISION OF INTERNET ACCESS BY SEX OFFENDERS CONVICTED UNDER FEDERAL LAW.

In addition to any other sums authorized to be appropriated for the purposes of supervising persons on probation and pretrial release in connection with convictions for Federal offenses, there are authorized to be appropriated $5,000,000 for each fiscal years 2008 through 2013 for any or all of the following purposes:

(1) To evaluate computer internet filtering, monitoring and other programs and devices that are designed to filter access to certain web sites, permit monitoring of the use by persons under supervision of internet, and related purposes.

(2) To purchase those programs and devices determined through that evaluation to be the best for those purposes.

(3) To train probation officers in the use of those programs and devices.

(4) To train probation officers in the supervision of sex offenders.

(5) To hire probation officers and other personnel as required to supervise convicted sex offenders effectively.

### SEC. 3. DISCRETIONARY CONDITION OF PROBATION AND SUPERVISED RELEASE FOR SEX OFFENDERS.

(a) PROBATION.—Section 3563(b) of title 18, United States Code, is amended—

(1) in paragraph (22), by striking "or";

(2) by striking the period at the end of paragraph (23) and inserting "; or" and

(3) by inserting after paragraph (23) the following:

"(24) if required to register under the Sex Offender Registration and Notification Act—

"(A) obtain access to the Internet only from computers approved by the probation officer;

"(B) consent and fully cooperate with periodic examinations of the computers by the probation officer, including the retrieval and copying of all data from those computers and removal of the computer equipment for a reasonable period of time for the purpose of conducting a more thorough inspection;

"(C) consent and fully cooperate with the installation on the computers any hardware or software filtering systems designated by the probation officer that restrict the defendant's access to classes of web sites designated by the officer as to which, under the circumstances of the offense, access should be restricted;

"(D) consent and fully cooperate with the installation on the computers of monitoring systems or hardware that permit the probation officer to monitor the defendant's computer use to assure compliance with the law, conditions of probation, and to protect public safety; and

"(E) take no steps to disable or evade the filtering or monitoring programs or devices.".

(b) SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by striking "any condition set forth as a discretionary condition of probation in section 3563(b)(1) through (b)(10) and (b)(12) through (b)(20)" and inserting "a condition set forth in section 3563(b), other than that described in paragraph (11) of that section".

### SEC. 4. DIRECTION TO SENTENCING COMMISSION.

The United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate amend the Federal sentencing guidelines (including its policy statements) applicable to persons convicted of sex offenses involving children in circumstances where the offense is committed or facilitated by the use of the Internet, and—

(1) a misrepresentation is made over the Internet as to the age of the offender; or

(2) there is a failure of the offender to reveal the offender's status as a sex offender.

### SEC. 5. MODIFICATION OF MINIMUM STANDARDS REQUIRED FOR ELECTRONIC MONITORING UNITS USED IN SEXUAL OFFENDER MONITORING PILOT PROGRAM.

(a) IN GENERAL.—Subparagraph (C) of section 621(a)(1) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16981(a)(1)) is amended to read as follows:

"(C) MINIMUM STANDARDS.—The electronic monitoring units used in the pilot program shall at a minimum—

"(i) provide a tracking device for each offender that contains a central processing unit with global positioning system; and

"(ii) permit continuous monitoring of offenders 24 hours a day.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to grants provided on or after the date of the enactment of this Act.

### SEC. 6. FINANCIAL FACILITATION OF ACCESS TO CHILD PORNOGRAPHY.

(a) OFFENSE.—Chapter 95 of title 18, United States Code, is amended by adding at the end the following:

**"§ 1960A. Financial facilitation of access to child pornography**

"Whoever knowingly conducts, or attempts or conspires to conduct, a financial transaction (as defined in section 1956(c)) in or affecting interstate or foreign commerce, knowing that such transaction will facilitate access to, or possession of, child pornography (as defined in Section 2256) shall be fined under this title or imprisoned not more than 20 years, or both.".

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 95 of title 18, United States Code, is amended by adding at the end the following new item:

"1960A. Financial facilitation of access to child pornography .".

### SEC. 7. CHANGE IN DEFINITION OF MONETARY INSTRUMENTS FOR MONEY LAUNDERING AND OTHER OFFENSES.

Section 1956(c)(5) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i); and

(2) by inserting ", (iii) electronic or digital currencies, and the corresponding monetary

value of any associated account, or (iv) stored value cards or similar devices" after "delivery".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the House, H.R. 719, the KIDS Act, addresses the problems of convicted sex offenders infiltrating the Internet to contact and prey on minors.

You've heard about this problem before under the measure that has just passed the House. We are all familiar with the problem. There is not a parent who is not concerned that through the Internet a sex offender may attempt to contact a child for criminal, vicious sex purposes.

The KIDS Act addresses this problem in three ways: It authorizes funding for the Federal Probation and Pretrial Office to enhance the agency's ability to monitor the computer use by convicted Federal sex offenders. In particular, it authorizes funding to evaluate and purchase Internet filtering and monitoring systems to better enable probation officers to monitor the computer use of sex offenders. This is very important. This should help ensure that if an offender violates the terms of release as to Internet use, the violation will be discovered so the offender's release can be promptly revoked.

The next thing we do here is codify the current practice of some sentencing judges by specifically authorizing a court to require as a condition of probation that a convicted sex offender cooperate with the installation of Internet filtering and monitoring systems.

Finally, the bill directs the Sentencing Commission to consider increased penalties for sex crimes committed over the Internet where the defendant lied about his age or concealed identity as a sex offender.

This measure before us now adds a new criminal provision to reach those who set up "virtual money systems" to facilitate the trafficking of child pornography over the Internet. There's no simple way of keeping the Internet out of the hands of those who would use it for these and other sinister purposes. Nonetheless, the KIDS Act goes a long way toward addressing the problem of Internet sex predation by enhancing supervision of convicted sex offenders and increasing penalties for these crimes.

I can't imagine anyone in this House on either side of the aisle not supporting a measure such as this.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, recently we were all shocked to learn that over 20,000 registered sex offenders were on commercial social networking sites. In response to press attention, the social networking sites removed the sex offenders from these sites.

H.R. 719, as introduced, included an important provision requiring that sex offenders update their registration information to include their electronic mail addresses, instant messaging addresses, and other similar Internet identifiers used by the sex offender.

In addition, H.R. 719 included a mechanism to permit social networking sites to check sex offender registries to prevent sex offenders from accessing the social networking site.

Finally, H.R. 719 included on introduction a new criminal prohibition on misrepresentation of age by a person designed to lure children into sexual activity.

Unfortunately, H.R. 719 has been stripped of all of these important provisions. It's my hope that my colleagues on the other side of the aisle will work with us to address these important provisions in the future. The gap in our laws must be filled so that children on social networking sites do not have to fear sex predators joining their circle of so-called friends.

I wish to commend my colleagues for including in this legislation a critical provision to prohibit the financial facilitation of child pornography. Originally proposed by our ranking member, LAMAR SMITH, at the beginning of the year, this criminal penalty is vitally important for prosecuting an emerging tool used by child pornographers to prey on children anonymously: virtual money systems. Unlike credit card companies, which require merchants and customers to provide personal information such as name, address, and Social Security number, virtual money is essentially anonymous. Subscribers provide fictitious personal information, or no personal information, and no credit card or Social Security number is required, making them virtually untraceable.

The key to combating the commercial child pornography industry is to cut it off at its source: money. Virtual money is now the payment method of choice. It is imperative that our law enforcement tools keep pace with changing technologies.

H.R. 719 also includes a technical correction to the Adam Walsh Act to expand the eligibility for participation in a child safety grant program. And I want to particularly thank Congressman FORBES, the ranking member of the Crime Subcommittee, for introducing legislation that would have accomplished this technical correction.

I commend my colleague from North Dakota (Mr. POMEROY) for his dedication to protecting children and for working with us on this legislation, and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

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Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to thank the gentleman from Virginia (Mr. GOODLATTE) for the hard work that he has put in on this measure. We appreciate the cooperation that we've had in the course of this. And of course we yield to no one in recognizing him as the Congress' foremost expert on the Internet, and thus his being involved in this kind of legislation for quite a few years.

Earlier versions of this bill required registration of online identifiers of sex offenders. And as the gentleman knows, a sex offender can change his user name and IP address in about two seconds, so we didn't feel that was particularly helpful. We thought monitoring sex offenders before they ever got on the Internet was a better way to go, and we're glad that we've been able to reach some closure with him on that subject.

Now, on the criminal provisions, I want to tactfully suggest that we've got a better way here in this bill, and I think most of the lawyers and those who followed this shall agree with us. There is no point in overburdening prosecutors. What we've done with reference to criminal provisions is that the practice of grooming, where sex predators lie about their age on the Internet to entice minors into sexual activity, obviously is horrific and widespread, but the other approach would have required prosecutors to prove a new and separate offense in order to get a higher sentence for offenses involving grooming. We didn't think that would be the better way to proceed.

Under the minority approach, a prosecutor would have had to prove all the elements of this new crime beyond a reasonable doubt. This is, I think, unnecessary and probably a very high burden to reach, given that there exists in criminal law a law against enticement that covers grooming activity. And so the approach we finally settled on directs the sentencing commission to provide tougher sentences for predatory behavior that involves grooming. And you don't get the chairman of this committee talking about tougher sentencing on very many things around here; this is one that I can support without qualification.

So what we've done is deal with a serious problem of grooming and get to the same place as other approaches that have been suggested to us in what we believe, from a criminal justice point of view, is far more efficient. And with the new provisions that would fight financial facilitation of child pornography, we think we've got a bill. And we thank Mr. POMEROY for helping us get there.

And with that, Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time I have no further speakers remaining on this legislation, so I would yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I have the final closing speaker, Mr. POMEROY, to whom I will yield the balance of our time.

Mr. POMEROY. I thank my friend, the chairman, for yielding.

I want to begin by acknowledging the work Paul Gillmor put into this legislation. He and I were the original cosponsors. He was a colleague with whom I worked on a variety of initiatives trying to keep our children safe against those who would prey upon them through the Internet. We miss Paul, but his efforts and his work continue with this legislation.

I agree with the words of the chairman in the facet of this bill relating to grooming, and I think stiffening the sentences for those convicted of engaging in deceptive behavior relative to lying about their age to incur the trust of minors with whom they're interacting on the Internet, making that an item that would bring them longer prison time when convicted is a positive clarification to this bill, probably better than the original bill.

There is a feature of the bill that was left out, that I'm quite disappointed at, and work is going to need to continue on this one, and that is, helping these Internet sites keep sexual predators off in the first place.

We have a number of provisions in our code dealing with what's required of high-risk sexual predators, and I believe it would be appropriate to have a voluntary registry where their names would be required to be on file, and social networking sites could keep them off of their site.

I want to especially commend the efforts of MySpace, one of the most popular sites out there, for the extraordinary efforts they've gone to to identify sex predators and keep them off the site; 29,000 are blocked from participating on the MySpace domain because of their efforts, and I think the Federal Government ought to do more to help them. That's work in progress. A lot of bills that come to the floor aren't perfect, at least at this iteration in the legislative process, so this is an aspect of this bill I want to continue to work on.

There are a couple of other things that I think are very useful, and that is the authorization of funds to step up the supervision of the Internet activities of high-risk sexual predators, as well as the portion that criminalizes financial facilitation of child pornography. If there is a banker making a buck by basically facilitating the credit card transactions on child pornography over the Internet, that is not an acceptable business practice. It is so not acceptable that we are criminalizing it, and I hope they get that message loud and clear.

We've worked a lot with the Judiciary Committee on this bill. I think the chairman's comments about higher sentences aren't something that he is often willing to put in a code. I think that he has been fair-minded in this, and I look forward to continuing to work with him as we get this legislation where it needs to be.

Thank you. This is a positive bill. I urge Members to vote for it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 719, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4120) to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 4120

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Effective Child Pornography Prosecution Act of 2007".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Child pornography is estimated to be a multibillion dollar industry of global proportions, facilitated by the growth of the Internet.

(2) Recent data has shown that 83 percent of child pornography possessors had images of children younger than 12 years old, 39 percent had images of children younger than 6 years old, and 19 percent had images of children younger than 3 years old.

(3) Child pornography is a permanent record of a child's abuse and the distribution of child pornography images revictimizes the child each time the image is viewed.

(4) Child pornography is readily available through virtually every Internet technology, including Web sites, email, instant messaging, Internet Relay Chat, newsgroups, bulletin boards, and peer-to-peer.

(5) The technological ease, lack of expense, and anonymity in obtaining and distributing child pornography over the Internet has resulted in an explosion in the multijurisdictional distribution of child pornography.

(6) The Internet is well recognized as a method of distributing goods and services across State lines.

(7) The transmission of child pornography using the Internet constitutes transportation in interstate commerce.

**SEC. 3. EFFECTIVE CHILD PORNOGRAPHY PROSECUTION.**

(a) SECTION 2252.—Section 2252 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting "or affecting" after "ships in";

(2) in subsection (a)(2), by striking "knowingly" and all that follows through "mails" and inserting "knowingly receives, distributes, or reproduces for distribution, in or affecting interstate or foreign commerce, any visual depiction";

(3) in subsection (a)(3)(B), by inserting "or affecting" before "interstate"; and

(4) in subsection (a)(4)(B)—

(A) by inserting "in or affecting interstate or foreign commerce" after "possesses"; and

(B) by striking "that has been" and all that follows through "by computer".

(b) SECTION 2252A.—Section 2252A of title 18, United States Code, is amended—

(1) in paragraphs (1) through (4) and (6) of subsection (a), by inserting "or affecting" before "interstate or foreign commerce" each place it appears; and

(2) in subsection (a)(5)(b)—

(A) by inserting "in or affecting interstate or foreign commerce" after "possesses"; and

(B) by striking 'that has been" and all that follows through "by computer" the second place it appears.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

### GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the committee, H.R. 4120, the Effective Child Pornography Prosecution Act, addresses a truly unfortunate and, in my view, wrongly decided decision by the 10th Circuit Court of Appeals in the case of United States v. Schaefer.

Now, while the defendant was found to be in the possession of child pornography, the court nevertheless reversed his conviction because it concluded that the statute required, and the government had failed to prove, that the contraband had actually crossed State lines. This statute in question makes it illegal to possess child pornography "in commerce."

The court held that this phrase, "in commerce," meant that Congress intended that the contraband had to actually cross State lines. Had the statute instead used the phrase "in or affecting interstate commerce," the court held, the conviction would have been upheld, as that phrase is well understood as reflecting Congress' intent to use the full reach of its constitutional commerce clause power.

H.R. 4120 makes clear that the Congress intends that the prohibitions against child pornography reach the full extent of its constitutional authority. And as hearings in the Judiciary Committee hearing demonstrated, the child pornography business is no respecter of national or international borders. Even conduct that may appear to be wholly localized in its manifestation can nevertheless have an unmistakable effect in interstate commerce.

So let there be no mistake that Congress intends to use its full commerce clause authority to reach activities concluded by this odious business. And we want to make it so clear that even the 10th Circuit Court of Appeals cannot be mistaken by that.

And so I urge my colleagues to fully support this bill, as I expect that they will.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4120, the Effective Child Pornography Prosecution Act of 2007.

This bill responds to a recent decision by the 10th Circuit United States Court of Appeals in United States v. Schaefer, in which the court ruled that the transmission of child pornography on the Internet did not satisfy the interstate requirement in child pornography laws.

The proposed legislative fix will allow the government to satisfy the interstate requirement by proving beyond a reasonable doubt that the material moved in or affected interstate foreign commerce, which would expand the jurisdiction to prosecute these crimes when the Internet is used. This is the broadest assertion of interstate commerce power that the Congress can make consistent with the Constitution.

Unfortunately, this bill, and the majority's package of bills, does not include a needed modification to existing law which would require a 2-year mandatory minimum for possession of child pornography. At an October 17, 2007, full committee hearing on the subject, the Justice Department witness outlined why such a measure was needed. Deputy Assistant Attorney General Laurence Rothenberg explained that child pornography fueled the victimization of children and led to sexual assaults against children. He also noted that Federal judges were routinely giving out lenient sentences to child pornographers below levels established by the Federal sentencing guidelines.

While the fix proposed today in H.R. 4120 is a good step forward, it is a limited step in comparison to other measures that are needed, including a mandatory minimum for child pornography crimes.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I want to again extend my compliments and express my gratefulness to the gentleman from Virginia for his support on this measure. And as usual, he points out perhaps small items that only a person with his experience would want to bring to the attention of the Members of the House.

The author of this bill is NANCY BOYDA of Kansas, our distinguished colleague, to whom I am proud to yield as much time as she may consume.

Mrs. BOYDA of Kansas. Mr. Speaker, the Department of Justice estimates last year that one in five children between the ages of 10 and 17 had received a sexual solicitation or approach while they were using the Internet. With so many threats out there, Congress must provide a unified message that we, as a society, together, will stand strong for Internet safety.

What we will do today is good; it's very good. We will pass five pieces of legislation that will help keep our children safe. And I'm so proud that my legislation, H.R. 4120, the Effective Child Pornography Prosecution Act of 2007, is going to be part of that message.

□ 1700

In September of this year, a man that I am sorry to say was from Kansas, William Schaefer, was found guilty of both "knowingly receiving" and "knowingly possessing" child pornography that had "been transported in interstate commerce, by any means including by computer." Sadly, the 10th Circuit Court of Appeals overturned the decision and that offender was acquitted. The Court ruled that just because images are obtained on the Internet doesn't mean that they were necessarily transmitted across State lines. The Court essentially then asked Congress to clarify its intent that the Internet is, in fact, interstate commerce, and we will do that with the passage of the Effective Child Pornography Prosecution Act of 2007. This legislation closes the judicial loophole that allowed a guilty man who hurt our children and was allowed to go free.

As concerned citizens, as parents, and as Members of Congress, Mr. Speaker, we must do all that we can to keep our children safe. That means we must make a commitment to being tough on crime, and to make sure those who violate the law are fully prosecuted, to ensure that the law is so clear that it deters such heinous crimes from ever happening again.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to thank the chairman of the Judiciary Committee for his gracious comments regarding my involvement on issues related to the Internet, particularly as it relates to fighting child pornography, but also to point out that a mandatory minimum sentence of 2 years for these child pornographers is not a small thing. What is a small thing are the sentences that many judges unfortunately are imposing upon child pornographers much, much less than 2 years, and a mandatory minimum sentence would go a long way towards curing this problem and keeping more of these pornographers off of the Internet.

Mr. CONYERS. I couldn't agree with the gentleman more.

Mr. GOODLATTE. I thank the chairman.

It is now my pleasure to yield for such time as she may consume the gentlewoman from Illinois (Mrs. BIGGERT) who has been a leading advocate on this issue and a strong supporter of this legislation.

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise today to express my strong support for H.R. 4120, the Effective Child Pornography Prosecution Act. I am very pleased to be the lead Republican cosponsor, and I thank the gentlewoman from Kansas for all of her hard work, but I am proud to be part of this important bill which will close an unacceptable loophole in the Federal criminal code.

As my colleagues have already pointed out, the U.S. Court of Appeals for the 10th Circuit handed down a decision this year which freed a defendant who had been convicted of receiving and possessing child pornography. The case of U.S. v. Schaefer was not overturned for lack of evidence but rather because the prosecution failed to prove that images downloaded from the Internet moved across State lines in "interstate commerce."

The judges who decided this case pointed out that the use of the phrase "in commerce" instead of "affecting commerce" in the law signaled Congress' intent to limit Federal jurisdiction in the prosecution of child pornographers. As cochair of the Missing and Exploited Children's Caucus, I can assure you, Mr. Speaker, nothing could be further from the truth. We in Congress know the horrible consequences that result from the sexual exploitation of children used to create these images. We also take very seriously our duty to do everything in our power to protect children, punish predators and deter future acts of abuse.

That is why the bill we are considering today deserves our full support. It will close the loophole in current law by replacing the phrase "in commerce" with the phrase "affecting commerce" in the child pornography statute. It classifies the intent of Congress and will ensure that predators that use the Internet to transmit child pornography end up behind bars where they belong.

I would like to take this opportunity to again thank the gentlewoman from Kansas, my good friend, NANCY BOYDA, for introducing this legislation. I also would like to thank the National Center for Missing and Exploited Children for their assistance and counsel in drafting the bill. Mr. Speaker, as a mother of four and grandmother of seven, I know there is nothing more important than safeguarding our children from predators. We must not allow those who sexually exploit children to avoid prosecution because of a technicality.

I urge all my colleagues to support H.R. 4120 to help close this egregious loophole in the law.

Mr. CONYERS. Mr. Speaker, I yield to the gentlewoman from Kansas.

Mrs. BOYDA of Kansas. I thank my esteemed colleague from Illinois for her help. I know the fathers in this room are just as concerned as the mothers, but as we mothers stick together and stand up to keep our children safe, this bill will go a long way, and I certainly appreciate the wonderful help that we have had on this bill. Thank you so much.

Mr. CONYERS. I thank the author (Mrs. BOYDA) and her Republican cosponsor.

I return the balance of our time. There are no further speakers.

Mr. GOODLATTE. Mr. Speaker, I have no further speakers, and I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 4120.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## DIRECTING PROVISION OF GRANTS FOR INTERNET CRIME PREVENTION EDUCATION PROGRAMS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4134) to direct the Attorney General to provide grants for Internet crime prevention education programs.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 4134

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. GRANTS FOR INTERNET CRIME PREVENTION EDUCATION PROGRAMS.**

(a) GRANT FOR I-SAFE.—

(1) GRANT.—Subject to the availability of the funds authorized to be appropriated under paragraph (2), the Attorney General shall provide a grant to i-Safe, Inc., to carry out Internet crime prevention education programs.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for grants under paragraph (1) for each of the fiscal years 2008 through 2012.

(b) COMPETITIVE GRANT PROGRAM.—

(1) ESTABLISHMENT.—Subject to the availability of the funds authorized to be appropriated under paragraph (2), the Attorney General shall create and administer a competitive grants program for organizations to carry out Internet crime prevention education programs.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for grants under paragraph (1) for each of the fiscal years 2008 through 2012.

**SEC. 2. INTERNET CRIME PREVENTION EDUCATION PROGRAMS DEFINED.**

(a) IN GENERAL.—The term "Internet crime prevention education programs" means programs that serve to educate parents, children, educators, and communities about how to recognize and prevent potentially criminal activity on the Internet.

(b) RELATED DEFINITIONS.—

(1) POTENTIALLY CRIMINAL ACTIVITY.—The term "potentially criminal activity" includes access through the Internet and other electronic devices to potentially illegal activity including sexual or racial harassment, cyberbullying, sexual exploitation, exposure to pornography, and privacy violations.

(2) CYBERBULLYING.—The term "cyberbullying" includes verbal, visual, or written psychological bullying or harassment by an individual or group, using an electronic device or devices including e-mail, instant messaging, text messages, blogs, telephones, pagers, and websites, to support deliberate, repeated, and hostile behavior that is intended to harm others.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

### GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Members of the House, there are many ways to address criminal behavior on the Internet as reflected by the measures that we have already passed this afternoon. Without question, it is critical that Internet sex offenders be identified, arrested, prosecuted and punished as the law provides.

Nevertheless, Internet safety must begin with prevention, especially with our children. They must be taught how to use the Internet safely and how to avoid Internet behavior that puts them at risk. So H.R. 4134 authorizes that the Department of Justice administer grants for the purpose of teaching our children Internet safety.

This is an excellent measure that deserves our support. I commend the chairman of our fifth committee in Judiciary, LINDA SÁNCHEZ of California, for her leadership on this very critical issue, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4134 which directs the Attorney General to provide grants to I-Safe, Incorporated for Internet safety education programs.

I-Safe provides a number of Internet safety programs with Federal Government agencies, including the Justice Department and the Federal Trade Commission.

Crime prevention is an important component in promoting safe communities. Internet safety programs help to raise the awareness of Internet users, children and parents, to the dangers on the Internet. H.R. 4134 authorizes $5 million to I-Safe, Incorporated to promote Internet safety. I-Safe is a worthy program, and I support the legislation.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the chairman of our subcommittee and the author of this measure, LINDA SÁNCHEZ of California, for as much time as she may consume.

Ms. LINDA T. SÁNCHEZ of California. I want to thank Chairman CONYERS for his support of this bill.

Mr. Speaker, I rise today in support of H.R. 4134, the Internet Crime Prevention Education Program Act. This bill will authorize funding for the i-SAFE program for 5 years and create a new grant competition to provide funds for like-minded Internet safety and crime prevention programs. This new grant program will support and enhance the efforts of schools, law enforcement agencies and parents to give children the skills they need to avoid potential criminal activity on the Internet. By bringing this bill to the floor today, the leadership of the House on both sides of the aisle has demonstrated that it recognizes that our children are in danger from cyberbullying, identity theft, cyberstalking, and harassment and other potential cybercrimes.

These are very real threats and they demand real action, and I am proud that we are united in this effort. Although adults, even those with children, don't always realize it, children face a myriad of online dangers whenever they use chat rooms, instant messages and e-mail. They could come across predators, financial scams, or inappropriate content when they go online to do things as innocent as research for school assignments.

The Internet is a powerful tool for progress that is transforming the way our society obtains and shares information. But unfortunately the Internet also carries risks when misused as an avenue for predators, bullies and thieves. Last year, 1 in 5 children received a sexual solicitation or were inappropriately approached via the Internet. Unfortunately, numerous children have already become victims of unspeakable physical harm or have suffered irreparable mental injuries from online predators.

Sexual predators are not the only danger facing youth online. As bizarre as it may seem to those of us old enough that we didn't have these technologies when we were in school, bullies are using their cell phones and the Internet to torment their peers. This literally means that kids can be bullied any hour of the day or night and even within their own homes. And because it is not face to face, cyberbullying can be much crueler and present a whole new set of dangers.

Cyberbullying can have serious consequences and inflict lasting wounds on young people. Studies have found that bullying can negatively impact the academic performance, self-esteem, and mental and physical health of children. Whenever I discuss bullying, I inevitably hear one person ask, "What is wrong with a little bullying? It makes you stronger. It builds character." Builds character? Really? It is important to realize that students who are bullied are more likely to be depressed and commit suicide.

So many of the horrifying school shootings in recent years have been linked to bullying that it can no longer be viewed as a rite of passage. Bullying and harassment must be treated as the violent and damaging behaviors that they are.

This bill, the Internet Crime Prevention Education Program Act, is just one part of a package of bills that I have introduced to keep our kids safe by tackling bullying and harassment.

i-SAFE is the perfect example of an organization that shares this goal. i-SAFE, Incorporated is a nonprofit foundation dedicated to protecting the online experience of youth by incorporating classroom curriculum with community outreach to make the Internet a safer place.

The i-SAFE program is free for schools, school districts, law enforcement, communities, and parents in large part because of the congressional funding it has received on a bipartisan basis since 2002. i-SAFE has provided over 3 million children in 50 States with the tools to protect themselves on the Internet.

After participating in the i-SAFE program, 91 percent of students say that they will make better choices about where they go on the Internet, 87 percent say they will be more careful about sharing personal information in chat rooms, and 75 percent say they are less likely to meet someone from the Internet in person.

Law enforcement, which deserves praise for pursuing cybercriminals needs the help of programs like i-SAFE, the National Center for Missing and Exploited Children, the National Crime Prevention Council, Web Wise Kids, Netsmartz, and Teen Angels, to help reduce online crimes through prevention.

When used the right way, the Internet can be a valuable educational resource and allow for extended social networks. It is our responsibility to ensure that children are able to enjoy all of the benefits of the Internet armed with the knowledge of how to stay safe. I therefore urge my colleagues to support H.R. 4134.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of Ms. LINDA SÁNCHEZ's legislation, which would make grants available for Internet safety education programs.

Advances in technology have resulted in new conveniences, greater access to information, and the ability to correspond easily and quickly with individuals around the world. However, the recent explosion of social networking sites and internet chat-rooms has also created opportunities for predators to target children easily and anonymously.

Eighty-seven percent of teens use the internet on a regular basis, and according to the Justice Department, one in five children between the ages of ten and seventeen has received a sexual solicitation or has been approached online in the last year. The internet provides students with a world of information and has become a necessity in many of our everyday lives, yet it unfortunately can expose our kids to a world of potential dangers without adequate protections.

For example, early this year a teenage girl in Florida was found one day after she snuck out of her house to meet who she thought was a 24-year-old man she met on MySpace, but turned out to be a 46-year-old high-risk sex offender. Several social networking sites have implemented some security measures, but sex offenders have found ways to get around them. That is why I applaud efforts such as those by Attorney General Cuomo to ensure that social networking sites meet the safety standards they advertise.

It is imperative that we do everything we can to make the internet as safe as possible for our children. At the local level, many of our law enforcement agencies and schools are doing wonderful work using internet safety curriculum to educate students on how to avoid dangerous, inappropriate, or unlawful online behavior.

As a mother and grandmother, I am fighting at the federal level to reduce the risk that our children face online from child predators. That is why I am so pleased that today the House is considering five different pieces of legislation, several of which I have cosponsored, that promote internet safety and crack down on child pornography.

Ms. SÁNCHEZ's bill would create a grant program for organizations that promote internet safety. These grants will help crime safety groups such as the National Crime Prevention Council develop programs to better educate children, parents, teachers, libraries, and others on the dangers of potential online criminal activity and cyberbullying.

The SAFER Net Act, sponsored by Ms. BEAN, authorizes $5 million for a national public awareness campaign to promote internet safety. Several internet safety programs exist, but the federal government must do a better job ensuring that parents and schools are able to utilize those programs.

Mr. POMEROY's KIDS Act would close a dangerous loophole by requiring sexual offenders to include e-mail addresses and instant messaging screen names when complying with registration and notification laws. Notification laws have enabled parents to know when a sexual predator has moved into their neighborhood, but not their inbox.

As a member of the Congressional Missing and Exploited Children Caucus, I know that the passage of this series of bills is a significant step in our efforts to protect children as they use the internet.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 4134, the Internet Crime Prevention Education Program Act.

In recent years, the Internet has grown to be a thriving educational resource. Adults and children alike have become dependent upon the Internet to provide an abundance of information at their fingertips. However, this wonderful educational resource may also expose young people to new dangers, such as the 750,000 online predators children may encounter every time they surf the web. In fact, one in five children received an online sexual solicitation last year alone.

The prevalence of online predators is a frightening reality and it is clear to me that something must be done. For this reason, it is essential that we provide our schools and law enforcement agents with the necessary tools to teach children how to protect themselves from these Internet dangers.

The bill before us today provides grants for Internet crime prevention education and takes us one step closer to making the Internet a safer place for kids. It is important that we support programs like i-SAFE, Inc., a non-profit organization dedicated to protecting youth online through developing the resources to teach internet safety. The competitive grant program created by H.R. 4134 will provide funds to organizations dedicated to Internet crime prevention education. Through education and awareness, we can ensure a more hospitable web environment, so that children may be free to utilize the benefits of the Internet without being exposed to its dangers.

Mr. Speaker, I intend to support the legislation before us and I call on this body to vote in favor of Internet crime prevention.

Mr. GOODLATTE. Mr. Speaker, I have no speakers remaining, so I will yield back the balance of my time.

Mr. CONYERS. I have no further speakers, and I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 4134.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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## ENHANCING THE EFFECTIVE PROSECUTION OF CHILD PORNOGRAPHY ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4136) to amend title 18 of the United States Code to clarify the scope of the child pornography laws and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4136

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Enhancing the Effective Prosecution of Child Pornography Act of 2007".

**SEC. 2. MONEY LAUNDERING PREDICATE.**

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "2252A (relating to child pornography) where the child pornography at issue involves minors, 2260 (production of certain child pornography for importation into the United States)," before "section 2280".

**SEC. 3. POSSESSION OFFENSES INCLUDE INTENTIONAL VIEWING ON THE INTERNET.**

(a) SECTION 2252.—Section 2252 of title 18, United States Code, is amended by adding at the end the following:

"(d) DEFINITION.—As used in this section with respect to a visual depiction, the term 'possess' includes accessing by computer with the intent to view.".

(b) SECTION 2252A.—Section 2252A of title 18, United States Code, is amended by adding at the end the following:

"(g) DEFINITION.—As used in this section with respect to child pornography, the term 'possess' includes accessing by computer with intent to view.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

□ 1715

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4136, the Enhancing the Effective Prosecution of Child Pornography Act, addresses two gaps in the criminal statutes that punish those who trade in, profit from, and create the market for child pornography. First, the bill provides that those who launder proceeds from the business of child pornography may be charged with money laundering. This is obviously common sense, and a provision supported by the Department of Justice.

Then, it clarifies the definition of possession in the child pornography laws so that knowingly accessing child pornography on the Internet with intent to view it constitutes possession, even if the user does not download or otherwise save the images. Some defendants have claimed that they did not intend to possess the images, even when they clearly intended to view them, and some courts have said the reach of the statute is unclear in this regard. This measure removes any ambiguity from the law.

We are grateful to CHRIS CARNEY, our colleague from Pennsylvania, who has authored this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4136, the Enhancing the Effective Prosecution of Child Pornography Act of 2007. This bill adds child pornography offenses as money laundering predicates and clarifies existing law to prohibit knowingly accessing child pornography with the intent to view it. Child pornography is a multibillion-dollar worldwide industry. It is despicable in its scope, and it is vicious in its victimization of children. Money is what fuels this horrific crime.

The majority's proposal in H.R. 4136 takes a limited step to prohibit money laundering offenses as part of a child pornography scheme. But much more is needed. Legislation proposed by our ranking member, LAMAR SMITH, and Mr. CHABOT, a member of the Judiciary Committee, contains a host of proposals to increase penalties for child predators and pornographers and provides law enforcement tools for combating these heinous crimes in a virtual universe. Unfortunately, the majority chose to ignore the improvements proposed by many Republican members.

However, H.R. 4136 does enact Representative MARILYN MUSGRAVE'S proposals in H.R. 3148, which was introduced on July 24, 2007, the Child Pornography Elimination Act. I commend Mrs. MUSGRAVE for her legislative efforts. This closes a loophole in the law that child pornographers use to avoid possession of child pornography by not downloading the material. This provision will prohibit accessing such material with the intent to view it and will not require an offender to actually download the material.

This provision is a good one, and we support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, we are happy to get the support and concurrence of the gentleman from Virginia on this measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. CARNEY), the author of the legislation.

Mr. CARNEY. Mr. Speaker, I am proud here today to stand with my colleagues to consider a number of child safety bills on the floor. I especially want to thank the House Judiciary Committee and particularly Chairman CONYERS and his staff for their help.

As a proud father of five, I know how important the safety and well-being of our children is for our Nation. That is why I have introduced the Enhancing the Effective Prosecution of Child Pornography Act of 2007. This legislation will allow the Department of Justice to more effectively prosecute people who produce child pornography or knowingly access child pornography repeatedly with the intent to view it.

We are trying to dry up the source of demand for child pornographers. This legislation addresses a component of the problem that has been difficult for prosecutors to combat, the repeat consumer. We need to stop child pornography at the source and we need to stifle the demand. This is not about playing "gotcha" games with anyone accidentally stumbling across a mistyped Web address. Rather, this is going after those who repeatedly seek out child pornography and those that continue to produce it.

No one disagrees that we need to protect our children and we need to stop pornography at its source, especially child pornography. I want to encourage all my colleagues to support this legislation.

Mr. GOODLATTE. Mr. Speaker, I have no additional speakers and urge my colleagues to support this legislation. I thank the chairman of the committee for his hard work on all of these series of bills and hope to have the opportunity to continue to work with him to perhaps make some perfecting improvements as we move forward.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I have no further requests for speakers, and I yield back the balance of my time and thank the floor manager for his excellent work on all these measures.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 4136, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## CONGRATULATING SHAWN JOHNSON ON BECOMING THE 2007 WORLD ARTISTIC GYMNASTICS CHAMPION

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 684) congratulating Shawn Johnson on her victory in becoming the 2007 World Artistic Gymnastics Champion in women's gymnastics.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 684

Whereas Shawn Johnson won four gold medals at the 2007 Pan American Games in Rio de Janiero for team competition, all around, uneven bars, and balance beam, as well as one silver medal for floor;

Whereas Shawn Johnson won the 2007 Visa Championships in San Jose, California, to become the United States champion in gymnastics;

Whereas Shawn Johnson won three gold medals at the 2007 World Artistic Gymnastics Championships in Stuttgart, Germany, making her the 2007 world all-around champion, one of only four American women to have achieved such recognition; and

Whereas Shawn Johnson has brought great pride and honor to her family, friends, and the citizens of Iowa with her numerous accomplishments at the age of 15: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates Shawn Johnson on her outstanding accomplishment in becoming the 2007 World Gymnastics Champion in women's gymnastics.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. KINGSTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Iowa (Mr. BOSWELL), the author of this legislation.

Mr. BOSWELL. I would like to thank Mr. DAVIS for yielding me time.

Mr. Speaker, I am very pleased today to congratulate an inspirational young woman from my district, Shawn Johnson, the daughter of Doug and Terri Johnson of West Des Moines, Iowa, who recently won the 2007 World Artistic Gymnastic Championship, which took place in Stuttgart, Germany. At the age of 15, Shawn has achieved more and seen more than many high school students dream of. She has done it all while maintaining her status as an honor student alongside her friends at Valley High.

Shawn has traveled the world, winning title after title. This past July, she won five medals at the 2007 Pan American Games in Rio de Janeiro. Winning the 2007 Visa championships in San Jose, California, made her the United States champion in gymnastics. On September 9, Shawn became the world all-around champion, taking home three gold medals at the World Artistic Gymnastics Championships in Stuttgart, Germany.

While her shows are exciting and full of grace, one of the most inspiring things about her championship is that Shawn is shaping history. Having joined an elite group of women gymnasts, Shawn is one of only four American women to win the 40-year-old competition.

Shawn has impressed many around the globe and has made Iowans incredibly proud. She is reminding us how important hard work and dedication are. In honor of Shawn's accomplishments, Governor Chet Culver declared October 17 Shawn Johnson Day in Iowa, and we are extremely proud to join my fellow Iowans in congratulating Shawn and thanking her for making history in the great State of Iowa.

Shawn's positive attitude to achieve has taken her to amazing places. I suspect she's not quite finished. Promising to be ready for the Beijing Olympics, she told a reporter that she would "put in 100 times more effort and hopefully come back with another gold."

Again, congratulations Shawn, and good luck at future competitions. You make me proud, you make our congressional district proud, you make your school in west Des Moines proud, you make our State of Iowa proud, and you make our country proud. We wish you continued success. On to the Olympics.

Mr. Speaker, I hope that everyone will support this resolution.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Today, I rise and urge passage of H. Res. 684, congratulating Shawn Johnson on her recent national championship in women's artistic gymnastics. Just this year, Shawn has won the all-around competition at the Pan American Games, the American Cup, the national championship and the world championship. She has appeared on "ABC World News Tonight," "The Ellen DeGeneres Show" and at a gala for Pink With a Twist, a group that fights cancers among women.

She has been honored with Shawn Johnson Day in Iowa, with the Longines Prize for Elegance, and as ABC's Person of the Week. All this for a 15-year-old, 4-foot 8, 88-pound high school sophomore who sometimes finds time to walk dogs at shelters and serves as a ball girl for her school's football team.

She never bothered to crawl, according to her mother, Terri Johnson. At 9 months old she simply arose and began to walk. At age 3, her mother enrolled her in gymnastics class "just to channel all her energy," her mom said. I think it's important to point out that it was her mom who drove her so many times to so many practices, because with all great athletes, we have to acknowledge that the parents play such a great role in it.

At the age of 6, she showed up at Qiao Gymnastics in Des Moines, where Qiao was working. A former top gymnast from China, Qiao had come to the United States to study English at the University of Iowa. Although her first coach said that she had more raw strength than gymnastic ability, Coach Qiao saw her potential immediately and worked hard to nurture that talent.

This means long and busy days for Shawn. After school, she heads to the gym for a 4-hour workout, then home to do school work. Yet, she maintains a 4.0 average. Unlike traditional gymnasts, artistic gymnastics traditionally has not been a sport where 15-year-olds excel. It combines the disciplines of gymnastics and ballet, and few athletes as young as Shawn have been able to master it.

☐ 1730

But through hard work, discipline and the ability and the tutelage of a good coach, she has already made her mark as one of the world's greatest gymnasts. With Pan Am, national and world titles behind her, Shawn now points towards 2008 to the summer Olympics to be held in Beijing. "I think it would be cool, not only for me, but for him," she said, "and I think it would be a proud moment for both of us."

What I want to say to my colleagues is this is a special young woman and one that I know everyone in Iowa has a lot of pride in, but everybody in the United States shares in that pride, and I urge passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H. Res. 684, a bill that congratulates Shawn Johnson on her victory in becoming the 2007 World Artistic Gymnastics Champion in women's gymnastics.

H. Res. 684, which has 57 cosponsors, was introduced by Representative LEONARD L. BOSWELL on September 26, 2007. H. Res. 684 was reported from the Oversight Committee on October 23, 2007, by voice vote.

Mr. Speaker, Ms. Shawn Johnson, at the age of 15, won 3 gold medals at the World Artistic Gymnastics Championships in Stuttgart, Germany. She became the fourth United States woman ever to win a world all-around title with her come-from-behind victory in the women's all-around finals of the 2007 world championships. She joined Kim Zmeskal, Shannon Miller and Chellsie Memmel as the only U.S. women to win a world all-around title in gymnastics.

This year, Ms. JOHNSON was first at the 2007 Tyson American Cup. She won the all-around title at the 2007 Pan Am Games, along with the U.S. women's gymnastic team, receiving gold metals for the uneven bars and balanced beam events. She also won the silver medal for the floor exercise event. At the 2007 Visa Championships, she won her first senior U.S. all-around title.

So, Mr. Speaker, I commend my colleague, Representative BOSWELL, on congratulating the outstanding accomplishments of Ms. JOHNSON in becoming the 2007 World Gymnastics Champion in women's gymnastics and urge the swift passage of this bill.

Mr. Speaker, I yield back the balance of my time and urge passage of this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 684.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

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## COMMEMORATING THE 50TH ANNIVERSARY OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 808) commemorating the 50th Anniversary of the Metropolitan Washington Council of Governments.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 808

Whereas, the Metropolitan Washington Council of Governments is an independent, nonprofit organization, founded in 1957, and comprised of elected officials from 21 local governments of the District of Columbia, suburban Maryland, and Northern Virginia, plus area members of the Maryland and Virginia legislatures, the U.S. Senate, and the U.S. House of Representatives;

Whereas in April 1957 forty officials from Washington area jurisdictions voluntarily gathered to establish an organization where they could exchange ideas and work together on regional issues such as transportation, the environment, and public safety; this organization became the Metropolitan Washington Council of Governments;

Whereas during the past half century COG's activities have touched every aspect of the life of the citizens of the National Capital Region and have improved the quality of life for all residents;

Whereas COG has facilitated the development of effective responses to such issues as the environment, affordable housing, economic development, human services, land use development, public safety and emergency response, and transportation that have had a profound and positive impact on the National Capital Region;

Whereas these responses include galvanizing the region's response to the September 11th attacks and the ongoing emergency preparedness programs, cleaning up of the Potomac River, spearheading a number of regional health programs including one of the nation's first regional conferences on AIDS, creating the region's express bus lane system, reducing air pollution through a model law and establishing the region's daily air quality index, and founding the Foster and Adoptive Families program for vulnerable children and teenagers;

Whereas COG has served as the Metropolitan Planning Organization guiding the region's transportation planning in partnership with the state and local departments of transportation since the 1960s and has served as key advocate for increased funding for the region's transportation needs;

Whereas COG's air quality committee created by the State of Maryland, the Commonwealth of Virginia and the District of Columbia, has worked successfully to reduce pollutants in the region's air;

Whereas COG has worked with area governments and law enforcement and emergency response officials to improve public safety response and coordination for over four decades, starting with the "mutual aid agreements" that began with the opening of the Wilson Bridge in 1962 and continuing to the present with homeland security planning and initiatives such as the regional pawnshop database that has helped recover millions of dollars of stolen property; and

Whereas COG managed a Federal pilot program to provide treatment and support services to women who abused alcohol and drugs, and currently works with area health officials to improve the region's emergency preparedness by developing a disease and syndromic surveillance system: Now, therefore, be it

*Resolved*, That the United States House of Representatives does hereby offers its sincerest congratulations to the Metropolitan Washington Council of Governments in recognition of its 50th Anniversary and its legacy of outstanding service to the governments and citizens of greater Washington, DC metropolitan region and expresses its appreciation for a job well done.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my good friend and distinguished colleague from Illinois for yielding me the time. I have the great honor to offer this resolution on behalf of all of my colleagues in the Washington metropolitan area.

The Council of Governments of the Washington Metropolitan Area began 50 years ago, in 1957. In the ensuing 50 years, it has become the premier group for collaboration on transportation, air and water quality, regional growth, emergency response, and any number of other domestic issues that are important to its individual jurisdictions. We will be honoring the Council of Governments Thursday night in their 50th anniversary gala, and all of our Washington area colleagues, including Ms. NORTON, Congressman VAN HOLLEN, Congressman HOYER, Congressman WYNN, Congressman DAVIS and Congressman WOLF, will all participate, as they have been participating since they have been elected to office in the Council of Governments.

Since its first meeting during the Eisenhower administration where there were seven charter member governments, it has grown to include 21 local jurisdictions. As it has grown, it has become the place to discuss and address and solve so many of the region's problems.

Because of the Council of Governments, this is one of the finest regions in the country in which to live. But it wasn't always that way. Fifty years ago, it had half of its current population, it had no Metro system and no interstate highway system. Imagine, just 50 years ago. But the visionary leaders of this area got together, and in working with the Metropolitan Washington Council of Governments, have made enormous strides in creating a region that is proud to be the capital of the free world, and those who live here reflect that pride. But it didn't happen by accident. COG has been an essential component of that growth.

In 1967, COG was responsible for the DC Air Pollution Act. It was a model that was created by the Council of Governments, signed by President Johnson. The fire chiefs of the area got together and put together a mutual aid agreement. That became the model for the 9/11 Commission's recommendation for all metropolitan areas in the country. The response of the Council of Governments on September 11, 2001, in pulling together all of the emergency responders, was tremendous and deserves great credit as well. The Regional Incident Communication Coordination System is a model in the country.

Now those 21 local governments have over 250 members. We have one of the highest quality of life achievements in the country and the Nation's strongest economy. And as we plan for an additional 1.6 million people and 1.2 million more jobs over the next 25 years, COG will continue to address those challenges. When we look forward to the next 50 years, COG predicts that by the year 2057 the average home in metropolitan Washington will cost more than $14 million. That means a lot of pay increases for all of the Federal workers, I guess including the Members themselves. But we are going to be part of a mega-region stretching from Baltimore to Richmond. The way in which we use energy is going to be a key determinant in terms of the region's prosperity.

There will be enormous changes that take place. But whatever changes take place, we know that the Council of Governments is going to be there as a meeting place, as a forum, as a facilitator, to address all of the challenges that confront us.

So, after 50 years of tremendous achievement, we do want to recognize this organization, and I very much appreciate the committee giving us the opportunity to do so. I think I have used my time, and I don't think there is much controversy, so I will conclude my remarks at this point.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join with the gentleman from Virginia, my friend, in enthusiastically supporting this legislation. After 50 years of this kind of a Council of Governments' working, it deserves the recognition it will receive here on the House floor today. I certainly believe that Mr. MORAN has done a very, very good job of outlining the 50 years of success, beginning in April of 1957, and I think we should briefly reflect on what 1957 until day was all about.

This is a time in which the District of Columbia went through terrible upheaval. Maryland and Virginia had to reinvent themselves. All of this could not have been done without the kind of cooperation that this council produced. I think it is certainly unique to have the District of Columbia and 2 States, 5 counties, 2 cities and dozens of Maryland counties all working together. These jurisdictions are cooperating.

I think that is a legacy that has only half finished its work. I think on a bipartisan basis we all recognize the improvements in the quality of living here, the transportation and infrastructure that makes it possible for us to get to work by road or by rail.

So, I look forward to this organization continuing for another 50 years serving what is today 1.6 million people, and certainly a growing population, both in and out of the district.

With that, I very much urge passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my colleagues, and I commend Representative MORAN for his introduction of H. Res. 808, commemorating the 50th anniversary of the regional planning that has taken place in the Washington, DC, area. It has been instrumental in making this, as he indicated, one of the most desirable areas of the country in which to live. I commend them for their effort and salute him for his introduction of this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 808.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## CONFERENCE REPORT ON H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. OLVER submitted the following conference report and statement on the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes:

### CONFERENCE REPORT (H. REPT. 110–446)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3074) "making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:*

### *TITLE I*

### *DEPARTMENT OF TRANSPORTATION*

### *OFFICE OF THE SECRETARY*

### *SALARIES AND EXPENSES*

*For necessary expenses of the Office of the Secretary, $93,782,000, of which not to exceed $2,310,000 shall be available for the immediate Office of the Secretary; not to exceed $730,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $18,720,000 shall be available for the Office of the General Counsel; not to exceed $11,874,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $9,417,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,383,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $23,750,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,986,000 shall be available for the Office of Public Affairs; not to exceed $1,516,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,335,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $7,874,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $11,887,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.*

### *OFFICE OF CIVIL RIGHTS*

*For necessary expenses of the Office of Civil Rights, $9,140,900.*

### *TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT*

*For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $14,000,000.*

### *WORKING CAPITAL FUND*

*Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $128,094,000, shall be paid from appropriations made available to the Department* *of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.*

### *MINORITY BUSINESS RESOURCE CENTER PROGRAM*

*For the cost of guaranteed loans, $370,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $523,000.*

### *MINORITY BUSINESS OUTREACH*

*For necessary expenses of Minority Business Resource Center outreach activities, $2,970,000, to remain available until September 30, 2009: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.*

### *PAYMENTS TO AIR CARRIERS*

### *(AIRPORT AND AIRWAY TRUST FUND)*

### *(INCLUDING TRANSFER OF FUNDS)*

*In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $60,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.*

### *COMPENSATION FOR AIR CARRIERS*

### *(RESCISSION)*

*Of the remaining unobligated balances under section 101(a)(2) of Public Law 107–42, $22,000,000 are rescinded.*

### *ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION*

*SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".*

*SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.*

*SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.*

### *FEDERAL AVIATION ADMINISTRATION*

### *OPERATIONS*

### *(AIRPORT AND AIRWAY TRUST FUND)*

*For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $8,750,000,000, of which $6,383,216,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,969,663,000 shall be available for air traffic organization activities; not to exceed $1,082,653,000 shall be available for aviation safety activities; not to exceed $12,549,000 shall be available for commercial space transportation activities; not to exceed $102,221,000 shall be available for financial services activities; not to exceed $91,214,000 shall be available for human resources program activities; not to exceed $290,872,000 shall be available for region and center operations and regional coordination activities; not to exceed $166,543,000 shall be available for staff offices; and not to exceed $39,552,000 shall be available for information services: Provided, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary utilize not less than $6,000,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: Provided further, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $8,500,000 shall be for the contract tower cost-sharing program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.*

### *FACILITIES AND EQUIPMENT*

### *(AIRPORT AND AIRWAY TRUST FUND)*

*For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,527,284,000, of which $2,067,311,000 shall remain available until September 30, 2010, and of which $459,973,000 shall remain available until September 30, 2008: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2009 through 2013, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.*

### *RESEARCH, ENGINEERING, AND DEVELOPMENT*

### *(AIRPORT AND AIRWAY TRUST FUND)*

*For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $147,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2010: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.*

### *GRANTS-IN-AID FOR AIRPORTS*

### *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

### *(LIMITATION ON OBLIGATIONS)*

### *(AIRPORT AND AIRWAY TRUST FUND)*

*For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of* *chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $4,399,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,514,500,000 in fiscal year 2008, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than $80,676,000 shall be obligated for administration, not less than $10,000,000 shall be available for the airport cooperative research program, not less than $18,712,000 shall be for Airport Technology Research and $10,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program.*

### (RESCISSION)

*Of the amounts authorized for the fiscal year ending September 30, 2007, and prior years under sections 48103 and 48112 of title 49, United States Code, $185,500,000 are rescinded.*

### ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

*SEC. 110. None of the funds in this Act may be used to compensate in excess of 425 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2008.*

*SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.*

*SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2008, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.*

*SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.*

*SEC. 114. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking "2006," each place it appears and inserting "2008,".*

*(b) Section 44303(b) of such title is amended by striking "2006," and inserting "2008,".*

*(c) Section 44310 of such title is amended by striking "March 30, 2008" and inserting "December 31, 2008".*

*SEC. 115. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.*

*SEC. 116. (a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by adding at the end thereof the following:*

***"§ 44729. Age standards for pilots***

*"(a) IN GENERAL.—Subject to the limitation in subsection (c), a pilot may serve in multicrew covered operations until attaining 65 years of age.*

*"(b) COVERED OPERATIONS DEFINED.—In this section, the term 'covered operations' means operations under part 121 of title 14, Code of Federal Regulations.*

*"(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—*

*"(1) APPLICABILITY OF ICAO STANDARD.—A pilot who has attained 60 years of age may serve as pilot-in-command in covered operations between the United States and another country only if there is another pilot in the flight deck crew who has not yet attained 60 years of age.*

*"(2) SUNSET OF LIMITATION.—Paragraph (1) shall cease to be effective on such date as the Convention on International Civil Aviation provides that a pilot who has attained 60 years of age may serve as pilot-in-command in international commercial operations without regard to whether there is another pilot in the flight deck crew who has not attained age 60.*

*"(d) SUNSET OF AGE-60 RETIREMENT RULE.—On and after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, section 121.383(c) of title 14, Code of Federal Regulations, shall cease to be effective.*

*"(e) APPLICABILITY.—*

*"(1) NONRETROACTIVITY.—No person who has attained 60 years of age before the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008 may serve as a pilot for an air carrier engaged in covered operations unless—*

*"(A) such person is in the employment of that air carrier in such operations on such date of enactment as a required flight deck crew member; or*

*"(B) such person is newly hired by an air carrier as a pilot on or after such date of enactment without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.*

*"(2) PROTECTION FOR COMPLIANCE.—An action taken in conformance with this section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008 in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may not serve as a basis for liability or relief in a proceeding, brought under any employment law or regulation, before any court or agency of the United States or of any State or locality.*

*"(f) AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.*

*"(g) MEDICAL STANDARDS AND RECORDS.—*

*"(1) MEDICAL EXAMINATIONS AND STANDARDS.—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more frequent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.*

*"(2) DURATION OF FIRST-CLASS MEDICAL CERTIFICATE.—No person who has attained 60 years of age may serve as a pilot of an air carrier engaged in covered operations unless the person has a first-class medical certificate. Such a certificate shall expire on the last day of the 6-month period following the date of examination shown on the certificate.*

*"(h) SAFETY.—*

*"(1) TRAINING.—Each air carrier engaged in covered operations shall continue to use pilot training and qualification programs approved by the Federal Aviation Administration, with specific emphasis on initial and recurrent training and qualification of pilots who have attained 60 years of age, to ensure continued acceptable levels of pilot skill and judgment.*

*"(2) LINE EVALUATIONS.—Not later than 6 months after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, and every 6 months thereafter, an air carrier engaged in covered operations shall evaluate the performance of each pilot of the air carrier who has attained 60 years of age through a line check of such pilot. Notwithstanding the preceding sentence, an air carrier shall not be required to conduct for a 6-month period a line check under this paragraph of a pilot serving as second-in-command if the pilot has undergone a regularly scheduled simulator evaluation during that period.*

*"(3) GAO REPORT.—Not later than 24 months after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effect, if any, on aviation safety of the modification to pilot age standards made by subsection (a).".*

*(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:*

*"§ 44729. Age standards for pilots".*

### FEDERAL HIGHWAY ADMINISTRATION

### LIMITATION ON ADMINISTRATIVE EXPENSES

*Not to exceed $377,556,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation.*

### FEDERAL-AID HIGHWAYS

### (LIMITATION ON OBLIGATIONS)

### (HIGHWAY TRUST FUND)

### (INCLUDING TRANSFER OF FUNDS)

*None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of*

$40,216,051,359 for Federal-aid highways and highway safety construction programs for fiscal year 2008: Provided, That within the $40,216,051,359 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2008: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That the funds authorized pursuant to section 110 of title 23, United States Code, for the motor carrier safety grant program, and the obligation limitation associated with such funds provided under this heading, shall be transferred to the Federal Motor Carrier Safety Administration: Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

### (ADDITIONAL OBLIGATION LIMITATION)

### (HIGHWAY TRUST FUND)

For an additional amount of obligation limitation to be distributed for the purpose of section 144(e) of title 23, United States Code, $1,000,000,000: Provided, That such obligation limitation shall be used only for a purpose eligible for obligation with funds apportioned under such section and shall be distributed in accordance with the formula in such section: Provided further, That such obligation limitation shall remain available for a period of three fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years: Provided further, That in distributing obligation authority under this paragraph, the Secretary shall ensure that such obligation limitation shall supplement and not supplant each State's planned obligations for such purposes.

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

### (HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $41,955,051,359 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

### (RESCISSION)

### (HIGHWAY TRUST FUND)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $3,000,000,000 are rescinded: Provided, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title.

### I–35W BRIDGE REPAIR AND RECONSTRUCTION

For necessary expenses to carry out the project for repair and reconstruction of the Interstate 35W bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, as authorized under section 1(c) of Public Law 110–56, up to $195,000,000, as documented by the Minnesota Department of Transportation to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008: Provided further, That the Federal share of the costs of any project funded using amounts made available under this section shall be 100 percent in accordance with section 1(b) of Public Law 110–56.

### APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for West Virginia corridor H of the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $16,000,000, to remain available until expended.

### DELTA REGIONAL TRANSPORTATION DEVELOPMENT PROGRAM

For necessary expenses for the Delta Regional Transportation Development Program as authorized under section 1308 of Public Law 109–59, $14,300,000, to remain available until expended.

### ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

### (INCLUDING RESCISSIONS)

SEC. 120. (a) For fiscal year 2008, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; the programs, projects and activities funded by the set aside authorized by section 129 of this Act; the Bureau of Transportation Statistics; and additional obligation limitation provided in this Act for the purpose of section 144(e) of title 23, United States Code;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2008; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), *the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.*

*(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.*

*(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—*

*(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—*

*(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and*

*(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.*

*(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).*

*(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.*

*(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—*

*(1) remain available until used for obligation of funds for that provision; and*

*(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.*

*(g) HIGH PRIORITY PROJECT FLEXIBILITY.—*

*(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.*

*(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).*

*(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.*

*SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.*

*SEC. 122. Of the unobligated balances made available under sections 1103, 1104, 1105, 1106(a), 1106(b), 1107, and 1108 of Public Law 102–240, $1,292,287.73 are rescinded.*

*SEC. 123. Of the unobligated balances made available under section 1602 of Public Law 105–178, $5,987,345.70 are rescinded.*

*SEC. 124. Of the unobligated balances made available under section 188(a)(1) of title 23, United States Code, as in effect on the day before the date of enactment of Public Law 109–59, and under section 608(a)(1) of such title, $186,322,000 are rescinded.*

*SEC. 125. Of the amounts made available under section 104(a) of title 23, United States Code, $43,358,601 are rescinded.*

*SEC. 126. Of the unobligated balances of funds made available in fiscal year 2005 and prior fiscal years for the implementation or execution of programs for transportation research, training and education, and technology deployment including intelligent transportation systems, $172,242,964 are rescinded.*

*SEC. 127. Of the amounts made available for "Highway Related Safety Grants" by section 402 of title 23, United States Code, and administered by the Federal Highway Administration, $11,314 in unobligated balances are rescinded.*

*SEC. 128. Of the unobligated balances made available under Public Law 101–516, Public Law 102–143, Public Law 103–331, Public Law 106–346, Public Law 107–87, and Public Law 108–7, $4,753,687.26 are rescinded.*

*SEC. 129. Notwithstanding any other provision of law, before making the distribution of revenue aligned budget authority under section 110(b) of title 23, United States Code, the Secretary of Transportation shall set aside such sums as may be necessary for the programs, projects and activities in the corresponding amounts identified under this section in the statement of the managers accompanying this Act: Provided, That notwithstanding any other provision of law and the preceding clause of this section, the Secretary of Transportation may use amounts set aside by this section to make grants for any surface transportation project otherwise eligible for funding under title 23 or title 49, United States Code: Provided further, That funds set aside by this section, at the request of a State, shall be transferred by the Secretary to another Federal agency: Provided further, That the Federal share payable on account of any program, project, or activity carried out with funds set aside by this section shall be 100 percent: Provided further, That the sums set aside by this section shall remain available until expended: Provided further, That all funds set aside by this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act: Provided further, That the obligation limitation made available for the programs, projects, and activities for which funds are set aside by this section shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.*

*SEC. 130. Not less than 15 days prior to waiving, under her statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.*

### FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

### MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

*For payment of obligations incurred for administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $229,654,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $229,654,000, for "Motor Carrier Safety Operations and Programs", of which $8,900,000, to remain available for obligation until September 30, 2010, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: Provided further, That $1,815,553 in unobligated balances are rescinded.*

### MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

*For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $300,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $300,000,000, for "Motor Carrier Safety Grants"; of which $202,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: Provided further, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be* *available for audits of new entrant motor carriers: Provided further, That $11,260,214 in unobligated balances are rescinded.*

### MOTOR CARRIER SAFETY

### (HIGHWAY TRUST FUND)

### (RESCISSION)

*Of the amounts made available under this heading in prior appropriations Acts, $32,187,720 in unobligated balances are rescinded.*

### NATIONAL MOTOR CARRIER SAFETY PROGRAM

### (HIGHWAY TRUST FUND)

### (RESCISSION)

*Of the amounts made available under this heading in prior appropriations Act, $5,212,858 in unobligated balances are rescinded.*

### ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

*SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.*

*SEC. 136. None of the funds made available under this Act may be used to establish a cross-border motor carrier demonstration program to allow Mexico-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico.*

## NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

### OPERATIONS AND RESEARCH

*For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59, chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $126,606,000, of which $26,156,000 shall remain available until September 30, 2010: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.*

### OPERATIONS AND RESEARCH

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

### (LIMITATION ON OBLIGATIONS)

### (HIGHWAY TRUST FUND)

*For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $107,750,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $107,750,000 for programs authorized under 23 U.S.C. 403.*

### NATIONAL DRIVER REGISTER

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

### (LIMITATION ON OBLIGATIONS)

### (HIGHWAY TRUST FUND)

*For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $4,000,000 for the National Driver Register authorized under such chapter.*

### HIGHWAY TRAFFIC SAFETY GRANTS

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

### (LIMITATION ON OBLIGATIONS)

### (HIGHWAY TRUST FUND)

*For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $599,250,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $599,250,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $225,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; $25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405; $124,500,000 shall be for "Safety Belt Performance Grants" under 23 U.S.C. 406; $34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408; $131,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; $18,250,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109–59; $6,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109–59; and $6,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109–59: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: Provided further, That not to exceed $750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109–59.*

### ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

### (INCLUDING RESCISSIONS)

*SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.*

*SEC. 141. Of the amounts made available under the heading "Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $12,197,113.60 in unobligated balances are rescinded.*

*SEC. 142. Of the amounts made available under the heading "National Driver Register (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $119,914.61 in unobligated balances are rescinded.*

*SEC. 143. Of the amounts made available under the heading "Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $10,528,958 in unobligated balances are rescinded.*

## FEDERAL RAILROAD ADMINISTRATION

### SAFETY AND OPERATIONS

*For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $150,193,499, of which $12,268,890 shall remain available until expended.*

### RAILROAD RESEARCH AND DEVELOPMENT

*For necessary expenses for railroad research and development, $36,030,000, to remain available until expended.*

### CAPITAL ASSISTANCE TO STATES—INTERCITY PASSENGER RAIL SERVICE

*To enable the Federal Railroad Administrator to make grants to States for the capital costs of improving existing intercity passenger rail service and providing new intercity passenger rail service, $75,000,000, to remain available until expended: Provided, That grants shall be provided to a State only on a reimbursable basis: Provided further, That grants cover no more than 50 percent of the total capital cost of a project selected for funding: Provided further, That no more than ten percent of funds made available under this program may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator: Provided further, That no later than eight months following enactment of this Act, the Secretary shall establish and publish criteria for project selection, set a deadline for grant applications, and provide a schedule for project selection: Provided further, That to be eligible for this assistance, States must include intercity passenger rail service as an integral part of statewide transportation planning as required under section 135 of title 23, United States Code: Provided further, That to be eligible for capital assistance the specific project must be on the Statewide Transportation Improvement Plan at the time of the application to qualify: Provided further, That the Secretary give priority to capital and planning applications for projects that improve the safety and reliability of intercity passenger trains, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by freight railroads of financial resources commensurate with the benefit expected to their operations, improve or extend service on a route that requires little or no Federal assistance for its operations, and involve a commitment by States or railroads of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates.*

### RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

*The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2008.*

### RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

*For necessary expenses of carrying out section 20154 of title 49, United States Code, as authorized by section 9002 of Public Law 109–59, $20,250,000, to remain available until expended.*

### OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

*To enable the Secretary of Transportation to make quarterly grants to the National Railroad*

*Passenger Corporation for operation of intercity passenger rail, $475,000,000 to remain available until expended: Provided, That the Secretary of Transportation shall approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: Provided further, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning three months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the Corporation: Provided further, That not later than 120 days after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations the status of its plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): Provided further, That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in the plan provided in fiscal year 2007 and quantify savings realized to date on a monthly basis compared to those projected in the plan, identify any changes in the plan or delays in implementing these plans, and identify the causes of delay and proposed corrective measures: Provided further, That not later than 90 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business plan approved by the Board of Directors for fiscal year 2008 under section 24104(a) of title 49, United States Code: Provided further, That the business plan shall include, as applicable, targets for ridership, revenues, and capital and operating expenses: Provided further, That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: Provided further, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: Provided further, That the Corporation shall continue to provide monthly reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: Provided further, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: Provided further, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That none of the funds provided in this Act may be used after March 1, 2006, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare: Provided further, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: Provided further, That of the amounts made available under this heading not less than $18,500,000 shall be available for the Amtrak Office of Inspector General.*

### CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

*To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the maintenance and repair of capital infrastructure owned by the Corporation, including railroad equipment, rolling stock, legal mandates and other services, $900,000,000, to remain available until expended, of which not to exceed $285,000,000 shall be for debt service obligations: Provided, That the Secretary may retain up to one-quarter of one percent of the funds under this heading to fund the oversight by the Federal Railroad Administration of the design and implementation of capital projects funded by grants made under this heading: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital grant justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2008 business plan: Provided further, That $35,000,000 of amounts made available under this heading shall be available until expended for capital improvements if the Corporation demonstrates to the Secretary's satisfaction that the Corporation has achieved operational savings and met ridership and revenue targets as defined in the Corporation's business plan: Provided further, That of the funds provided under this section, not less than $5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: Provided further, That within 90 days of enactment, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations upon the strengths and weaknesses of the system being developed by the Corporation and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation: Provided further, That not later than 180 days after the enactment of this Act, the Secretary, in consultation with the Corporation and the States on the Northeast Corridor, shall establish a common definition of what is determined to be a "state of good repair" on the Northeast Corridor and report its findings, including definitional areas of disagreement, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.*

### ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

*SEC. 150. Notwithstanding any other provision of this Act, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.*

*SEC. 151. Not later than January 1, 2008, the Federal Railroad Administrator shall submit a report, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate.*

*SEC. 152. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: Provided, That the Secretary shall prescribe guidelines for the administration of such purchases and use.*

*SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this subsection shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.*

## FEDERAL TRANSIT ADMINISTRATION

### ADMINISTRATIVE EXPENSES

*For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $89,300,000: Provided, That of the funds available under this heading, not to exceed $1,504,000 shall be available for travel and not to exceed $20,719,000 shall be available for the central account: Provided further, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That upon submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2009.*

### FORMULA AND BUS GRANTS

### (LIQUIDATION OF CONTRACT AUTHORITY)

### (LIMITATION ON OBLIGATIONS)

### (HIGHWAY TRUST FUND)

### (INCLUDING RESCISSION)

*For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339,* *and 5340 and section 3038 of Public Law 105–178, as amended, $6,855,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $7,872,893,000 in fiscal year 2008: Provided further, That of the funds available to carry out the bus program under section 5309 of title 49, United States Code, which are not otherwise allocated under this Act or under SAFETEA–LU (Public Law 109–59), not more than 10 percent may be expended to carry out the Urban Partnership Congestion Initiative: Provided further, That $28,660,920 in unobligated balances are rescinded.*

### *RESEARCH AND UNIVERSITY RESEARCH CENTERS*

*For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $65,500,000, to remain available until expended: Provided, That $9,300,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: Provided further, That $44,900,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.*

### *CAPITAL INVESTMENT GRANTS*

*For necessary expenses to carry out section 5309 of title 49, United States Code, $1,650,000,000, to remain available until expended: Provided, That of the funds available under this heading, amounts are to be made available as follows:*

*AC Transit BRT Corridor—Alameda County, California, $500,000.*

*Alaska and Hawaii ferry projects, $15,000,000.*

*Bus Rapid Transit, Cumberland County, Pennsylvania, $300,000.*

*Central Corridor Light Rail, Minnesota, $10,400,000.*

*Central Link Initial Segment, Washington, $70,000,000.*

*Central LRT Double-Track—Largo Extension, Maryland, $35,000,000.*

*Central Phoenix/East Valley Light Rail, Arizona, $90,000,000.*

*Charlotte Rapid Transit, North Carolina, $2,000,000.*

*CORRIDORone Regional Rail Project, Pennsylvania, $11,200,000.*

*DCTA Fixed Guideway/Engineering, Lewisville, Texas, $250,000.*

*Denali Commission, Alaska, $5,000,000.*

*Dulles Corridor Metrorail Project, Virginia, $35,000,000.*

*Galveston Rail Trolley Extension to Seawall Boulevard, Texas, $2,000,000.*

*Honolulu High Capacity Transit Corridor, Hawaii, $15,500,000.*

*Hudson-Bergen MOS-2, New Jersey, $55,192,995.*

*I–205/Portland Mall Light Rail, Oregon, $80,000,000.*

*I–69 HOV/BRT, Mississippi, $7,700,000.*

*JTA Bus Rapid Transit, Jacksonville, Florida, $9,520,000.*

*Lane Transit District, Pioneer Parkway EmX Corridor, Oregon, $14,800,000.*

*Long Island Rail Road East Side Access, New York, $215,000,000.*

*MARC Commuter Rail Improvements and Rolling Stock, Maryland, $10,000,000.*

*MBTA Fitchburg to Boston Rail Corridor Project, Massachusetts, $6,000,000.*

*METRA Connects Southeast Service, Illinois, $7,375,000.*

*METRA Star Line, Illinois, $7,375,000.*

*METRA Union Pacific Northwest Line, Illinois, $7,375,000.*

*Metro Gold Line Eastside Extension, California, $80,000,000.*

*Metrorail Orange Line Expansion, Florida, $2,000,000.*

*Metro Rapid Bus System Gap Closure, Los Angeles, California, $16,681,000.*

*Mid-Jordan Light Rail Extension, Utah, $20,000,000.*

*Monmouth-Ocean-Middlesex County Passenger Rail, New Jersey, $1,000,000.*

*New Britain-Hartford Busway, Connecticut, $3,338,400.*

*Norfolk Light Rail Project, Virginia, $23,500,000.*

*North Corridor BRT, Houston and Southeast Corridor BRT, Texas, $20,000,000.*

*North Shore Corridor & Blue Line, Massachusetts, $2,000,000.*

*NorthStar Commuter, Minnesota, $55,000,000.*

*Northern Indiana Commuter Transit District Recapitalization, Indiana, $5,000,000.*

*North Shore LRT Connector, Pennsylvania, $33,516,444.*

*Northwest NJ-Northeast PA, Pennsylvania, $3,000,000.*

*NW/SE LRT MOS, Texas, $86,250,000.*

*Pacific Highway South BRT, King County, Washington, $14,076,000.*

*Perris Valley Line Metrolink Extension, California, $2,000,000.*

*Pawtucket/Central Falls Commuter Rail Station, Rhode Island, $2,000,000.*

*Planning and Design, Bus Rapid Transit-State Avenue Corridor, Wyandotte County, Kansas, $1,500,000.*

*Provo Orem Bus Rapid Transit, Utah, $4,100,000.*

*Rapid Transit (BRT) project, Livermore, California, $3,000,000.*

*Ravenswood Line Extension, Illinois, $40,000,000.*

*Route 1 Bus Rapid Transit, Potomac Yard-Crystal City, Alexandria and Arlington, Virginia, $1,000,000.*

*Second Avenue Subway Phase 1, New York, $171,235,000.*

*SMART EIS and PE, California, $2,000,000.*

*South County Commuter Rail Wickford Junction Station, Rhode Island, $12,519,846.*

*Southeast Corridor LRT, Colorado, $51,560,484.*

*South Sacramento Corridor Phase 2, California, $4,500,000.*

*Telegraph Avenue-International Boulevard-East 14th Street Bus Rapid Transit Corridor Improvements, California, $2,000,000.*

*Third Street Light Rail, San Francisco, California, $12,000,000.*

*Trans-Hudson Midtown Corridor, New Jersey, $15,000,000.*

*Troost Corridor Bus Rapid Transit, Missouri, $6,260,000.*

*West Corridor Light Rail Project, Colorado, $40,000,000.*

*University Link LRT, Washington, $20,000,000.*

*VIA Bus Rapid Transit Corridor Project, San Antonio, Texas, $5,000,000.*

*Virginia Railway Express Extension—Gainesville/Haymarket, Virginia, $500,000.*

*VRE Rolling Stock, Virginia, $4,000,000.*

*Weber County to Salt Lake City, Utah, $80,000,000.*

### *ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION*

*SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.*

*SEC. 161. Notwithstanding any other provision of law, funds made available by this Act under "Federal Transit Administration, Capital investment grants" and bus and bus facilities under "Federal Transit Administration, Formula and bus grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2010, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.*

*SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2007, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.*

*SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.*

*SEC. 164. During fiscal year 2008, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 90 percent of the net capital costs of a biodiesel bus or a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: Provided, That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related-equipment.*

*SEC. 165. Notwithstanding any other provision of law, in regard to the Central Link Initial Segment Project, to the extent that Federal funds remain available within the current budget for the project, the Secretary shall, immediately upon the date of enactment of this Act, amend the Full Funding Grant Agreement for said project to allow remaining Federal funds to be used to support completion of the Airport Link extension of said project.*

*SEC. 166. Amounts provided for a high capacity fixed guideway light rail and mass transit project for the City of Albuquerque, New Mexico, in Public Laws 106–69, 106–346 and 107–87 shall be available for bus and bus facilities.*

*SEC. 167. Any unobligated amounts made available for the Commuter Rail, Albuquerque to Santa Fe, New Mexico under the heading "Capital Investment Grants" under the heading "Federal Transit Administration" in title I of division A of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2418) shall be made available for public transportation buses, equipment and facilities related to such buses, and intermodal terminal in Albuquerque and Santa Fe, New Mexico, subject to the requirements under section 5309 of title 49, United States Code.*

*SEC. 168. Notwithstanding any other provision of law, funds made available for the Las Vegas Resort Corridor Fixed Guideway Project under the Federal Transit Administration Capital Investment Grants Account in any previous Appropriations Act, including Public Laws 108–7, 108–199, 108–447, and any unexpended funds in Federal Transit Administration grant number NV–03–0019 may hereafter be made available until expended to the Regional Transportation Commission of Southern Nevada for bus rapid transit projects and bus and bus-related projects: Provided, That funds made available for a project in accordance with this section* *shall be administered under the terms and conditions set forth in 49 U.S.C. 5307, to the extent applicable.*

*SEC. 169. The second sentence of section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1986 (99 Stat. 1287) is repealed.*

*SEC. 170. None of the funds provided or limited under this Act may be used to issue a final regulation under section 5309 of title 49, United States Code, except that the Federal Transit Administration may continue to review comments received on the proposed rule (Docket No. FTA–2006–25737).*

### *SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION*

*The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.*

### *OPERATIONS AND MAINTENANCE*

### *(HARBOR MAINTENANCE TRUST FUND)*

*For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $17,392,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.*

### *MARITIME ADMINISTRATION*

### *MARITIME SECURITY PROGRAM*

*For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $156,000,000, to remain available until expended.*

### *OPERATIONS AND TRAINING*

*For necessary expenses of operations and training activities authorized by law, $122,032,000, of which $25,720,000 shall remain available until September 30, 2008, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $14,139,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $10,500,000 shall remain available until expended for maintenance and repair of Schoolships at State Maritime Schools.*

### *SHIP DISPOSAL*

*For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $17,000,000, to remain available until expended.*

### *ASSISTANCE TO SMALL SHIPYARDS*

*To make grants for capital improvements and related infrastructure improvements at qualified shipyards that will facilitate the efficiency, cost-effectiveness, and quality of domestic ship construction for commercial and Federal Government use as authorized under section 3506 of Public Law 109–163, $10,000,000, to remain available until expended: Provided, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: Provided further, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: Provided further, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.*

### *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT*

### *(INCLUDING TRANSFER OF FUNDS)*

*For the cost of guaranteed loans, as authorized, $8,408,000, of which $5,000,000 shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That not to exceed $3,408,000 shall be available for administrative expenses to carry out the guaranteed loan program, which shall be transferred to and merged with the appropriation for "Operations and Training", Maritime Administration.*

### *SHIP CONSTRUCTION*

### *(RESCISSION)*

*Of the unobligated balances available under this heading, $6,673,000 are rescinded.*

### *ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION*

*SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.*

*SEC. 176. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936 (46 U.S.C. 53101 note (cds)), or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.*

### *PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION*

### *ADMINISTRATIVE EXPENSES*

*For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, $18,130,000, of which $639,000 shall be derived from the Pipeline Safety Fund.*

### *HAZARDOUS MATERIALS SAFETY*

*For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $28,000,000, of which $1,761,000 shall remain available until September 30, 2010: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.*

### *PIPELINE SAFETY*

### *(PIPELINE SAFETY FUND)*

### *(OIL SPILL LIABILITY TRUST FUND)*

*For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $79,828,000, of which $18,810,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2010; of which $61,018,000 shall be derived from the Pipeline Safety Fund, of which $32,242,000 shall remain available until September 30, 2010: Provided, That not less than $1,043,000 of the funds provided under this heading shall be for the one-call State grant program.*

### *EMERGENCY PREPAREDNESS GRANTS*

### *(EMERGENCY PREPAREDNESS FUND)*

*For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2009: Provided, That not more than $28,318,000 shall be made available for obligation in fiscal year 2008 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): Provided further, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or her designee.*

### *RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION*

### *RESEARCH AND DEVELOPMENT*

*For necessary expenses of the Research and Innovative Technology Administration, $12,000,000, of which $6,036,000 shall remain available until September 30, 2010: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.*

### *OFFICE OF INSPECTOR GENERAL*

### *SALARIES AND EXPENSES*

*For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $66,400,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.*

### *SURFACE TRANSPORTATION BOARD*

### *SALARIES AND EXPENSES*

*For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $26,324,500: Provided, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, to result in a final appropriation from the general fund estimated at no more than $25,074,500.*

### *GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION*

### *(INCLUDING TRANSFERS OF FUNDS)*

*SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).*

*SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C.*

*3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.*

*SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.*

*SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.*

*SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.*

*(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.*

*SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.*

*SEC. 186. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.*

*SEC. 187. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $500,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: Provided further, That no notification shall involve funds that are not available for obligation.*

*SEC. 188. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.*

*SEC. 189. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—*

*(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and*

*(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: Provided, That amounts in excess of that required for paragraphs (1) and (2)—*

*(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or*

*(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.*

*SEC. 190. Funds provided in Public Law 102–143 in the item relating to "Highway Bypass Demonstration Project" shall be available for the improvement of Route 101 in the vicinity of Prunedale, Monterey County, California.*

*SEC. 191. Funds provided under section 378 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106–346, 114 Stat. 1356, 1356A–41), for the reconstruction of School Road East in Marlboro Township, New Jersey, shall be available for the Spring Valley Road Project in Marlboro Township, New Jersey.*

*SEC. 192. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.*

*SEC. 193. Notwithstanding any other provision of law, none of the funds provided in or limited by this Act may be obligated or expended to provide a budget justification for any fiscal year concurrently with the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, to any congressional committee other than the House and Senate Committees on Appropriations prior to May 31 following the date of such annual budget submission.*

*SEC. 194. (a) None of the funds appropriated or otherwise made available under this Act to the Surface Transportation Board of the Department of Transportation may be used to take any action to allow any activity described in subsection (b) in a case, matter, or declaratory order involving a railroad, or an entity claiming or seeking authority to operate as a railroad, unless the Board receives written assurance from the Governor, or the Governor's designee, of the State in which such activity will occur that such railroad or entity has agreed to comply with State and local regulations that establish public health, safety, and environmental standards for the activities described in subsection (b), other than zoning laws or regulations.*

*(b) Activities referred to in subsection (a) are activities that occur at a solid waste rail transfer facility involving—*

*(1) the collection, storage, or transfer of solid waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)) outside of original shipping containers; or*

*(2) the separation or processing of solid waste (including baling, crushing, compacting, and shredding).*

*SEC. 195. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.*

*SEC. 196. Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall establish and maintain on the homepage of the Internet website of the Department of Transportation—*

*(1) a direct link to the Internet website of the Office of Inspector General of the Department of Transportation; and*

*(2) a mechanism by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Department of Transportation.*

*SEC. 197. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Administrator of the Federal Aviation Administration to displace, reassign, reduce the salary of, or subject to a reduction in force any employee at the Academy or discontinue the use of the FAA Academy as the primary training facility for air traffic controller training as a result of implementing the Air Traffic Control Optimum Training Solution in its entirety, prior to September 30, 2008.*

*SEC. 198. PROHIBITION ON IMPOSITION AND COLLECTION OF TOLLS ON CERTAIN HIGHWAYS CONSTRUCTED USING FEDERAL FUNDS. (a) DEFINITIONS.—In this section:*

*(1) FEDERAL HIGHWAY FACILITY.—*

*(A) IN GENERAL.—The term "Federal highway facility" means—*

*(i) any highway, bridge, or tunnel on the Interstate System that is constructed using Federal funds; or*

*(ii) any United States highway.*

*(B) EXCLUSION.—The term "Federal highway facility" does not include any right-of-way for any highway, bridge, or tunnel described in subparagraph (A).*

*(2) TOLLING PROVISION.—The term "tolling provision" means section 1216(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212);*

*(b) PROHIBITION.—*

*(1) IN GENERAL.—None of the funds made available by this Act shall be used to consider or approve an application to permit the imposition or collection of any toll on any portion of a Federal highway facility in the State of Texas—*

*(A)(i) that is in existence on the date of enactment of this Act; and*

*(ii) on which no toll is imposed or collected under a tolling provision on that date of enactment; or*

*(B) that would result in the Federal highway facility having fewer non-toll lanes than before the date on which the toll was first imposed or collected.*

*(2) EXEMPTION.—Paragraph (1) shall not apply to the imposition or collection of a toll on a Federal highway facility—*

*(A) on which a toll is imposed or collected under a tolling provision on the date of enactment of this Act; or*

*(B) that is constructed, under construction, or the subject of an application for construction submitted to the Secretary, after the date of enactment of this Act.*

*(c) STATE BUY-BACK.—None of the funds made available by this Act shall be used to impose or collect a toll on a Federal highway facility in the State of Texas that is purchased by*

*the State of Texas on or after the date of enactment of this Act.*

*SEC. 199. None of the funds provided in this Act may be used to reallocate funding provided for the Schuylkill Valley Metro project in fiscal year 2004.*

*This title may be cited as the "Department of Transportation Appropriations Act, 2008".*

### *TITLE II*

### *DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT*

#### *EXECUTIVE DIRECTION*

*For necessary salaries and expenses for Executive Direction, $24,980,000, of which not to exceed $3,930,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $1,580,000 shall be available for the Office of Hearings and Appeals; not to exceed $510,000 shall be available for the Office of Small and Disadvantaged Business Utilization, not to exceed $725,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed $1,155,000 shall be available for the immediate Office of the General Counsel; not to exceed $2,670,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed $2,520,000 shall be for the Office of the Assistant Secretary for Public Affairs; not to exceed $1,630,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,620,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed $1,520,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed $3,600,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed $1,570,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed $1,950,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: Provided, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.*

#### *ADMINISTRATION, OPERATIONS AND MANAGEMENT*

*For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, $503,630,000, of which not to exceed $69,070,000 shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed $10,630,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed $51,300,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed $12,370,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed $31,600,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed $80,670,000 shall be available for the personnel compensation and benefits of the remaining staff of the Office of the General Counsel; not to exceed $2,810,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed $1,160,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed $244,020,000 shall be available for non-personnel expenses of the Department of Housing and Urban Development: Provided, That, funds provided under the heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: Provided further, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than ten percent by all such transfers.*

#### *PUBLIC AND INDIAN HOUSING PERSONNEL COMPENSATION AND BENEFITS*

*For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, $173,310,000.*

#### *COMMUNITY PLANNING AND DEVELOPMENT PERSONNEL COMPENSATION AND BENEFITS*

*For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, $90,310,000.*

#### *HOUSING PERSONNEL COMPENSATION AND BENEFITS*

*For necessary personnel compensation and benefits expenses of the Office of Housing, $334,450,000.*

#### *OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION*

#### *PERSONNEL COMPENSATION AND BENEFITS*

*For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, $8,250,000.*

#### *POLICY DEVELOPMENT AND RESEARCH PERSONNEL COMPENSATION AND BENEFITS*

*For necessary personnel compensation and benefits expenses of theOffice of Policy Development and Research, $16,950,000.*

#### *FAIR HOUSING AND EQUAL OPPORTUNITY PERSONNEL COMPENSATION AND BENEFITS*

*For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, $63,140,000.*

#### *OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL*

#### *PERSONNEL COMPENSATION AND BENEFITS*

*For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, $6,980,000.*

#### *PUBLIC AND INDIAN HOUSING*

#### *TENANT-BASED RENTAL ASSISTANCE*

#### *(INCLUDING TRANSFER OF FUNDS)*

*For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $16,436,000,000, to remain available until expended, of which $12,243,000,000 shall be available on October 1, 2007, and $4,200,000,000 shall be available on October 1, 2008: Provided, That the amounts made available under this heading are provided as follows:*

*(1) $14,694,506,000 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act): Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary for the calendar year 2008 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the 2008 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or the first-time renewal of tenant protection or HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: Provided further, That notwithstanding the first proviso, except for applying the 2008 Annual Adjustment Factor and making any other specified adjustments, public housing agencies specified in category 1 below shall receive funding for calendar year 2008 based on the higher of the amounts the agencies would receive under the first proviso or the amounts the agencies received in calendar year 2007, and public housing agencies specified in categories 2 and 3 below shall receive funding for calendar year 2008 equal to the amounts the agencies received in calendar year 2007, except that public housing agencies specified in categories 1 and 2 below shall receive funding under this proviso only if, and to the extent that, any such public housing agency submits a plan, approved by the Secretary, that demonstrates that the agency can effectively use within 12 months the funding that the agency would receive under this proviso that is in addition to the funding that the agency would receive under the first proviso: (1) public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) or are located in the same counties as those eligible under section 901 and operate voucher programs under section 8(o) of the United States Housing Act of 1937 but do not operate public housing under section 9 of such Act, and any public housing agency that otherwise qualifies under this category must demonstrate that they have experienced a loss of rental housing stock as a result of the 2005 hurricanes; (2) public housing agencies that would receive less funding under the first proviso than they would receive under this proviso and that have been placed in receivership within the 24 months preceding the date of enactment of this Act; and (3) public housing agencies that spent more in calendar year 2007 than the total of the amounts of any such public housing agency's allocation amount for calendar year 2007 and the amount of any such public housing agency's available housing assistance payments undesignated funds balance from calendar year 2006 and the amount of any such public housing agency's available administrative fees undesignated funds balance through calendar year 2007: Provided further, That up to $50,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs*

from portability under section 8(r) of the Act of tenant-based rental assistance; and (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation: Provided further, That none of the funds provided under the first proviso in this section may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: Provided further, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the last proviso, the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: Provided further, That the Secretary may extend the 60 day notification period with the written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso;

(2) $200,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance: Provided, That the Secretary shall provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing due to demolition, disposition, or conversion, subject only to the availability of funds;

(3) $49,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(4) up to $6,494,000 may be transferred to the Working Capital Fund;

(5) $1,351,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program and which up to $35,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $30,000,000 to be for fees associated with section 8 tenant protection rental assistance: Provided, That no less than $1,316,000,000 of the amount provided in this paragraph shall be allocated for the calendar year 2008 funding cycle on a basis to public housing agencies as provided in section 8(q) of the Act as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts required by this paragraph, the Secretary may decrease the amounts allocated to agencies by a uniform prorated percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts required under this paragraph, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing", the heading "Housing Certificate Fund", and the heading "Project-based rental assistance", for fiscal year 2007 and prior years, notwithstanding the purposes for which such amounts were appropriated: Provided further, That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(6) $30,000,000 for incremental voucher assistance through the Family Unification Program;

(7) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans' Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over; and

(8) $30,000,000 for incremental vouchers under section 8 of the Act for nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act (42 U.S.C. 13618), and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, for other nonelderly disabled families.

### HOUSING CERTIFICATE FUND

### (RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing", the heading "Tenant-Based Rental Assistance", and the heading "Project-Based Rental Assistance", for fiscal year 2007 and prior years, $1,250,000,000 are rescinded, to be effected by the Secretary of Housing and Urban Development no later than September 30, 2008: Provided, That if insufficient funds exist under these headings, the remaining balance may be derived from any other heading under this title: Provided further, That the Secretary shall notify the Committees on Appropriations 30 days in advance of the rescission of any funds derived from the headings specified above: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

### PROJECT-BASED RENTAL ASSISTANCE

### (INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, $6,381,810,000, to remain available until expended: Provided, That the amounts made available under this heading are provided as follows:

(1) Up to $6,139,122,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than $238,728,000 but not to exceed $286,230,000 for performance-based contract administrators for section 8 project-based assistance: Provided, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

(3) Not to exceed $3,960,000 may be transferred to the Working Capital Fund.

(4) Amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

### PUBLIC HOUSING CAPITAL FUND

### (INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") $2,438,964,000, to remain available until September 30, 2011: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2008 the Secretary of Housing and

*Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That of the total amount provided under this heading, up to $12,000,000 shall be for carrying out activities under section 9(h) of such Act; not to exceed $16,847,000 may be transferred to the Working Capital Fund; and up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the Act: Provided further, That of the total amount provided under this heading, not to exceed $18,500,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen or unpreventable emergencies and natural disasters occurring in fiscal year 2008: Provided further, That of the total amount provided under this heading, $40,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): Provided further, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2008 to public housing agencies that are designated high performers.*

### PUBLIC HOUSING OPERATING FUND

*For 2008 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,200,000,000; of which $5,940,000 shall be for competitive grants and contracts to third parties for the provision of technical assistance to public housing agencies related to the transition and implementation of asset-based management in public housing: Provided, That, in fiscal year 2008 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.*

### REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

*For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) $120,000,000, to remain available until September 30, 2008, of which the Secretary of Housing and Urban Development shall use $2,400,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.*

### NATIVE AMERICAN HOUSING BLOCK GRANTS

*For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $630,000,000, to remain available until expended: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, $2,000,000 shall be contracted for assistance for a national organization representing Native American Housing interests for providing training and technical assistance to Indian Housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided further, That of the amount provided under this heading, $1,980,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,000,000.*

### NATIVE HAWAIIAN HOUSING BLOCK GRANT

*For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $9,000,000, to remain available until expended, of which $300,000 shall be for training and technical assistance activities.*

### INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

*For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), $7,450,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $367,000,000.*

### NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

*For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b), $1,044,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,255.*

## COMMUNITY PLANNING AND DEVELOPMENT

### HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

### (INCLUDING TRANSFER OF FUNDS)

*For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $300,100,000, to remain available until September 30, 2009, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2010: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use not to exceed $1,485,000 of the funds under this heading for training, oversight, and technical assistance activities; and not to exceed $1,485,000 may be transferred to the Working Capital Fund.*

### RURAL HOUSING AND ECONOMIC DEVELOPMENT

*For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $17,000,000, to remain available until expended, which amount shall be competitively awarded by September 1, 2008, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.*

### COMMUNITY DEVELOPMENT FUND

### (INCLUDING TRANSFER OF FUNDS)

*For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,000,000,000, to remain available until September 30, 2010, unless otherwise specified: Provided, That of the amount provided, $3,790,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That not to exceed $1,570,000 may be transferred to the Working Capital Fund: Provided further, That $3,000,000 is for technical assistance as authorized by section 107(b)(4) of such Act: Provided further, That $62,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 305 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.*

*Of the amount made available under this heading, $183,500,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this Act: Provided, That none of the funds provided under this paragraph may be used for program operations: Provided further, That, for fiscal years 2006, 2007, and 2008, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.*

*Of the amount made available under this heading, $26,500,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to* *determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the statement of managers accompanying this Act.*

*The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 846 by striking "Mahonoy City, Pennsylvania for improvements to West Market Street" and inserting "Mahanoy City, Pennsylvania for improvements to Centre Street".*

*The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 250 by striking "for renovation and construction of a resource center" and inserting "for construction of a homeless shelter".*

*The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 713 by striking "for construction of a senior center" and inserting "renovation and expansion of facilities".*

*The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 844 by striking "Liverpool Township" and inserting "Liverpool Borough".*

*The referenced statement of managers under this heading in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 36 by striking "respite care facility" and inserting "rehabilitative care facility for the developmentally disabled".*

*The referenced statement of managers under this heading in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 608 by striking "construct" and inserting "purchase and make improvements to facilities for".*

*The referenced statement of managers under this heading in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 521 by striking "Missouri" and inserting "Metropolitan Statistical Area".*

*The referenced statement of managers under the heading "Community Development Fund" in title II of Public Law 108–447 is deemed to be amended with respect to item number 203 by striking "equipment" and inserting "renovation and construction".*

*The referenced statement of managers under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 696 by striking "a Small Business Development Center" and inserting "for revitalization costs at the College of Agriculture Biotechnology and Natural Resources".*

*The referenced statement of managers under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 460 by striking "Maine-Mawoshen One Country, Two Worlds Project" and inserting "Sharing Maine's Maritime Heritage Project—Construction and access to exhibits".*

*The referenced statement of managers under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 914 by striking "the Pastime Theatre in Bristol, Rhode Island for building improvements" and inserting "the Institute for the Study and Practice of Nonviolence in Providence, Rhode Island for building renovations".*

*The referenced statement of managers under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 918 by striking "South Kingstown" and inserting "Washington County".*

*The referenced statement of managers under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 624 by striking "for the construction of a new technology building" and inserting "for renovations to the Wheeler Community Center".*

### *COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT*

*For the cost of guaranteed loans, $4,500,000, to remain available until September 30, 2009, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $205,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.*

### *BROWNFIELDS REDEVELOPMENT*

*For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $10,000,000, to remain available until September 30, 2009: Provided, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program.*

### *HOME INVESTMENT PARTNERSHIPS PROGRAM*

### *(INCLUDING TRANSFER OF FUNDS)*

*For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,767,000,000, to remain available until September 30, 2010, of which not to exceed $3,465,000 may be transferred to the Working Capital Fund: Provided, That up to $12,500,000 shall be available for technical assistance: Provided further, That of the total amount provided in this paragraph, up to $50,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968: Provided further, That, from amounts appropriated or otherwise made available under this heading, $15,000,000 may be made available to promote broader participation in homeownership through the American Dream Downpayment Initiative, as such initiative is set forth under section 271 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12821).*

### *SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM*

*For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $60,000,000, to remain available until September 30, 2010: Provided, That of the total amount provided under this heading, $26,500,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: Provided further, That $33,500,000 shall be made available for the first four capacity building activities authorized under section 4(b)(3) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997 and of which up to $5,000,000 may be made available for rural capacity building activities.*

### *HOMELESS ASSISTANCE GRANTS*

### *(INCLUDING TRANSFER OF FUNDS)*

*For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,585,990,000, of which $1,580,990,000 shall remain available until September 30, 2010, and of which $5,000,000 shall remain available until expended for rehabilitation projects with ten-year grant terms: Provided, That of the amounts provided, $25,000,000 shall be set aside to conduct a demonstration program for the rapid re-housing of homeless families: Provided further, That of amounts made available in the preceding proviso, not to exceed $1,250,000 may be used to conduct an evaluation of this demonstration program: Provided further, That funding made available for this demonstration program shall be used by the Secretary, expressly for the purposes of providing housing and services to homeless families in order to evaluate the effectiveness of the rapid re-housing approach in addressing the needs of homeless families: Provided further, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing for individuals and families: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to $8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: Provided further, That not to exceed $2,475,000 of the funds appropriated under this heading may be transferred to the Working Capital Fund: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2008.*

## *HOUSING PROGRAMS*

### *HOUSING FOR THE ELDERLY*

### *(INCLUDING TRANSFER OF FUNDS)*

*For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $735,000,000, to remain available until September 30, 2011, of which up to $628,850,000 shall be for capital advance and project-based rental assistance awards: Provided, That, of the amount provided* *under this heading, up to $60,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $24,750,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary: Provided further, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That not to exceed $1,400,000 of the total amount made available under this heading may be transferred to the Working Capital Fund: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.*

### *HOUSING FOR PERSONS WITH DISABILITIES*

### *(INCLUDING TRANSFER OF FUNDS)*

*For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $237,000,000, to remain available until September 30, 2011: Provided, That not to exceed $600,000 may be transferred to the Working Capital Fund: Provided further, That, of the amount provided under this heading $74,745,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center Inspections and inspection-related activities associated with section 811 Capital Advance Projects.*

### *OTHER ASSISTED HOUSING PROGRAMS*

### *RENTAL HOUSING ASSISTANCE*

*For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $27,600,000, to remain available until expended.*

### *RENT SUPPLEMENT*

### *(RESCISSION)*

*Of the amounts made available under the heading "Rent Supplement" in Public Law 98–63 for amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $27,600,000 are rescinded.*

### *FLEXIBLE SUBSIDY FUND*

### *(TRANSFER OF FUNDS)*

*From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2007, and any collections made during fiscal year 2008 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act.*

### *MANUFACTURED HOUSING FEES TRUST FUND*

*For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $16,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2008 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.*

### *FEDERAL HOUSING ADMINISTRATION*

### *MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT*

### *(INCLUDING TRANSFERS OF FUNDS)*

*During fiscal year 2008, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $185,000,000,000.*

*During fiscal year 2008, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.*

*For administrative contract expenses, $77,400,000, of which not to exceed $25,550,000 may be transferred to the Working Capital Fund, and of which up to $5,000,000 shall be for education and outreach of FHA single family loan products: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2008, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.*

### *GENERAL AND SPECIAL RISK PROGRAM ACCOUNT*

### *(INCLUDING TRANSFERS OF FUNDS)*

*For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,600,000, to remain available until expended: Provided, That commitments to guarantee loans shall not exceed $45,000,000,000 in total loan principal, any part of which is to be guaranteed.*

*Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.*

*For administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $78,111,000, of which not to exceed $15,692,000 may be transferred to the Working Capital Fund: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2008, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.*

*For discount sales of multifamily real property under sections 207(1) or 246 of the National Housing Act (12 U.S.C. 1713(l), 1715z–11), section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11), or section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a), and for discount loan sales under section 207(k) of the National Housing Act (12 U.S.C. 1713(k)), section 203(k) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(k)), or section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Act, 1997 (12 U.S.C. 1715z–11a(a)), $5,000,000, to remain available until September 30, 2009.*

### *GOVERNMENT NATIONAL MORTGAGE ASSOCIATION*

### *GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT*

*New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2009.*

### *POLICY DEVELOPMENT AND RESEARCH*

### *RESEARCH AND TECHNOLOGY*

*For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $61,440,000,* *to remain available until September 30, 2009: Provided, That of the total amount provided under this heading, $5,000,000 shall be for the Partnership for Advancing Technology in Housing Initiative: Provided further, That of the funds made available under this heading, $23,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): Provided further, That activities for the Partnership for Advancing Technology in Housing Initiative shall be administered by the Office of Policy Development and Research.*

### *FAIR HOUSING AND EQUAL OPPORTUNITY*

### *FAIR HOUSING ACTIVITIES*

*For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $50,000,000, to remain available until September 30, 2009, of which $24,000,000 shall be to carry out activities pursuant to such section 561: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: Provided further, That of the funds made available under this heading, $380,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.*

### *OFFICE OF LEAD HAZARD CONTROL*

### *LEAD HAZARD REDUCTION*

*For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $145,000,000, to remain available until September 30, 2009, of which $8,800,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: Provided further, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That of the total amount made available under this heading, $2,000,000 shall be available for the Big Buy Program to be managed by the Office of Healthy Homes and Lead Hazard Control.*

### *MANAGEMENT AND ADMINISTRATION*

### *WORKING CAPITAL FUND*

*For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related development activities, $155,000,000, to remain available until September 30, 2009: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.*

### *OFFICE OF INSPECTOR GENERAL*

*For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $112,000,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.*

### *OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT*

### *SALARIES AND EXPENSES*

*For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $66,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That the Director shall submit a spending plan for the amounts provided under this heading no later than January 15, 2008: Provided further, That not less than 80 percent of the total amount made available under this heading shall be used only for examination, supervision, and capital oversight of the enterprises (as such term is defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) to ensure that the enterprises are operating in a financially safe and sound manner and complying with the capital requirements under Subtitle B of such Act: Provided further, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.*

### *GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT*

*SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.*

*SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2008 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.*

*SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2008 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—*

*(1) received an allocation in a prior fiscal year under clause (ii) of such section; and*

*(2) is not otherwise eligible for an allocation for fiscal year 2008 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2008 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.*

*(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2008, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).*

*(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.*

*(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008*

*under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a three year period.*

*SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).*

*SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).*

*SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.*

*SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2008 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.*

*SEC. 208. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless the Secretary of Housing and Urban Development provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2008, the Secretary shall transmit this information to the Committees by March 15, 2008 for 30 days of review.*

*SEC. 209. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.*

*SEC. 210. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.*

*(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.*

*(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2008 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.*

*SEC. 211. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2008 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.*

*SEC. 212. The President's formal budget request for fiscal year 2009, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.*

*SEC. 213. Amounts made available in this Act or previous appropriations Acts for tenant-based rental assistance and used for non-elderly disabled families or for the Family Unification Program shall, to the extent practicable, remain available for each such respective purpose upon turn-over.*

*SEC. 214. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.*

*SEC. 215. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2008 and 2009, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.*

*(b) The transfer authorized in subsection (a) is subject to the following conditions:*

*(1) the number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects;*

*(2) the transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable;*

*(3) the receiving project or projects shall meet or exceed applicable physical standards established by the Secretary;*

*(4) the owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials;*

*(5) the tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy;*

*(6) the Secretary determines that this transfer is in the best interest of the tenants;*

*(7) if either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary;*

*(8) if the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions;*

*(9) any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section; and*

*(10) the Secretary determines that Federal liability with regard to this project will not be increased.*

*(c) For purposes of this section—*

*(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;*

*(2) the term "multifamily housing project" means housing that meets one of the following conditions—*

*(A) housing that is subject to a mortgage insured under the National Housing Act;*

*(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;*

*(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;*

*(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or*

*(E) housing or vacant land that is subject to a use agreement;*

*(3) the term "project-based assistance" means—*

*(A) assistance provided under section 8(b) of the United States Housing Act of 1937;*

*(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);*

*(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;*

*(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and*

*(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;*

*(4) the term "receiving project or projects" means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;*

*(5) the term "transferring project" means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and*

*(6) the term "Secretary" means the Secretary of Housing and Urban Development.*

*SEC. 216. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.*

*SEC. 217. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)*

*SEC. 218. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—*

*(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));*

*(2) is under 24 years of age;*

*(3) is not a veteran;*

*(4) is unmarried;*

*(5) does not have a dependent child;*

*(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and*

*(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).*

*(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.*

*(c) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue final regulations to carry out the provisions of this section.*

*SEC. 219. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)), the Secretary of Housing and Urban Development may, until September 30, 2008, insure and enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z-20).*

*SEC. 220. Notwithstanding any other provision of law, in fiscal year 2008, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA") and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.*

*SEC. 221. The National Housing Act is amended—*

*(1) in sections 207(c)(3), 213(b)(2)(B)(i), 221(d)(3)(ii)(II), 221(d)(4)(ii)(II), 231(c)(2)(B), and 234(e)(3)(B) (12 U.S.C. 1713(c)(3), 1715e(b)(2)(B)(i), 1715l(d)(3)(ii)(II), 1715l(d)(4)(ii)(II), 1715v(c)(2)(B), and 1715y(e)(3)(B))—*

*(A) by striking "140 percent" each place such term appears and inserting "170 percent"; and*

*(B) by striking "170 percent in high cost areas" each place such term appears and inserting "215 percent in high cost areas"; and*

*(2) in section 220(d)(3)(B)(iii)(III) (12 U.S.C. 1715k(d)(3)(B)(iii)(III)) by striking "206A" and all that follows through "project-by-project basis" and inserting the following: "206A of this Act) by not to exceed 170 percent in any geographical area where the Secretary finds that cost levels so require and by not to exceed 170 percent, or 215 percent in high cost areas, where the Secretary determines it necessary on a project-by-project basis".*

*SEC. 222. (a) During fiscal year 2008, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.*

*SEC. 223. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.*

*SEC. 224. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—*

*(1) in subsection (m)(1), by striking "2003" and inserting "2008"; and*

*(2) in subsection (o), by striking "September 30, 2007" and inserting "September 30, 2008".*

*SEC. 225. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.*

*SEC. 226. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1),(2)): Provided, however, that a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under sections 9(g)(1) or 9(g)(2).*

*SEC. 227. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss any subsidized units in that housing marketplace, such as the impact of cost and the loss of* *available subsidized, low-income housing in areas with scarce housing resources for low-income families.*

*SEC. 228. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost and a substantive rationale for using a sole source contract.*

*SEC. 229. Section 9(e)(2)(C) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)(2)(C)) is amended by adding at the end of the following:*

*"(iv) EXISTING CONTRACTS.—The term of a contract described in clause (i) that, as of the date of enactment of this clause, is in repayment and has a term of not more than 12 years, may be extended to a term of not more than 20 years to permit additional energy conservation improvements without requiring the reprocurement of energy performance contractors.".*

*SEC. 230. The Secretary of Housing and Urban Development shall increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–281) by making individually the Alaska Housing Finance Corporation and the housing authorities of the counties of San Bernardino and Santa Clara and the city of San Jose, California a Moving-to-Work Agency under such section 204.*

*SEC. 231. Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not rescind or take any adverse action with respect to the Moving-to-Work program designation for the Housing Authority of Baltimore City based on any alleged administrative or procedural errors in making such designation.*

*SEC. 232. Paragraph (4) of section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of this paragraph, with respect to any fiscal year beginning after the date of the enactment of this sentence, the cities of Alton and Granite City, Illinois, may be considered metropolitan cities for purposes of this title.".*

*SEC. 233. (a) The amounts provided under the subheading "Program Account" under the heading "Community Development Loan Guarantees" may be used to guarantee, or make commitments to guarantee, notes or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: Provided, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.*

*(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).*

*SEC. 234. Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall establish and maintain on the homepage of the Internet website of the Department of Housing and Urban Development—*

*(1) a direct link to the Internet website of the Office of Inspector General of the Department of Housing and Urban Development; and*

*(2) a mechanism by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Department of Housing and Urban Development.*

*SEC. 235. (a) REQUIRED SUBMISSIONS FOR FISCAL YEARS 2007 AND 2008.—*

*(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives for fiscal year 2007 and 2008—*

*(A) a complete and accurate accounting of the actual project-based renewal costs for project-based assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);*

*(B) revised estimates of the funding needed to fully fund all 12 months of all project-based contracts under such section 8, including project-based contracts that expire in fiscal year 2007 and fiscal year 2008; and*

*(C) all sources of funding that will be used to fully fund all 12 months of the project-based contracts for fiscal years 2007 and 2008.*

*(2) UPDATED INFORMATION.—At any time after the expiration of the 60-day period described in paragraph (1), the Secretary may submit corrections or updates to the information required under paragraph (1), if upon completion of an audit of the project-based assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), such audit reveals additional information that may provide Congress a more complete understanding of the Secretary's implementation of the project-based assistance program under such section 8.*

*(b) REQUIRED SUBMISSIONS FOR FISCAL YEAR 2009.—As part of the Department of Housing and Urban Development's budget request for fiscal year 2009, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives complete and detailed information, including a project-by-project analysis, that verifies that such budget request will fully fund all project-based contracts under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) in fiscal year 2009, including expiring project-based contracts.*

*SEC. 236. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than ninety days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD sub-account under the headings "Executive Direction" and "Administration, Operations, and Management" as well as each account receiving appropriations for "personnel compensation and benefits" within the Department of Housing and Urban Development.*

*SEC. 237. Funding for indemnities is limited to non-programmatic litigation and is restricted to the payment of attorney fees only. Program related litigation must be paid from the individual program office personnel benefits and compensation allocation. The budget submission must include program-related litigation costs as a separate line item request.*

*This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2008".*

## *TITLE III*

## *RELATED AGENCIES*

### *ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD*

### *SALARIES AND EXPENSES*

*For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $6,150,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.*

### *FEDERAL MARITIME COMMISSION*

### *SALARIES AND EXPENSES*

*For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $22,072,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.*

### *NATIONAL TRANSPORTATION SAFETY BOARD*

### *SALARIES AND EXPENSES*

*For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $84,499,000, of which $74,063 is available for payments to remedy the violation of the Anti-deficiency Act reported by the National Transportation Safety Board on September 26, 2007, and not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments due in fiscal year 2008 only, on an obligation incurred in fiscal year 2001 for a capital lease.*

### *NEIGHBORHOOD REINVESTMENT CORPORATION*

### *PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION*

*For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $119,800,000, of which $5,000,000 shall be for a multi-family rental housing program.*

*For an additional amount, $200,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:*

*(1) The Neighborhood Reinvestment Corporation ("NRC"), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) or the NRC (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to states and areas with high rates of defaults and foreclosures primarily in the sub prime housing market to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of sub prime mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD- or NRC-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements;*

*(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments;*

*(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-federal party, counseling regarding the possible purchase of the mortgage by a non-federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties;*

*(4) NRC shall award $50,000,000 in mortgage foreclosure mitigation grants for States and areas with the greatest needs within 60 days of enactment. Additional funds may be awarded once the NRC certifies that HUD- or NRC-approved counseling intermediaries and State Housing Finance Agencies have the need for additional funds in states and areas with high rates of mortgage foreclosures, defaults, or related activities and the expertise to use these funds effectively. The NRC may provide up to fifteen percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety;*

*(5) NRC- or HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements;*

*(6) Of the total amount made available under this paragraph, up to $5,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD- or NRC-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training;*

*(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry-out activities provided under this section;*

*(8) Mortgage foreclosure mitigation assistance may include a budget for outreach and advertising, as determined by the NRC; and*

*(9) The NRC shall report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default. Such reports shall identify successful strategies and methods for preserving homeownership and the long-term affordability of at-risk mortgages and shall include recommended efforts that will or likely can assist in the success of this program as well as an analysis of any policy and procedures that failed to result in successful mortgage foreclosure mitigation. The report shall include an analysis of the details and use of any post mitigation counseling of assisted borrowers designed to ensure the continued long-term affordability of the mortgages which were the subject of the mortgage foreclosure mitigation assistance.*

### *UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS*

#### *OPERATING EXPENSES*

*For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $2,150,000.*

*Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking "2007" and inserting "2008".*

## *TITLE IV*

## *GENERAL PROVISIONS THIS ACT*

#### *(INCLUDING TRANSFERS OF FUNDS)*

*SEC. 401. Such sums as may be necessary for fiscal year 2008 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.*

*SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.*

*SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.*

*SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.*

*SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the statement of the managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.*

*SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations made available for salaries and expenses for fiscal year 2008 in this Act, shall remain available through September 30, 2009, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.*

*SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2008. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.*

*SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—*

*(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;*

*(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;*

*(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;*

*(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or*

*(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.*

*(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.*

*SEC. 409. None of the funds made available in this Act may be used to provide homeownership assistance for applicants described in 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).*

*SEC. 410. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).*

*SEC. 411. No funds in this Act may be used to support any Federal, State, or local projects* *that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.*

*SEC. 412. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.*

*SEC. 413. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.*

*SEC. 414. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").*

*SEC. 415. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).*

*This Act may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008".*

And the Senate agree to the same.

JOHN W. OLVER,
ED PASTOR,
CIRO D. RODRIGUEZ,
MARCY KAPTUR,
DAVID E. PRICE,
ROBERT CRAMER, Jr.,
LUCILLE ROYBAL-ALLARD,
MARION BERRY,
DAVE OBEY,
JOE KNOLLENBERG,
FRANK R. WOLF,
ROBERT B. ADERHOLT,
JAMES T. WALSH,
VIRGIL GOODE, Jr.,
JERRY LEWIS,
*Managers on the Part of the House.*

PATTY MURRAY,
ROBERT C. BYRD,
BARBARA A. MIKULSKI,
HERB KOHL,
RICHARD DURBIN,
BYRON L. DORGAN,
PATRICK LEAHY,
TOM HARKIN,
DIANNE FEINSTEIN,
TIM JOHNSON,
FRANK R. LAUTENBERG,
DANIEL K. INOUYE,
CHRISTOPHER S. BOND,
RICHARD C. SHELBY,
ARLEN SPECTER,
R.F. BENNETT,
KAY BAILEY HUTCHISON,
SAM BROWNBACK,
TED STEVENS,
PETE V. DOMENICI,
LAMAR ALEXANDER,
WAYNE ALLARD,
THAD COCHRAN,
*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3074), "making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes", submits the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

This legislation intent in the House and Senate versions in H.R. 3074 is set forth in the accompanying House report (H. Rept. 110–238) and the accompanying Senate report (S. Rept. 110–131 accompanying the companion measure S. 1789).

The Senate amendment deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

The language and allocations set forth in the House and Senate reports should be complied with unless specifically addressed to the contrary in the conference report and the statement of the managers. Report language included by the House which is not changed by the report of the Senate or this statement of managers and Senate report language which is not changed by this statement of managers is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate has directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

## TITLE I—DEPARTMENT OF TRANSPORTATION

### OFFICE OF THE SECRETARY

### SALARIES AND EXPENSES

The conference agreement provides $93,782,000 for the salaries and expenses of the office of the secretary instead of $90,678,000 as proposed by the House and $95,197,000 as proposed by the Senate. As proposed by both the House and the Senate, bill language is included that specifies funding by office. The conference agreement is as follows:

| | |
|---|---|
| Immediate office of the Secretary | $2,310,000 |
| Immediate office of the Deputy Secretary | 730,000 |
| Office of the General Counsel | 18,720,000 |
| Office of the Under Secretary for Transportation Policy | 11,874,000 |
| Office of the Assistant Secretary for Budget and Programs | 9,417,000 |
| Office of the Assistant Secretary for Governmental Affairs | 2,383,000 |
| Office of the Assistant Secretary for Administration | 23,750,000 |
| 1Office of Public Affairs | 1,986,000 |
| Office of the Executive Secretariat | 1,516,000 |
| Office of Small and Disadvantaged Business Utilization | 1,335,000 |
| Office of Intelligence, Security and Emergency Response | 7,874,000 |
| Office of the Chief Information Officer | 11,887,000 |

The conference agreement retains provisions proposed by both the House and the Senate limiting transfers among each office to no more than 5 percent and requiring that any transfer greater than 5 percent must be submitted for approval to the House and Senate Committees on Appropriations. Bill language is also included which allows the Department to spend up to $60,000 within the funds provided for official reception and representation expenses.

The conference agreement retains bill language proposed by the House and Senate prohibiting funds from being used for the position of Assistant Secretary for Public Affairs. The conference agreement also retains bill language proposed by both the House and the Senate that allows up to $2,500,000 in user fees to be credited to salaries and expenses.

Within the amounts provided to the office of the general counsel, an additional $2,500,000 is provided to increase enforcement activities to better protect air travel consumers as proposed by the Senate.

The conferees direct the Department to notify the House and Senate Committees on Appropriations no less than three full business days before any grant totaling $500,000 is announced and further clarify that such notifications shall be based on the grant's full-year funding level, not just the incremental amount being released. In addition, the conferees direct the Department to provide three day notice to the Appropriations Committees regarding grants from the Federal Highway Administration's Emergency Relief program, with the exception that notification of 'quick releases' from that program can be made concurrently with the grant announcement.

The conferees direct the Secretary to submit an operating plan for fiscal year 2008 for the entire Department as described in the House report for approval by the House and Senate Committees on Appropriations within 60 days of enactment of this Act.

Further, the Assistant Secretary for Budget and Programs shall submit a report to both the House and Senate Committees on Appropriations at the beginning of each fiscal quarter on the status of all outstanding reports and reporting requirements, including the deadlines established by Congress for each report and an estimated date for delivery, as directed by the Senate. The Assistant Secretary for Budget and Programs is also directed to submit a quarterly report detailing all funding transfers made between offices within the office of the secretary (OST) pursuant to transfer authority in OST salaries and expenses.

The conferees direct the office of the under secretary of transportation for policy to conduct a study of the use of non-hazardous recycled aggregates and other materials in highway projects as proposed by the Senate and to provide a report to the House and Senate Committees on Appropriations by April 1, 2008.

The conferees delete language proposed by the House regarding the Department of Defense schools and FAA employees in Puerto Rico and Guam.

*Small community air service development program.*—The conferees strongly disagree with the Department's plan to transfer the administration of the small community air service development program from the OST policy office to the Federal Aviation Administration. In the aftermath of the tragic Valujet crash on May 11, 1996, the Congress eliminated the FAA's dual mission of safety and promotion and established safety as the agency's singular mission through the enactment of section 401 of the Federal Aviation Authorization Act of 1996 (Public Law 104-264). The conferees agree that it is inappropriate for the FAA, which is charged with the safety and regulatory oversight of our nation's airports and aviation system, to administer a marketing program designed to attract commercial air service at small airports. The conferees direct the Secretary to retain this program within the policy office where it currently resides.

### OFFICE OF CIVIL RIGHTS

The conference agreement provides $9,140,900 for the office of civil rights as proposed by both the House and the Senate.

### TRANSPORTATION PLANNING, RESEARCH AND DEVELOPMENT

The conference agreement provides $14,000,000 for transportation planning, research and development instead of $8,515,000 as proposed by the House and $14,115,000 as proposed by the Senate. Adjustments to the budget request are as follows:

| | |
|---|---|
| Ballast water research, UW-Superior, WI | $1,000,000 |
| Great Lakes maritime research institute, WI | 1,000,000 |
| Inland Pacific Hub Analysis Project, WA | 250,000 |
| National center for manufacturing sciences (NCMS), MI | 750,000 |
| SR-520 innovative water quality protection project, WA | 350,000 |
| Transportation and public safety traffic information exchange pilot project, DE | 335,000 |
| UVM advanced ground penetrating radar systems, VT | 670,000 |
| Virtual accident and injury reconstruction center, Mississippi State University, MS | 1,000,000 |
| Washington State University freight transportation policy institute, WA | 450,000 |

### WORKING CAPITAL FUND

The conference agreement includes a limitation of $128,094,000 for working capital fund activities as proposed by both the House and the Senate.

### MINORITY BUSINESS RESOURCE CENTER PROGRAM

The conference agreement provides a total appropriation of $893,000 for the costs of guaranteed loans for short-term working capital and the administrative expenses of the minority business resource center program as proposed by the House instead of $891,000 as proposed by the Senate and limits loans made under the program to $18,367,000 as proposed by both the House and the Senate.

### MINORITY BUSINESS OUTREACH

The conference agreement provides $2,970,000 for minority business outreach as proposed by both the House and the Senate.

### PAYMENTS TO AIR CARRIERS

### (AIRPORT AND AIRWAY TRUST FUND)

### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $60,000,000 for payments to air carriers to be derived from the trust fund as proposed by the House and Senate. In addition to these funds, the program will receive $50,000,000 in mandatory spending pursuant to the Federal Aviation Authorization Act of 1996. In addition, $15,000,000 is made available pursuant to the Deficit Reduction Act of 2005, resulting in a total program budget of $125,000,000.

### COMPENSATION TO AIR CARRIERS

### (RESCISSION)

The conference agreement rescinds $22,000,000 from unobligated funds as proposed by the House and Senate.

### ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

Section 101 retains a provision allowing the Secretary to transfer unexpended sums from "office of the secretary, salaries and expenses" to "minority business outreach" as proposed by the House and Senate.

Section 102 retains a provision prohibiting the Office of the Secretary of Transportation from approving assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in the Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification as proposed by the House and Senate.

Section 103 retains a provision prohibiting the use of funds to implement an essential air service local cost share participation program as proposed by the House and Senate.

### FEDERAL AVIATION ADMINISTRATION

### OPERATIONS

The conference agreement includes $8,750,000,000 for operations of the Federal Aviation Administration instead of $8,716,606,000 as proposed by the House and $8,761,783,000 as proposed by the Senate. Of the total amount provided, $6,383,216,000 is to be derived from the airport and airway trust fund instead of $6,317,000,000 as proposed by the House and $6,400,580,000 proposed by the Senate. Funds are distributed in the bill by budget activity.

*Second career training program.*—The conference agreement retains language proposed by the House that prohibits funding for the second career training program.

*Non-profit standard-setting organization for safety standards.*—The conference agreement retains language proposed by the House that allows the FAA to enter into an agreement with a nonprofit standard-setting organization to develop safety standards.

*Office of Aviation Safety.*—The conference agreement specifies no less than $6,000,000 for aviation safety for staff increases in the office of flight standards (AFS) and the office of aircraft certification (AIR), instead of $20,000,000 proposed by the Senate. The House did not include a similar provision.

*Controller and Safety Staffing Plans.*—The conference agreement retains language proposed by the Senate that requires FAA to transmit an annual update to the controller workforce plan by March 31, 2008, and reduces the appropriation by $100,000 per day each day the report is late. The conference agreement does not retain a legislative provision proposed by the Senate requiring a comprehensive strategy for AFS and AIR staffing by March 31, 2008. This reporting requirement is addressed later in this statement.

The following table compares the conference agreement to the President's budget request and the levels proposed in the House and Senate bills by budget activity:

| | House bill | Senate bill | Conference agreement |
|---|---|---|---|
| Air Traffic Organization | $6,964,813,000 | $6,964,813,000 | $6,964,813,000 |
| Contract Tower base program | 3,600,000 | | 3,600,000 |
| NAS Handoff | −10,000,000 | | |
| Alien Species Action Plan, Kahului Airport, Hawaii | 0 | 1,600,000 | 1,250,000 |
| Amount Recommended | 6,958,413,000 | 6,964,813,000 | 6,969,663,000 |
| Aviation Safety | 1,056,103,000 | 1,056,103,000 | 1,056,103,000 |
| Annualize on-board AIR and AFS staff | 16,000,000 | 16,000,000 | 16,000,000 |
| Hire new AIR and AFS staff | 2,750,000 | 20,000,000 | 6,000,000 |
| Hire new safety staff in high priority AVS offices | 1,250,000 | | 2,000,000 |
| Medallion Program, Alaska | 0 | 3,000,000 | 2,550,000 |
| Amount Recommended | 1,076,103,000 | 1,092,103,000 | 1,082,653,000 |
| Commercial Space Transportation | 12,837,000 | 12,837,000 | 12,837,000 |
| FY07 related reduction | −288,000 | | −288,000 |
| Amount recommended | 12,549,000 | 12,837,000 | 12,549,000 |
| Financial Services | 103,849,000 | 103,849,000 | 103,849,000 |
| FY07 related reduction | −1,256,000 | | −628,000 |
| Delphi reduction | −2,000,000 | | −1,000,000 |
| Amount recommended | 100,593,000 | 103,849,000 | 102,221,000 |
| Human Resource Management | 91,214,000 | 91,214,000 | 91,214,000 |
| FY07 related reduction | −2,113,000 | | |
| Amount recommended | 89,101,000 | 91,214,000 | 91,214,000 |
| Region and Center Operations | 290,872,000 | 290,872,000 | 290,872,000 |
| FY07 related reduction | −4,024,000 | | |
| Amount recommended | 286,848,000 | 290,872,000 | 290,872,000 |
| Staff Offices | 166,543,000 | 166,543,000 | 166,543,000 |
| FY07 related reduction | −4,192,000 | | |
| Amount Recommended | 162,349,000 | 166,542,000 | 166,543,000 |
| Information Services | 39,552,000 | 39,552,000 | 39,552,000 |
| FY07 related reduction | | −902,000 | |
| Amount recommended | 38,650,000 | 38,650,000 | 39,552,000 |
| Account-wide Adjustments: | | | |
| Unfilled executive positions | −8,000,000 | | −5,267,000 |
| Amount recommended | −8,000,000 | | −5,267,000 |

| | House bill | Senate bill | Conference agreement |
|---|---|---|---|
| Total | $8,716,606,000 | $8,761,783,000 | $8,750,000,000 |

*Contract tower program.*—The conference agreement includes $8,500,000 to continue the contract tower cost-sharing program as proposed by both the House and Senate. In addition, consistent with House proposal, the conferees provide $103,000,000 for the contract tower base program, and allow FAA to use unsubscribed funds from the contract tower base line program to avoid elimination of communities from the cost share towers program. The conferees allow this flexibility only after all baseline tower obligations are fulfilled. The Senate proposed $99,400,000 for the base program.

*Air traffic controller staffing.*—The conferees provide $15,899,000, equal to the budget request, to hire and train 1,420 new controllers, and recognize that FAA will adjust its hiring target consistent with actual attrition levels.

*Diversity plans for controllers and safety staff.*—The conference agreement retains language proposed by the House directing the FAA to prepare and transmit diversity plans for both controllers and safety staff. The conferees amend the submittal date for these plans, from January 1, 2008 to April 1, 2008.

*Aviation safety (AVS).*—The conference agreement provides $1,082,653,000 for aviation safety, instead of $1,076,103,000 proposed by the House and $1,092,103,000 proposed by the Senate. This amount includes $16,000,000 as proposed by both the House and Senate to annualize safety personnel in AFS and AIR that are currently on-board. It also includes no less than $6,000,000 to increase AFS and AIR safety staff and $2,000,000 to increase safety staff in other high priority offices within AVS. The conferees direct FAA to provide a letter report to the House and Senate Committees on Appropriations indicating how this $2,000,000 was spent.

The conferees modify House language that designates AVS funding as a congressional item of interest and continue to prohibit reprogrammings to other offices outside of AVS; however, the legislative prohibition against reprogrammings among AVS offices is deleted.

The conferees include Senate language directing the FAA to provide a quarterly report on safety personnel by office in AVS, instead of the annual requirement on safety employment and other data as proposed by the House. The conference agreement includes the Senate requirement that FAA submit within 90 days from enactment, a report on its staffing model schedule, and directs FAA to submit an annual safety plan by March 31, 2008, describing FAA's safety needs within AVS, the use of designees and their impact on safety, as proposed by the House. The conferees include the direction that this annual safety plan include total number of staff, estimated staff losses, and planned hires for the entire safety staff as well as individually for the flight standards and the aircraft certification offices, as proposed by the Senate.

The conference agreement includes in statement language the reporting requirements contained in the Senate bill directing the Government Accountability Office to study the effectiveness of different strategies for reducing flight delays at various airports and transmit the report within 120 days of enactment, and directing the Secretary of Transportation to outline DOT's plan to alleviate air congestion and flight delays in the New York/New Jersey/Philadelphia airspace.

### FACILITIES AND EQUIPMENT

### (AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes $2,527,284,000 instead of $2,515,000,000 as proposed by the House and $2,516,920,000 as proposed by the Senate. Of the total amount available, $459,973,000 is available until September 30, 2008, and $2,067,311,000 is available until September 30, 2010. The conference agreement includes language proposed by both the House and Senate directing FAA to transmit a detailed five-year capital investment plan to Congress with its fiscal year 2009 budget submission.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

| Program | FY08 Request | FY08 House | FY08 Senate | Conference |
|---|---|---|---|---|
| Activity 1—Engineering, Development Test & Evaluation | | | | |
| Advanced Technology Development and Prototyping | $37,800,000 | $40,800,000 | $39,800,000 | $42,800,000 |
| Safe Flight 21 | 17,000,000 | 17,000,000 | 17,000,000 | 17,000,000 |
| Aeronautical Data Link (ADL) Applications | 1,000,000 | 1,000,000 | | |
| Next Generation Very High Frequency Air/Ground Communications System (NEXCOM) | 30,400,000 | 30,400,000 | 30,400,000 | 30,400,000 |
| Traffic Management Advisor (TMA) | 15,400,000 | 15,400,000 | 15,400,000 | 15,400,000 |
| NAS Improvement of System Support Laboratory | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 |
| William J. Hughes Technical Center Facilities | 12,000,000 | 12,000,000 | 12,000,000 | 12,000,000 |
| William J. Hughes Technical Center Infrastructure Sustainment | 4,200,000 | 4,200,000 | 4,200,000 | 4,200,000 |
| System-Wide Information Management (SWIM) | 21,300,000 | 21,300,000 | 24,300,000 | 23,400,000 |
| ADS-B NAS Wide Implementation | 85,650,000 | 90,650,000 | 97,354,000 | 85,650,000 |
| ADS-B Air to Air Capabilities | | | | 9,350,000 |
| NextGen Network Enabled Weather | 7,000,000 | 7,000,000 | 7,000,000 | 7,000,000 |
| Data Communications for Trajectory Based Operations (NextGen) | 7,400,000 | 7,400,000 | 7,400,000 | 7,400,000 |
| Next Generation Transportation System Technology Demonstration | 50,000,000 | 50,000,000 | 50,000,000 | 50,000,000 |
| Louisville International Airport Demonstration Project | | | 2,000,000 | |
| Next Generation Integrated Airport, Daytona Beach International Airport | | | 3,000,000 | 2,000,000 |
| TOTAL ACTIVITY 1 | 290,150,000 | 298,150,000 | 310,854,000 | 307,600,000 |
| Activity 2—Air Traffic Control Facilities & Equipment | | | | |
| En Route Automation Modernization (ERAM) | 368,750,000 | 368,750,000 | 368,750,000 | 368,750,000 |
| En Route Systems Modifications | 4,300,000 | 4,300,000 | 4,300,000 | 4,300,000 |
| Next Generation Weather Radar (NEXRAD)—Provide | 3,000,000 | 3,000,000 | 3,000,000 | 3,000,000 |
| ARTCC Building Improvements/Plant Improvements | 52,900,000 | 52,900,000 | 52,900,000 | 52,900,000 |
| Air Traffic Management (ATM) | 90,600,000 | 90,600,000 | 90,600,000 | 90,600,000 |
| Air/Ground Communications Infrastructure | 29,200,000 | 29,200,000 | 26,200,000 | 26,200,000 |
| ATC Beacon Interrogator (ATCBI)—Replacement | 20,200,000 | 20,200,000 | 20,200,000 | 20,200,000 |
| Air Traffic Control En Route Radar Facilities Improvements | 5,300,000 | 5,300,000 | 5,300,000 | 5,300,000 |
| Integrated Terminal Weather System (ITWS) | 13,200,000 | 13,200,000 | 13,200,000 | 13,200,000 |
| FAA Telecommunications Infrastructure (FTI) | 8,500,000 | 8,500,000 | 8,500,000 | 8,500,000 |
| Oceanic Automation System (OAS) | 53,100,000 | 53,100,000 | 53,100,000 | 53,100,000 |
| Air Traffic Operations Management System (ATOMS) | 3,500,000 | 3,500,000 | 3,500,000 | 3,500,000 |
| Voice Switching and Control System (VSCS) | 15,700,000 | 15,700,000 | 15,700,000 | 15,700,000 |
| En Route Communications Gateway (ECG) | 4,000,000 | 4,000,000 | 4,000,000 | 4,000,000 |
| Volcano Monitoring | 1,000,000 | 1,000,000 | 3,000,000 | 2,700,000 |
| Corridor Integrated Weather System (CIWS) | 2,100,000 | 2,100,000 | 2,100,000 | 2,100,000 |
| San Juan Radar Approach Control (CERAP) | 8,000,000 | 8,000,000 | 8,000,000 | 8,000,000 |
| Military Operations | 1,600,000 | 1,600,000 | 1,600,000 | 1,600,000 |
| Automated Detection and Processing Terminal (ADAPT) | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 |
| ATCSCC Infrastructure Planning | 2,500,000 | 2,500,000 | 2,500,000 | 2,500,000 |
| Wind Hazard Detection Equipment | | | 1,100,000 | 800,000 |
| Subtotal En Route Programs | 688,450,000 | 688,450,000 | 688,550,000 | 687,950,000 |
| Airport Surface Detection Equipment—Model X (ASDE-X) | 37,900,000 | 45,600,000 | 37,900,000 | 40,600,000 |
| ASDE-X relocation and upgrade, Sea-Tac, Washington | | | | 5,000,000 |
| Terminal Doppler Weather Radar (TDWR)—Provide | 8,000,000 | 8,000,000 | 8,000,000 | 8,000,000 |
| Standard Terminal Automation Replacement System (STARS) (TAMR Phase I) | 31,200,000 | 31,200,000 | 31,200,000 | 31,200,000 |
| Terminal Automation—Phase I | 2,300,000 | 2,300,000 | 2,300,000 | 2,300,000 |
| Terminal Air Traffic Control Facilities—Replace | 150,600,000 | 155,100,000 | 166,700,000 | 165,600,000 |
| Airport Traffic Control Tower (ATCT)/Terminal Radar Approach Control (TRACON) Facilities—Improve | 47,000,000 | 47,000,000 | 47,000,000 | 47,000,000 |
| Terminal Voice Switch Replacement (TVSR)/Enhancement Terminal Voice Switch (ETVS) | 12,300,000 | 12,300,000 | 12,300,000 | 12,300,000 |
| NAS Facilities OSHA and Environmental Standards Compliance | 26,000,000 | 26,000,000 | 26,000,000 | 26,000,000 |
| Airport Surveillance Radar (ASR-9) | 6,300,000 | 6,300,000 | 11,300,000 | 11,300,000 |
| Terminal Digital Radar (ASR-11) | 20,300,000 | 20,300,000 | 20,300,000 | 20,300,000 |
| DOD/FAA Facilities Transfer | 1,300,000 | 1,300,000 | 1,300,000 | 1,300,000 |
| Precision Runway Monitors (PRM) | 9,000,000 | 9,000,000 | 9,000,000 | 9,000,000 |
| Runway Status Lights (RWSL) | 5,300,000 | 20,000,000 | 5,300,000 | 9,000,000 |

| Program | FY08 Request | FY08 House | FY08 Senate | Conference |
|---|---|---|---|---|
| Terminal Automation Modernization/Replacement Program (TAMR Phase 2) | 6,800,000 | 6,800,000 | 6,800,000 | 6,800,000 |
| National Airspace System Voice Switch (NVS) | 3,000,000 | 3,000,000 | 3,000,000 | 3,000,000 |
| Weather System Processor (WSP) | 4,100,000 | 4,100,000 | 4,100,000 | 4,100,000 |
| Houston Area Air Traffic System (HAATS) | 4,000, 000 | 4,000,000 | 4,000,000 | 4,000,000 |
| Voice Recorder Replacement Program (VRRP) | 5,900,000 | 5,900,000 | 10,500,000 | 10,500,000 |
| Integrated Control and Monitoring System | | 2,000,000 | | 2,000,000 |
| Multilateration Air Traffic Surveillance, Provo, Utah | | | 1,000,000 | 700,000 |
| ASR-8 Radar relocation to Bismarck Municipal Airport, North Dakota | | | 1,500,000 | 1,000,000 |
| Subtotal—Terminal Programs | 381,300,000 | 410,200,000 | 409,500,000 | 421,000,000 |
| Automated Surface Observing System (ASOS) | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 |
| Flight Service Station (FSS) Modernization | 5,100,000 | 5,100,000 | 5,100,000 | 5,100,000 |
| Subtotal—Flight Service Programs | 10,100,000 | 10,100,000 | 10,100,000 | 10,100,000 |
| VHF Omnidirectional Radio Range (VOR) with Distance Measuring Equipment (DME) | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 |
| Instrument Landing System (ILS)—Establish | 9,000,000 | 9,000,000 | 14,950,000 | 15,218,000 |
| Wide Area Augmentation System (WAAS) for GPS | 115,900,000 | 120,900,000 | 115,900,000 | 115,900,000 |
| Runway Visual Range (RVR) | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 |
| Approach Lighting System Improvement Program (ALSIP) | 15,000,000 | 15,000,000 | 18,000,000 | 19,400,000 |
| Distance Measuring Equipment (DME) | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 |
| Visual Navaids—Establish/Expand | 3,500,000 | 3,500,000 | 3,500,000 | 3,500,000 |
| Instrument Approach Procedures Automation (IAPA) | 17,800,000 | 17,800,000 | 17,800,000 | 17,800,000 |
| Navigation and Landing Aids—Service Life Extension Program (SLEP) | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 |
| VASI Replacement—Replace with Precision Approach Path Indicator | 3,000,000 | 3,000,000 | 3,000,000 | 3,000,000 |
| Subtotal—Landing & Navigational Aids | 184,200,000 | 189,200,000 | 193,150,000 | 194,818,000 |
| Fuel Storage Tank Replacement and Monitoring | 5,900,000 | 5,900,000 | 5,900,000 | 5,900,000 |
| FAA Buildings and Equipment | 13,700,000 | 13,700,000 | 13,700,000 | 13,700,000 |
| Air Navigational Aids and ATC Facilities (Local Projects) | 3,000,000 | 3,000,000 | 3,000,000 | 3,000,000 |
| Aircraft Related Equipment Program | 9,800,000 | 9,800,000 | 9,800,000 | 9,800,000 |
| Computer Aided Engineering and Graphics (CAEG)—Modernization | 1,500,000 | 1,500,000 | 1,500,000 | 1,500,000 |
| Airport Cable Loop Systems—Sustained Support | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 |
| Alaskan NAS Interfacility Communications System (ANICS) | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 |
| Facilities Decommissioning—NDB | 8,000,000 | 8,000,000 | 5,400,000 | 5,400,000 |
| Electrical Power Systems—Sustain/Support | 41,000,000 | 41,000,000 | 38,000,000 | 38,000,000 |
| Energy Management and Efficiency Compliance | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 |
| Aircraft Fleet Modernization | 9,000,000 | 9,000,000 | 9,000,000 | 9,000,000 |
| Subtotal—Other ATC Facilities | 100,900,000 | 100,900,000 | 95,300,000 | 95,300,000 |
| TOTAL ACTIVITY 2 | 1,364,950,000 | 1,398,850,000 | 1,396,600,000 | 1,409,168,000 |
| Activity 3—Non-ATC Facilities & Equipment | | | | |
| Hazardous Materials Management | 18,200,000 | 18,200,000 | 18,200,000 | 18,200,000 |
| Aviation Safety Analysis System (ASAS) | 16,900,000 | 16,900,000 | 16,900,000 | 16,900,000 |
| Logistics Support Systems and Facilities (LSSF) | 6,300,000 | 6,300,000 | 6,300,000 | 6,300,000 |
| Test Equipment—Maintenance Support for Replacement | 2,500,000 | 2,500,000 | 2,500,000 | 2,500,000 |
| National Air Space (NAS) Recovery Communications (RCOM) | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 |
| Facility Security Risk Management | 22,000,000 | 22,000,000 | 22,000,000 | 22,000,000 |
| Information Security | 15,000,000 | 15,000,000 | 15,000,000 | 15,000,000 |
| System Approach for Safety Oversight (SASO) | 11,300,000 | 11,300,000 | 11,300,000 | 11,300,000 |
| Aviation Safety Knowledge Management Environment (ASKME) | 4,000,000 | 4,000,000 | 4,000,000 | 4,000,000 |
| Center for Aviation Safety Research, Missouri | | | 3,000,000 | 2,250,000 |
| Subtotal—Support Equipment | 106,200,000 | 106,200,000 | 109,200,000 | 108,450,000 |
| Aeronautical Center Infrastructure Modernization | 5,393,000 | 5,393,000 | 5,393,000 | 5,393,000 |
| National Airspace System (NAS) Training—Facilities | 1,900,000 | 1,900,000 | 1,900,000 | 1,900,000 |
| Distance Learning | 1,400,000 | 1,400,000 | 1,400,000 | 1,400,000 |
| National Airspace System (NAS) Training—Simulator | 14,600,000 | 14,600,000 | 14,600,000 | 14,600,000 |
| Subtotal—Training Equipment & Facilities | 23,293,000 | 23,293,000 | 23,293,000 | 23,293,000 |
| TOTAL—ACTIVITY 3 | 129,493,000 | 129,493,000 | 132,493,000 | 131,743,000 |
| Activity 4—Mission Support | | | | |
| System Engineering and Development Support | 30,200,000 | 30,200,000 | 30,200,000 | 30,200,000 |
| Program Support Leases | 44,000,000 | 44,000,000 | 40,000,000 | 40,000,000 |
| Logistic Support Services (LSS) | 7,500,000 | 7,500,000 | 7,500,000 | 7,500,000 |
| Mike Monroney Aeronautical Center Leases | 13,500,000 | 13,500,000 | 13,500,000 | 13,500,000 |
| Transition Engineering Support | 10,700,000 | 10,700,000 | 10,700,000 | 10,700,000 |
| Frequency and Spectrum Engineering | 3,400,000 | 3,400,000 | 3,400,000 | 3,400,000 |
| Technical Support Services Contract (TSSC) | 20,000,000 | 20,000,000 | 20,000,000 | 20,000,000 |
| Resource Tracking Program (RTP) | 3,500,000 | 3,500,000 | 3,500,000 | 3,500,000 |
| Center for Advanced Aviation System Development (CAASD) | 74,200,000 | 81,000,000 | 78,200,000 | 80,000,000 |
| NOTAMS and Aeronautical Information Programs | 9,000,000 | 9,000,000 | 9,000,000 | 9,000,000 |
| Personnel Change of Station Moves | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 |
| TOTAL—ACTIVITY 4 | 217,000,000 | 223,800,000 | 217,000,000 | 218,800,000 |
| Activity 5—Personnel Compensation, Benefits and Travel | | | | |
| Personnel and Related Expenses | 459,973,000 | 459,973,000 | 459,973,000 | 459,973,000 |
| GRAND TOTAL | $2,461,566,000 | $2,510,266,000 | $2,516,920,000 | $2,527,284,000 |

*Advanced technology development and prototyping.*—The conference agreement includes $42,800,000 for advanced technology development and prototyping instead of $40,800,000 as proposed by the House and $39,800,000 as proposed by the Senate. The following table compares the conference agreement to the House and Senate bills by budget activity:

| Project | House | Senate | Conference |
|---|---|---|---|
| Runway Incursion | $8,000,000 | $5,000,000 | $8,000,000 |
| Aviation System Capacity Improvement (ASCI) | 6,500,000 | 6,500,000 | 6,500,000 |
| Operational Concept Validation | 3,000,000 | 3,000,000 | 3,000,000 |
| NAS Weather | 1,000,000 | 1,000,000 | 1,000,000 |
| Airspace Management Laboratory | 4,000,000 | 4,000,000 | 4,000,000 |
| Airspace Redesign | 5,000,000 | 5,000,000 | 5,000,000 |
| Strategy and Evaluation | 500,000 | 500,000 | 500,000 |
| Dynamic Capital Planning | 1,500,000 | 1,500,000 | 1,500,000 |
| Wind Profiling in Juneau, AK | 4,000,000 | 4,000,000 | 4,000,000 |
| Wake Turbulence | 3,000,000 | 3,000,000 | 3,000,000 |
| Market-Based Competitive Sourcing | 1,000,000 | 1,000,000 | 1,000,000 |
| Local Area Augmentation System for GPS | 1,000,000 | 1,000,000 | 1,000,000 |
| ATDP-In Service Engineering | 300,000 | 300,000 | 300,000 |
| Traffic Collision Avoidance System | 2,000,000 | 2,000,000 | 2,000,000 |

| Project | House | Senate | Conference |
|---|---|---|---|
| Runway Warning—Gulfport-Biloxi Airport | .................... | 2,000,000 | 2,000,000 |
| Total | $40,800,000 | $39,800,000 | $42,800,000 |

*System-Wide Information Management (SWIM).*—The conference agreement provides $23,400,000 for SWIM, of which $2,100,000 is to evaluate and demonstrate the capability of integrating mobile objects technology with the SWIM program.

*Automatic Dependent Surveillance Broadcast (ADS-B).*—The conference agreement provides $85,650,000 for ADS-B, instead of $90,650,000 as proposed by the House and $97,354,000 as proposed by the Senate. The conferees direct FAA to examine the frequency congestion issues associated with the ADS-B signal, and accelerate the effort to determine how existing aircraft separation standards can be safely reduced.

*ADS-B Air to Air capabilities.*—The conference agreement provides $9,350,000 for the ADS-B program specifically to expedite air to air capabilities.

*Next Generation Integrated Airport.*—The conference agreement provides $2,000,000 for this project, to be located at Daytona Beach International Airport, and consistent with the Senate proposed language, the conferees expect the FAA to ensure that measures are in place to guarantee that all potential vendors have the opportunity to benefit fully from this facility.

*Airport surface detection equipment—Model X (ASDE-X).*—The conference agreement provides $40,600,000 for ASDE-X to expedite site implementation and deployment, instead of $45,600,000 as proposed by the House and $37,900,000 as proposed by the Senate. The conferees retain Senate language regarding deadlines for initial operating capability and operational readiness for each site and to report to the House and Senate Committees on Appropriations when deadlines change.

*ASDE-X, Seattle-Tacoma International Airport.*—The conference agreement provides $5,000,000 to relocate and upgrade the ASDE-X system at the Seattle-Tacoma International Airport.

*Integrated control and monitoring system (ICMS).*—The conference agreement includes $2,000,000 for procurement, installation, including site preparation of ICMS.

*Terminal air traffic control facilities replacement.*—The conference agreement provides $165,600,000, of which $148,500,000 shall be distributed as follows:

| | |
|---|---|
| Abilene, Texas .................. | $2,200,000 |
| Barnstable Municipal Airport, Massachusetts ....... | 3,250,000 |
| Boise, Idaho ...................... | 9,074,000 |
| Dayton, Ohio ...................... | 2,300,000 |
| Fort Lauderdale, Florida ... | 1,000,000 |
| Greenwood Airport, Mississippi .......................... | 1,500,000 |
| Gulfport, Mississippi ......... | 11,997,000 |
| Houston, Texas .................. | 29,072,000 |
| Jeffco, Colorado ................. | 2,500,000 |
| Kalamazoo, Michigan ........ | 22,500,000 |
| LaGuardia, New York ........ | 9,000,000 |
| Medford, Oregon ................ | 1,100,000 |
| Memphis, Tennessee .......... | 4,760,000 |
| Missoula, Montana ............ | 754,000 |
| Nantucket Memorial Airport, Massachusetts ....... | 2,750,000 |
| Oakland, California ........... | 4,600,000 |
| Orlando, California ............ | 7,000,000 |
| Palm Springs, California ... | 2,000,000 |
| Pensacola, Florida ............. | 4,180,000 |
| Reno, Nevada ..................... | 15,223,000 |
| San Francisco, California .. | 1,500,000 |
| Toledo, Ohio ...................... | 1,450,000 |
| Traverse City, Michigan .... | 1,150,000 |
| West Palm Beach, Florida | 7,590,000 |

*Instrument landing system establishment.*—The conference agreement provides $15,218,000 for the instrument landing system establishment, instead of $9,000,000 proposed by the House and $14,950,000 proposed by the Senate. Funds shall be distributed as follows:

| *Project* | *Amount* |
|---|---|
| Aiken Municipal Airport, South Carolina ............... | $950,000 |
| Alliance Municipal Airport, Nebraska ................ | 468,000 |
| Council Bluffs Municipal, Iowa ................................ | 1,640,000 |
| Independence Municipal Airport, Kansas ............. | 700,000 |
| Northeastern Regional Airport, Edenton, North Carolina .......................... | 500,000 |
| Piedmont Triad Airport .... | 1,050,000 |
| Somerset Airport, Somerset, Kentucky ............. | 510,000 |
| Saline County Airport, Arkansas ............................ | 400,000 |

*Wide area augmentation system (WAAS).*—The conferees provide $115,900,000 for WAAS as proposed by the Senate, instead of $120,900,000 as proposed by the House. Of the funds provided, no less than $5,000,000 is for approaches at airports without an existing ILS, as proposed by the House.

*Approach lighting system improvement.*—The conference agreement provides $19,400,000 for the approach lighting system improvement program (ALSIP), instead of $15,000,000 as proposed by the House and $18,000,000 as proposed by the Senate. Within the total, funds shall be distributed as follows:

| *Project* | *Amount* |
|---|---|
| Airfields in Alaska ........... | $2,550,000 |
| Gulfport-Biloxi runway and centerline lighting ... | 500,000 |
| Rutland State Airport MALSR .......................... | 1,350,000 |

*Airport Surveillance Radar 9.*—The conferees provide $11,300,000 for ASR-9 as proposed by the Senate instead of $6,300,000 provided by the House. Of the total, the conferees direct $5,000,000 to site and install an additional ASR-9 at Chicago O'Hare International Airport.

*Multilateration Air Traffic Surveillance, Provo, UT.*—The conference agreement includes $700,000 for multilateration air traffic surveillance for the area around Provo, Utah. The conferees retain language directing the FAA to work towards developing a solution to address the unique needs of this area due to the topographical challenges presented in and around Provo Municipal Airport.

*Center for advanced systems development (CAASD).*—The conference agreement provides $80,000,000 for CAASD, instead of $81,000,000 proposed by the House and $78,200,000 proposed by the Senate.

RESEARCH, ENGINEERING AND DEVELOPMENT

The conference agreement provides $147,000,000 for research, engineering, and development instead of $140,000,000 as proposed by the House and $148,800,000 as proposed by the Senate. The following table compares the conference agreement to the House and Senate bills by budget activity:

| Program | House | Senate | Conference |
|---|---|---|---|
| Improve Aviation Safety: | | | |
| Fire research and safety .............. | 7,350,000 | 7,350,000 | 7,350,000 |
| Propulsion and fuel systems ... | 4,086,000 | 4,086,000 | 4,086,000 |
| Advanced material/structural safety .............. | 2,713,000 | 7,713,000 | 7,173,000 |
| Atmospheric hazards/digital system safety .. | 3,574,000 | 3,574,000 | 3,574,000 |
| Aging aircraft ...... | 14,931,000 | 16,431,000 | 15,966,000 |
| Aircraft catastrophic failure prevention research ............ | 2,202,000 | 2,202,000 | 2,202,000 |
| Flightdeck maintenance/system integration human factors | 9,651,000 | 9,151,000 | 9,200,000 |
| Aviation safety risk analysis ... | 9,517,000 | 9,517,000 | 9,517,000 |
| Air traffic control airways facility human factors | 10,254,000 | 10,054,000 | 10,000,000 |
| Aeromedical research ............ | 6,780,000 | 7,780,000 | 7,780,000 |
| Weather program | 16,888,000 | 16,888,000 | 16,888,000 |
| Unmanned aircraft system ... | 3,310,000 | 2,810,000 | 2,920,000 |
| Improve efficiency: | | | |
| Joint program and development office ............... | 14,321,000 | 14,321,000 | 14,321,000 |
| Wake Turbulence | 10,755,000 | 13,755,000 | 12,855,000 |
| GPS Civil Requirements .............. | 3,600,000 | 3,100,000 | 3,100,000 |
| Reduce Environment Impacts: | | | |
| Environment and Energy ............. | 15,469,000 | 15,469,000 | 15,469,000 |
| Mission Support: | | | |
| System Planning and Resource Management ... | 1,184,000 | 1,184,000 | 1,184,000 |
| Technical Laboratory Facilities .. | 3,415,000 | 3,415,000 | 3,415,000 |
| Total .................. | 140,000,000 | 148,800,000 | 147,000,000 |

Within the funds for advanced material/structural safety, the conference agreement provides $700,000 for the Advanced Material in Transport Aircraft Structures Center in Seattle, Washington; $525,000 for the Advanced Materials and Manufacturing Innovations Center in Edmonds, Washington; $500,000 for Jet Engine Technology Inspection in Iowa; $335,000 for support of Aircraft Fleet Evaluation Research in Iowa; and $2,400,000 for the National Institute for Aviation Research at Wichita State University.

Within the funds for aging aircraft, the conference agreement provides $700,000 for small aircraft research at the National Institute for Aviation Research at Wichita State University; and $335,000 for the Airframe Maintenance Technology Degree Program in Delaware.

Within aeromedical research, the conference agreement provides $1,000,000 for the Civil Aerospace Medical Institute, as proposed by the Senate, to submit a report by December 31, 2009 on the issue of flight attendant fatigue. The House included a similar reporting requirement, but did not provide specific funding for this purpose.

Within the funds for Wake Turbulence, the conference agreement provides $2,100,000 for Spiroid Winglet Fuel Efficiency Research in Washington, instead of $3,000,000 as proposed by the Senate.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes a liquidating cash appropriation of $4,399,000,000, as proposed by the House and Senate.

*Obligation limitation.*—The conferees agree to an obligation limitation of $3,514,500,000 for the "Grants-in-aid for airports" program as proposed by the Senate, instead of $3,600,000,000 as proposed by the House.

*Administration.*—The conference agreement includes a limitation on administrative expenses of not more than $80,676,000 as proposed by the House and Senate.

*Small community air service development program.*—The conference agreement includes $10,000,000 under the obligation limitation to continue the small community air service development (SCASDP) program as proposed by the House and Senate, and directs the FAA to transfer funds to OST salaries and expenses appropriation. The conference agreement includes a new reporting requirement directing the Government Accountability Office to update its November 2005 report on the program's effectiveness in improving commercial air service to small communities. The report shall be submitted to the House and Senate Committees on Appropriations by June 15, 2008.

*Airport cooperative research program.*—The conference agreement includes no less than $10,000,000 under the obligation limitation for the airport cooperative research program, as proposed by the House and Senate.

*Airport technology research.*—The conference agreement includes no less than $18,712,000 under the obligation limitation for airport technology research as proposed by the House and Senate.

*High priority projects.*—Of the funds covered by the obligation limitation in this bill, the conferees direct FAA to provide not less than the following funding levels, out of available resources, for the following projects. The conferees reaffirm that state apportionment funds may be construed as discretionary funds for the purposes of implementing this provision. To the maximum extent possible, the administrator should work to ensure that airport sponsors for these projects first use available entitlement funds to finance the projects. However, the FAA should not require sponsors to apply carryover entitlements to discretionary projects funded in the coming year, but only those entitlements applicable to the fiscal year 2008 obligation limitation. The conferees further direct that the specific funding allocated below shall not diminish or prejudice the application of a specific airport or geographic region to receive other AIP discretionary grants or multiyear letters of intent.

| **Project Name** | **Total Conference Funded Level** |
|---|---|
| Airport Authority of the County of Scotts Bluff for Maintenance of Airport Runways and Taxiways, Safety Factors, NE | $670,000 |
| Airport Improvements, Stanly County, NC | $500,000 |
| Akron-Canton Regional Parking Apron Construction, OH | $900,000 |
| Akutan Airport Construction, AK | $2,625,000 |
| Albert Whitted Airport Improvements, FL | $1,000,000 |
| Albuquerque International Sunport, Construction of Aircraft Parking Ramp, NM | $1,200,000 |
| Alexandria International Airport, Runway Extension and Upgrades, LA | $700,000 |
| Alliance Airport runway extension, Fort Worth, TX | $800,000 |
| Altus/Quartz Mountain Regional Airport, OK | $600,000 |
| Andrews-Murphy Airport Expansion Murphy, NC | $1,500,000 |
| Atlantic City International Airport Terminal Apron, NJ | $500,000 |
| Augusta Bush Field terminal expansion, GA | $1,500,000 |
| Austin Straubel International Airport, Runway 6/24 Pavement Reconstruction, WI | $1,500,000 |
| Bemidji Regional Airport Terminal Modernization/Expansion, MN | $500,000 |
| Boise Airport Planning, Design, and Construction to Widen and Lengthen Runway 9/27, ID | $750,000 |
| Brunswick County Airport Runway Extension, NC | $400,000 |
| Buffalo-Niagara International Subsurface Engineered Wetland Water Quality Project, NY | $400,000 |
| Burlington-Alamance County Regional Airport Runway Taxiway Extension, NC | $1,000,000 |
| Capital City Airport Phase II Runway Extension (Relocation of DeWitt Road and Purchase of Land), MI | $3,600,000 |
| Carson City Airport to Replace Pavement and Realignment of the Single Runway, NV | $2,100,000 |
| Chattanooga Airport taxiway relocation & reconstruction, TN | $2,000,000 |
| Chippewa Valley Regional Airport to Redesign Terminal, Improve Terminal and Airside and Landside Improvements, WI | $2,177,500 |
| Cincinnati Northern Kentucky International Airport, rehabilitation, Boone County, KY | $500,000 |
| Clark County Runway Extension, IN | $1,150,000 |
| Collin County Regional at McKinney for Tower Construction, TX | $1,500,000 |
| Columbia Regional Airport to Widen and Extend Runway 13-31, MO | $2,025,000 |
| Concord Regional Airport improvements, NC | $400,000 |
| Cuyahoga County Airport Pavement Maintenance and Rehabilitation, OH | $500,000 |
| Dane County Regional Airport improvements, Madison, WI | $400,000 |
| Danville Regional Airport Improvements, VA | $500,000 |
| Denver International Airport Pavement Rehabilitation--Concrete Repairs to Three Runways, CO | $2,010,000 |
| Detroit Metro-Wayne County Airport Taxiway Kilo Rehabilitation, MI | $1,000,000 |
| Eagle County Regional Airport Runway Extension, CO | $350,000 |
| Edinburg International Airport Improvements, Hidalgo County, TX | $850,000 |
| Eldon Model Airpark, Construct Runway 18/36 Phase I, MO | $315,000 |
| Erie International Airport, Extend Runway 06-24, PA | $1,050,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| Fort Wayne International Airport to Install Guidance Signs, IN | $167,500 |
| Franklin County Airport Runway Extension, Land Acquisition and Improvements, NC | $250,000 |
| Franklin Field Airport, Land Acquisition, Design and Construction, Relocation and Extension of the Existing Runway and Renovation of the Airport Facility, AL | $1,575,000 |
| Gainesville Regional Airport Taxiway Rehabilitation, FL | $400,000 |
| George Bush Intercontinental, Houston Noise Mitigation, TX | $500,000 |
| Georgetown Airport Runway Extension, SC | $1,000,000 |
| Glynn County Airport Commission Improvements, GA | $1,000,000 |
| Grand Forks International Airport Improvements (Construction of a Runway), ND | $1,340,000 |
| Gulfport-Biloxi International Airport, Taxiway Construction and Rehabilitation, Noise Mitigation, MS | $2,000,000 |
| Huntingburg Airport Upgrades, IN | $150,000 |
| Jackson Evers International Airport, Airfield Iinfrastructure Improvements (Rehabilitation and Extension of Taxiways and Runways), MS | $2,000,000 |
| John Bell Williams Airport, Runway Extension and Taxiway, MS | $1,500,000 |
| Kalamazoo Battle Creek Airport terminal, MI | $500,000 |
| Lafayette Regional Airport Upgrades, LA | $1,500,000 |
| Lake in the Hills Airport for Relocation of Parallel Taxiway, IL | $750,000 |
| Lewis University Airport for Extension of Runway and Taxiway, IL | $750,000 |
| Louisville International Airport, Runway Widening and Improvements (to Accommodate Group VI Aircraft), KY | $1,250,000 |
| Manhattan Regional Airport for Runway Safety Area Improvements, KS | $1,400,000 |
| Max B. Swisher Skyhaven Airport, Update and Expand Runway and Terminal, MO | $1,035,000 |
| MBS International Airport, New Terminal Building, MI | $1,340,000 |
| McNary Field Airport to Expand Runway Capacity, OR | $1,005,000 |
| Meadows Field Airport Expansion, CA | $650,000 |
| Middle Georgia Regional Airport, GA improvements | $750,000 |
| Mobile Downtown Airport for Cargo Apron Rehabilitation and Drainage Repairs, AL | $750,000 |
| Monroe Regional Airport New Terminal, LA | $400,000 |
| Montgomery County Regional Airport improvements, NC | $400,000 |
| Nantucket Municipal Airport, MA facility replacement | $500,000 |
| New Bedford Safety Upgrades (PAPI) , MA | $100,000 |
| New Richmond Regional Airport Improvements, WI | $600,000 |
| New River Valley Airport Runway and Taxiway Rehabilitation, VA | $400,000 |
| Niagara Falls International Airport Improvements, NY | $500,000 |
| Niagara Falls International, Construction of a New Terminal Apron (Phase IB), NY | $1,950,000 |
| Northwest Arkansas Regional Airport to Construct Second Landing Surface, AR | $2,680,000 |
| Norwood Airport Reconstruction, MA | $200,000 |
| Oakland County International Airport, MI improvement and noise mitigation programs | $1,000,000 |

| **Project Name** | **Total Conference Funded Level** |
|---|---|
| Ogden Hinckley Airport taxiway project, Ogden, UT | $900,000 |
| Ohio University Airport Improvements, OH | $800,000 |
| Outagamie County Regional Airport Improvements, WI | $500,000 |
| Paulding County Airport land acquisition, site preparation and construction, GA | $600,000 |
| Pellston Regional Airport Improvements, MI | $600,000 |
| Philadelphia International Airport Runway Rehabilitation (9R/27L), PA | $650,000 |
| Phoenix Sky Harbor International, Taxiway and Improvements, AZ | $1,250,000 |
| Roberts Field, Redmond Municipal Airport to Expand the Terminal, OR | $2,512,500 |
| Rowan County Airport Land Acquisition (runway protection zone), NC | $600,000 |
| San Marcos Municipal Airport, Terminal and T-Hangar Construction, TX | $1,575,000 |
| Scottsboro Municipal Airport, AL improvements | $550,000 |
| Springfield-Branson National Airport Midfield Replacement Terminal Construction, MO | $1,000,000 |
| St. Clair County Airport Improvements, MI | $300,000 |
| St. Cloud Airport Terminal Improvements, MN | $1,125,000 |
| St. Lucie County International New Parallel Runway Construction, FL | $500,000 |
| Statesville Regional Airport, Improvements, NC | $1,500,000 |
| Sugar Land Airport Expansion, TX | $2,000,000 |
| Taylor County Airport, Medford Improvements, WI | $2,500,000 |
| Texarkana Regional Airport - Webb Field to Construct New Aircraft Firefighting and Rescue Station, AR | $670,000 |
| Toledo Express Airport Improvements, OH | $750,000 |
| Tunica Airport, Runway and Parallel Taxi Extension and Paving, MS | $1,250,000 |
| Turner County Airport Renovations, GA | $150,000 |
| Tuscaloosa Regional Airport Masterplan, AL | $200,000 |
| Upper Cumberland Regional Airport Improvements (Complete Runway and Taxiway Extensions), TN | $700,000 |
| Vermont Statewide for Various Improvements, VT | $1,005,000 |
| W.K. Kellogg Airport, Battle Creek, Runway, MI | $500,000 |
| Walker Field Grand Junction Runway Resurfacing, CO | $900,000 |
| Waukegan Regional Airport for Runway Extension, Land Acquisition and Environmental Study, IL | $750,000 |
| West Virginia Statewide for Various Improvements, WV | $4,680,000 |
| Williams Gateway Airport, AZ taxiway B construction | $1,750,000 |

### (RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of contract authority of $185,500,000 as proposed by both the House and Senate.

### ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

Sec. 110 allows 425 technical staff-years at the Center for Advanced Aviation Systems Development as proposed by the House and Senate.

Sec. 111 prohibits funds for adopting guidelines or regulations requiring airport sponsors to provide FAA "without cost" building construction or space, as proposed by the House and Senate.

Sec. 112 retains a provision proposed by the House and Senate that allows the FAA to be reimbursed for amounts made available for 49 U.S.C. 41742(a)(1) as fees are collected and credited under 49 U.S.C. 45303.

Sec. 113 retains a provision proposed by both the House and Senate that allows reimbursement of funds for providing technical assistance to foreign aviation authorities to be credited to the operations account.

Sec. 114 retains a provision as proposed by the House and Senate that continues the war risk insurance and the limitation on air carrier liability for third party claims arising out of acts of terrorism until December 31, 2008.

Sec. 115 retains a provision proposed by the House prohibiting funds to change weight restrictions or prior permission rules at Teterboro Airport in New Jersey. The Senate bill contained no similar provision.

Sec. 116 retains a provision proposed by the Senate that increases the mandatory pilot retirement age to 65.

## FEDERAL HIGHWAY ADMINISTRATION

### LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement limits administrative expenses of the Federal Highway Administration (FHWA) to $377,556,000, as proposed by the Senate instead of $384,556,000 as proposed by the House. This amount includes $8,000,000 as proposed by the Senate for the agency to fill its most critical vacancies, instead of $15,000,000 as proposed by the House. The conferees direct the FHWA to submit a detailed staffing plan, as proposed by the Senate, to the House and Senate Committees on Appropriations within 90 days after enactment of this Act.

### FEDERAL-AID HIGHWAYS

### (LIMITATION ON OBLIGATIONS)

### (HIGHWAY TRUST FUND)

The conference agreement limits obligations for the federal-aid highways program to $40,216,051,359 as proposed by both the House and the Senate. Of the amount provided under revenue aligned budget authority (RABA), an amount to be calculated is available to the Federal Motor Carrier Safety Administration (FMCSA) for the motor carrier safety grant program and bill language is included to transfer this funding to FMCSA, as proposed by the House.

The conference agreement also includes bill language, as proposed by both the House and the Senate, which allows the Secretary to charge and collect fees from the applicant for a direct loan, guaranteed loan, or line of credit to cover the cost of the financial and legal analyses performed on behalf of the Department as authorized under section 605(b) of title 23, United States Code. The fees so collected are not subject to any obligation limitation or the limitation on administrative expenses set for the infrastructure finance program under section 608 of title 23, United States Code.

*Emergency relief (ER) program.*—As proposed by the House, the conference agreement directs FHWA to undertake a review of the ER program and provide a report to the House and Senate Committees on Appropriations that includes recommendations for making improvements to the ER funding process by no later than April 1, 2008.

*Congestion reduction initiative.*—The conferees direct the Comptroller General to conduct a review of the Department of Transportation's implementation of its Congestion Initiative during fiscal year 2007, and to submit a report on his findings to the House and Senate Committees on Appropriations by March 31, 2008. This review shall consist of the following three elements: (1) an analysis of the process used to select participants in Urban Partnership Agreements, the Corridors of the Future program, and Public-Private Partnerships, including the Department's methodology, outreach, use of funds, and selection criteria; (2) an evaluation of the effectiveness of the initiative in relieving congestion, including a discussion of the Department's efforts at relieving congestion at the country's borders, in aviation, and at vital trade gateways; and (3) an examination of the relationship between the Congestion Initiative and the goals of the programs used to fund it. The conferees further direct the Comptroller General to report on any grants awarded to participants in the Congestion Initiative in fiscal year 2008, and to include in his report an assessment of the Department's selection process, outreach, and relevant criteria or benchmarks. This report shall be submitted to the House and Senate Committees on Appropriations by March 31, 2008.

### LIMITATION ON TRANSPORTATION RESEARCH

The conference agreement includes a general limitation on transportation research of $429,800,000, as proposed by both the House and the Senate. Within this level, the conference agreement includes funding for the following activities:

| | |
|---|---:|
| Surface transportation research | $196,400,000 |
| Training and education program | 26,700,000 |
| Bureau of Transportation Statistics | 27,000,000 |
| University transportation research | 69,700,000 |
| Intelligent transportation systems research | 110,000,000 |
| Total | $429,800,000 |

*Bureau of Transportation Statistics (BTS).*—Under the obligation limitation of the FHWA and within the sublimitation for transportation research, the conference agreement provides $27,000,000 for BTS. Additional information regarding BTS is included in the Research and Innovative Technology Administration section of this statement.

### FERRY BOATS AND FERRY TERMINAL FACILITIES

Within the funds available for ferry boats and ferry terminal facilities, funds are to be available for the following projects and activities:

| Project Name | Total Conference Funded Level |
|---|---|
| Bemus-Stow Ferry and Facilities Upgrades, NY | $500,000 |
| Berkeley/Albany Ferry Service, CA | $750,000 |
| Engineering & construction of Glen Cove Ferry and Facilities, NY | $1,350,000 |
| Excursion Vessel Project, OH | $500,000 |
| Ferry Boats, USVI | $750,000 |
| Ferry in Wahkiakum County, WA | $200,000 |
| Ferry infrastructure, NY | $750,000 |
| Ferry Maintenance Facility in Vallejo, CA | $1,000,000 |
| Green River Ferry Rehabilitation, KY | $364,000 |
| Haverstraw Ferry Terminal, NY | $312,000 |
| Kitsap Transit, Low-wake Passenger-only Ferry, WA | $1,000,000 |
| Kitsap Transit, Rich-Passage Wake Impact Study, WA | $1,540,000 |
| Landing Craft for Mackinac Island, MI | $300,000 |
| Mayport Ferry Replacement Vessel, Jacksonville, FL | $500,000 |
| Multimodal Terminal Redevelopment, Mukilteo, WA | $1,000,000 |
| New Ferry Boat Construction, WA | $500,000 |
| North Carolina Statewide Ferry System, NC | $2,325,000 |
| Oak Bluffs Ferry Terminal Reconstruction, MA | $1,375,000 |
| Ocean Beach Ferry Terminal Enhancement, NY | $1,300,000 |
| Port Aransas Ferryboat Expansion, TX | $750,000 |
| Port of Detroit Public Dock and Terminal Project, MI | $2,345,000 |
| Port of New Bourbon, Ste. Genevieve, MO | $500,000 |
| Put-In-Bay Ferry Terminal Improvements, OH | $500,000 |
| River Ferry Boat Transportation Program, City of Oklahoma City, OK | $1,750,000 |
| San Francisco Bay Area Water Transit Ferry Boat, CA | $670,000 |
| SR 304/Bremerton Transportation Center Project, WA | $5,900,000 |
| Swan's Island Ferry Facilities, ME | $1,875,000 |
| Vashon Island Passenger Only Ferry, WA | $600,000 |
| Water Taxi/Ferry Service, City of Medford, MA | $825,000 |

TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM

Within the funds made available for the transportation and community and system preservation program, funds are to be distributed to the following projects and activities:

| **Project Name** | **Total Conference Funded Level** |
|---|---|
| Baptist and Broughton Road Intersection, PA | $500,000 |
| Brannon Stand Bridge, AL | $250,000 |
| Brush Creek Beautification, Kansas City, MO | $1,000,000 |
| Butterfield Road, Illinois Route 60/Canadian National Railroad Grade Separation, Lake County, IL | $250,000 |
| Campus Perimeter Transportation, Vanderburgh, IN | $350,000 |
| Central Expressway Auxiliary Lanes, Santa Clara County, CA | $500,000 |
| Citracado Parkway Project, CA | $250,000 |
| City of Northwood. OH Wales Road Grade Separation | $500,000 |
| Clayton Pedestrian Grade Separation, Johnston County, NC | $367,500 |
| Connersville Intermodal Study, Connersville, IN | $350,000 |
| Construct Four Lane Highway 20 West of U.S. 71, IA | $500,000 |
| Construction and Improvements to County Road One (RS-209) south of I-70 to K-32, Leavenworth County, KS | $500,000 |
| Construction of Riverside Multi-use Trailways, Parkland, FL | $250,000 |
| Des Moines Creek Trail Access Project, WA | $500,000 |
| Downtown Development Authority District Streetscape, Dahlonega GA | $325,000 |
| Downtown Transit Circulator Streetscapes, Broward County, FL | $250,000 |
| East Metropolitan Corridor - Rankin County, MS | $250,000 |
| Eastgate Area Improvements, OH | $250,000 |
| Ellsworth Air Force Base Road Improvement, SD | $700,000 |
| Expansion of County Line Road - Hernando County FL | $500,000 |
| Extension of the Cobb Parkway, Marietta, GA | $475,000 |
| Fairfield Ranch Road, Chino Hills, CA | $250,000 |
| Fairmont Gateway Connector, WV | $1,500,000 |
| Flats Eastbank Project, City of Cleveland, OH | $850,000 |
| Fort Knox Park & Ride Express on US 31W, KY | $350,000 |
| Friant Road Widening, CA | $1,170,000 |
| Heckscher Drive and Bridge Replacement, FL | $1,000,000 |
| High Priority Corridor 31 of the National Highway System in southwestern, PA | $670,000 |
| Highway 118 Corridor Study, CA | $250,000 |
| Highway 14 from North Mankato, MN to New Ulm, MN | $350,000 |
| Highway 14 from Waseca, MN to Owatonna, MN | $500,000 |
| Highway 241 Improvement, MN | $500,000 |
| Highway N Improvements , Platte County, MO | $500,000 |
| Hofstra University's Safe and Sustainable Campus Plan, NY | $780,000 |
| Hwy 27 Hurricane Evacuation Route, MS | $100,000 |
| I-15 North — I-215 to Apex Interchange, NV | $1,000,000 |
| I-5 North Macadam Ramp & Street Capacity Improvements, OR | $375,000 |
| I-75/Bruton Smith Pkwy Interchange Improvement, GA | $250,000 |
| Illinois Route 120 Corridor, Lake County, IL | $1,000,000 |
| Illinois Trails, IL | $3,000,000 |
| Interstate 10 Service Road Corridor, Lake Charles, LA | $2,000,000 |
| Jefferson Park Avenue Project, Charlottesville, VA | $300,000 |
| Kentucky River Palisades Land Preservation, Lexington, KY | $500,000 |
| La Canada Flintridge, CA I-210 Soundwall, CA | $250,000 |
| Lane expansion of RM 1431, TX | $500,000 |

| **Project Name** | **Total Conference Funded Level** |
|---|---|
| Lincoln Center Corridor Redevelopment Project, NY | $500,000 |
| Little Neck Quiet Zone, NY | $250,000 |
| Main Street Streetscape, Haverstraw, NY | $175,000 |
| Meacham Road Tollway Access Ramp, Schaumburg, IL | $250,000 |
| Meadowood Interchange Complex, Reno, NV | $750,000 |
| Mehring Way Street Grid East, Cincinnati, OH | $200,000 |
| Miller Road Widening, McHenry County, IL | $250,000 |
| New interchange & road relocation, I-85 & CR 98, GA | $250,000 |
| New York State Routes 5,8,12 Viaduct and Route 5A and 5S, Utica, NY | $750,000 |
| Newark Downtown Core Redevelopment District, NJ | $670,000 |
| North Second Street Corridor Upgrade, Memphis, TN | $500,000 |
| Northwest Arkansas Western Beltway, AR | $670,000 |
| Ocmulgee Heritage Trail, Bibb County, GA | $400,000 |
| Olympic Discovery Trail/Elwha River Pedestrian Bridge, WA | $575,000 |
| Pigeon Creek Greenway Passage: Phase I, Evansville, IN | $670,000 |
| Port Road Expansion and Improvements, TX | $500,000 |
| PUP Ride Share Program, Philadelphia, PA | $1,000,000 |
| Rails to Trails/Civic Center Project, Covington, GA | $500,000 |
| Reconstruction of Bangor Street, ME | $375,000 |
| Red Gate Road Bridge, St Charles, IL | $500,000 |
| Red Mountain Park Project, Birmingham, AL | $1,000,000 |
| Reyes Adobe Road/U.S. 101 Interchange Reconstruction, Agoura Hills, CA | $250,000 |
| Robinson Grade Separation, City of Norman, OK | $350,000 |
| Safety and Drainage Improvements on Route 46, Lodi, NJ | $250,000 |
| Safety Improvments to Highway 69, AZ | $250,000 |
| School Zone Safety Improvements, Chula Vista, CA | $500,000 |
| Scioto Mile River Level Park Project, Columbus, OH | $500,000 |
| Scott Community College Campus Access Road, Davenport, IA | $500,000 |
| Separated Grade Crossing for Torrington, WY | $350,000 |
| Signal Synchronization System; Baton Rouge, LA | $350,000 |
| Silver Comet Trail Atlanta Road Connector, GA | $250,000 |
| South Orange Avenue Roadway Improvements, Essex County, NJ | $250,000 |
| Southeast Connector Extension from SE 6th Street to SE 14th Street, IA | $2,345,000 |
| State Route 198 Expressway Widening, Kings County, CA | $600,000 |
| State Route 24 Widening, Sandersville, Washington County, GA | $500,000 |
| State Route 67 Widening from I-16 to Statesboro bypass, GA | $500,000 |
| Stony Run Township Road in Yellow Medicine County, MN | $100,000 |
| Street improvements in Burnham, IL | $400,000 |
| Street improvements in Thornton, IL | $400,000 |
| U.S. 190/Collin Blvd. Widening, LA | $500,000 |
| U.S. 441/SR7 Interchange at 11th Street, Lauderhill, Broward County, FL | $750,000 |
| U.S. 550 Improvements, Bernalillo, NM | $500,000 |
| U.S. 85 (Highlands Ranch to Castle Rock), CO | $500,000 |
| U.S.-64 - Hardeman/McNairy/Hardin/Wayne Counties, TN | $500,000 |
| Union Grove Interchange, Gordon County, GA | $250,000 |
| University Boulevard Widening, Clive, IA | $350,000 |
| University Parkway Construction, Vanderburgh County, IN | $350,000 |

| **Project Name** | **Total Conference Funded Level** |
|---|---|
| US 169 Highway Widening Environmental Assessment, City of Owasso, OK | $350,000 |
| US 17 in Beaufort County, NC | $375,000 |
| US 30 McCammon to Topaz Bridge, ID | $350,000 |
| US 30, Columbus Viaduct, NE | $300,000 |
| US 98 Six Lane Widening, FL | $750,000 |
| US Highway 212 Expansion-Chaska to Norwood Young America, Carver County, MN | $670,000 |
| US Highway 63 Reconstruction, Waterloo, IA | $350,000 |
| US Route 35, WV | $400,000 |
| West Main Street Streetscape, Meriden, CT | $500,000 |
| White Pond Drive Expansion, OH | $670,000 |

### FEDERAL LANDS

Within the funds available for the federal lands program, funds are to be available for the following projects and activities:

| **Project Name** | **Total Conference Funded Level** |
|---|---|
| 116th Street NE Interchange Improvement Project, Tulalip Tribes, WA | $1,050,000 |
| 14th Street Bridge/GW Memorial Parkway, VA | $3,000,000 |
| 17-Mile Road Reconstruction, Wind River Indian Reservation, WY | $2,100,000 |
| APG Highway Access, Aberdeen Proving Ground, MD | $250,000 |
| Bald Hill Slide Mitigation and Repair Project, CA | $1,000,000 |
| Bear River Access Road Forest Street Improvements Project, UT | $875,000 |
| BIA Route 14 (Gooseneck Road)-Oglala Sioux Tribe, SD | $1,692,000 |
| Blue Ridge Parkway, Asheville, NC | $1,000,000 |
| BRAC Related Improvements, Harford County, MD | $2,010,000 |
| BRAC–MD 355 - Transportation Analysis, Bethesda, MD | $2,010,000 |
| Carson Freeway, Phase 2, Carson City, NV | $1,000,000 |
| Chesapeake and Delaware Canal Recreation Trail, DE | $700,000 |
| City of Rocks Back Country Byway, ID | $3,950,000 |
| Craig Road Grade Separation/Overpass, NV | $500,000 |
| Discovery Trail, Long Beach to Port of Ilwaco, WA | $375,000 |
| Federal Lands Program, State of HI | $1,170,000 |
| FH-24, Banks to Lowman, ID | $500,000 |
| Fidalgo Bay Improvement Project, Samish Tribe, WA | $500,000 |
| Forest Highway 171 Widening, Butte County, CA | $1,000,000 |
| Fort Drum Connector Road, NY | $800,000 |
| Golden Gate National Park Conservancy, Park Access and Trails, San Francisco, CA | $3,000,000 |
| Grand Teton National Park Pathways System, WY | $1,750,000 |
| Granger Road/Transportation Boulevard Improvement, OH | $1,000,000 |
| Halchita Bridge, San Juan County, UT | $500,000 |
| Highway Improvements in Sells, AZ | $1,000,000 |
| Hoover Dam Bypass Bridge, AZ | $2,000,000 |
| Hudson Valley Welcome Center, Hyde Park, NY | $1,725,000 |
| I-15 Corridor Study, NV | $250,000 |
| I-80 at Vista Boulevard and McCarran Boulevard, NV | $750,000 |
| I-84 Sandy River Delta Project, Salem, OR | $1,000,000 |
| Improved Access to Cuyahoga Valley National Park, OH | $500,000 |
| Kenel Road Rehabilitation and Resurfacing-Standing Rock Sioux Tribe, SD | $2,000,000 |
| Lewis and Clark Legacy Trail, ND | $536,000 |
| MD 175 Improvements, Anne Arundel County, MD | $500,000 |
| MD 4 at Suitland Parkway, Prince George's County, MD | $2,500,000 |
| MN TH 38 Improvements, MN | $500,000 |
| Montana Secondary 323 from Ekalaka to Alzada, MT | $1,600,000 |
| NC 143 in Graham County, NC | $750,000 |
| Needles Highway, Needles, CA | $2,300,000 |
| Pacific Way Bridge, Marin County, CA | $500,000 |
| Pave from Sitting Bull Monument to US 12 and from US 12 to north of SD 1806P from SD 1806 to end of pavement in Wakpala, SD | $593,600 |

| Project Name | Total Conference Funded Level |
|---|---|
| Paving of FS 512 (Young Road), AZ | $750,000 |
| Reconstruction of K-20 between US75 and Horton, KS | $250,000 |
| Riverwalk Construction Phase 2 Section 3, Lowell, MA | $1,000,000 |
| Road from Hardrock to Pinon, AZ (Navajo Reservation) | $750,000 |
| Route 1/619 Traffic Circle at Quantico, VA | $500,000 |
| Safety Project on Environmental Effects of Dust Suppressant Chemicals on Federal Lands Highways, MO | $1,312,500 |
| SD 44 and SD 73, Paving in Jackson and Mellette Counties, SD | $630,000 |
| Sequoyah Refuge Road, Sequoyah, OK | $500,000 |
| SH 115, CO | $500,000 |
| SH 13 from Wyoming State Line South through CO | $500,000 |
| SH9, Frisco to Breckenridge, CO | $1,000,000 |
| Sharpes Ferry Bridge Replacement, Marion County, FL | $1,000,000 |
| Skomish Tribe Access Road and US 101 Realignment, WA | $1,000,000 |
| South Access to Golden Gate Bridge, Doyle Drive, CA | $1,500,000 |
| Southern Nevada Beltway Interchanges, NV | $1,100,000 |
| SR 601 from I-10 to SR 26, MS | $1,000,000 |
| SR-160 Blue Diamond Highway-Clark and Nye Counties, NV | $1,500,000 |
| State Highway 150 (US 160N to Great Sand Dunes), CO | $2,260,000 |
| State Route 374 from SR 149 to 77 Montgomery Co,TN | $500,000 |
| State Route 92, Lehi to Highland, UT | $500,000 |
| Stones River National Battlefield Tour Route, TN | $1,000,000 |
| Three Affiliated Tribes Wells Road, ND | $1,000,000 |
| Tupelo Thoroughfare Corridor, Tupelo, MS | $1,000,000 |
| U.S. 15 at Monocacy Boulevard, Frederick, MD | $250,000 |
| U.S. 491, Montezuma County, CO | $1,000,000 |
| U.S. 93/ Interstate 15 interchange, NV | $700,000 |
| U.S. Forest Highway 4, Winston County, Alabama | $1,000,000 |
| United Keetowah Band Tribal Roads, Tahlequah, OK | $500,000 |
| US 212 Paving from Eagle Butte to East of the SD 63 East Junction, Serving Cheyenne River Reservation, SD | $700,000 |
| Valentine National Wildlife Refuge Roads, NE | $300,000 |
| Vermont Federal Lands Projects, VT | $335,000 |
| Welcome Center on SR 410, WA | $750,000 |
| West Jemez Bypass Construction, Los Alamos County, NM | $1,340,000 |
| Western Maryland Welcome Center Frederick Co MD | $250,000 |

The conferees direct that the funds allocated above be derived from the FHWA's public lands discretionary program and not from funds allocated to the National Park Service's regions, as proposed by the House. In addition, the conferees direct that these funds not come from funds allocated to the Fish and Wildlife Service's regions.

INTERSTATE MAINTENANCE DISCRETIONARY

Within the funds available for the interstate maintenance discretionary program, funds are to be available for the following projects and activities:

| Project Name | Total Conference Funded Level |
|---|---|
| Brent Spence Bridge Study, OH | $670,000 |
| Bridge Replacement I-75 at M-21/Corunna Rd Flint, MI | $500,000 |
| Byram-Clinton Norrell Corridor Project, MS | $500,000 |
| City of Columbus Interstate 70/71 Cap Project, OH | $350,000 |
| Columbia River Crossing, Portland, OR | $750,000 |
| Fairview Street/I-385 Interchange, SC | $375,000 |
| Fernley Interchange at I-80, NV | $500,000 |
| Galbraith Road Interchange (exit) northbound I-75, OH | $500,000 |
| Green River Area Transportation Corridor 2025 Plan, KY | $350,000 |
| H-1 Improvements Kinau and Lusitana Ramps Project, HI | $3,900,000 |
| Henderson Starr Road Interchange, NV | $500,000 |
| Highway 55 Hurricane Evacuation Corridor Study, AL | $250,000 |
| I -44 Arkansas River East to Yale Avenue, Tulsa, OK | $500,000 |
| I-10 Improvements, Western Maricopa County, AZ | $1,375,000 |
| I-15 Bluff Street Interchange, UT | $700,000 |
| I-15 Dixie Drive Interchange, UT | $500,000 |
| I-15 Helena Custer Avenue Interchange, MT | $1,005,000 |
| I-195 Relocation in Providence, RI | $1,500,000 |
| I-20 Transp. Corridor Program-Lincoln Parish, LA | $500,000 |
| I-225 Corridor Improvements, CO | $670,000 |
| I-235 Storm Water Management Improvements, IA | $1,000,000 |
| I-235/US 54 & I-235/Central Ave Interchange, KS | $500,000 |
| I-25 / SH 16 (Fort Carson Interchange), CO | $2,260,000 |
| I-25 Mesa del Sol Interchange, Albuquerque, NM | $500,000 |
| I-25 North of SH 66, CO | $500,000 |
| I-270 at MD 85, Frederick County MD | $500,000 |
| I-280 Veterans Glass City Skyway Lighting Enhancement, OH | $500,000 |
| I-29/52nd Avenue S Interchange Reconstruction, Fargo, ND | $670,000 |
| I-295, Exit 4 Improvement Project, ME | $375,000 |
| I-35/MN TH 95, MN | $1,500,000 |
| I-35W Reconstruction Design, New Brighton, MN | $900,000 |
| I-40 in McDowell County, NC | $1,000,000 |
| I-40/I-77 Interchange in Iredell County, NC | $750,000 |
| I-49 North, LA | $700,000 |
| I-5 Port of Tacoma Interchange Project, WA | $1,000,000 |
| I-5/I-205 Salmon Creek Interchange Project, WA | $700,000 |
| I-5/SR 510 Lacey Interchange Improvement Project, WA | $500,000 |
| I-5/SR18/SR161 - Triangle Project, Federal Way, WA | $500,000 |
| I-5/Wilsonville Interchange, OR | $500,000 |
| I55 Noise Abatement Project (North), Woodridge, IL | $400,000 |
| I-670/Stelzer Road Interchange, OH | $500,000 |
| I-695 (Baltimore Beltway) NE, Baltimore County, MD | $750,000 |
| I-70 Stapleton Interchange, Denver, CO | $500,000 |
| I-71 Corridor Access Improvements at MLK, OH | $750,000 |
| I-71/Rt 665 Interchange, Grove City, OH | $500,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| I-75/Collier Blvd/SR 84 Interchange Improvements, FL | $500,000 |
| I-75/Everglades Blvd. Interchange Study, FL | $250,000 |
| I-75/Griffin Road Interchange, FL | $1,500,000 |
| I-76 (Colorado's NE Gateway), CO | $500,000 |
| I-77 in Mecklenburg County, NC | $500,000 |
| I-80 Westbound Bridge over Missouri River, NE | $600,000 |
| I-84 Burnt River Canyon, OR | $1,340,000 |
| I-84, Curtis Road to Broadway Interchange Widening, ID | $1,500,000 |
| I-85 at CR98/Gabbettville Road, Troup County, GA | $1,125,000 |
| I-90 Exit 8 Phase 2 Connector, Rensselaer, NY | $500,000 |
| I-91 Fiber and Conduit Project, MA | $1,000,000 |
| I-93 P&D Const. Andover, Tewksbury, Wilmington, MA | $400,000 |
| I-94/I-275 Interchange Ramp Reconstruction, MI | $1,000,000 |
| I-95 and SC 327 Interchange Improvement Project, SC | $500,000 |
| I-95 in Cumberland, Harnett, and Johnston Counties, NC | $750,000 |
| I-95 Interchange at Yamato Road and Spanish River Boca, FL | $1,000,000 |
| I-95 Interchange, Boca Raton, FL | $500,000 |
| I-95/Fairfax County Parkway Interchange at Newington Road, VA | $2,010,000 |
| I-95/SC 301 Interchange Improvement Project, SC | $4,000,000 |
| IH-35W Congestion Relief, TX | $350,000 |
| Improvement of Highland Pike (KY 1072) to Farrell Drive, KY | $350,000 |
| Interstate 25 reconstruction, Glenrock to Hat Six, WY | $950,000 |
| Interstate 29 Reconstruction/Utility Relocation, Sioux City, IA | $1,050,000 |
| Interstate 40 Crosstown Expressway, Oklahoma City, OK | $500,000 |
| Interstate 44 at State Route 5, Laclede County, MO | $500,000 |
| Interstate 49 North LA, I-220 to AR State Line, LA | $500,000 |
| Interstate 69 (Texas Portion) | $1,000,000 |
| Interstate 69/Great River Bridge: Highway 65-MS Highway 1, AR | $2,680,000 |
| Interstate 70 Viaduct Realignment, Topeka, KS | $750,000 |
| Interstate 75 in Manatee County, FL | $500,000 |
| Interstate-10, Pepper Avenue, San Bernardino, CA | $1,000,000 |
| Interstates 430/630 Interchange Modifications, AR | $3,180,000 |
| Kapolei Interchange Complex, HI | $1,000,000 |
| KY Ohio River Bridges Project, Louisville, KY | $1,000,000 |
| Lathrop Road/Interstate 5 Interchange Improvements, CA | $500,000 |
| Latson Road interchange at I-96 in Livingston City, MI | $500,000 |
| Lee Highway Corridor Improvement Project, VA | $500,000 |
| Lighting along Interstate 85 at Exits 77 and 70, AL | $125,000 |
| Monroe County Tennessee High Mast Lighting, TN | $500,000 |
| Pennsylvania Turnpike/I-95 Connection, PA | $700,000 |
| Ranchero Road Corridor Project, Hesperia, CA | $1,500,000 |
| Rancho Cucamonga, CA I15/Baseline Rd. Interchange, CA | $750,000 |
| Recontruct Interstate 80, Johnson County, IA | $500,000 |
| Rehabilitation of I-696 from M-53 to I-94, MI | $500,000 |
| Route 266 & Interchange with I44 Springfield, MO | $500,000 |
| Route 495 Southbound Ramp, Mansfield & Norton, MA | $750,000 |
| San Diego Freeway (I-405) Widening and Improvement, CA | $500,000 |
| SR-56 Connectors and I-5 Widening, CA | $500,000 |
| State of Delaware Turnpike Improvements Project, DE | $1,490,000 |
| State Route 76 widening and realignment, CA | $250,000 |
| Study for improvm, I-270 at I-44, St. Louis County, MO | $250,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| U.S. 34 Bridge Mills County, IA | $250,000 |
| University of Texas at El Paso, Reconstruction of Off -Ramp | $500,000 |
| US 278 Corridor Construction, SC | $250,000 |
| US 287 Ennis Bypass from BU 287 to South of SH 34, TX | $500,000 |
| Widen Lee Road bridge at I-20, GA | $500,000 |

### (ADDITIONAL OBLIGATION LIMITATION)

### (HIGHWAY TRUST FUND)

The conference agreement increases the Federal-aid highways obligation limitation by $1,000,000,000, as proposed by the Senate, and directs that this additional limitation be used only for the bridge program and be distributed to the States based on the bridge program formula. The conference agreement also specifies that this obligation limitation shall remain available for a period of three fiscal years. The conferees also direct the Secretary of Transportation to ensure that the additional limitation supplements each State's planned obligations for the bridge program. The House did not include a similar provision.

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

### (HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $41,955,051,359, which is available until expended, to pay the outstanding obligations of the various highway programs at levels provided in this Act and prior appropriations Acts, instead of $40,955,051,359 as proposed by both the House and the Senate.

### (RESCISSION)

### (HIGHWAY TRUST FUND)

The conference agreement includes a rescission of $3,000,000,000 of the unobligated balances of funds apportioned to the States under chapter 1 of title 23, United States Code, as proposed by the House and instead of $2,890,000,000 as proposed by the Senate. The conference agreement also excludes safety programs and funds set aside within the State for population areas from this rescission and directs the FHWA to administer the rescission by allowing each State maximum flexibility in making adjustments among the apportioned highway programs, as proposed by the Senate. The House had proposed to apply the rescission proportionally to each highway program, including funds set aside for transportation enhancements and within the state for population areas.

### I-35W BRIDGE REPAIR AND RECONSTRUCTION

The conference agreement provides $195,000,000 for the repair and reconstruction of the Interstate 35W bridge located in Minneapolis, MN, that collapsed on August 1, 2007, as authorized under Public Law 110-56, as proposed by the Senate. The House did not include a similar provision.

### APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

The conference agreement provides $16,000,000 for the Appalachian Development Highway System to be allocated for West Virginia Corridor H, instead of $20,000,000 as proposed by the Senate. The House did not include a similar provision.

### DELTA REGIONAL TRANSPORTATION DEVELOPMENT PROGRAM

The conference agreement provides $14,300,000 for the Delta Regional Transportation Development Program, instead of $20,000,000 as proposed by the Senate. The House did not include a similar provision. The conferees direct that the funds be allocated to the following projects that are listed below:

| Project Name | Total Conference Funded Level |
|---|---|
| Canton Parkway, MS | $2,800,000 |
| Caruthersville Downtown Infrastructure Road Redevelopment, Caruthersville, MO | $375,000 |
| Greenville Street Revitilization, MS | $1,500,000 |
| Highway 67 (Wappapello Bridge) Four Lane Improvement Project, MO | $2,250,000 |
| Marks Airport, MS | $1,000,000 |
| Newburg Bridge Replacement, MO | $180,000 |
| Route AB Route Extension, Cape Girardeau, MO | $570,000 |
| Route AB/Nash Road Improvement Project, MO | $750,000 |
| Route D Road Improvement Project, MO | $1,875,000 |
| Route EE Road/Multi-Modal Improvement Project, MO | $750,000 |
| Route Y Safety Improvement Project, MO | $750,000 |
| Statesman Boulevard and Trail, MS | $1,500,000 |

### ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

### (INCLUDING RESCISSIONS)

Section 120 includes a provision similar to language proposed by both the House and the Senate that modifies the distribution of Federal-aid highway obligation limitation.

Section 121 retains the provision, as proposed by both the House and Senate, that allows funds received by the Bureau of Transportation Statistics from the sale of data products to be credited to the Federal-aid Highways account.

Section 122 retains the provision, as proposed by the House, that rescinds unobligated balances associated with completed demonstration or high priority projects from the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240. The Senate did not include a similar provision.

Section 123 includes a provision similar to language proposed by the House that rescinds unobligated balances associated with completed high priority projects from the Transportation Equity Act for the 21st Century, Public Law 105-178. The Senate did not include a similar provision.

Section 124 includes a provision similar to language proposed by both the House and the Senate that rescinds unobligated funds authorized for the transportation innovative finance program.

Section 125 retains the provision, as proposed by both the House and the Senate, that rescinds unobligated contract authority authorized for administrative expenses of the FHWA that will not be available for obligation because of the limitation on administrative expenses imposed in this Act and prior Acts.

Section 126 includes a provision similar to language proposed by the House that rescinds unobligated contract authority authorized for transportation research, training and education, and technology deployment program that will not be available for obligation because of the limitation on obligations imposed on those funds in prior Acts. The Senate did not include a similar provision.

Section 127 retains the provision, as proposed by the House, that rescinds unobligated balances made available for highway related safety grants in prior appropriations Acts. The Senate did not include a similar provision.

Section 128 retains the provision, as proposed by the House, that rescinds unobligated balances associated with completed demonstration or high priority projects from previous laws. The Senate did not include a similar provision.

Section 129 includes a provision similar to language proposed by both the House and the Senate that directs a portion of RABA to fund specific projects as identified below, with any remaining RABA funds to be distributed to the States and other authorized programs in accordance with section 110 of title 23, United States Code.

The conferees direct that funding made available under this section be made available to the following projects and activities:

### SURFACE TRANSPORTATION PRIORITIES

| Project Name | Total Conference Funded Level |
|---|---|
| 1/2 Street, Town of Turtle Lake, WI | $350,000 |
| 118th Avenue Expressway - Pinellas County, FL | $1,750,000 |
| 159th Street bridge replacement, Andover, KS | $1,000,000 |
| 16th Street, San Miguel Railroad Crossing Safety, CA | $250,000 |
| 18th Street Corridor and Railroad Crossing Project, Logansport, IN | $350,000 |
| 19th Street Extension at Deschutes Junction, OR | $500,000 |
| 19th Street SW Grade Separation Mason City, IA | $1,100,000 |
| 21st Century Parks Project in Louisville, KY | $6,000,000 |
| 500 South, I-15 to Redwood Road, UT | $600,000 |
| 87th Street Parkway Improvements, Lenexa, KS | $250,000 |
| A-B Street Corridor Connector, WA | $1,260,000 |
| Airport Boulevard/Highway 101 Interchange, Monterey, CA | $500,000 |
| Algonquin Road Extension, McHenry County, IL | $250,000 |
| Alsbury Boulevard Extension, Burleson, TX | $600,000 |
| American Parkway, PA | $2,100,000 |
| American Veterans Disabled for Life Memorial Related Transportation Improvements, DC | $1,000,000 |
| Antelope Valley Transportation Improvements, NE | $500,000 |
| Arnold Bridge Improvement, Willimantic, ME | $500,000 |
| Atlantic Rail Underpass and Road Realignment Project, CT | $250,000 |
| Atmore, Alabama Road Improvement | $250,000 |
| Austin Intelligent Transportation Systems, TX | $250,000 |
| Baton Rouge Riverfront Development and Levee Pedestrian and Bike Path, LA | $1,000,000 |
| Battleship New Jersey Access Road (Clinton Street) Repaving Project, NJ | $422,100 |
| Beaudry Road Crossing and Pathway, Yakima Co. WA | $200,000 |
| Beckett Bascule Bridge Alternative Analysis, FL | $100,000 |
| Bella Vista Bypass, AR | $500,000 |
| Belleview Bypass, Marion County, FL | $250,000 |
| Belleville Road/Ecorse Road Intersection, Wayne County, MI | $750,000 |
| Big Pasco Industrial Center Intermodal Project, Phase 4, WA | $900,000 |
| Blackstone River Canal Replication Project, Worcester, MA | $750,000 |
| Blossom Hill/Monterey Highway Crossing, San José, CA | $500,000 |
| Blue Earth CSAH 12 Extension/TH 14 Interchange, MN | $1,340,000 |
| Bossier Parish Congestion Relief Program, LA | $1,812,000 |
| Boulder City Bypass Project, NV | $250,000 |
| Brazos Valley Transportation Management Center, TX | $600,000 |
| Brentwood Boulevard/SR 4 Improvements, Brentwood, CA | $750,000 |
| Brewery Grade/Highway 30 Intersection and Flour Mill Property Redevelopment, OR | $670,000 |
| Bridge Over Brandywine Creek, Downingtown, PA | $500,000 |
| Bridge over Broadway, Missoula to Rattlesnake National Recreation Area, MT | $670,000 |
| Bridge Replacements, McKinley County, NM | $300,000 |
| Bridge Street, Clay Street, Jackson Street Bridges, Essex County, NJ | $1,000,000 |
| Bristol Street Widening, Orange County, CA | $670,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| Burnt Store Road: Evacuation Route Widening, FL | $200,000 |
| Calumet Avenue and 45th Street Grade Separation, Munster, IN | $1,250,000 |
| Cambridge-Isanti Bike/Walk Trail, MN | $700,000 |
| CEMAR Trail, IA | $335,000 |
| Chesapeake By-Pass, Lawrence County, OH | $750,000 |
| Chicora Bridge Safety Improvements, Butler, PA | $250,000 |
| Chittenden County Road Improvement Projects in Colchester (VT Route 15/Campus Road) and Essex Junction (VT Route 15), VT | $1,675,000 |
| Chocorua Village Safety Improvement Project, Tamworth, NH | $500,000 |
| Church Street Overpass, Huntsville, AL | $1,000,000 |
| City of Granite Falls Freight Access Project, WA | $1,050,000 |
| City of Miami Beach Atlantic Corridor Greenway, FL | $500,000 |
| City of Tuscaloosa Downtown Revitilization Project, AL - Twenty First Avenue Phase I and University Boulevard Phase III, AL | $4,200,000 |
| Coal Creek Parkway Corridor Completion Project, WA | $700,000 |
| Coalfields Expressway, WV | $4,000,000 |
| Cold Storage Spur Line, IA | $1,170,000 |
| Collard Street Reconstruction, Madisonville, TX | $200,000 |
| College Avenue Bridge Project, Appleton, WI | $500,000 |
| College of Southern Idaho Student Safety Initiative, ID | $480,000 |
| Commack Road Bypass Study, Suffolk County, NY | $500,000 |
| Community Transportation Association of America, Nationwide Joblinks | $900,000 |
| Construction/Enhancement of Motts Lane, Penfield, NY | $100,000 |
| County Highway C Road Improvements, Bayfield County, WI | $1,750,000 |
| County Highway F Reconstruction, Douglas County, WI | $1,500,000 |
| CR 172 Improvements, Grimes County, TX | $400,000 |
| Crisfield County Dock, Somerset County, MD | $100,000 |
| Dallas Woodall Rodgers Freeway Deck Plaza, TX | $100,000 |
| Del Rio Roadway Construction, Val Verde County, TX | $1,000,000 |
| DelTrac Integrated Transportation Management System, DE | $804,000 |
| Denali Commission, Alaska for transportation infrastructure projects throughout rural Alaska, AK | $7,500,000 |
| Depot Street Bridge Revitalization, Beacon Falls, CT | $1,600,000 |
| Design & construction of Glen Cove Connector Road, NY | $100,000 |
| Design, engineering, environmental assessment and initial constructions of East Aztec Arterial Route, NM | $600,000 |
| Diley Road Widening, City of Pickerington, OH | $500,000 |
| Dillerville Rail Yard Relocation, PA | $1,385,000 |
| Dorsey Drive Interchange in Grass Valley, CA | $750,000 |
| Downtown Development Authority District Streetscape, Dahlonega GA | $100,000 |
| Downtown Franklin Revitalization, Franklin, NH | $800,000 |
| Downtown Parking Improvements, Ossining, NY | $175,000 |
| Downtown Revitalization Project, Lawton, OK | $250,000 |
| Downtown Streetscape Improvements, Framingham, MA | $500,000 |
| Downtown Streetscape Project, New Providence, NJ | $250,000 |
| East Brandon Bypass, MS | $750,000 |
| East Carson Street Widening, PA | $1,250,000 |
| East Loop, TX | $420,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| East Market Street Widen/Improve Design, Akron, OH | $500,000 |
| East Metropolitan Corridor, MS | $3,000,000 |
| East Texas Higher Speed Rail Feasibility Study, TX | $455,000 |
| Eastern Hills Corridor, Clarence, NY | $250,000 |
| Edwards Street Improvement, Springfield, MA | $750,000 |
| Engineering Project for NFDL Railyard Crossing, WI | $600,000 |
| Environmental Shield, Queens, NY | $750,000 |
| Expands SR 46 to 4-lanes, Sanford, FL | $500,000 |
| Fall Mountain Water Road Paving, Plymouth, CT | $500,000 |
| FAST Corridor Grade Separations, WA | $500,000 |
| FM 3503 Relocation Improvements, TX | $500,000 |
| FM509 Extension, TX | $700,000 |
| Forest City Southeast Federal Center and Anacostia Waterfront Improvements, DC | $500,000 |
| Fort Wayne Clinton Street Bridge Replacement, IN | $1,420,000 |
| Four Lane State Road 87 Santa Rosa County, FL | $500,000 |
| Freedom Crider Road Upgrade, Beaver County, PA | $750,000 |
| Friant Corridor, CA | $500,000 |
| Friends of Cheat Rails-to-Trails program, WV | $300,000 |
| Fruit Belt Redevelopment Plan, Buffalo, NY | $1,600,000 |
| Ft. Lee Access Points, Prince George, VA | $750,000 |
| Fullerton, CA-State College/BNSF Grade Separation, CA | $500,000 |
| Fulton Dr. and Wales Ave. Intersection Improvement, OH | $600,000 |
| Geneva RD & Provo Center ST, UT | $250,000 |
| Glenwood Road Pedestrian Safety Improvements, DeKalb County, GA | $1,000,000 |
| Golden Gate Bridge Moveable Median Barrier, CA | $500,000 |
| Grade Separations in Riverside, CA | $1,420,000 |
| Grand Avenue Improvements, City of Poughkeepsie, NY | $1,000,000 |
| Grand Avenue Underpass, Chicago, IL | $1,340,000 |
| Grand Lagoon Bridge Replacement and Thomas Drive Widening Project, Bay County, FL | $500,000 |
| Granite Street Reconstruction Project, NH | $1,700,000 |
| Grant City Downtown Square Street Improvments, MO | $375,000 |
| Greater Ouachita Port and Intermodal Facility, LA | $500,000 |
| Greene Street/Williams Street connector, SC | $500,000 |
| Greenway Path and Bridge, Southgate, Wayne County, MI | $250,000 |
| Gwynns Falls Trail/CSX Bridge, MD | $335,000 |
| Hanford Reach National Monument Transportation Improvements, WA | $700,000 |
| Harrison County Road 29, OH | $1,000,000 |
| Heart of America Bicycle/Pedestrian Bridge, MO | $562,500 |
| Henderson Lake Mead Parkway, NV | $200,000 |
| Highland Park Streetscape, Los Angeles, CA | $250,000 |
| Highway 13 at Broadmoor Intersection in Springfield, MO | $375,000 |
| Highway 13 Bypass, MO | $2,250,000 |
| Highway 165 Overpass, Stuttgart, AR | $500,000 |
| Highway 217, Beaverton-Hillsday Highway to Allen Boulevard, Washington County, OR | $750,000 |
| Highway 610 Corridor, MN | $500,000 |
| Highway 71/Future Interstate 49 Development and Construction between Louisiana Line and Doddridge, AR | $1,000,000 |
| Highway 77 Rail Grade Separation, Marion, AR | $500,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| Highway 9 4-Lane Corridor, MS | $3,000,000 |
| Highway-Rail Grade Crossing Bypass, Silver Springs, NY | $300,000 |
| Hobbs East Bypass Project, NM | $600,000 |
| Holmes County Trail: Phase 5 Holmes County, OH | $750,000 |
| Holy Cross Road Safety Project, Worcester, MA | $750,000 |
| Houghton Road Corridor Bridge Replacement, Tucson, AZ | $750,000 |
| Hugh White State Park Access Road, Grenada, MS | $1,000,000 |
| Hurricane Evacuation Route Signalization, FL | $250,000 |
| Hylan Drive, Henrietta, NY | $850,000 |
| I-15 Auxiliary Lanes, Kaysville to 31st Street, UT | $1,200,000 |
| I-355 Corridor Improvement Project, IL | $435,000 |
| I-540 Western Wake Freeway, NC | $1,000,000 |
| I-55/Gluckstadt Interchange Improvements, MS | $1,500,000 |
| I-555 Access Road, Poinsett County, AR | $1,000,000 |
| I-69, LA | $2,800,000 |
| I-69, US-77 Upgrades from Harlingen to I-37, TX | $525,000 |
| I-81 Rebuild/Expansion, PA | $1,400,000 |
| I-84, Exit 29 (Franklin Road) Local Systems Improvement, ID | $480,000 |
| Icicle Station Project, Leavenworth, WA | $300,000 |
| IH30 Interchange at Monty Stratton Pkwy-Greenville, TX | $250,000 |
| Implementing Red Mountain Area Plan, Benton Co. WA | $300,000 |
| Improve bike trails in Highland, IN | $400,000 |
| Improvements to Route 266 and Interchange with Interstate 44, MO | $2,250,000 |
| Indian Bend Road Improvements, Scottsdale, AZ | $1,000,000 |
| Indian Street Bridge, Martin County, FL | $1,000,000 |
| Instersection Rehabilitation and Improvements, US24 and Marlatt Avenue, Manhattan, KS | $700,000 |
| Interchange Construction at US-73 and 20th Street, Leavenworth, KS | $700,000 |
| Interchanger at Interstate and University Parkway, FL | $1,000,000 |
| Intersection Rehabilitation, US-166 and US-169, Montgomery County, KS | $600,000 |
| Interstate 66 Pike County, KY | $1,000,000 |
| Interstate 66 Somerset to London, KY | $1,500,000 |
| Interstate 68 Access Road - Monongalia County, WV | $2,000,000 |
| Interstate 69, TN | $2,100,000 |
| Jack Dame Road Extension, City of Rochelle, IL | $250,000 |
| Joe Dice Suspension Bridge, MO | $562,500 |
| Kalispell Bypass, MT | $4,020,000 |
| King Coal Highway, WV | $4,000,000 |
| LA 675 Lane Improvements, Iberia Parish, LA | $500,000 |
| LA-42; Ascension Parish, LA | $250,000 |
| Lake Ridge Parkway Extension in Grand Prairie, TX | $500,000 |
| Las Cruces Downtown Revitalization, NM | $1,200,000 |
| Lewiston Partnership Project, ID | $240,000 |
| Lexington Traffic Movement and Revitalization Study, Lexington, KY | $500,000 |
| Library Lane-Coles Lane Improvements, Bronx, NY | $1,000,000 |
| Lincoln Avenue Grade Separation Project, WA | $1,050,000 |
| Lincoln Bypass on SR65 in Placer County, CA | $950,000 |
| Lincoln/Belmont/Ashland Streetscape Project, Chicago, IL | $1,250,000 |
| Little Bay Bridges/Spaulding Turnpike, NH | $1,750,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| Los Banos Bypas--SR 152; Merced, CA | $500,000 |
| Mahan Drive Phase II, Leon County, FL | $725,000 |
| Mahoning Avenue Improvements, Youngstown, OH | $500,000 |
| Maple Rd. SCATS signals; Bloomfield Twp. 6 miles, MI | $1,000,000 |
| Maple Rd. widening; 1.5 Miles; Walled Lake City, MI | $500,000 |
| Martin Bluff Road, MS | $1,700,000 |
| Martinsburg Borough Streetscape Project, PA | $100,000 |
| Massachusetts Avenue Design and Recontruction, Arlington, MA | $750,000 |
| Massachusetts Landscape Connectivity Study, MA | $200,000 |
| McGinnis Ferry Road - Gwinnett County, GA | $400,000 |
| MD 237, Pegg Road to MD 235, St. Mary's County, MD | $1,000,000 |
| MD 246/MD 235 to Saratoga Drive, Lexington Park, MD | $500,000 |
| Memorial Drive Feasibility Study, Beverly Hill, TX | $300,000 |
| Memorial Park Drive in Upper Moreland Township, PA | $300,000 |
| Milwaukee Avenue Reconstruction Project, Chicago, IL | $1,250,000 |
| Mission Road Beautification Project, Alhambra, CA | $250,000 |
| Mission Street Pedestrian Improvements, South Pasadena, CA | $250,000 |
| MO 740 (Stadium Boulevard) Extension, MO | $300,000 |
| Montclair, CA Ramona Ave grade separation, CA | $250,000 |
| Monterey Bay Sanctuary Scenic Trail, CA | $500,000 |
| Morgan Street Improvments, City of Elmwood, IL | $250,000 |
| Mountain Edge Parkway Environmental Assessment, Las Vegas, NV | $750,000 |
| Murray Athletic Center, NY | $100,000 |
| Mystic River Bridge Rehabilitation, CT | $1,000,000 |
| Nash Road/Route AB, Cape Girardeau County, MO | $800,000 |
| Naugatuck River Greenway Design Study, CT | $150,000 |
| New Alignment South Bridge, MO | $2,125,000 |
| North Main Street Corridor Master Plan, Freeport, NY | $200,000 |
| North Main Street Streetscape Enhancements, CT | $234,500 |
| North Seminary Street Railroad Grade Separation Bridge, Galesburg, IL | $500,000 |
| Northeast Inner Loop intersection Improvements, TX | $350,000 |
| Northern Avenue Bridge Revitilzation, MA | $1,000,000 |
| Northside Drive, Clinton, MS | $3,250,000 |
| Northwest Loop Access Road, Sandoval County, NM | $975,000 |
| Northwestern Corridor Roundabouts; ROW and Construction, MI | $1,000,000 |
| Oak Ridge Cemetery, Springfield, IL | $250,000 |
| Paducah Waterfront Development Project, KY | $4,000,000 |
| Palm Bay Parkway, Palm Bay, FL | $2,760,000 |
| Park Place Extension and Railroad Grade Separation, El Segundo, CA | $750,000 |
| Park Street Streetscape Improvement, Alameda, CA | $500,000 |
| Parking Expansion, Dobbs Ferry, NY | $250,000 |
| Paseo Street Corridor Improvements, MO | $562,500 |
| Paw Paw Bends Trail, Morgan County, WV | $1,000,000 |
| Pedestrian Plaza Improvements at the Connecticut Science Center in Hartford, CT | $670,000 |
| Phase 2 road improvements for Tri-County Technical, SC | $300,000 |
| Pinnacle Aeropark, Wayne County, MI | $670,000 |
| Pinon Hills Boulevard East and Animus River Bridge, NM | $900,000 |

| **Project Name** | **Total Conference Funded Level** |
|---|---|
| Pittsfield Downtown Streetscape, MA | $1,500,000 |
| Port Huron, NAFTA Corridor Congestion Mitigation Project, Phase I, MI | $670,000 |
| Port of Orange Intermodal Project, Orange, Texas | $500,000 |
| Port of Wilmington Rail Improvement Project, DE | $1,005,000 |
| Post Street Centennial Trail and Utility Bridge, WA | $1,400,000 |
| Potrero Boulevard/SR 60 Interchange, Beaumont, CA | $1,500,000 |
| Prospect and Gowanus Expressways ITS Deployment, NY | $1,000,000 |
| Quadral Drive extension, Wadsworth, OH | $900,000 |
| Raleigh Street Extension, WV | $500,000 |
| Reading Lighting and Streetscape Enhancement Initiative, PA | $167,500 |
| Realignment of Saddle Creek Road, NE | $1,340,000 |
| Reconstruct French Camp/I-5 interchange and Sperry Road Connection, San Joaquin County, CA | $1,000,000 |
| Reconstruct Route 6, Town of Cortlandt, NY | $2,000,000 |
| Reconstruction of Commonwealth Avenue, Boston, MA | $1,000,000 |
| Reconstruction of Long Point Road in Houston, TX | $750,000 |
| Reconstruction of the Wood Dale and Irving Park Rd, IL | $500,000 |
| Reconstruction of Two Interchanges on I-235, Wichita, KS | $700,000 |
| Reconstruction of US-50 in Gray County, KS | $600,000 |
| Reconstruction of US-50 in Reno County, KS | $500,000 |
| Redevelopment of Front Street and Constitution Way in Hartford, CT | $1,340,000 |
| Regional Telecommunications System on Pennsylvania Turnpike, PA | $500,000 |
| Rehabilitation of the Martin's Mill Covered Bridge, PA | $250,000 |
| Rennovation of Monument Circle, Indianapolis, IN | $335,000 |
| Reno Rail Access Corridor Enhancements, NV | $500,000 |
| Repair of San Tomas Expressway Box Culvert, Santa Clara County, CA | $500,000 |
| Replacement of the Big River Bridge on US-77, KS | $500,000 |
| Resurfacing and Reconstruction of Pacific Boulevard, Huntington Park, CA | $800,000 |
| Revitalization and redevelopment of the Hamlet of Brewerton, NY | $780,000 |
| RI Bridge and Tunnel Authority EZPass Project for Claiborne Pell Bridge, RI | $500,000 |
| Rice Avenue Interchange at U.S. Highway 101, Ventura County, CA | $500,000 |
| Rickenbacker Rail Spur, Pickaway and Franklin Counties, OH | $500,000 |
| River Tech Boulevard Road Construction, Moline, IL | $1,200,000 |
| Roger Snedden Drive Grade Separation Boone, IA | $500,000 |
| Ronald Reagan Parkway, Hendricks County, Indiana | $500,000 |
| Route 10 Upgrade from I-64 to Corridor G, WV | $1,000,000 |
| Route 116 and Bay Road Intersection and Road Improvements, Amherst, MA | $1,500,000 |
| Route 195/Coggeshall Street Interchange, New Bedford, MA | $500,000 |
| Route 22 Sustainable Corridor, Somerset County, NJ | $4,000,000 |
| Route 221, St. Francois and Iron Counties, MO | $250,000 |
| Route 29 Boulevard Conversion Project from Memorial Drive to Route 1 Bridge, Trenton, NJ | $750,000 |
| Route 5 Overpass and River Center, St. Mary's County, MD | $500,000 |
| Route 537/State Route 34 Intersection Monmouth, NJ | $250,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| Route 60/422 Interchange, Union Township, PA | $750,000 |
| Route 63, Howell/Oregon Counties, MO | $250,000 |
| Route Y, Stoddard County MO | $500,000 |
| Rt. 47 and Warrior Ave., Warrenton, MO | $200,000 |
| Rte 295/42/I-76,Direct Connection,Camden County, NJ | $500,000 |
| Safety and Traffic Improvements, Ardsley, NY | $150,000 |
| San Juan County Road 3900, NM | $600,000 |
| San Juan County Road Bridge #567, NM | $500,000 |
| San Juan County Road CR 7500, NM | $300,000 |
| Santa Clarita Cross Valley Connector, CA | $500,000 |
| SC 9 Improvements, SC | $500,000 |
| SD 11 and SD 42 in Sioux Falls, SD | $2,310,000 |
| SFgo Market Street improvements, San Francisco, CA | $500,000 |
| SH66 from SH205 to FM 549, Rockwall TX | $250,000 |
| Sheila Street at Commerce Way Improvements, Commerce, CA | $500,000 |
| Sheridan Crossing improvements, North Chicago, IL | $250,000 |
| Shiloh Road Corridor, Billings, MT | $4,690,000 |
| Shoal Creek Pedestrian Bridge, CA | $250,000 |
| Sidewalk Construction in Ashland/Cherryland, CA | $750,000 |
| Slauson Avenue Corrider Improvement Project, Maywood, CA | $800,000 |
| Snelling Avenue/University Avenue Intersection Redesign, St. Paul, MN | $500,000 |
| Somerset Street Extension, Portland, ME | $500,000 |
| South Airport Connector Road, Boone County, KY | $250,000 |
| South Bronx Greenway, Hunts Point Landing, NY | $500,000 |
| South Bronx Greenway, Randall's Island Connector, NY | $500,000 |
| South Capitol Street Corridor Improvements, DC | $500,000 |
| South Dakota School of Mines and Technology Connector Road, SD | $390,000 |
| South Lake Union Streetcar Project Capital Improvements, WA | $805,000 |
| Southside bridge replacement, Etowah County, AL | $1,000,000 |
| Southwest Rochelle Truck Loop, Ogle County, IL | $100,500 |
| SR 151 at CR 162/Colbert Hollow Road, Catoosa County, GA | $150,000 |
| SR 8/US 29 Plsnt. Hl/Lester Rd., Gwinnett Co., GA | $400,000 |
| SR 9 south of Cumming from SR 141 to SR 20, GA | $250,000 |
| Star Landing Road Corridor, DeSoto County, MS | $2,400,000 |
| State Highway 53 Improvements, Barron County, WI | $1,000,000 |
| State Road 39/State Road 91 and US 84 Improvements, Donalsonville, GA | $750,000 |
| State Road 62/337 Construction, Harrison County, IN | $1,250,000 |
| State Road 982/Talbotton Road Improvements, Columbus, GA | $750,000 |
| State Road 9B, St. Johns County, FL | $500,000 |
| State Route 21 Improvements and Upgrades, Fayette County, PA | $1,500,000 |
| State Route 21 Intersection at Junction Deli, Green County, PA | $1,090,000 |
| State Route 218 Extension, Henry County, TN | $750,000 |
| State Route 437 By-Pass in Bedford County, TN | $700,000 |
| State Route 794 Relocation Initiative, OH | $1,000,000 |
| STH 44 - Oshkosh, WI | $400,000 |
| Stoopville Road Improvements, PA | $500,000 |
| Street extension, Champaign, IL | $500,000 |
| Streetscape Improvement Project, Bennington, VT | $500,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| Streetscape Improvements, Eastchester, NY | $300,000 |
| Streetscape Project - Town of Scottsville, VA | $400,000 |
| Study Improvements to 109th Avenue, Winfield, IN | $250,000 |
| Suitland Road Gateway Project, Prince George's County, MD | $1,000,000 |
| Tacoma Rail Mountain Division Track Improvements, WA | $770,000 |
| TECO Line Streetcar System Extension, Tampa, FL | $1,000,000 |
| Tenth St. Connector, Greenville, NC | $250,000 |
| Terry Creek Bridge Widening, GA | $1,000,000 |
| Thomas Road Project, McAllen, TX | $700,000 |
| Torrington Gateway, CT | $240,000 |
| Trinity River Vision Bridges, Ft Worth, TX | $1,750,000 |
| Twin Bridge Road, Decatur, IL | $500,000 |
| Twin Peaks Corridor Project, Marana, AZ | $1,500,000 |
| U.S. 17 in Craven County, NC | $250,000 |
| U.S. 17-92-US 192, Kissimmee, FL | $1,000,000 |
| U.S. 2 Safety Improvements, WA | $650,000 |
| U.S. 20 Southwyck Corridor Improvements, OH | $750,000 |
| U.S. 278 Corridor, Beaufort County, SC | $500,000 |
| U.S. 287 at Lamar, Colorado: Ports to Plains, CO | $1,340,000 |
| U.S. 290/S.H. 36 Improvements, TX | $250,000 |
| U.S. 30, Columbus Viaduct Replacement, NE | $500,000 |
| U.S. 301 Improvement in Charles and Prince George's County, MD | $1,000,000 |
| U.S. 31 Freeway Upgrade Project in Marshall, Fulton, Miami and Tipton Counties, IN | $350,000 |
| U.S. 395, North Spokane Corridor, WA | $500,000 |
| U.S. 41 Enhancements, Charlotte County, FL | $500,000 |
| U.S. 422 River Crossing Complex Projects, PA | $750,000 |
| U.S. 44 Improvements, Avon, CT | $750,000 |
| U.S. 54 Corridor Expansion, MO | $750,000 |
| U.S. 60 Corridor Improvements, MO | $562,500 |
| U.S. 63 and Gans Road Overpass, MO | $750,000 |
| U.S. 69 Improvements, Crawford County, KS | $1,000,000 |
| U.S. 74 Interchange at NC 211, Brunswick County, NC | $500,000 |
| U.S. Highway 10 Improvements between Marshfield and Stevens Point, WI | $2,500,000 |
| U.S. Highway 41 Construction Project from Oconto, WI, to Peshtigo, WI | $1,000,000 |
| U.S. Highway 49/Highway 7 Connector, MS | $2,750,000 |
| U.S. Route 30/Harrisburg Pike Gateway Interchange Project, PA | $1,400,000 |
| U.S. Rt 40 Water St. to Evergreen Ave, Teutopolis, IL | $400,000 |
| U.S.-41 Capacity Improvements in Lee County, FL | $100,000 |
| U.S.-95, Thorncreek Road to Moscow, ID | $500,000 |
| University Parkway/I-215, San Bernardino, CA | $750,000 |
| Upgrade and partly relocate MO Rt 141, St L County, MO | $250,000 |
| Upgrade MO Rt 94 (Page Ext Ph 2), St Chas Cnty, MO | $250,000 |
| Upgrade S.R. 31 in Mooresburg, Hawkins County, TN | $500,000 |
| Upgrade signalized intersections, Allentown, PA | $500,000 |
| Uptown St. Joseph Transportation District, MO | $1,500,000 |
| Urban Collector Road, Jackson and Harrison Counties, MS | $2,000,000 |
| US 11 Corridor Improvements, St. Tammany Parish, LA | $2,000,000 |
| US 54 Greenburg, KS | $600,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| US Route 1/SR 123 Interchange Improvements, Prince William County, VA | $2,010,000 |
| Valley View Business Park Access Road, PA | $670,000 |
| Vermont Downtown Streetscape and Sidewalk Improvements in Springfield and Bristol, VT | $670,000 |
| Vienna Sidewalk construction, VA | $100,000 |
| Village Plaza Streets and Drainage, Village of Angel Fire, NM | $120,000 |
| VTA High Occupancy Toll Lane Demonstration Project, Santa Clara County, CA | $500,000 |
| Wadsworth Interchange/State Highway 128, CO | $600,000 |
| Walden Trail Connection, Town of Montgomery, NY | $351,000 |
| Walker Street Grade Separation, Town of Cary, NC | $1,000,000 |
| Wall Triana Road Project, Madison County, AL | $500,000 |
| Walton Boulevard Bridge widening, MI | $500,000 |
| Warren County, Southwest Connector Interchange, IA | $550,000 |
| West Lea Street Improvements, Carlsbad, NM | $180,000 |
| West Vancouver Freight Access Project, WA | $1,400,000 |
| West Virginia Route 2 Improvements, WV | $7,643,100 |
| West Virginia Route 9, WV | $8,000,000 |
| West Vista Way widening, CA | $250,000 |
| Westchester Streetscape Improvement Project, CA | $1,000,000 |
| Westside (Caraway) Overpass, City of Jonesboro, AR | $1,840,000 |
| White Bluff Intersection Widening Project, White Bluff, TX | $200,000 |
| White County, IL | $100,000 |
| Widen Route 10, Chesterfield, VA | $250,000 |
| Widening Loop 281, Longview, TX | $500,000 |
| Widening of LA 16; Livingston Parish, LA | $250,000 |
| Winchester Road Widening, City of Huntsville, AL | $750,000 |
| Wisconsin State Highway 57 Expansion from Dyckesyill to Sturgeon Bay, WI | $500,000 |

Section 130 includes a provision similar to language proposed by the Senate that provides requirements for any waiver of Buy American requirements. The House did not include a similar provision.

The conference agreement deletes a provision proposed by the Senate that would have permitted funds made available in a prior appropriations act for the construction of the North Shore Road in North Carolina to be available for an alternate purpose. The conferees believe that this is an issue that is better suited to be dealt with by the National Park Service within the Department of the Interior.

### FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

#### MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

The conference agreement includes a liquidation of contract authorization and a limitation on obligations of $229,654,000 for the operating expenses of and motor carrier safety research by the Federal Motor Carrier Safety Administration (FMCSA), instead of $228,000,000 as proposed by the House and $231,469,553 as proposed by the Senate. The conference agreement reduces FMCSA's contract services by $459,000 instead of $3,246,000 as proposed by the House. The conference agreement rescinds $1,815,553 in unobligated balances from motor carrier safety operations instead of $3,469,553 as proposed by the House. The conference agreement provides funding in the following manner:

| | *Conference level* |
|---|---|
| Operating expenses ............ | $172,200,000 |
| Research and technology ... | 8,900,000 |
| Information management | 33,829,000 |
| Regulatory development ... | 10,725,000 |
| Outreach and education .... | 3,000,000 |
| Commercial motor vehicle operators grants ............. | 1,000,000 |

The conference agreement also prohibits any funds relating to outreach and education from being transferred to another agency as proposed by the House and the Senate.

*High risk carriers.*—Within the funds provided for FMCSA's operating expenses, the conference agreement includes an additional $1,000,000 as proposed by the Senate to conduct compliance reviews on high risk carriers. In addition, the conferees direct FMCSA to provide quarterly reports on the agency's progress in meeting the high risk carrier requirements contained in SAFETEA-LU.

*Compliance reviews.*—The conferees direct FMCSA to prepare a safety oversight action plan and to provide a report to the House and Senate Committees on Appropriations within six months of enactment of this Act which includes a delineation of the number of planned and completed compliance reviews from the previous year. In addition, the report should include the results of the agency's internal review of the fatal accident that occurred on the Capital Beltway (I-495/I-95) on March 19, 2007, and any requisite impact on the compliance review process, particularly as it relates to investigator training.

*Motor coach accessibility.*—The conferees reiterate concerns expressed in both the House and Senate Committee reports regarding DOT's failure to enforce its own regulations requiring accessibility to over-the-road buses for people with disabilities. The U.S. Court of Appeals for the D.C. Circuit rejected FMCSA's assertion that it did not have the authority to deny bus operators registration based on an interstate bus company's unwillingness or inability to comply with DOT's Americans with Disabilities Act (ADA) regulations, and remanded the case to FMCSA for further interpretation. On October 26, 2007, FMCSA responded by reasserting its claim that it lacks the authority to enforce DOT's own ADA regulations. The conferees find this interpretation to be mystifying, unacceptable, and deliberately evasive. It certainly calls into question the commitment of both the Secretary and the Administrator to enforcing both the letter and the spirit of Federal laws designed to protect the rights of the disabled. The conferees disagree with FMCSA that further statutory language is needed to clarify FMCSA's enforcement role in this area. Even so, given the recalcitrant stance and steadfast refusal of the Secretary and the Administrator to enforce the law on this matter, the conferees are supportive of the prompt enactment of H.R. 3985: the Over-the-Road Bus Transportation Accessibility Act of 2007. This bill makes clear, again, that FMCSA has the authority to enforce compliance with DOT's ADA regulations in this area. The conferees can only hope that, once this law is enacted, the Secretary and Administrator will not concoct still further evasive strategies to avoid their statutory responsibility.

#### MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

The conference agreement provides a liquidating cash appropriation and a limitation on obligations of $300,000,000 for motor carrier safety grants as proposed by the House and the Senate.

The conference agreement provides funding for motor carrier safety grants as follows:

| | *Conference level* |
|---|---|
| Motor carrier safety assistance program .................. | $202,000,000 |
| Commercial driver's license (CDL) program improvement grants ........... | 25,000,000 |
| Border enforcement grants | 32,000,000 |
| Performance and registration information system management grant program ................................ | 5,000,000 |
| Commercial vehicle information systems and networks deployment .......... | 25,000,000 |
| Safety data improvement grants ............................ | 3,000,000 |
| CDL information system modernization ................ | 8,000,000 |

The conference agreement directs that $29,000,000 of the funds provided for the motor carrier safety assistance program shall be distributed as grants to States and local governments for new entrant motor carrier audits. In addition, the conference agreement rescinds $11,260,214 in unobligated balances as proposed by the House and the Senate.

#### MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

The conference agreement rescinds $32,187,720 in unobligated balances from the motor carrier safety program as proposed by the House and the Senate.

#### NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

The conference agreement rescinds $5,212,858 in unobligated balances from the national motor carrier safety program as proposed by the House and the Senate.

#### ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Section 135 retains the provision as proposed by the House and the Senate that subjects funds appropriated in this Act to the terms and conditions of section 350 of Public Law 107-87 and section 6901 of Public Law 110-28, including that the Secretary submit a report on Mexico-domiciled motor carriers.

Section 136 includes a provision as proposed by the Senate prohibiting funds from being used to establish a cross-border motor carrier demonstration program to allow Mexico-domiciled motor carriers to operate beyond the commercial zone in the United States. The House included a similar provision.

### NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

#### OPERATIONS AND RESEARCH

The conference agreement provides $126,606,000 from the general fund for highway and traffic safety activities, instead of $125,000,000 as proposed by the House and $124,406,000 as proposed by the Senate. Of this amount, a total of $26,156,000 shall remain available until September 30, 2010, as proposed by both the House and the Senate.

The agreement includes a provision carried since fiscal year 1996 that prohibits NHTSA from obligating or expending funds to plan, finalize, or implement any rulemakings that would add requirements pertaining to tire grading standards that are not related to safety performance. This provision was contained in both the House and the Senate bills.

#### OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement provides $107,750,000 from the highway trust fund to carry out provisions of section 403 of title 23, United States Code, as proposed by both the House and the Senate.

The following table summarizes the conference agreement for operations and research (general fund and highway trust fund combined) by budget activity:

| | |
|---|---|
| Salaries and benefits ......... | $79,112,000 |
| Travel ................................ | 1,414,000 |
| Operating expenses ............ | 23,526,000 |
| Contract programs: | |
| Safety performance (rulemaking) ............... | 12,768,000 |
| Safety assurance (enforcement) ................... | 18,277,000 |
| Highway safety programs | 51,652,000 |
| Research and analysis .... | 69,184,000 |
| General administration .. | 673,000 |
| Grant administration reimbursements ................. | −18,250,000 |
| Total ................................ | $238,326,000 |

#### SALARIES AND BENEFITS

The conference agreement provides $104,052,000 for NHTSA's salaries and other operating expenses, an increase of $1,500,000 over the budget request to restore 12 full-time equivalent staff years (FTE), as proposed by the House. The Senate proposed to fund the agency at its budget request.

### SAFETY PERFORMANCE (RULEMAKING)

*Tire Pressure Monitoring Systems.*—The conferees have not provided any funding for the Senate-proposed tire pressure monitoring systems consumer education initiative.

### HIGHWAY SAFETY PROGRAMS

The conference agreement provides the following amounts for highway safety programs:

| | |
|---|---|
| Impaired driving | $11,400,000 |
| Drug impaired driving | 1,488,000 |
| Pedestrian, bicycle, and pupil transportation | 1,665,000 |
| Older driver safety | 1,700,000 |
| Motorcycle safety | 992,000 |
| National occupant protection | 11,132,000 |
| Enforcement and justice services | 2,699,000 |
| Emergency medical services | 2,320,000 |
| Enhance 9–1–1 Act implementation | 2,000,000 |
| Enhance 9–1–1 Act implementation | (1,250,000) |
| NEMSIS implementation | (750,000) |
| Driver licensing | 1,002,000 |
| Highway safety research | 11,346,000 |
| Emerging traffic safety issues | 588,000 |
| International activities in behavioral traffic safety | 100,000 |
| Problem driver pointer system (national driver register) | 2,870,000 |
| "Teens in the driver's seat" outreach and education program | 350,000 |
| Total | $51,652,000 |

*"Teens in the driver's seat" outreach and education program.*—The conference agreement provides $350,000 for NHTSA to conduct a peer-to-peer education and outreach program aimed at addressing behavioral risks that lead to teen driver crashes.

*Highway fatality rate goals.*—Both the House and the Senate directed NHTSA to provide a report on the agency's efforts to achieve a reduction in highway fatalities. The conferees direct NHTSA to combine the requirements of both requests into a single report and submit it to the House and Senate Committees on Appropriations by March 1, 2008.

### RESEARCH AND ANALYSIS

The conference agreement provides the following amounts for research and analysis:

| | |
|---|---|
| Safety systems | $8,226,000 |
| Biomechanics | 11,000,000 |
| Heavy vehicles | 3,115,000 |
| Commercial vehicle rollover prevention technology demonstration | (1,000,000) |
| Crash avoidance and human-vehicle performance | 7,804,000 |
| Pneumatic tire research | 300,000 |
| Lightweight plastic and composite intensive vehicles | 350,000 |
| Hydrogen fuel cell and alternative fuel vehicle system | 925,000 |
| National Center for Statistics and Analysis: | |
| Traffic records | 1,650,000 |
| Crash causation study | 7,000,000 |
| Early fatality notification system (Fast FARS) | 1,000,000 |
| National occupant protection use survey | 1,656,000 |
| Fatality analysis reporting system | 7,422,000 |
| National automotive sampling system | 12,480,000 |
| Data analysis program | 1,666,000 |
| State data systems | 2,890,000 |
| Special crash investigations | 1,700,000 |
| Total, Research and Analysis | $69,184,000 |

*Fatality analysis reporting system (FARS).*—The conference agreement includes $7,422,000 for FARS, instead of $7,922,000 as proposed by the House and $7,172,000 as proposed by the Senate. The conferees direct NHTSA to utilize this increase to conduct quality control workshops and to establish quality control procedures, as proposed by the House.

*National automotive sampling system (NASS).*—The conference agreement includes $12,480,000 for NASS, instead of $12,980,000 as proposed by the House and $12,230,000 as proposed by the Senate.

*Plastic and composite vehicles.*—The conference agreement includes $350,000, instead of $500,000 as proposed by the Senate, to continue development of lightweight plastic and composite intensive vehicles research to examine possible safety benefits. The House did not include a similar provision.

### OPERATIONS AND RESEARCH

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

### (LIMITATION ON OBLIGATIONS)

### (HIGHWAY TRUST FUND)

The conference agreement provides $107,750,000 to liquidate contract authorizations for operations and research activities and specifies that the funds are available until expended, as proposed by both the House and the Senate.

The conference agreement also limits obligations for operations and research to $107,750,000, as proposed by both the House and the Senate.

### NATIONAL DRIVER REGISTER

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

### (LIMITATION ON OBLIGATIONS)

### (HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $4,000,000 for the national driver register and specifies that the funds are available until expended, as proposed by the House. The Senate had proposed a $4,000,000 appropriation available until September 30, 2010.

The conference agreement also limits obligations for the national driver register to $4,000,000, as proposed by both the House and the Senate.

### HIGHWAY TRAFFIC SAFETY GRANTS

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

### (LIMITATION ON OBLIGATIONS)

### (HIGHWAY TRUST FUND)

The conference agreement provides $599,250,000 to liquidate contract authorizations for highway traffic safety grants to remain available until expended, as proposed by both the House and the Senate.

The conference agreement also limits obligations for highway traffic safety grants to $599,250,000, as proposed by both the House and the Senate. The bill includes separate obligation limitations for each of the agency's safety grant programs, as proposed by both the House and the Senate.

### ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

### (INCLUDING RESCISSIONS)

Section 140 retains the provision, as proposed by both the House and the Senate, that provides funding for travel and related expenses for state management reviews and highway safety core competency development training.

Section 141 retains the provision, as proposed by both the House and the Senate, that rescinds unobligated contract authority authorized from the highway trust fund for NHTSA's operation and research activities that will not be available for obligation because of limitations on obligations imposed on those funds in previous acts.

Section 142 retains the provision, as proposed by both the House and the Senate, that rescinds unobligated contract authority authorized for the national driver register that will not be available for obligation because of limitations on obligations imposed on those funds in previous acts.

Section 143 retains the provision, as proposed by both the House and the Senate, that rescinds unobligated contract authority authorized from the highway trust fund for NHTSA's highway safety grant programs that will not be available for obligation because of limitations on obligations imposed on those funds in previous acts.

### FEDERAL RAILROAD ADMINISTRATION

### SAFETY AND OPERATIONS

The conference agreement provides $150,193,499 for safety and operations instead of $148,472,000 as proposed by the House and $151,186,000 as proposed by the Senate. The conference agreement includes an increase of $892,500 above the budget request for inspector travel instead of $1,785,000 as proposed by the Senate. The House assumed the budget request. In addition, the conference agreement includes an increase of $629,000 to expeditiously fill agency vacancies as proposed by the Senate.

The conference agreement includes $200,000 to hire an independent consultant to evaluate the Federal Railroad Administration's (FRA) use of penalties as an enforcement mechanism instead of $300,000 as proposed by the Senate. The conferees direct FRA to report within 90 days on the schedule of the evaluation and to provide the independent consultant's comprehensive report within 180 days on the evaluation's findings along with the FRA's comments on the evaluation.

### RAILROAD RESEARCH AND DEVELOPMENT

The conference agreement provides $36,030,000 for railroad research and development, instead of $33,250,000 as proposed by the House and $36,250,000 as proposed by the Senate. Within the amount provided, the conferees have provided $1,000,000 for the advanced freight locomotive safety and monitoring system, MA; $750,000 for the demonstration and deployment of positive train control technology along the Alaska Railroad; $250,000 for the center for commercial deployment of transportation technologies, CA; $195,000 for the WVU constructed facility center; $585,000 for the Marshall University-University of Nebraska consortium for safety and research programs in rail equipment, human factors, and track and rail safety related issues; and $500,000 for the public education and enforcement research study (PEERS), IL.

Within the total, the conference agreement provides $5,600,000 for train control programs, including $500,000 to develop and demonstrate a lower cost train control system that can reduce or eliminate the possibility of train collisions.

*Rail-highway crossing hazard eliminations.*—The conference agreement provides the following funding allocations for rail-highway grade crossing mitigation authorized under section 1103(f) of Public Law 109–59:

| | |
|---|---|
| Leucadia boulevard at-grade safety improvements, CA | $500,000 |
| Union Pacific crossings, Round Rock, TX | 500,000 |
| Ventura County Metrolink grade crossing improvements, CA | 500,000 |
| Gulf Coast corridor hazard elimination in MS and LA | 500,000 |
| Grade crossing hazard elimination, Glendale, CA | 500,000 |
| Southern California regional rail authority, San Fernando Valley | 1,000,000 |
| Hopson road grade separation, Raleigh, NC | 500,000 |
| Klumac road grade crossing separation, Salisbury, NC | 300,000 |
| Private crossing safety initiative, NC | 275,000 |

### CAPITAL ASSISTANCE TO STATES—INTERCITY PASSENGER RAIL SERVICE

The conference agreement provides $75,000,000 for capital assistance to states—intercity passenger rail service program instead of $100,000,000 as proposed by the Senate and $50,000,000 as proposed by the House. The conference agreement maintains the basic grant program structure as proposed by the Senate to enable the FRA Administrator to make grants on a reimbursable basis for capital grants to improve existing or provide new intercity passenger rail service.

The conference agreement includes language providing that no more than ten percent of the funds available for this program may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan. The conference agreement clarifies that in order to be eligible for capital assistance, the specific project must be on the statewide transportation improvement plan. In addition, the Secretary is directed to give priority to capital and planning applications for projects that improve the safety and reliability of intercity service; involve a commitment by the freight railroads to improve on-time performance; improve or extend service on a route that requires minimal or no federal operating assistance; and involve a financial commitment by States to improve highway/rail grade crossings.

The conferees delete, without prejudice, a provision regarding Davis-Bacon requirements as proposed by the Senate. It is the understanding of the conferees that appropriate current law will apply to capital construction projects.

### RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The conference agreement deletes a requirement that the Secretary prepare a report on the capital investment needs of class 2 and 3 railroads. The conferees understand that a similar study has already been recently completed.

### RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

The conference agreement provides a total of $20,250,000 for the rail line relocation and improvement program as authorized by section 20154 of title 49 instead of $35,000,000 as proposed by the House. The Senate did not include funding for this program. The conferees direct funds to the following projects:

| | |
|---|---|
| Mt. Vernon railroad cut, NY | $250,000 |
| Pecos Street grade crossing, Adams County, CO | 200,000 |
| Pierre rail improvements, Pierre, SD | 200,000 |
| Rail safety upgrades, Coos County, NH | 400,000 |
| Rail line relocation, Chester, SC | 400,000 |
| Railroad grade separation, Elkhart, IN | 450,000 |
| Railroad relocation planning, Terre Haute, IN | 450,000 |
| Sacramento intermodal terminal facility track relocation, CA | 400,000 |
| Wisconsin west rail transit authority, Barron, WI | 2,500,000 |

### NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

The conference agreement provides a total of $1,375,000,000 for operations, capital improvements and debt service to the National Railroad Passenger Corporation (Amtrak) instead of $1,400,000,000 as proposed by the House and $1,370,000,000 as proposed by the Senate.

### OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $475,000,000 in operating grants to Amtrak as proposed by the House instead of $485,000,000 as proposed by the Senate.

The conference agreement deletes a provision proposed by the House and Senate which required any lease or contract between Amtrak and any other governmental entity to be governed by the laws of the District of Columbia.

The conference agreement includes bill language as proposed by the House which prohibits Amtrak from discounting tickets at more than 50 percent off the normal, peak fare after March 1, 2006, unless the operating loss due to the discounted fare is covered by a State.

The conference agreement provides $18,500,000 for Amtrak's office of inspector general as proposed by the House.

### CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement includes $900,000,000 for capital and debt service payment grants to Amtrak instead of $925,000,000 as proposed by the House and $885,000,000 as proposed by the Senate. Within the funds provided, the conference agreement includes $285,000,000 for Amtrak's debt service payment as proposed by the House and Senate.

### ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

Section 150 retains a provision included by the Senate that ceases the availability of Amtrak funds if the railroad contracts for services outside the United States for any service performed by a full-time or part-time Amtrak employee as of July 1, 2006.

Section 151 retains a provision included by the Senate requiring the FRA Administrator to submit quarterly reports to the House and Senate Committees on Appropriations on Amtrak on-time performance.

Section 152 retains a provision included by the House and Senate that permits FRA to purchase promotional items for Operation Lifesaver.

Section 153 retains a provision included by the Senate which allows FRA to receive and use cash or spare parts to repair and replace damaged track inspection cars.

The conference agreement deletes a provision proposed by the Senate which required any lease or contract between Amtrak and the State of Maryland to be governed by the laws of the District of Columbia.

### FEDERAL TRANSIT ADMINISTRATION

### ADMINISTRATIVE EXPENSES

The conference agreement provides a total of $89,300,000 from the General Fund for the administrative expenses of the Federal Transit Administration instead of $92,500,000 as proposed by the House and $88,795,000 as proposed by the Senate. The conference agreement provides FTA's administrative funding in the structure proposed by the House instead of distributing the agency's funding by each individual office. In addition, the conference agreement specifies that $20,719,000 shall be provided for the central account and that no more than $1,504,000 shall be provided for travel.

The conference agreement retains provisions proposed by both the House and the Senate allowing for the transfer of up to five percent of funds between offices, directing FTA to submit for approval any proposal to transfer funds from the Central Account, prohibiting funds for a permanent office of transit security, directing FTA to reimburse up to $2,000,000 to the Office of the Inspector General, and directing the submission of the annual new starts report. As proposed by the House, funds for the National Transit Database are included under the formula program.

FTA is directed to submit its fiscal year 2009 congressional budget justification for administrative funds itemized by office with material detailing salaries and expenses, staffing increases, and programmatic initiatives of each office. The initiatives for each should be clearly stated, and include a justification for each new position or full-time equivalent, should FTA request additional FTEs next year. In addition, the congressional budget justifications must identify the administrative costs for each new fixed guideway project included in the fiscal year 2009 request.

The conference agreement includes $500,000 instead of $1,000,000 as proposed by the House to establish an interagency working group between FTA and the Department of Housing and Urban Development (HUD). The conferees direct FTA and HUD to develop a best practices manual which will serve to assist communities as they seek to establish mixed-income transit-oriented development. FTA and HUD should also jointly report back to the House and Senate Committees on Appropriations within six months of enactment, on new ways FTA and HUD can better coordinate transportation and housing programs to promote affordable housing near transit.

### FORMULA AND BUS GRANTS

### (LIQUIDATION OF CONTRACT AUTHORITY)

### (LIMITATION ON OBLIGATIONS)

### (HIGHWAY TRUST FUND)

### (INCLUDING RESCISSION)

The conference agreement limits obligations from the Mass Transit Account for the formula and bus grant program to $7,872,893,000 as proposed by the House and Senate. The conference agreement includes a liquidating cash appropriation of $6,855,000,000 as proposed by the House and Senate.

The conference agreement provides the SAFETEA-LU authorized level of $49,000,000 for the clean fuel bus grant program as proposed by the House and deletes the Senate language transferring the clean fuel funds to the bus and bus facility grant program. The conferees direct $24,000,000 in additional funds within the bus discretionary program for the clean fuel bus grant program to bring the total program to $73,000,000.

The conference agreement includes a limitation of 10 percent on the amount of bus discretionary funds that may be used for the urban partnership congestion initiative as proposed by the Senate.

The conference agreement includes a rescission of $28,660,920 in unobligated balances of formula and bus grant funding.

*Rail modernization study.*—The conferees direct the FTA to conduct a study within one year of enactment of transit agencies in urbanized areas to determine the status of our nation's commuter rail infrastructure. The study should include a funding history over the last three highway authorization acts; the estimated cost of bringing the infrastructure up to a state of good repair and an analysis of the necessary formula modifications to achieve a state of good repair.

*Bus and bus facilities.*—Of the funds provided for bus and bus facilities, the conferees direct funds to the following priorities:

| **Project Name** | **Total Conference Funded Level** |
|---|---|
| 1st District Bus Replacement and Facilities, MI | $4,020,000 |
| 69th Street Terminal Parking Facility, Upper Darby Township, PA | $500,000 |
| 7th Avenue Transit Hub, FL | $500,000 |
| 7th District Bus Services, WI | $1,250,000 |
| Abilene Paratransit Vehicle Replacement, TX | $440,000 |
| Acquisition of MARTA Clean Fuel Buses, GA | $3,000,000 |
| Acquisition of Two Senior Transit Vehicles, NV | $100,000 |
| Advanced CNG Buses Fleet Replacement - CATA, PA | $750,000 |
| Advanced Transit Program / METRO Solutions Bus Expansion, TX | $500,000 |
| Alabama Senior Transportation Program, AL | $700,000 |
| Albert Lea Transit Facility, MN | $300,000 |
| Albuquerque Transit Facility Rehabilitation, NM | $510,000 |
| Alma Dial-a-Ride (Gratiot County), MI | $300,000 |
| Altoona, PA Intermodal Transportation Center, PA | $335,000 |
| Anaheim Regional Intermodal Center, Orange County,CA | $600,000 |
| Ann Arbor Transportation Authority Transit Center, MI | $750,000 |
| Asheville Replacement Buses Asheville, NC | $300,000 |
| Attleboro Intermodal Center, Attleboro MA | $500,000 |
| Automotive-Based Fuel Cell Hybrid Bus Program, DE | $1,005,000 |
| BART Intermodal Station Infrastructure Improvements to Improve Bus Safety and Access, CA | $670,000 |
| Basic Transit Infrastructure, Hillsborough, FL | $300,000 |
| Beach Cities Transit Equipment, Redondo Beach, CA | $500,000 |
| Belding Dial-A-Ride vehicle, equipment acquisition, MI | $48,000 |
| Ben Franklin Transit, Fleet Expansion and Modernization, WA | $700,000 |
| Bennington Multi-Modal Facility, VT | $335,000 |
| Berrien County Transit, MI | $100,000 |
| Berwyn Intermodal Transit Facility, IL | $400,000 |
| Bethlehem Transit Transfer Center, PA | $500,000 |
| Bi-County Transit Center, Langley Park, MD | $835,000 |
| Birmingham Intermodal Transit Facility, AL | $400,000 |
| Bridgeport Intermodal Center, CT | $4,395,000 |
| Brockton Area Transit Authority Bus Replacement, MA | $500,000 |
| Bronx Zoo Intermodal Transporation Facility, NY | $600,000 |
| Broward Bus Procurement, FL | $200,000 |
| Broward County Southwest Transit Facility, FL | $500,000 |
| Bus and Bus Facilities, City of Roswell, NM | $300,000 |
| Bus and Bus Facilities, Grant County, NM | $1,005,000 |
| Bus and Bus Facilities, MT | $670,000 |
| Bus and ParaTransit Vans, OK | $300,000 |
| Bus Component Overhaul, Detroit, MI | $250,000 |
| Bus Expansion--Phoenix, Avondale, Glendale, AZ | $250,000 |
| Bus Fleet Replacement Project, WRTA, Worcester, MA | $200,000 |
| Bus Fleet Replacement, Topeka Metropolitan Transit, KS | $300,000 |
| Bus Maintenance Facility, Detroit, MI | $750,000 |
| Bus Purchase, Portage Area Transit, Kent, OH | $500,000 |
| Bus Replacement for Rural Community Transportation of St. Johnsbury, VT | $335,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| Bus Replacement for Unified Government of Wyandotte County, KS | $700,000 |
| Bus Replacement Program, TANK, Ft. Wright, KY | $250,000 |
| Bus replacement/service expansion Suffolk Co, NY | $250,000 |
| Bus Shelters for Bellflower, CA | $500,000 |
| Bus Shuttle Project for Seniors, Irvington, NJ | $400,000 |
| Buses and Bus Maintenance Facility, Tucson, AZ | $1,000,000 |
| Butler Multi-Modal Transit Center, PA | $500,000 |
| Capital Metropolitan Transportation Authority, Austin, TX | $260,000 |
| CARTA N. Shore Shuttle Parking & Terminal Facility, TN | $600,000 |
| CCTA Buses, Facilities and Equipment, VT | $2,680,000 |
| Central City Intermodal Transportation Terminal, NV | $300,000 |
| Central MD Transit Operations Facility, Anne Arundel County, MD | $670,000 |
| Central New York Regional Transportation Authority, NY | $1,600,000 |
| Central Ohio Transit Authority Bus Replacement, OH | $600,000 |
| Chatham County, Savannah Bus Facility, GA | $400,000 |
| Chicago Transit Authority/69th Street Transit Center, IL | $500,000 |
| Church Street Transportation Center, PA | $2,400,000 |
| City Bus Replacement Plan Lafayette, IN | $200,000 |
| City of Anderson, IN, Transit | $400,000 |
| City of El Paso Paratransit Van Replacement, TX | $500,000 |
| City of El Paso, Neighborhood Circulator, TX | $400,000 |
| City of Lawrence, KS -- Bus Replacement | $150,000 |
| City of Lubbock/Citibus for Alternative Fuel Buses, TX | $500,000 |
| City of Mobile's Transit System, AL | $1,400,000 |
| City of Modesto Bus Maintenance Facility, CA | $250,000 |
| City of Moultrie Intermodal Facility, GA | $350,000 |
| City of Poughkeepsie Transit Hub, NY | $780,000 |
| City Utilities of Springfield Intermodal Transfer Facility, MO | $1,500,000 |
| Clallam Transit Vehicle Replacement, WA | $196,000 |
| Clare County Transit Corporation/Harrison Airport Facility, MI | $502,500 |
| Clean Air Bus Purchase Program, Baldwin Park, CA | $400,000 |
| CNYRTA Transit Garage - Oneida County- Utica, NY | $400,000 |
| Coast Transit Authority Bus and Bus Facilities, MS | $3,000,000 |
| Colorado Transit Coalition Statewide Request | $3,600,000 |
| Columbia County Public Transportation Vehicle Replacement, WA | $84,000 |
| Columbia Transit Facility, SC | $750,000 |
| Commonwealth Avenue Green Line Station, MA | $670,000 |
| Community Transit Vehicle Replacement, WA | $1,050,000 |
| Concho Valley Multi-modal Terminal Building, TX | $250,000 |
| Construction of Amesbury Bus Facility, MA | $250,000 |
| Construction of Intermodal Center, Scottsdale, AZ | $200,000 |
| Coralville Intermodal Facility, IA | $670,000 |
| Corpus Christi RTA Bus & Bus Facilities, TX | $500,000 |
| Council on Aging, LRTA; Lowell, MA | $75,000 |
| CSKT Reservation Transportation Program, MT | $234,500 |
| C-TRAN Vehicle Replacement, WA | $490,000 |
| Culver City Multi-Modal Light Rail Station, CA | $670,000 |
| East County Bus Maintenance Facility, El Cajon, CA | $350,000 |
| East Valley Bus Maintenance Facility - Tempe, AZ | $400,000 |
| Ed Roberts Campus - Berkeley, CA | $500,000 |
| Everett Transit Vehicle Replacement, WA | $600,000 |
| Expansion of the Scranton Electric Trolley System, PA | $200,000 |

| **Project Name** | **Total Conference Funded Level** |
|---|---|
| Fairfield/Vacaville Intermodal Station, CA | $200,000 |
| Flagler County Bus and Bus Facilities, FL | $500,000 |
| Fleet and Capital Items Los Alamos County Transit System, NM | $600,000 |
| Foothill Transit Oriented Neighborhood, CA | $500,000 |
| Forest Park Circulator/I-64 Closure Alleviation, MO | $750,000 |
| Fort Bend County Sienna Plantation Park and Ride, TX | $300,000 |
| Fort Worth Transportation Authority, TX | $300,000 |
| Franklin County Transit, MO | $176,000 |
| Franklin Street Station Intermodel, Reading PA | $1,250,000 |
| FRTA, Franklin Regional Transit Center, MA | $800,000 |
| Fulton County Transit Authority, KY | $400,000 |
| Grand Ave. Transit Signal Priority Lake County, IL | $320,000 |
| Grays Harbor Transit Vehicle Replacement, WA | $105,000 |
| Greater Dayton RTA Bus Replacement, OH | $500,000 |
| Greater Lapeer Transportation Authority Lapeer, MI | $200,000 |
| Greater Minnesota Transit Bus and Bus Facilities, MN | $3,000,000 |
| Greater Richmond Transit Company Bus Operations and Maintenance Facility, VA | $450,000 |
| Greater Southeast District Transit Facility, TX | $200,000 |
| Harbor Transit, MI | $250,000 |
| HART Bus and Paratransit Van Acquisition, FL | $300,000 |
| Honolulu Bus and Paratransit Replacement Program, HI | $200,000 |
| Houston Downtown Clean Fuel Transit Initiative, TX | $1,500,000 |
| HRTSouthside Bus Facility Replacement, Norfolk, VA | $700,000 |
| Hudson County Intermodal Station Pedestrian Bridge, NJ | $300,000 |
| Huntsville, AL Multimodal Dallas Branch | $1,250,000 |
| Hybrid Bus Program, WA | $300,000 |
| Hybrid-Electric Bus Acquisition (SEPTA), PA | $2,000,000 |
| I-89 Park and Ride/Bus Terminal, NH | $500,000 |
| Idaho Transit Coalition Buses and Bus Facilities, ID | $3,212,000 |
| Illinois Bus and Bus Facilities, IL | $6,000,000 |
| Indianapolis Downtown Transit Center & Fleet Additions, IN | $1,490,000 |
| Intercity Transit Multimodal Facility Olympia, WA | $350,000 |
| Inter-County Express Bus, Orange County, CA | $500,000 |
| Intermodal Center, Mansfield, CT | $500,000 |
| Intermodal Facilities, UT | $4,200,000 |
| Intermodal Stations in Salem and Beverly, MA | $250,000 |
| Intermodal Transit Center, Port Chester, NY | $700,000 |
| Intermodal Transportation Facility, Winston-Salem, NC | $400,000 |
| Ionia Dial-A-Ride vehicle, equipment acquisition, MI | $392,000 |
| Isabella County Transportation Commission, MI | $500,000 |
| Island Transit Vehicle Replacement, WA | $420,000 |
| Jacksonville Intermodal Center, FL | $500,000 |
| Jacksonville Trans. Auth., Bus and Bus Facilities, FL | $500,000 |
| Jamaica Intermodal Facilities, Jamaica, NY | $500,000 |
| Janseville City Transit System, WI | $750,000 |
| JATRAN Fleet Replacement, MS | $1,125,000 |
| Jefferson Transit Vehicle Replacement, WA | $350,000 |
| Johnson County Transit Bus Replacement, KS | $150,000 |
| JTA bus replacement, Jackson, MI | $350,000 |
| Kalamazoo Metro Transit, MI | $250,000 |
| Kansas City Area Transportation Authority Bus Replacement (KCATA), MO | $750,000 |
| Kent State Geauga, Regional Transit Shelter, OH | $450,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| Kent State Multimodal Transportation Facility, Kent, OH | $200,000 |
| Lakeland Area Mass Transit District, Lakeland, FL | $300,000 |
| Lakewood Multi-Modal Facility, Phase I, NJ | $1,340,000 |
| Lincoln Center Corridor Redevelopment Project, NY | $500,000 |
| Link Transit Vehicle Replacement, WA | $550,000 |
| Long Island Bus Fleet Replacement, NY | $500,000 |
| Los Angeles Southwest College Transit Center, CA | $400,000 |
| LOU Public Transit System, Oxford, MS | $875,000 |
| Lower Keys Shuttle, Key West, FL | $300,000 |
| LYNX Bus Acquisition, Orlando, Florida | $1,400,000 |
| Main Street Bus Rapid Transit Buses, Mesa, AZ | $500,000 |
| MART Bus and Commuter Facilities, MA | $750,000 |
| MART Commuter Parking and Facilities, MA | $750,000 |
| Maryland Statewide Bus and Bus Facility Program | $750,000 |
| Mason Transit Vehicle Replacement, WA | $280,000 |
| Mass Transportation Authority, Flint, Michigan Fiscal Year 2008 Bus and Bus Facilities Program, MI | $2,680,000 |
| MBTA Commuter Rail Station Improvements, Melrose, MA | $700,000 |
| Memphis Area Transit Authority, TN | $500,000 |
| Merrimack Valley RTA Buses, MA | $400,000 |
| Metro Area Transit, Omaha, NE - Video Surveillance Security System for Transit Buses/Americans with Disabilities Act Complimentary Paratransit Vehicles, NE | $500,000 |
| METRO Bus Expansion, Houston, TX | $400,000 |
| MetroLINK Transit Facility, Rock Island, IL | $500,000 |
| Miami Lakes Transit Program, FL | $300,000 |
| Miami-Dade Transit Bus Procurement Plan, FL | $700,000 |
| Midland Dial-a-Ride (Midland County), MI | $179,000 |
| Milwaukee County Bus Capital, WI | $500,000 |
| Mobile Data Terminal/Chicago Paratransit Vehicles, IL | $200,000 |
| Mobile data terminals for Pace, Arlington Hts, IL | $400,000 |
| Monrovia Transit Village, CA | $500,000 |
| Monterey Salinas Transit Bus Financing, CA | $200,000 |
| Morris County Intermodel Park and Ride, NJ | $500,000 |
| MTSU Intermodal Transportation Hub, TN | $200,000 |
| Multimodal Center, Normal, IL | $250,000 |
| Multi-Modal Transportation Program Boca Raton, FL | $350,000 |
| Multimodel Transportation Facility, Lafayette, LA | $825,000 |
| Muni Bus Rehabilitation, San Francisco, CA | $1,000,000 |
| Municipal Transit Operators Coalition (MTOC), CA | $1,100,000 |
| Muskegon Area Transit System, MI | $250,000 |
| Nassau County Hub, NY | $1,560,000 |
| New Mexico Commuter Rail, Santa Fe/Bernalillo Intermodal Facility, NM | $1,105,000 |
| New Orleans Regional Transit Authority, LA | $500,000 |
| Newark Penn Station Intermodel Improvement, NJ | $1,340,000 |
| Newton Rapid Transit Handicap Accessibility, MA | $400,000 |
| NFTA, Purchase Hybrid Buses, NY | $300,000 |
| North Carolina Statewide Bus and Bus Facilities | $1,250,000 |
| North Dakota Statewide Transit | $1,633,500 |
| North Orange/South Seminole ITS Enhanced Circulator, City of Orlando, FL | $1,172,500 |
| Northern New Jersey Intermodal Stations & Park-N-Ride | $200,000 |
| Northwest NJ Intermodal Transit Improvements, NJ | $600,000 |
| Norwalk Pulse Point Facility Safety Improvements, CT | $150,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| Norwich Intermodal Transportation Center, CT | $2,010,000 |
| Pace Bus Park-N-Ride Facility, Plainfield, IL | $250,000 |
| PACE South Suburban Signal Transit Signal Priority, IL | $250,000 |
| PACE Suburban Bus Roosevelt Rd/Arlington Hts, IL | $250,000 |
| Pacific Station Multimodal-Multiuse Facility, CA | $500,000 |
| Pacific Transit Vehicle Replacement, WA | $35,000 |
| Paducah Area Transit System, KY | $2,000,000 |
| Palm Beach County AVL/APC & Fareboxes, FL | $750,000 |
| Palmdale Transportation Center – Parking Lot, CA | $250,000 |
| Palo Alto Intermodal Transit Center, CA | $400,000 |
| Paoli Transportation Center, Paoli, PA | $500,000 |
| Para-Transit Van Replacement, Las Cruces, NM | $480,000 |
| Pasco County Public Transportation (Bus Purchase), FL | $300,000 |
| Passaic/Bergen Intermodal Facilities, NJ | $500,000 |
| Phoenix Regional Heavy Bus Maintenance Facility, AZ | $500,000 |
| Phoenix/Glendale West Valley Operating Facility, AZ | $750,000 |
| Pierce Transit Peninsula Park & Ride, WA | $1,050,000 |
| Pinellas Suncoast Transit Auth bus replacement, FL | $400,000 |
| Port Angles International Gateway Project, WA | $350,000 |
| Prelminary Design of a Saratoga Bus Facility, NY | $250,000 |
| PRTC Bus Facilities, VA | $1,000,000 |
| PSTA Bus and Bus Facilities, St. Petersburg, FL | $260,000 |
| Public Transportation Vehicle Enhancement Project, HI | $400,000 |
| Pullman Transit Maintenance Facility Expansion, WA | $800,000 |
| Purchase of transit vehicles, York County, PA | $350,000 |
| Regional Bus Replacement, San Diego, CA | $500,000 |
| Reno & Sparks Intermodal Transportation Centers, NV | $750,000 |
| Replacement Buses for the Westchester County Bee-Line Bus System, NY | $780,000 |
| Replacement Buses, Centre Area Transportation Authority (CATA), PA | $700,000 |
| Replacement Buses, Detroit, MI | $250,000 |
| Replacement of Fixed Route Transit Buses, DE | $670,000 |
| Replacement Small Buses, St. Cloud Metro Bus, MN | $820,000 |
| Rhode Island Public Transit Authority Intelligent Transportation System, RI | $1,368,900 |
| Rio Hondo College Buses - Los Angeles, CA | $500,000 |
| Rio Metro Intercity Transit, Hidalgo County, TX | $500,000 |
| River Valley Metro, Kankakee, IL | $500,000 |
| Riverside and Corona Transit Centers, CA | $700,000 |
| Rural Bus Program for Hawaii, Maui and Kauai Counties, HI | $1,560,000 |
| SamTrans Revenue Collection System, CA | $500,000 |
| San Diego Balboa Park Trolleys, CA | $335,000 |
| San Joaquin Regional Transit District, CA | $750,000 |
| San Luis Rey Transit Center, CA | $250,000 |
| Sandy Transit Fleet Replacement, Sandy, OR | $400,000 |
| Sanilac Transportation Authority Carsonville, MI | $400,000 |
| Santa Fe Place Transit Center, NM | $600,000 |
| Santa Fe Trails Transit Vehicles, NM | $300,000 |
| Santa Maria Intermodal Transit Center, CA | $500,000 |
| Sarasota County Area Transit Bus acquisition, FL | $500,000 |
| Sect. 5309 Capital Appropriation-Tulsa Transit, OK | $250,000 |
| Senior Transportation Connection, OH | $1,222,000 |
| SEPTA Hybrid Fuel Buses, PA | $500,000 |
| SEPTA Interoperability Communications Initiative, PA | $670,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| Skagit Transit Bus Replacement, WA | $200,000 |
| South Amboy Intermodal Transportation Initiative, NJ | $500,000 |
| South Norwalk Intermodal Facility Phase 2, CT | $500,000 |
| Southeast Missouri Transportation Service (SMTS), MO | $750,000 |
| Southern Maryland Commuter Bus Park and Ride Lots | $1,300,000 |
| Southside Bus Facility Replacement in Hampton Roads, VA | $1,200,000 |
| Spokane Transit Smart Bus Technology Modernization, WA | $700,000 |
| SporTran Buses for the City of Shreveport, LA | $250,000 |
| St. Louis Metro Bus & Paratransit Rolling Stock, MO | $500,000 |
| StarMetro Intelligent Transpo System,Tallahassee, FL | $500,000 |
| STARS Operations Center & Fare Boxes, Saginaw, MI | $500,000 |
| State of Arkansas, Bus and Bus Facilities, AR | $3,350,000 |
| Statewide Bus and Bus Facilities Enhancements, AK | $375,000 |
| Statewide Bus and Bus Facilities, MO | $1,500,000 |
| Statewide Bus and Bus Facilities, NV | $750,000 |
| Statewide Bus Replacement, IA | $4,690,000 |
| Statewide Buses and Bus Facilities, ME | $300,000 |
| Statewide Electric Hybrid Bus Initiative by the Indiana Transit Association, IN | $2,800,000 |
| Street Shuttle Buses for Artesia, CA | $600,000 |
| Sunset (RTC) Maintenance Facility, NV | $750,000 |
| Suntran Bus Acquisition, Marion County, FL | $200,000 |
| TARC Clean Bus program, KY | $250,000 |
| TARTA Bus and Bus Facilities, OH | $1,000,000 |
| Tennessee DOT, Bus and Bus Facilities Replacement | $4,450,000 |
| The Woodlands Capital Cost of Contracting, TX | $300,000 |
| Town Center Transit Hub in Miramar, FL | $400,000 |
| Transit Access Passenger Integration, Los Angeles, CA | $750,000 |
| Transit Authority of Northern Kentucky Bus Replacement Project, KY | $1,000,000 |
| Transit Bus Facilities, Duluth, MN | $400,000 |
| Transit Center, California State Univ, Northridge | $400,000 |
| Transit Vehicle Fleet Upgrades, NM | $1,248,000 |
| TRANSPO Bus Operations Center, South Bend, IN | $670,000 |
| Transportation to Wellness, Covington, KY | $200,000 |
| Treasure Valley Transit Facilities, ID | $288,000 |
| Tri-Delta Transit Park-and-Ride Lots, CA | $500,000 |
| TTA Replacement Buses, NC | $500,000 |
| Union City Intermodal Station, Union City, CA | $400,000 |
| Union Depot Multi-Modal Hub, St. Paul, MN | $670,000 |
| Union Station Intermodal Trade and Transit Center, PA | $400,000 |
| Union Station Intermodal Transportation Facility, DC | $500,000 |
| University Place Intermodal Transit Facility, WA | $750,000 |
| Urban Commuter Rail Circulator Vehicles, TX | $250,000 |
| Vans for Vermont Senior Centers, VT | $200,000 |
| Vehicle Replacement - DuFAST, PA | $600,000 |
| Venice/Robertson Multi-Modal Station, CA | $500,000 |
| Vermont Statewide Buses, Facilities and Equipment, VT | $670,000 |
| VIA Bus Improvements/Facility Modernization, San Antonio, TX | $2,475,000 |
| Victoria Bus Replacement, TX | $300,000 |
| VITRAN Purchase, USVI | $400,000 |
| VTA Zero Emission Bus Demonstration Program, CA | $400,000 |
| West Haven Intermodal Station, CT | $600,000 |
| West Orange Township Senior Citizen & Handicap Shuttle Bus, NJ | $200,000 |

| Project Name | Total Conference Funded Level |
|---|---|
| West Price Hill Park and Ride, OH | $200,000 |
| White Earth Tribal Nation SMART Transit and Buses, MN | $400,000 |
| Winter Haven Transit Bus and Bus Facility, FL | $300,000 |
| Wisconsin Statewide Bus and Bus Facilities, WI | $3,350,000 |
| WMATA Bus and Bus Facilities, DC/MD/VA | $1,140,000 |
| WMATA Bus Safety Initiative, VA | $200,000 |
| Yamhill County Transit Project, OR | $150,000 |
| Yates Dial-A-Ride, MI | $250,000 |
| Yolo County Bus Maintenance Facility Improvements, CA | $400,000 |

*Illinois Statewide Buses.*—The conferees provide $6,000,000 to the Illinois Department of Transportation (IDOT) for section 5309 Bus and Bus Facilities grants. The conferees expect IDOT to provide at least $3,000,000 for Downstate Illinois replacement buses in Bloomington, Champaign-Urbana, Danville, Decatur, Peoria, Pekin, Quincy, River Valley, Rockford, Rock Island, Springfield, Madison County, Rides MTD, South Central MTD, Macomb and for the Pinecrest Community in Mount Morris, Illinois. Further, the conferees expect IDOT to provide appropriate funds for bus facilities in Bloomington, Galesburg, River Valley Metro in Kankakee, Macomb, Peoria, and Rock Island, including $250,000 for the Macomb maintenance facility and $250,000 for the Kankakee's River Valley Metro operations facility.

The conferees direct FTA to refrain from reallocating funds provided in the fiscal year 2005 and prior year appropriations acts for the Department of Transportation as follows:

Ardmore transit center, Pennsylvania
Area Transit Authority, Pennsylvania
Area Transportation Authority of North Central Pennsylvania passenger terminal, Pennsylvania
Billings public bus and medical transfer facility, Montana
Buffalo, New York Inner Harbor Redevelopment Project, New York
Bridgeport Intermodal Center, Connecticut
Broome County hybrid buses, New York
Callowhill bus garage replacement, Pennsylvania
Central New York Regional Transportation Authority, New York
Glenmont Metrorail parking garage expansion, Maryland
Colorado statewide bus and bus facilities
Hampton Roads Transit New Maintenance Facilities, Virginia
Howard County Transit repair Facility, Maryland
I-66/Vienna Metrorail Accessibility Improvements, Virginia
Irvington Intermodal Upgrades, New York
Ivy Tech State College multmodal facility, Indiana
Leesburg Train Depot Renovation and Restoration, Georgia
Mid-County Transit Authority Kittanning, Pennsylvania
Mississippi Valley State University mass transit program expansion, Mississippi
Palo Alto Intermodal Transit Center, California
Potomac Yard Transit Way, Virginia
Pulse Point Joint Improvements, Connecticut
Regional Transit Project for Quitman, Clay, Randolph and Stewart Counties, Georgia
Renaissance Square, New York
Rochester Central Bus Terminal, New York
Springfield Union Station, Springfield, Massachusetts
Union/Snyder Transportation Alliance, Union County Pennsylvania
Union Station Intermodal Trade and Transit Center, Schuylkill County, Pennsylvania
White Plains Downtown Circulator, New York

*Alternatives analysis.—The conferees direct that the funds be allocated to the following alternatives analysis projects:*

| Project Name | Total Conference Funded Level |
|---|---|
| BeltLine Environment Impact, Atlanta, GA | $300,000 |
| Bus Rapid Transit Alternatives Analysis, San Jose | $250,000 |
| Bus Rapid Transit Improvements, Broward County, FL | $700,000 |
| Charlotte Rapid Transit Extension-Northeast Corridor Light Rail Project, NC | $2,750,000 |
| Commuter Rail Station at Carmel Church, VA | $500,000 |
| CTA Circle Line, IL | $3,920,000 |
| CTA Orange Line Extension, IL | $500,000 |
| CTA Red Line Extension, IL | $600,000 |
| CTA Yellow Line Extension-Village of Skokie, IL | $600,000 |
| DART Alternatives Analysis Design, Des Moines, IA | $250,000 |
| Downtown Orlando East-West Circulator System, Orlando, FL | $700,000 |
| Downtown Transit Circulator, Fort Lauderdale, FL | $670,000 |
| East West Corridor Rapid Transit, Allegheny Cty,PA | $1,000,000 |
| I-285 Bus Rapid Transit Project in Atlanta, GA | $500,000 |
| I-66 Bus Rapid Transit Study, VA | $1,000,000 |
| Illinois Valley Commuter Rail, Ottawa, IL | $250,000 |
| Light-rail Alternatives Analysis Study, KC, MO | $1,875,000 |
| LTD Alternatives Analysis for Third EmX Corridor, OR | $250,000 |
| MARTA Clifton Corridor (Lindbergh-Emory), GA | $750,000 |
| Mesa Extension Alternatives Analysis - Mesa, AZ | $200,000 |
| METRO I-10 Extension Alternative Analysis, AZ | $1,200,000 |
| Miami-Dade County Metrorail Orange Line Expansion, FL | $1,400,000 |
| Northern Branch Rail Service Restoration, NJ | $500,000 |
| Northwest New Jersey/Northeast Pennsylvania Commuter Rail Service, PA | $1,340,000 |
| Philadelphia Navy Yard Transit Extension Study, PA | $400,000 |
| Red Car Trolley Engineering Study, CA | $100,000 |
| Southeastern Connecticut Bus Rapid Transit System, CT | $1,340,000 |
| Spokane Streetcar Study, Spokane, WA | $300,000 |
| Tempe Extension Alternatives Analysis - Tempe, AZ | $200,000 |
| The Rapid Feasibility Study, MI | $500,000 |
| West Shore Corridor Alternatives Analysis, OH | $350,000 |

### RESEARCH AND UNIVERSITY RESEARCH CENTERS

The conference agreement provides **$65,500,000** from the General Fund for research activities as proposed by the House and the Senate. Of the amounts provided, **$4,300,000** is for the National Transit Institute, **$9,300,000** is for transit cooperative research programs, and **$7,000,000** is for the university transportation centers program. Of the remaining funds provided for national research programs, the conference agreement directs funds for the following:

| | |
|---|---|
| American cities transportation institute, PA ....... | $300,000 |
| BuSolutions advanced transit research, MI ....... | 700,000 |
| CTAA, nationwide joblinks | 1,700,000 |
| East Tennessee hydrogen initiative, TN ................. | 700,000 |
| Missouri transportation institute, Rolla, MO .......... | 1,750,000 |
| Prototype vehicle domestic manufacturer (streetcar), OR .................................. | 500,000 |
| Southern fuel cell coalition demonstration project, GA ..................... | 200,000 |
| Staten Island transit enhancements plan—phase II, NY .............................. | 225,000 |
| WVU exhaust emission testing initiative, WV .... | 780,000 |

Within existing funds, the conferees urge FTA to research transit solutions to increase mobility for the elderly.

### CAPITAL INVESTMENT GRANTS

The conference agreement provides **$1,650,000,000** from the General Fund for capital investment grants instead of **$1,700,000,000** as proposed by the House and **$1,566,000,000** as proposed by the Senate.

*New starts.*—The conferees direct that funds be allocated to the following new start projects:

| **Project Name** | **Total Conference Funded Level** |
|---|---|
| Central Corridor Light Rail, Ramsey County, MN | $10,400,000 |
| Central Link Initial Segment, Seattle, WA | $70,000,000 |
| Central Phoenix/East Valley Light Rail-Phoenix, AZ | $90,000,000 |
| Charlotte Rapid Transit Extension, NC | $2,000,000 |
| CTA Brown Line Capacity Expansion (Ravenswood), IL | $40,000,000 |
| DCTA Fixed Guideway/Engineering, Lewisville, TX | $250,000 |
| Dulles Corridor Metrorail Project, VA | $35,000,000 |
| Honolulu High Capacity Transit Corridor Project, HI | $15,500,000 |
| I-205/Portland Mall Light Rail, OR | $80,000,000 |
| JTA Bus Rapid Transit System, Jacksonville, FL | $9,520,000 |
| Largo Metrorail Extension, MD | $35,000,000 |
| Long Island Rail Road East Side Access, New York, NY | $215,000,000 |
| MARC Commuter Rail Improvements and Rolling Stock, MD | $10,000,000 |
| Metra Connects, Southeast Service, IL | $7,375,000 |
| METRA, STAR Line, Northeastern IL | $7,375,000 |
| METRA, Union Pacific Northwest Line, Northeastern IL | $7,375,000 |
| Metro Gold Line Eastside Extension, Los Angeles, CA | $80,000,000 |
| Metrorail Orange Line Expansion, FL | $2,000,000 |
| Mid-Jordan Light Rail Extension, UT | $20,000,000 |
| Monmouth-Ocean-Middlesex Cnty Passenger Rail Line, NJ | $1,000,000 |
| MOS2 of the Hudson Bergen Light Rail, NJ | $55,192,995 |
| New-Britain-Hartford Busway, CT | $3,338,400 |
| Norfolk Light Rail Project, VA | $23,500,000 |
| North Corridor BRT, Houston and Southeast Corridor BRT, TX | $20,000,000 |
| North Shore Corridor and Blue Line Extension, MA | $2,000,000 |
| North Shore LRT Connector, Pittsburgh, PA | $33,516,444 |
| Northern Indiana Commuter Transit District Recapitalization, IN | $5,000,000 |
| NorthStar Commuter Rail, MN | $55,000,000 |
| Northwest NJ-Northeast PA Passenger Rail Project | $3,000,000 |
| NW/SE LRT MOS in Dallas, TX | $86,250,000 |
| Second Avenue Subway Phase 1, NY | $171,235,000 |
| South County Commuter Rail Wickford Junction Station, RI | $12,519,846 |
| South Sacramento Corridor Phase 2 Project, CA | $4,500,000 |
| Southeast Corridor Multi-Modal Project (T-REX), CO | $51,560,484 |
| Third Street Light Rail Transit Project-Central, San Francisco, CA | $12,000,000 |
| Trans-Hudson Midtown Corridor, New Jersey | $15,000,000 |
| University Link LRT Extension, Seattle, WA | $20,000,000 |
| VRE Rolling Stock, VA | $4,000,000 |
| Weber County to Salt Lake City Commuter Rail, UT | $80,000,000 |
| West Corridor Light Rail Project, Denver, CO | $40,000,000 |

*Small starts.*—The conferees direct that funds be allocated to the following small start projects:

| Project Name | Total Conference Funded Level |
|---|---|
| AC Transit BRT Corridor - Alameda County, CA | $500,000 |
| Bus Rapid Transit, Cumberland County, PA | $300,000 |
| CORRIDORone, PA | $11,200,000 |
| Galveston Rail Trolley Extenstion to Seawall Boulevard, TX | $2,000,000 |
| I-69 HOV/BRT, MS | $7,700,000 |
| King County Pacific Highway South BRT, Seattle, WA | $14,076,000 |
| Lane Transit District, Pioneer Parkway EmX Corridor, OR | $14,800,000 |
| MBTA Fitchburg to Boston Rail Corridor Project Development and Construction, MA | $6,000,000 |
| Metro Rapid Bus System Gap Closure, Los Angeles, CA | $16,681,000 |
| Pawtucket/Central Falls Commuter Rail Station, RI | $2,000,000 |
| Perris Valley Line Metrolink Extension, CA | $2,000,000 |
| Planning and Design, Bus Rapid Transit-State Avenue Corridor, Wyandotte County, KS | $1,500,000 |
| Provo Orem Bus Rapid Transit, UT | $4,100,000 |
| Rapid Transit (BRT) Project, Livermore, CA | $3,000,000 |
| Route 1 Bus Rapid Transit, Potomac Yard-Crystal City, Alexandria and Arlington, VA | $1,000,000 |
| SMART EIS and PE, CA | $2,000,000 |
| Telegraph Avenue-International Boulevard-East 14th Street Bus Rapid Transit Corridor Improvements, CA | $2,000,000 |
| Troost Corridor Bus Rapid Transit, MO | $6,260,000 |
| VIA Bus Rapid Transit Corridor Project, San Antonio, TX | $5,000,000 |
| Virginia Railway Express Extension-Gainesville/Haymarket, VA | $500,000 |

The conferees direct FTA to refrain from reallocating funds provided in the fiscal years 2005, 2004 and prior year appropriations acts for the Department of Transportation as follows:

Dulles Corridor Rapid Transit Project, Virginia

Schuylkill Valley, Philadelphia, Pennsylvania

Stamford Urban Transitway, all phases, Connecticut

Harrisburg, Pennsylvania CorridorOne

### ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

Section 160 exempts previously made transit obligations from limitations on obligations as proposed by the House and the Senate.

Section 161 allows funds appropriated for capital investment grants not obligated by September 30, 2010, plus other recoveries, to be available for other projects under 49 U.S.C. 5309 as proposed by the House and Senate.

Section 162 allows transit funds appropriated prior to October 1, 2007 that remain available for expenditure to be transferred to another eligible purpose as proposed by the House and the Senate.

Section 163 allows prior year funds available for capital investment grants to be used in this fiscal year for such projects as proposed by the House and Senate.

Section 164 modifies a provision proposed by the House and allows a 90 percent federal share for biodiesel buses and for the net capital cost of factory-installed or retrofitted hybrid electric buses.

Section 165 modifies a provision proposed by the Senate regarding the full funding grant agreement for the Central Link Initial Segment project in Seattle, WA.

Section 166 allows previously appropriated fixed guideway funds for the City of Albuquerque, NM to instead be used for bus and bus facilities as proposed by the Senate.

Section 167 allows previously appropriated funds for commuter rail projects between Santa Fe and Albuquerque, NM to instead be available for buses, bus facilities and an intermodal terminal as proposed by the Senate.

Section 168 allows previously appropriated funds for the Las Vegas Resort Corridor fixed guideway project to instead be available for bus and bus facilities as proposed by the Senate.

Section 169 repeals a provision in a prior appropriations act related to subway tunneling in Los Angeles, CA as proposed by the House and Senate.

Section 170 modifies a provision proposed by the Senate to prohibit the FTA from issuing a final rule under Section 5309 but allows the agency to continue to review comments on the rule.

## SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

### OPERATIONS AND MAINTENANCE

### (HARBOR MAINTENANCE TRUST FUND)

The conference agreement includes $17,392,000 for the Operations and Maintenance of the Saint Lawrence Seaway Development Corporation as proposed by both the House and the Senate.

## MARITIME ADMINISTRATION

### MARITIME SECURITY PROGRAM

The conference agreement includes $156,000,000 for the maritime security program as proposed by the House and Senate.

### OPERATIONS AND TRAINING

The conference agreement includes $122,032,000 for MARAD's operations and training account, instead of $118,646,000 as proposed by the House and $122,890,545 as proposed by the Senate. The conference agreement allocates the funds for operations and training as follows:

| *Activity* | *Conference level* |
|---|---|
| U.S. Merchant Marine Academy (USMMA): | |
| Salary and benefits | $25,720,000 |
| Midshipmen program | 6,977,000 |
| Instructional program | 5,689,000 |
| Program direction and administration | 2,915,000 |
| Maintenance, repair & operating requirements | 7,307,000 |
| Capital improvements | 14,139,000 |
| Subtotal, USMMA | 62,747,000 |
| State Maritime Schools: | |
| Student incentive payments | 800,000 |
| Direct schoolship payments | 1,881,000 |
| Schoolship maintenance and repair | 10,500,000 |
| Subtotal, State Maritime Academies | 13,181,000 |
| MARAD Operations: | |
| Programs | 19,647,000 |
| Administrative support | 26,457,000 |
| Subtotal, Operations | 46,104,000 |
| Subtotal, Operations and Training | |

*United States Merchant Marine Academy.*—MARAD requested and House and Senate Committees on Appropriations approved a reprogramming to ensure that the USMMA could continue to meet its fiscal year 2007 salary and expense obligations without a reduction in force. To allow the USMMA to fulfill its operations obligations in fiscal year 2008, the conferees provide $1,000,000 above the budget request and House and Senate levels for salaries and expenses, for a total level of $25,720,000. The conferees direct up to $600,000 of this increase to continue funding the existing five full time equivalent (FTE) positions associated with the Capital Improvements Master Plan within salaries and expenses as reflected in the budget request. The conferees direct the remaining amount, no less than $400,000, first to insulate against potential reductions in force. Further, the conferees direct MARAD to adequately address and align the needs of the USMMA within the resources requested in the fiscal year 2009 budget submission.

*MARAD Operations.*—Within the funds for programs within Operations, the conferees provide $1,200,000 for deepwater port licensing; $900,000 for Mariner education and training; $1,300,000 for strategic ports and national security planning; and $5,111,000 for ports and marine transportation system improvements, of which $2,000,000 is for maritime data collection, management, and dissemination activities to advance the existing Information Framework. Within the funds for administrative support, the conferees provide $8,211,000 for information technology and electronic government, and $1,258,000 for the Delphi accounting system.

### SHIP DISPOSAL

The conference agreement includes $17,000,000 for the disposal of obsolete vessels of the National Defense Reserve Fleet as proposed by the House, instead of $18,000,000 as proposed by the Senate.

### ASSISTANCE TO SMALL SHIPYARDS

The conference agreement includes $10,000,000 for assistance to small shipyards, instead of $20,000,000 as proposed by the Senate. The House provided no such funding.

### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

### (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $3,408,000 for administration expenses of the maritime guaranteed loan program (title XI) as proposed by the House and Senate. In addition, the conferees provide $5,000,000 for the Maritime Guaranteed Loan Title XI program, instead of $10,000,000 as proposed by the Senate. The House included no similar funding. The conferees direct the Inspector General to report on MARAD's compliance with the Inspector General's title XI audit report recommendations and amend the submittal date to March 30, 2008.

### SHIP CONSTRUCTION

### (RESCISSION)

The conference agreement includes a rescission of unobligated balances totaling $6,673,000 from the dormant ship construction account, instead of $3,526,000 as proposed by the House and $4,614,545 as proposed by the Senate.

### ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Section 175 includes a provision that authorizes MARAD to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of MARAD, and allow payments received to be credited to the Treasury, as proposed by both the House and Senate.

Section 176 includes a provision proposed by both the House and Senate that does not allow obligations to be incurred during the current fiscal year from the construction fund established.

## PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

### ADMINISTRATIVE EXPENSES

The conference agreement provides $18,130,000 for necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration (PHMSA), as proposed by both the House and the Senate. Of this amount, $639,000 is to be derived from the Pipeline Safety Fund. The conferees expect PHMSA to use these funds as reflected in its budget justification.

### HAZARDOUS MATERIALS SAFETY

The conference agreement provides $28,000,000 to continue the agency's hazardous materials safety functions, instead of $28,899,000 as proposed by the House and $27,003,000 as proposed by the Senate. Of this amount, $1,761,000 shall be available until September 30, 2010, as proposed by the Senate. The House proposed $1,829,000.

*Full-time equivalent staff years (FTE).*—The conferees have provided resources sufficient to fund 155.5 FTE, instead of 156.5 FTE as proposed by the House and 154.5 FTE as proposed by the Senate.

*Research, development, and other programs.*—The conferees disagree with the Administration's proposal to significantly reduce research, development, and other contract programs below the fiscal year 2007 enacted level. Accordingly, the conferees provide $8,377,000 in order to maintain these programs at 90 percent of last year's funding level.

*Hazardous materials intermodal portal.*—Within the funds provided for contract programs, the conferees provide $1,100,000, as well as $400,000 within the pipeline safety account, to fully fund the hazardous materials intermodal portal, as requested.

### PIPELINE SAFETY

### (PIPELINE SAFETY FUND)

### (OIL SPILL LIABILITY TRUST FUND)

The conference agreement provides $79,828,000 for the office of pipeline safety (OPS), instead of $78,875,000 as proposed by the House and $82,404,000 as proposed by the Senate. Of this amount, $18,810,000 is to be derived from the Oil Spill Liability Trust Fund and $61,018,000 is to be derived from the Pipeline Safety Fund, of which $32,242,000 is available until September 30, 2010.

The following table summarizes the conference agreement for OPS by budget activity:

| | |
|---|---|
| Salaries and operating expenses | $32,152,000 |
| Contract programs | 15,434,000 |
| Implementing the Oil Pollution Act | 1,000,000 |
| Research and development | 8,184,000 |
| Grants | 23,058,000 |
| Total | $79,828,000 |

*Full-time equivalent staff years (FTE).*—The conferees approve the additional 8 positions requested for OPS, and the associated half-year funding, as proposed by both the House and Senate. In addition, the conferees provide 7 additional inspection and enforcement FTE, along with the associated half-year funding, instead of 12 as proposed by the Senate. The House had no similar provision.

*Research and development.*—The conferees disagree with the Administration's proposal to significantly reduce funding for pipeline safety related research and development activities. As such, the conferees provide $8,184,000 in order to maintain these programs at 90 percent of the fiscal year 2007 enacted level. The conferees direct PHMSA to address the highest research and development priorities as allowed by this funding level.

*Grants to States.*—The conferees have provided $23,058,000 for the various State grant programs of OPS. The funding recommended includes $20,000,000 for State pipeline safety grants, $1,043,000 for State one-call grants, $1,515,000 for State damage prevention grants, and $500,000 for technology development grants.

### EMERGENCY PREPAREDNESS GRANTS

### (EMERGENCY PREPAREDNESS FUND)

The conference agreement provides a total of $28,506,000 for Emergency Preparedness Grants, as proposed by both the House and the Senate.

### RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

### RESEARCH AND DEVELOPMENT

The conference agreement provides $12,000,000 to continue research and development activities in fiscal year 2008, as proposed by both the House and the Senate, and stipulates that $6,036,000 of the funds provided shall be available until September 30, 2010. The funds provided are to be used consistent with the budget request.

### BUREAU OF TRANSPORTATION STATISTICS

### (LIMITATION ON OBLIGATIONS)

Under the appropriation of the Federal Highway Administration, the conference agreement provides $27,000,000 for the Bureau of Transportation Statistics (BTS). In addition, BTS will receive a portion of the revenue aligned budget authority (RABA) increase to the federal-aid highway program, as proposed by the House. As has been the practice in previous years, the conferees limit BTS staff to 122 FTE in fiscal year 2008.

### OFFICE OF INSPECTOR GENERAL

### SALARIES AND EXPENSES

The conference agreement includes $66,400,000 for the Office of Inspector General as proposed by the House and Senate. The conferees direct the Inspector General to investigate and submit recommendations to reduce rail service disruptions and incidents since 2004 in which rail carriers failed to timely deliver various commodities such as coal, wheat, ethanol, potatoes, specialty crops, and lumber, as proposed in the Senate bill.

### SURFACE TRANSPORTATION BOARD

### SALARIES AND EXPENSES

The conference agreement provides $26,324,500 for the Salaries and Expenses of the Surface Transportation Board to fund salaries and expenses from a direct appropriation, instead of $26,495,000 as proposed by the House and $25,000,000 as proposed by the Senate. The conference agreement includes language that allows the Board to offset $1,250,000 of this appropriation from fees collected during the fiscal year, as proposed by both the House and the Senate.

The conference agreement also states that the Board should use its appropriation to fund its highest programmatic priorities.

### GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

### (INCLUDING TRANSFERS OF FUNDS)

Section 180 retains the provision as proposed by both the House and the Senate that allows the Department of Transportation (DOT) to use funds for aircraft, motor vehicles, liability insurance, uniforms, or allowances, as authorized by law.

Section 181 retains the provision that limits appropriations for services authorized by 5 U.S.C. 3109 to the rate for an Executive Level IV, as proposed by the House and the Senate.

Section 182 retains the provision that prohibits funds from being used for salaries and expenses of more than 110 political and Presidential appointees in DOT. The provision also requires that none of the personnel covered by this provision may be assigned on temporary detail outside DOT, as proposed by the House and Senate.

Section 183 retains the provision as proposed by the House and the Senate that prohibits funds from being used to implement section 404 of title 23, United States Code.

Section 184 retains the provision as proposed by the House and the Senate that prohibits recipients of funds made available in this Act from releasing certain personal information and photographs from a driver's license or motor vehicle record, without express consent of the person to whom such information pertains; and prohibits the withholding of funds provided in this Act for any grantee if a State is in noncompliance with this provision.

Section 185 retains the provision that permits funds received by specified DOT agencies from States or other private or public sources for expenses incurred for training to be credited to certain specified agency accounts, as proposed by the House and the Senate.

Section 186 retains the provision as proposed by the House and the Senate that authorizes the Secretary of Transportation to allow issuers of any preferred stock sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

Section 187 modifies language proposed by the House that prohibits funds from being used to make a grant unless the Secretary of Transportation notifies the House and the Senate Committees on Appropriations no less than three days in advance of any discretionary grant award, letter of intent, or full funding grant agreement totaling $500,000 or more, and directs the Secretary give concurrent notification for any "quick release" of funds from the Federal Highway Administration's emergency relief program.

Section 188 retains the provision that allows funds received from rebates, refunds, and similar sources to be credited to appropriations of the DOT, as proposed by the House and the Senate.

Section 189 retains the provision as proposed by the House and the Senate that allows amounts from improper payments to a third party contractor that are lawfully recovered by the DOT to be available to cover expenses incurred in the recovery of such payments.

Section 190 retains the provision as proposed by the House that reprograms funds from fiscal year 1992 for improvement to Route 101 in Monterey County, California. The Senate did not include a similar provision.

Section 191 retains a provision proposed by the House that reprograms funds from fiscal year 2001 for the Spring Valley Road project in Marlboro Township, New Jersey. The Senate did not include a similar provision.

Section 192 retains a provision proposed by the Senate mandating that reprogramming actions are to be approved or denied solely by the Appropriations Committee. The House did not include a similar provision.

Section 193 includes a new provision that prohibits DOT from using funds in this Act to provide a congressional budget justification to any committee other than the House or Senate Committees on Appropriation prior to May 31.

Section 194 modifies a provision proposed by the Senate relating to the Surface Transportation Board's authority to regulate solid waste transfer and sorting facilities on railroad properties.

Section 195 retains a provision proposed by the Senate that caps the amount of fees the Surface Transportation Board can charge and collect for rate complaints filed at the amount authorized for court civil suit filing fees. The House did not include a similar provision.

Section 196 retains the provision proposed by the Senate that directs the Secretary to amend its website to include a direct link to the DOT's Inspector General's webpage and create a mechanism for reporting waste, fraud, and abuse in the Department of Transportation. The House did not include a similar provision.

Section 197 modifies a provision proposed by the Senate that prohibits funds from being used to discontinue the use of the Federal Aviation Academy as the primary facility for air traffic controller training. The House did not include a similar provision.

Section 198 retains a provision proposed by the Senate that prohibits tolling in Texas. The House did not include a similar provision.

Section 199 includes a new provision to prohibit the reallocation of fiscal year 2004 funds for the Schuylkill Valley Metro project. The House and Senate did not include a similar provision.

The conference agreement deletes section 193 as proposed by the Senate.

The conference agreement deletes section 197 as proposed by the Senate.

## TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The conferees reiterate that the Department must limit the reprogramming of funds between the programs, projects, and activities within each account to not more than $500,000 without prior approval of the Committees on Appropriations. Unless otherwise identified in this Statement of Managers or Committee reports, the most detailed allocation of funds presented in the budget justifications is approved, with any deviation from such approved allocation subject to the normal reprogramming requirements. Further, it is the intent of the conferees that all carryover funds in the various accounts, including recaptures and de-obligations, are subject to the normal reprogramming requirements outlined above. Further, no changes may be made to any program, project, or activity if it is construed to be policy or a change in policy, without prior approval of the Committees on Appropriations. Finally, the conferees expect to be notified regarding reorganizations of offices, programs or activities prior to the planned implementation of such reorganizations, as well as be notified, on a monthly basis, of all ongoing litigation, including any negotiations or discussions, planned or ongoing, regarding a consent decree between the Department and any other entity, including the estimated costs of such decrees. Unless otherwise provided, the conferees reiterate that the Department must limit reprogramming to $500,000.

### EXECUTIVE DIRECTION

The conference agreement includes modified language to provide salaries and expenses to the Department, instead of language proposed by the House and Senate. Through a new structure of nine separate accounts, the conference agreement fully funds the Department's request of $1,222,000,000, as proposed by the Senate. Further, the conference agreement provides flexibility to prevent disruption at the Department or the dislocation of employees. The conferees expect the Department to use this account structure in presenting the FY09 budget justification and all future budgets.

The conference agreement provides $24,980,000 for Executive Direction, as follows:

| | |
|---|---|
| Immediate office of the Secretary and Deputy Secretary | $3,930,000 |
| Office of Hearings and Appeals | 1,580,000 |
| Office of Small and Disadvantaged Business Utilization | 510,000 |
| Immediate Office of the Chief Financial Officer | 725,000 |
| Immediate Office of the General Counsel | 1,155,000 |
| Office of the Assistant Secretary for Congressional and Intergovernmental Relations | 2,670,000 |
| Office of the Assistant Secretary for Public Affairs | 2,520,000 |
| Office of the Assistant Secretary for Administration | 1,630,000 |
| Office of the Assistant Secretary for Public and Indian Affairs | 1,620,000 |
| Office of the Assistant Secretary for Community and Planning Development | 1,520,000 |
| Office of the Assistant Secretary for Housing, Federal Housing Commissioner | 3,600,000 |
| Office of the Assistant Secretary for Policy Development and Research | 1,570,000 |
| Office of the Assistant Secretary for Fair Housing and Equal Opportunity | 1,950,000 |

The conference agreement provides that the Secretary is authorized to transfer funds within offices under Executive Direction following the written notification to the House and Senate Committees on Appropriations, provided that no amount for any office may be increased or decreased by more than 5 percent by all transfers. Notice of any change in funding greater than 5 percent must be submitted for prior approval by the Committees. Further, the Secretary must provide quarterly written notification to the Committees regarding the status of pending congressional reports. The conference agreement also provides that no more than $25,000 provided under the immediate Office of the Secretary shall be available for the official reception and representation expenses as the Secretary may determine.

### ADMINISTRATION, OPERATIONS AND MANAGEMENT

The conference agreement provides $503,630,000 for the administrative functions of the Department, provided as follows:

| | |
|---|---|
| Office of Administration Personnel Compensation and Benefits | $69,070,000 |
| Office of Departmental Operations and Coordination Personnel Compensation and Benefits | 10,630,000 |
| Office of Field Policy and Management Personnel Compensation and Benefits | 51,300,000 |
| Office of the Chief Procurement Officer Personnel Compensation and Benefits | 12,370,000 |
| Office of the Chief Financial Officer Personnel Compensation and Benefits | 31,600,000 |
| Office of the General Counsel Personnel Compensation and Benefits | 80,670,000 |
| Office of the Departmental Equal Employment Opportunity Personnel Compensation and Benefits | 2,810,000 |
| Office of Faith-Based and Community Initiatives Personnel Compensation and Benefits | 1,160,000 |
| Non-personnel expenses | 244,020,000 |

The conference agreement provides that funds are provided for necessary administrative and non-administrative expenses of the Department and that funds may be used for advertising and promotional activities that support the housing mission area. Further, the Secretary is authorized to transfer funds between offices under this account, after such transfer has been submitted to, and received written approval by, the Committees. No appropriation for any office may be increased or decreased by more than 10 percent.

### PUBLIC AND INDIAN HOUSING PERSONNEL COMPENSATION AND BENEFITS

The conference agreement provides $173,310,000 for the personnel compensation and benefits for this account.

### COMMUNITY PLANNING AND DEVLEOPMENT PERSONNEL COMPENSATION AND BENEFITS

The conference agreement provides $90,310,000 for the personnel compensation and benefits for this account.

### HOUSING PERSONNEL COMPENSATION AND BENEFITS

The conference agreement provides $334,450,000 for the personnel compensation and benefits for this account.

### OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION PERSONNEL

### COMPENSATION AND BENEFITS

The conference agreement provides $8,250,000 for the personnel compensation and benefits for this account.

### POLICY DEVELOPMENT AND RESEARCH PERSONNEL COMPENSATION AND BENEFITS

The conference agreement provides $16,950,000 for the personnel compensation and benefits for this account.

### FAIR HOUSING AND EQUAL OPPORTUNITY PERSONNEL COMPENSATION AND BENEFITS

The conference agreement provides $63,140,000 for the personnel compensation and benefits for this account.

### OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL COMPENSATION AND BENEFITS

The conference agreement provides $6,980,000 for the personnel compensation and benefits for this account.

## PUBLIC AND INDIAN HOUSING

### TENANT-BASED RENTAL ASSISTANCE

### (INCLUDING TRANSFER OF FUNDS)

The joint statement of the managers herein reflects the agreement of the conferees on tenant-based rental assistance. The conference agreement provides $16,436,000,000 for all tenant-based Section 8 (voucher) activities under the Tenant-Based Rental Assistance Account. The House proposed $16,330,000,000 and the Senate proposed $16,598,694,000 for these activities. Language is included designating funds provided as follows:

| *Activity* | *Conference agreement* |
|---|---|
| Voucher Renewals | $14,694,506,000 |
| Tenant Protection Vouchers | 200,000,000 |
| Administrative Fees | 1,351,000,000 |
| HUD–VASH Vouchers | 75,000,000 |
| Nonelderly Disabled Vouchers | 30,000,000 |
| Family Unification Vouchers | 30,000,000 |
| Family Self-Sufficiency Coordinators | 49,000,000 |
| Working Capital Fund | 6,494,000 |
| Total, Tenant Based Rental Assistance | 16,436,000,000 |

*Section 8 Voucher Renewals.*—The conference agreement includes $14,694,506,000, instead of $14,744,506,000 as proposed by the House and $14,929,200,000, as proposed by the Senate. The conference agreement provides that funding for renewals shall be distributed based on VMS data for the most recent Federal fiscal year. The conference agreement also provides an exception to this funding formula for PHAs impacted by the 2005 hurricanes, those PHAs that went into receivership within the previous 24 months, and PHAs that overspent their FY07 allocation. The House had not proposed to revise the allocation methodology from FY07.

The conferees instruct the Department that the entire amount for renewals shall be administered through the LOCCS system and provided to PHAs in the same manner as in effect in FY06 and prior years. Further, PHAs shall be notified of their allocation within 60 days of enactment of this Act, unless the Secretary requests a waiver from the Committees.

The conference agreement provides that $50,000,000 shall be available to adjust the allocations for PHAs that experienced a significant increase in renewal costs due to portability or for PHAs with a higher leasing rate at the end of the Federal fiscal year than the average for the entire year.

*Tenant Protection.*—The conference agreement includes $200,000,000 for rental subsidies for tenant protection activities instead of $150,000,000 as proposed by the House and Senate. HUD is instructed to issue tenant protection vouchers for all units that were occupied within the previous 24 months. The conference agreement does not include language proposed by the House concerning recaptures and carryover.

The conference agreement does not include language proposed by the House regarding the costs of judgments and settlements.

*Administrative Fees.*—The conference agreement includes $1,351,000,000 for public housing agencies' administrative costs and other expenses, as proposed by the House and Senate. Of these funds, $1,316,000,000 shall be administered as provided in section 8(q) of QHWRA, as proposed by the House and Senate. The conference report does not include $5,000,000 for an incentive for PHAs to consolidate, as proposed by the House and the Senate.

*Family Self Sufficiency Coordinators.*—The conference agreement includes $49,000,000 for public housing agencies family self-sufficiency coordinator staff, instead of $48,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

*HUD-VASH Vouchers.*—The conference agreement includes $75,000,000 for incremental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs, as proposed by the Senate. This funding will be made available to PHAs that partner with eligible VA Medical Centers and other entities based on geographic need for such assistance. The conferees expect that these vouchers will be made available to all homeless veterans, including recently returning veterans. These vouchers shall remain available for homeless veterans upon turnover.

*Nonelderly Disabled Vouchers.*—The conference agreement provides $30,000,000, as proposed by the House, for incremental assistance to nonelderly disabled families. These vouchers shall remain available, to the extent practicable, for nonelderly disabled persons upon turnover.

*Family Unification Vouchers.*—The conference agreement provides $30,000,000, as proposed by the Senate, for incremental assistance through the Family Unification Program. These vouchers shall remain available, to the extent practicable, for family unification vouchers upon turnover.

*Working Capital Fund.*—The conference agreement includes up to $6,494,000 that may be transferred to the Working Capital Fund as proposed by the House and Senate.

The conferees instruct HUD not to disburse more than 70 percent of the FY07 advance prior to halfway through the 2008 calendar year.

### HOUSING CERTIFICATE FUND

### (RESCISSION)

The conference agreement includes a rescission of $1,250,000,000 from unobligated balances and recaptures from prior-year appropriations provided in the tenant-based rental assistance and the project-based rental assistance accounts or any other account within this title. This rescission is to be effected no later than September 30, 2008. The House proposed $1,300,000,000 and the Senate proposed $1,100,000,000.

### PROJECT-BASED RENTAL ASSISTANCE

### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $6,381,810,000 for project-based rental assistance activities instead of $6,479,810,000 as proposed by the House and $5,813,000,000 as proposed by the Senate. The conference agreement provides funds as follows:

| *Activity* | *Conference agreement* |
|---|---|
| Project-Based Contract Renewals | $6,139,122,000 |
| Contract Administrators | 238,728,000 |
| Working Capital Fund | 3,960,000 |
| Total, Project-Based Rental Assistance | 6,381,810,000 |

Language is included, as proposed by the House, designating not less than $238,728,000 but not to exceed $286,230,000 for performance-based contract administrators.

The conferees note the Department's inability to identify actual funding needs for Project-Based Rental Assistance renewals. The conferees also find that the Department has not been aggressive in reducing the impact that its decisions are having on the affordable housing community. In light of what appears to be a severe funding shortage, the Department has taken the drastic step of abandoning its practice of 12-month contracts and has been sending short-term renewal contracts that impact owners, landlords, financial institutions, and, most importantly, tenants of Project-Based housing.

A large part of the problem is that the administration has not determined if 12-month contracts can be conditioned on the availability of funds and can be funded incrementally. The conferees instruct HUD and OMB to make a final determination about whether an Anti-Deficiency Act (ADA) violation would exist under those circumstances within one month of enactment of this Act. If no violation would exist, then HUD is instructed to immediately begin issuing 12-month contracts subject to the availability of funds. If a violation would exist or has occurred, the administration must report that violation to the Committees immediately.

The conference agreement does not include the report on a project-by-project analysis that verifies the funding request for renewals and amendments as part of the FY09 budget justification, as proposed by the House, as this issue is addressed in the general provisions of this title, as proposed by the Senate.

### PUBLIC HOUSING CAPITAL FUND

### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $2,438,964,000 for the Public Housing Capital Fund as proposed by the House, instead of $2,500,000,000 as proposed by the Senate. Within the total funding the conference agreement includes: up to $12,000,000 for section 9(h) of the 1937 Housing Act, instead of $10,890,000 as proposed by the House and $14,890,000 as proposed by the Senate; not to exceed $16,847,000 may be transferred for information technology systems as proposed by the Senate instead of $10,000,000 as proposed by the House; not to exceed $18,500,000 for emergency capital needs resulting from unforeseen emergencies or natural disasters in fiscal year 2008 instead of $17,000,000 as proposed by the House or $20,000,000 as proposed by the Senate.

The conference agreement includes $40,000,000 for the Resident Opportunity Self-Sufficiency (ROSS) program as proposed by the Senate instead of $38,000,000 as proposed by the House.

The conference agreement provides that the Secretary shall provide performance bonuses in FY08 for PHAs that are high performers.

The conference agreement instructs HUD to report quarterly to the House and Senate Committees on Appropriations on the status of all PHAs in receivership, the technical assistance provided to these agencies, and the demonstrated achievements of the agencies. This submission shall begin with the transmission of the FY09 budget justification.

The conferees direct HUD to perform an updated Capital Needs Assessment (CNA) from funds made available under this account for the public housing portfolio, including the projected annual cost to adequately maintain that portfolio. To conduct the new CNA, HUD shall contract with a nationally recognized research entity with experience in conducting physical needs assessments of a representative sample of public housing or similar development projects. The review shall include a statistical sample for projects of 500 units or less and one-for-one review for projects in excess of 500 units. HUD shall award a contract for the study within 120 days after the enactment of this Act and shall report to the House and Senate Committees on Appropriations on the progress of the study by June 30, 2008. HUD shall submit a final report to the Committees by July 31, 2009, that includes national cost estimates and a comparison of those estimates with capital needs as of 1996, after adjusting for changes in the composition of the public housing stock resulting from HOPE VI funding and other actions. The report shall also discuss whether REAC physical inspection scores can support ongoing national estimates of public housing capital needs.

### PUBLIC HOUSING OPERATING FUND

The conference agreement provides $4,200,000,000 for the Public Housing Operating Fund as proposed by the House and the Senate.

The conference agreement provides that HUD shall use $5,940,000, as proposed by the Senate, for competitive grants and contracts to third parties for the provision of technical assistance to public housing agencies related to the transition and implementation of asset-based management in public housing.

The conferees do not instruct the IG to study asset-based management, as proposed by the House.

### REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

The conference agreement provides $120,000,000 for the Revitalization of Severely Distressed Public Housing program (HOPE VI) as proposed by the House, instead of $100,000,000 as proposed by the Senate. The conferees provide that not to exceed $2,400,000 shall be used for technical assistance as proposed by the House instead of $1,980,000 as proposed by the Senate. The conference agreement also directs HUD to use unobligated and unexpended technical assistance funding provided in prior years and to use these resources to focus on grants awarded before 2001 that have large unexpended balances.

### NATIVE AMERICAN HOUSING BLOCK GRANTS

The conference agreement provides $630,000,000 as proposed by the Senate instead of $626,965,000 as proposed by the House.

The conference agreement includes $4,250,000 for inspections, training, and technical assistance, including up to $300,000 for related travel, as proposed by the House and the Senate. The conference agreement provides that $2,000,000 shall be contracted as technical assistance and capacity building for a national organization representing Native American Housing interests for providing training and technical assistance to Indian Housing authorities and tribally designated housing entities as authorized by NAHASDA, as proposed by the Senate. The House addressed this issue in report language, and recedes to the Senate.

The conference agreement requires that HUD distribute the needs portion of the formula distribution on the basis of either single race or multi race data whichever is the most advantageous to the grant recipient, as proposed by the House and the Senate.

The conference agreement includes $1,980,000 for guaranteed loans to subsidize a total guaranteed loan principal of up to $17,000,000 as proposed by both the House and Senate and does not include a transfer to the Salaries and Expenses account, as proposed by the House.

The conferees do not require the two studies proposed by the House on the funding formula for these grants and the housing needs of the Indian community.

### NATIVE HAWAIIAN HOUSING BLOCK GRANT

The conference agreement provides $9,000,000 for the Native Hawaiian Housing Block Grant, of which $300,000 shall be for training and technical assistance, as proposed by the Senate. The House proposed $8,727,000 and $299,211, respectively.

The conference agreement directs HUD to award these formula grants promptly in FY08, as the Department has been slow to obligate these funds in previous years.

The conferees do not require a letter pertaining to the status of funds expended in this account, as proposed by the House.

### INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

The conference agreement provides $7,450,000, to subsidize a loan limitation of up to $367,000,000 as proposed by the House and Senate.

The conference agreement does not include a transfer to the Salaries and Expenses account, as proposed by the House.

### NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

The conference agreement provides $1,044,000 for guaranteed loans for Native Hawaiian housing to subsidize a total guaranteed loan principal of up to $41,504,255 as proposed by the House and Senate.

The conference agreement does not include a transfer to the Salaries and Expenses account, as proposed by the House.

## COMMUNITY PLANNING AND DEVELOPMENT

### HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $300,100,000 for Housing Opportunities for Persons with AIDS (HOPWA) as proposed by the House and Senate. Up to $1,485,000 is provided for technical assistance as proposed by the House and Senate. Not to exceed $1,485,000 may be transferred to the Working Capital Fund.

### RURAL HOUSING AND ECONOMIC DEVELOPMENT

The conference agreement provides $17,000,000 for rural housing and economic development as proposed by the Senate, instead of $16,830,000 as proposed by the House.

### COMMUNITY DEVELOPMENT FUND

### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $4,000,000,000 for the Community Development Fund, compared to $4,180,000,000 proposed by the House and $4,060,000,000 proposed by the Senate. The conferees agree to the following:

| | |
|---|---|
| Formula distribution of funds | $3,790,000,000 |
| Economic Development Initiative Grants | 183,500,000 |
| Transfer to the Working Capital Fund | 1,570,000 |
| Indian Economic Block Grants | 62,000,000 |
| Neighborhood Initiatives Program | 26,500,000 |

The conference agreement includes modified language making technical corrections to certain targeted economic development initiative grants funded under this heading in prior appropriations Acts, similar to language that was proposed by the House and the Senate.

The conference agreement provides $3,000,000 for technical assistance as authorized by section 107(b)(4), as proposed by the Senate. The House had no similar provision.

The conference agreement includes that not to exceed $1,570,000 may be transferred to the Working Capital Fund, as proposed by the Senate. The House proposed a $1,584,000 transfer.

The conference agreement includes $183,500,000 for the Economic Development Initiative with specific requirements on how these funds can be used. The conference agreement directs HUD to implement the Economic Development Initiative program as follows:

| Grantee | Purpose | Funding |
|---|---|---|
| Ada Public Works Authority in Ada, OK | for construction of 1 million gallon water storage tower | $250,000 |
| African American Cultural Center in Lumberton, NC | for renovation and buildout of the facility | $150,000 |
| African American History Foundation of Nashville, TN | for planning, design and construction of a museum | $100,000 |
| African-American Male Achievers Network in Los Angeles, CA | for acquisition and renovation of a facility to provide educational opportunities for youth | $150,000 |
| Alexandria Central Economic Development District in Alexandria, LA | for development of marina, related dockside, access and utilities | $600,000 |
| Allegheny County Department of Planning in Pittsburg, PA | for planning, design, renovation, construction and buildout of a brownfields site | $100,000 |
| Allentown Art Museum of the Lehigh Valley in Allentown, PA | for expansion | $250,000 |
| Alpine Heritage Preservation in Thomas, WV | for renovation and buildout of the historic opera house | $200,000 |
| America's Second Harvest of South Georgia in Valdosta, GA | for construction, expansion, and renovation of food distribution center | $225,000 |
| Amherst Cinema Arts Center, Inc. in Amherst, MA | for acquisition, renovation and buildout of an arts center, as part of area redevelopment | $265,000 |
| Amherst Youth Foundation in Amherst, NY | for renovations to the Independent Health Youth and Family Center | $150,000 |
| Anderson Arts Center in Anderson, SC | for completion of the renovation of the Anderson Arts Warehouse Facility | $100,000 |
| Appalachian Service Project, Inc. in Johnson City, TN | for emergency home repair for disadvantaged families | $150,000 |
| Arc Mercer Inc. in Ewing, NJ | for upgrading facilities to serve people with developmental disabilities | $50,000 |
| Ardmore Development Authority in Ardmore, OK | for a centrally located resource center | $350,000 |

| | | |
|---|---|---|
| Ark Memorial Foundation in Laramie, WY | for completion of construction of a national Creative Arts Center | $150,000 |
| Arkansas State University at Mountain Home, in Mountain Home, AR | for construction, renovation, and buildout of a multipurpose facility | $250,000 |
| Arkansas State University-Newport in Newport, AR | for construction of the Regional Transportation Technology Center, an educational and training facility | $350,000 |
| Arlington Chamber of Commerce in Arlington, TX | for commercialization of technology, especially bio- and nano-technology at University of Texas at Arlington | $100,000 |
| Arlington Housing Corporation in Arlingon, VA | for renovation, expansion and construction of low-income housing | $200,000 |
| Armed Services YMCA in Killeen, TX | for construction of a full service YMCA | $400,000 |
| ArtsQuest of Bethlehem, PA | for revitalization of a brownsfield site and development of the SteelStax Performing Arts Center on the site | $250,000 |
| Asian Youth Center of San Gabriel, CA | for acquisition of a multipurpose facility for the center | $150,000 |
| Atchison County Memorial Building Foundation in Atchison County, MO | for renovation of the Atchison County Memorial Building | $250,000 |
| Atlanta Botanical Gardens in Atlanta, GA | for construction of the Canopy Walk, an educational nature walk | $150,000 |
| Atlantic County, NJ | for development of an industrial park to foster economic development | $100,000 |
| Audie Murphy/American Cotton Museum in Greenville, TX | for construction of a memorial and building | $100,000 |
| Avesta Housing in Portland, ME | for planning, design, construction and buildout of the Florence House Center for Homeless Women | $150,000 |
| Bacon County Board of Commissioners in Bacon County, GA | for restoration of an old school building for community use | $225,000 |
| Ballard County, KY | for the Ballard County Chamber of Commerce and Tourism Community Shelter | $50,000 |
| Barrington Stage Company in Pittsfield, MA | for renovation and buildout of the Berkshire Music Hall and Octagon House | $275,000 |
| Bassett Historical Center in Hendry County, VA | for expansion of a facility | $100,000 |

| | | |
|---|---|---|
| Bay Area Food Bank in Mobile, AL | for construction of a commerical-size kitchen | $250,000 |
| Beatitude House in Warren, OH | for renovation and construction of a facility for homeless women and children | $200,000 |
| Bel Alton High School Alumni Association CDC in Bel Alton, MD | for renovation, construction and buildout of a community center | $400,000 |
| Belmont Complex in Kittanning, PA | for renovation and construction of the Belmont Complex | $300,000 |
| Berrien County Economic Development Authority in Berrien County, GA | for design and construction of new sewer system | $300,000 |
| Bethel School District in Spanaway, WA | for construction and buildout of a community center for seniors and youth | $150,000 |
| Bethune-Cookman University in Daytona Beach, Fl. | for rehabilitation and renovation of the School of Nursing | $150,000 |
| Billings Food Bank in Billings, MT | for demoliton of buidling | $300,000 |
| Bi-State Authority,Lawrenceville-Vincennes Airport in Lawrenceville, IL | for construction of a new airport building for a public use area | $100,000 |
| Black Ensemble Theater in Chicago, IL | for planning, design and construction of the theater | $200,000 |
| Blount County Government in Blount County, TN | for infrastructure for Pellisippi Research Centre | $150,000 |
| Bolingbrook Park District in Bolingbrook, IL | for construction of the LEED Platinum nature center | $150,000 |
| Bonnie CLAC Lebanon, NH | for capitalization of a revolving loan fund to assist low-income populations with transportation needs | $100,000 |
| Boricua College in Brooklyn, NY | for renovation and buildout of the North Side Campus | $150,000 |
| Borough of Coraopolis, PA | for streetscape improvements in downtown Coraopolis | $100,000 |
| Borough of High Bridge, NJ | for construction of ramps and elevators | $250,000 |
| Borough of Robesonia, PA | for signage and streetscape improvements as part of the Robesonia Downtown Revitalization project | $150,000 |
| Borough of Telford, PA | for renovation of a freight building, enhancement of handicap access and development of a community pavillion | $250,000 |

| | | |
|---|---|---|
| Borough of West Paterson, NJ | for construction of an urban bikeway | $150,000 |
| Boynton Beach Community Redevelopment Agency in Boynton Beach, FL | for construction of an educational facility | $300,000 |
| Brainerd Institute of Chester, SC | for renovation and buildout of multipurpose facilities at the Brainerd Institute | $100,000 |
| Brooklyn Children's Museum in Brooklyn, NY | for renovation and construction of the museum | $170,000 |
| Buhl Farm Trust in Sharon, PA | for building renovation at Bhul Farm | $300,000 |
| Burchfield-Penney Art Center in Buffalo, NY | for construction and buildout | $400,000 |
| Calvin College in Grand Rapids, MI | for renovation of a historic building in downown Grand Rapids | $100,000 |
| Camp Wood YMCA in Elmdale, KS | for construction of alternative energy structures for facilities | $50,000 |
| Campbellsville-Taylor Co. Industrial Development in Campbellsville, KY | for development of two engineered, pad ready sites in the current business park | $100,000 |
| Carlisle Regional Perfroming Arts Center in Calisle, PA | for renovation of the Carlisle Theater | $100,000 |
| Caroll County Community Center in Carrollton, OH | for planning, design and construction of a community center | $300,000 |
| Carroll County Watershed Authority in Carroll County, TN | for land acquisition | $150,000 |
| Catholic Charities in Louisville, KY | for renovation of a historic building to create affordable housing for seniors | $100,000 |
| Central Bradford Progress Authority in Towanda, PA | for renovation of facilities as part of a redevelopment plan | $310,000 |
| Central Connecticut Coast YMCA, Inc. in New Haven, CT | for planning, design and construction of a community recreational facility | $300,000 |
| Charlotte County, FL | for renovation, construction and buildout of the Family Services Center | $200,000 |

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| Charter Township of White Lake, MI | for land purchases, roadway improvements, public spaces, streetscape and pathways | $150,000 |
| Cherokee Strip Regional Heritage Center in Enid, OK | for renovation and construction of the center | $100,000 |
| Chicago Parks District in Chicago, IL | for renovation of the historic Theatre on the Lake | $700,000 |
| Chicanos Por La Causa, Inc. in Phoenix, AZ | for acquisition of a facility to be used as a business incubator and training facility | $500,000 |
| Child Care Services Association in Chapel Hill, NC | for planning, design and construction of a child care resource center in Durham | $275,000 |
| Citizens for a Civic Auditorium in Casper, WY | for construction of a multipurpose Casper Civic Auditorium facility | $200,000 |
| City College of New York in New York, NY | for planning, design, construction, renovation and buildout of a multipurpose educational facility | $250,000 |
| City of Agoura Hills, CA | for land acquisition to protect open space | $150,000 |
| City of Ansonia, CT | for planning and design of affordable housing as part of a redevelopment plan at the Riverside Apartment Complex | $100,000 |
| City of Astoria, OR | for planning, design and construction of the Chinese Heritage Park | $150,000 |
| City of Austin, TX | for streetscape and façade improvements as part of the East Austin Façade Improvement Project | $150,000 |
| City of Azusa, CA | for renovation of the Azusa National Guard Armory to become a recreational facility for seniors and youth | $150,000 |
| City of Bastrop, TX | for planning, design and construction of a recreational trail | $250,000 |
| City of Bellflower, CA | for construction and buildout of the Los Angeles County Fire Museum | $500,000 |
| City of Bellmead, TX | for facility construction, renovation and buildout | $300,000 |
| City of Benicia, CA | for renovation, construction and buildout of a facility for veterans | $150,000 |
| City of Birmingham, AL | for land acquisition and construction of an urban park | $250,000 |
| City of Cadiz Downtown Development Project in Cadiz, KY | for economic development and community growth | $50,000 |
| City of Cedar Rapids, IA | for revitalization of a brownfields site | $150,000 |
| City of Center Point, AL | for the Polly Reed Road Greenway and Pedestrian Walkway Project | $250,000 |
| City of Charlotte, NC | for land acquisition in the development of the Belvedere Business Park | $150,000 |

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| City of Clearwater, FL | for a comprehensive plan, and to make corresponding infrastructure improvements to revitalize downtown Clearwater | $100,000 |
| City of Clearwater, FL | for a comprehensive plan to revitalize downtown Clearwater | $200,000 |
| City of Columbus, IN | for planning, design, construction and buildout of an educational facility | $150,000 |
| City of Commerce City, CO | for renovation and construction of a Boys and Girls Club | $170,000 |
| City of Daytona Beach, FL | for construction of a community center for services to disadvantaged youths | $50,000 |
| City of Desert Hot Springs, CA | for construction and site improvements for a civic and community center | $200,000 |
| City of Detroit, MI | for demolition of abandoned properties as part of a redevelopment plan | $300,000 |
| City of Doral, FL | for redevelopment of recreation facilities | $150,000 |
| City of Eagle Mountain, UT | for park development to complete Phase I of the economic development area in Eagle Mountain City | $420,000 |
| City of Edmonds, WA | for renovation of the Edmunds Center for the Arts | $150,000 |
| City of Evansville, IN | for renovation, construction and buildout of the historic Alhambra Theatre | $200,000 |
| City of Fayetteville, NC | for planning, design and construction of the Fayetteville Military Business Park | $150,000 |
| City of Fort Dodge, IA | for the acquisition and/or demolition of the former Beef Processors production plant | $100,000 |
| City of Fredonia, KS | for sidewalks and streetscape improvements in the central business district | $100,000 |
| City of Gillette, WY | for design costs for an addition to the current Campbell County Senior Center | $150,000 |
| City of Green Bay, WI | for construction of the Riverfront Boardwalk, as part of a redevelopment plan | $400,000 |
| City of Greenville, IL | for construction of a business incubator | $150,000 |
| City of Hackensack, NJ | for improvements to Foschini Park | $200,000 |
| City of Hammond, LA | for fire protection water services | $250,000 |
| City of Hearne, TX | for construction of a visitors center and museum for the WWII POW Camp | $250,000 |
| City of Hermiston, OR | for construction of a learning center | $50,000 |
| City of Imperial, CA | for planning, design and construction of a regional parks facility | $150,000 |
| City of Indianola, MS | for a revolving loan fund to provide affordable housing, as part of the Indianola Housing Initiative | $250,000 |
| City of Jackson, AL | for construction of a building in conjunction with a 240-acre Industrial Development Park | $250,000 |
| City of Jacob in Cottondale, FL | for acquisition and renovation of a community center | $300,000 |
| City of Joplin, MO | for streetscape improvements in Center City | $700,000 |

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| City of Kaysville City, UT | for reclamation and conversion of a city-owned property to an economic use | $150,000 |
| City of La Puente, CA | for planning, design and construction of a Nature Education Center for children | $250,000 |
| City of Lauderdale Lakes, FL | for renovation and construction of a new educational and cultural addition to the library | $200,000 |
| City of Livermore, CA | for capitalization of a housing loan fund through the Tri-Valley Housing Opportunity Center | $150,000 |
| City of Los Angeles, CA | for improvements to MacArthur Park | $200,000 |
| City of Lufkin, TX | for construction of a convention center | $100,000 |
| City of Luling, TX | for renovation, construction and buildout of a historic facility as part of the Zedler Mill Park Pavilion Restoration project | $200,000 |
| City of Lynwood, CA | for construction of a public park | $150,000 |
| City of Madeira Beach, FL | for renovation of John's Pass Village to enhance public use | $50,000 |
| City of Maitland, FL | for the Minihaha Park development | $240,000 |
| City of Marathon, FL | for improvements to Boot Key Municial Harbor facilites | $100,000 |
| City of Memphis, TN | for demolition and planning as part of the University Place Revitalization project | $225,000 |
| City of Minneapolis, MN | for land and building acquisition, renovation and construction as part of the City's redevelopment plan | $270,000 |
| City of Monroe, NC | for renovation of the Old Armory Building site into a community center | $500,000 |
| City of Montrose, CO | for planning, design and construction of the Montrose Higher Education and Technology Park | $150,000 |
| City of Mount Vernon, IN | for construction of a riverfront plaza as part of a redevelopment plan | $50,000 |
| City of New Bedford, MA | for demolition of abandoned buildings as part of a redevelopment plan | $400,000 |
| City of New Braunfels, TX | for relocation of the utilities underground | $100,000 |
| City of New Brunswick, NJ | for planning, design, streetscape improvements and sidewalks | $150,000 |
| City of New Iberia, LA | for planning, design, and construction of a multipurpose facility | $150,000 |
| City of North Las Vegas, NV | for planning, design and construction of a senior center | $150,000 |
| City of Ottawa, KS | for land acquisition, renovation and construction of the Ottawa Industrial Park | $300,000 |
| City of Paxville, SC | for construction and buildout of a technology center for youth and senior citizens | $100,000 |
| City of Phoenix, AZ | for streetscape improvements as part of the Maryvale Revitalization Project | $150,000 |
| City of Prattville, AL | for Phase II of the public acess and use at Cooters Pond Park | $100,000 |
| City of Raeford, NC | for sidewalks and streetscape improvements | $200,000 |
| City of Rainsville, AL | for further construction of the Rainesville Ag center | $330,000 |
| City of Rancho Cordova, CA | for construction and buildout of a community building at the White Rock Community Park | $150,000 |

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| City of Raytown, MO | for the demolition of an abandoned church as part of a redevelopment plan | $550,000 |
| City of Riverdale, GA | for planning, design and construction of a multipurpose facility for low- and moderate-income residents | $250,000 |
| City of Romney, WV | for continued renovation and adaptive reuse of the Coca Cola Bottling plant as a cultural and arts center | $100,000 |
| City of Round Rock, TX | for infrastructure and sidewalk improvements on Main Street from IH35 to San Saba Street | $400,000 |
| City of San Antonio, TX | for construction and buildout of an educational facility | $400,000 |
| City of San Clemente, CA | for continued construction of the Coastal Trail | $300,000 |
| City of San Juan, TX | for planning, design and construction of a new library | $250,000 |
| City of San Leandro, CA | for construction and buildout of senior center | $250,000 |
| City of Santa Maria, CA | for construction, renovation and buildout of a library | $150,000 |
| City of Sarasota, FL | for renovation of the Robert L. Taylor Community Center | $375,000 |
| City of Somerton in Tucson, AZ | for construction and buildout of the Dunbar Project Youth Cultural Center | $250,000 |
| City of Springfield, OH | for acquisition, relocation, remediation and infrastructure improvements for the Community/Mercy Health Partners Hospital | $500,000 |
| City of St. Louis, MO | for streetscape improvements on Cherokee Street | $150,000 |
| City of Suffolk, VA | for renovation of the former East Suffolk High School into a community and recreation center | $200,000 |
| City of Tamarac, FL | for expansion, renovation and buildout of a recreational facility | $150,000 |
| City of Tampa, FL | for construction of the Tampa Riverwalk as part of a redevelopment plan | $300,000 |
| City of Toledo, OH | for construction, renovation and buildout in low-income neighborhoods | $250,000 |
| City of Topeka, KS | for land acquisition for a public park | $100,000 |
| City of Valdosta, GA | for reconstruction and development of an eight block corridor | $250,000 |
| City of Wakefield, MI | for renovation, construction and buildout of the historic Wakefield Memorial Community Building | $150,000 |
| City of Waterbury, CT | for demolition of abandoned structures as part of a redevelopment plan | $300,000 |
| City of Waterloo, IA | for renovation, construction and buildout of the Cedar Valley TechWorks Technology Center | $200,000 |
| City of Wichita, KS | for redevelopment of Dunbar Theater | $300,000 |
| City of Yucaipa, CA | for construction of a joint recreation facility for the City of Yucaipa and Crafton Hills Community College | $200,000 |
| Clay County Drug Treatment Center in Manchester, KY | for construction of residential drug treatment facility | $500,000 |
| College of Mount Saint Vincent in Riverdale, NY | for renovation of the college's nursing laboratories | $250,000 |

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| Collier County, FL | for construction of a Community Center in South Immokalee | $150,000 |
| Community Health Connections in Gardner, MA | for renovation of a former elementary school for a multipurpose health facility | $325,000 |
| Community Rehabilitation Center, Inc., in Jacksonville, FL | for streetscape improvements and renovation of Pearl Street Plaza | $150,000 |
| Community Reinvestment Association of North Carolina in Durham, NC | for capitalization of a housing loan fund as part of the Manufactured Housing Redevelopment Fund | $275,000 |
| Conemaugh Township Community Center in Saltsburg, PA | for improvements to the Center to meet ADA requirements | $50,000 |
| Conway County, AR | for renovation and buildout of the historic Morrilton Post Office building | $150,000 |
| Cornucopia Adult Day Services in Albuquerque, NM | for renovation to the building located at 2002 Bridge Boulevard, SW | $100,000 |
| Council on Aging of Sonoma County in Santa Rosa, CA | for construction, renovation and buildout of a multipurpose facility for seniors | $150,000 |
| County of San Joaquin, CA | for construction and buildout of an economic development facility, the San Joaquin Agricultural Center | $500,000 |
| Crystal Lake Art Center in Frankfort, MI | for improvements to the former Frankfort Coast Guard station for use by the Crystal Lake Art Center | $100,000 |
| Cumberland County, KY | for the Burkesville Industrial Development Project | $100,000 |
| Custer County, ID | for acquistion of an unused middle school building | $100,000 |
| Cypress Creek Fine Art Association in Spring, TX | for construction of the Pearl Fincher Museum of Fine Arts | $100,000 |
| Dayton Metropolitan Housing Authority in Dayton, OH | for demolition and redevelopment of Cliburn Manor | $50,000 |
| DBA Greater Honesdale Partnership in Honesdale, PA | for acquisition, renovation and construction of a facility | $300,000 |
| Destination Plymouth in Plymouth, MA | for renovation and buildout of facilities | $100,000 |
| Detroit Science Center in Detroit, MI | for construction of the Michigan Careers in Engineering Theater | $750,000 |

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| Downtown Improvement Program in Beaumont, TX | for redevelopment and enhancement to the streets, including Neches Street from Laurel to College Streets and Park Street from North to College Streets | $50,000 |
| Downtown Roanoke, VA | for infrastructure renovations for awnings of the historic market | $250,000 |
| East County Family YMCA in San Diego, CA | for construction of the McGrath Family YMCA | $150,000 |
| East Mississippi Community College Golden Triangle, MS | for construction of a metal-working facility for job training | $500,000 |
| Eastern Shore Community College in Melfa, VA | for additional laboratory, related equipment and infrastructure development at the Eastern Shore Community College | $100,000 |
| Eastern Shore Rural Health System, Inc. in Onley, VA | for construction of a new Onley Community Health facility | $200,000 |
| Eckerd College in St. Petersburg, FL | for construction of a center for programs serving low income and at-risk youth | $100,000 |
| El Centro de Servicios Sociales, Inc. in Lorain, OH | for renovation and buildout of the South Lorain Lincoln Community Center, a community facility for youth and seniors | $200,000 |
| Elmira College in Elmira, NY | for preparation of construction plans to renovate a building | $400,000 |
| Emergency Housing Consortium in San Jose, CA | for construction of the Sobrato Transitional Center, a residential facility for homeless individuals and families | $200,000 |
| Enon-Coulter CDC in Philadelphia, PA | for streetscape improvements and redevelopment in low-income neighborhoods | $100,000 |
| Environmental Learning Centers of Connecticut in Bristol, CT | for construction of an educational facility | $200,000 |
| Fairfax County Park Authority in Annandale, VA | for revitalization of Ossian Park | $50,000 |
| Fairfax County Park Authority in Annandale, VA | for revitalization of athletic facilities at Mason District Park | $50,000 |
| Farnum Neighborhood House in New Haven, CT | for renovation and buildout of Camp Farnum, a facility serving low-income children | $100,000 |
| Feedback Foundation in Anaheim, CA | for renovation and buildout of a facility that provides meals for low-income seniors | $150,000 |
| Florida Southern College in Lakeland, FL | for construction of library to house historic documents of Frank Loyd Wright | $200,000 |

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| FM Kirby Center in Wilkes-Barre, PA | for renovation and buildout of a historic building | $150,000 |
| Focus on Renewal in McKees Rocks, PA | for planning, design and construction of the Sto-Rox Cultural Arts Center | $100,000 |
| Food Bank of the Virginia Peninsula in Newport News, VA | for renovation and buildout of a facility to provide food to low-income populations | $150,000 |
| Friendship Circle of the South Bay in Redondo Beach, CA | for construction of a multipurpose facility for children with special needs | $150,000 |
| Gannon University in Erie, PA | for development of the Erie Technology Incubator for economic development | $100,000 |
| Genesee County Land Bank Authority in Flint, MI | for renovation and construction of the historic Durant Hotel as part of a redevelopment plan | $150,000 |
| Girls and Boys Town USA in Boys Town, NE | for construction of facilities at priority national projects | $250,000 |
| Girls and Boys Town USA in Oviedo, FL | for expansion of facilities | $250,000 |
| Goodwill Industries of North Louisiana in Shreveport, LA | for renvoation of a donated building for use by the Goodwill | $150,000 |
| Governing Body Supervisors of Berlin Township in Beach Lake, PA | for renovation, construction and buildout of the Berlin Township Community Center | $140,000 |
| Government of Guam Department of Public Works in Tamuning, Guam | for sidewalks, street furniture and façade improvements | $250,000 |
| Grafton County Economic Development Council in Bristol, NH | for acquisition, renovation and buildout of a business incubator | $200,000 |
| Grant County Family YMCA in Marion, IN | for renovation of the Memorial Coliseum | $200,000 |
| Grant County Housing Authority in Petersburg, WV | for streetscape improvements and construction of ADA accessible entrances for affordable housing | $100,000 |

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| Graveyard of the Atlantic Museum in Hatteras, NC | for completion of construction of the Graveyard of the Atlantic Museum | $150,000 |
| Greater Cincinnati Foundation, Black Brigade Fund in Cincinnati, OH | for construction of a monument to commemorate the Black Brigade of Cincinnati | $50,000 |
| Greene County Community Center in Waynesburg, PA | for construction, renovation and buildout of recreational facilities | $200,000 |
| Group Ministries, Inc. in Buffalo, NY | for renovation and buildout of a community services building | $200,000 |
| Halifax County Historical Society in South Boston, VA | for installation of the Crossing of the Dan exhibit project | $225,000 |
| Hamilton County, TN | for construction of a building to house the Center for Entrepreneurial Growth | $100,000 |
| Harris County Commissioner's Office, Preciinct Three in Houston, TX | for construction and buildout of a multipurpose facility, the Bayland Park Community Aquatic Center | $150,000 |
| Harris County Community and Economic Development Department in Houston, TX | for planning studies and streetscape improvements | $100,000 |
| Harvest Community Foundation in Billings, MT | for construction of Billings Heights Community Center | $200,000 |
| Heidelberg College in Tiffin, OH | for construction of a Wellness and Recreation Center | $100,000 |
| Helen Keller Services for the Blind in Brooklyn, NY | for renovation and construction of a recreational facility for handicapped children | $150,000 |
| Hendry County, FL | for planning, design, and construction of recreational facilities at the Hendry LaBelle Regional Park | $300,000 |
| Henry County Fiscal Court in Henry County, KY | for enabling the fiscal court to make the Henry County Commerce Park "site ready" | $300,000 |
| Highgate Recreation Center in Highgate, VT | for renovation of a recreational center | $200,000 |
| Hillsborough Township, NJ | for construction of a community center | $50,000 |

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| Historic Globe Main Street Program in Globa, AZ | for renovation of the historic Gila County Courthouse for use as a community center | $100,000 |
| Historic St. Mary's City, MD | for construction and renovation of a historic facility | $400,000 |
| Hocking Athens Perry Community Action in Athens, OH | for renovation and construction of a community center | $200,000 |
| Holocaust Documentation and Education Center in North Miami Beach, FL | for facility renovation, construction and buildout of the museum | $300,000 |
| Housing Partnership Network, Inc. of Boston, MA | for capitalization of a revolving loan fund for affordable housing | $300,000 |
| Housing Trust of Santa Clara County in San Jose, CA | for capitalization of a revolving loan fund for first time homebuyers | $150,000 |
| Houston Fire Museum in Houston, TX | for construction of an Education Center | $250,000 |
| Houston Zoo in Houston, TX | for development of an educational broadcast program | $300,000 |
| Hudson Area Joint Library in Hudson, WI | for land acquisition, planning, design and construction of a new library | $150,000 |
| Hudson Guild Fulton Center in New York, NY | for construction, renovation and buildout of a community services center for seniors | $150,000 |
| Hudson Opera House, Inc. in Hudson, NY | for renovation of the Historic Hudson Opera House Arts Community Center | $125,000 |
| Huntingdon County Community Center in Huntingdon, PA | for expansion of the facilities | $100,000 |
| Huntsville Museum of Art in Huntsville, AL | for facility construction, expansion, renovation and buildout of the museum as part of the redevelopment of downtown Huntsville | $200,000 |
| Iberville Parish, LA | for construction of a visitors center | $100,000 |
| Illinois College of Medicine at Peoria in Peoria, IL | for planning, construction, and design of a building at the Illinois College of Medicine | $100,000 |
| Indiana State University in Bedford, IN | for relocation and expansion of the ISU Learning Center | $150,000 |
| Institute of Puerto Rican Arts & Culture in Chicago, IL | for construction, renovation and buildout of a historic building | $250,000 |

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| Intergenerational Resource Center, Inc. in Atlanta, GA | for construction of the Martin Luther King, Sr. Community Resource Center, Inc. | $200,000 |
| Isles Incorporated in Trenton, NJ | for redevelopment of a former textile mill as job training center for Youthbuild | $100,000 |
| Jewish Home for the Aging in Reseda, CA | for renovation and buildout of a residential facility for seniors with disabilities | $150,000 |
| Jim Hogg County, TX | for land acquisition and construction of a multipurpose community park | $150,000 |
| Jimmie Hale Mission in Birmingham, AL | for construction of the Jimmie Hale Mission Men's Center Education and Administration Building | $250,000 |
| John Avery Boys and Girls Club, Inc. in Durham, NC | for construction, expansion, renovation and buildout of a multipurpose facility for Durham's youth and families | $100,000 |
| John P. Parker Historical Society in Ripley, OH | for refinement of site investigations and improvements for the John P. Parker residence | $100,000 |
| Josephone Solomon Ellis Foundation, Inc. in Philedelphia, PA | for acquisition, renovation and construction of affordable housing for senior citizens | $150,000 |
| Kips Bay Boys and Girls Club, Inc. in Bronx, NY | for renovation and buildout of the West Bronx Clubhouse | $200,000 |
| Kitsap County Consolidated Housing Authority in Silverdale, WA | for construction of a public waterfront facility, as part of a redevelopment plan | $400,000 |
| Kokomo YMCA in Kokomo, IN | for renovation, construction and buildout of the Kokomo YMCA | $100,000 |
| Lake Erie College in Painesville, OH | for construction associated with the Austin Hall of Science Renovation Project | $50,000 |
| Lakeview Museum in Peoria, IL | for planning, design, and construction of the Lakeview Museum in Peoria | $100,000 |
| Laveen Community Council in Phoenix, AZ | construction and buildout of the Laveen Community Center | $200,000 |
| Lawrence Community Works in Lawrence, MA | for renovation, construction and buildout of the Community Learning Center | $75,000 |
| Lawrence Economic Development Corporation in South Point, OH | for construction and buildout of the Point Industrial Park | $170,000 |
| Lesley University in Cambridge, MA | for construction, renovation and buildout of science labs | $250,000 |

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| Lineville Downtown Redevelopment Authority in Lineville, AL | for renovation of theater for ecomomic and community purposes | $200,000 |
| Los Angeles Fashion District in Los Angeles, CA | for signage and streetscape improvements | $100,000 |
| Louis Armstrong House Museum in Flushing, NY | for design and construction of a visitor's center | $150,000 |
| Lovington Community Unit School District in Lovington, IL | for roof replacement on school buildings and electrial upgrades to the interior lighting system | $50,000 |
| Lowcountry Food Bank in Charleston, SC | for construction of a new facility or renovation of an existing structure for storage of food | $100,000 |
| Luna County, NM | for renovation to Sunshine School to house a drug treatment program | $50,000 |
| Lynchburg Academy of Fine Arts in Lynchburg, VA | for renovations to Lynchburg Academy of Music | $250,000 |
| Mahar Regional School in | for renovation, construction and facility buildout of a recreational field | $275,000 |
| Mamaroneck Public Library in Mamaroneck, NY | for renovation, construction and buildout of the library | $200,000 |
| Mariner's Museum in Newport News, VA | for promoting development and tourism related to the USS Monitor Center | $100,000 |
| Marion County 4-H Camp Board Association in Fairmont, WV | for renovation, construction and buildout of at the 4-H camp | $150,000 |
| Marshall County Commission in Marshall County, AL | for purchase and renovation of the Douglas Senior Center | $120,000 |
| Marshall University in Huntington, WV | for design, planning and construction of the Advanced Engineering and Applied Technology Complex | $250,000 |
| Masores Bais Yaakov in Brooklyn, NY | for construction of a community center for youth and adults | $150,000 |
| Mayfair Community Development Corporation in Philadelphia, PA | for construction, renovation and buildout of the Devon Theatre of Performing Arts as part of a redevelopment plan | $150,000 |

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| Mecklenburg County Community Service Corporation in Mecklenburg County, VA | for construction of a community center | $200,000 |
| Mercy Hospital of Folsom in Folsom, CA | for construction of an above ground helipad at the Mercy Hospital | $100,000 |
| Mesabi Academy of KidsPeace in Buhl, MN | for construction, renovation, expansion and buildout of the youth services facility | $150,000 |
| Methuen Arlington Neighborhood, Inc. in Methuen, MA | for planning, design and construction of a multipurpose facility for low-income residents | $100,000 |
| Metropolitan Business Collaborative in Milwaukee, WI | for planning, design and construction of the Urban Entrepreneurship Center, a multipurpose facility to promote the growth of small businesses | $200,000 |
| Metropolitan Council on Jewish Poverty in New York, NY | for planning, design, construction, renovation and buildout of affordable housing | $200,000 |
| Meyersdale Community Center Roof Improvement in Meyersdale, PA | for rehabilitation of the center | $50,000 |
| Miami Dade College in Haleah, FL | for construction of an addition to the Hialeah Campus' Learning Resources and Media Services Center | $150,000 |
| Miami-Dade County, FL | for renovation and buildout of educational laboratories at the Poinciana Industrial Park | $150,000 |
| Michigan Holocaust Memorial Center in Farmington Hills, MI | for construction of the Children's Gallery exhibit | $500,000 |
| Monroe County Fairgrounds Association in Rochester, NY | for the Monroe County Fairgrounds Rehabilitation and Americans with Disabilities Act Compliance Project | $100,000 |
| Montgomery County Community College in Pottstown, PA | for expansion of West Campus | $100,000 |
| Morehouse University School of Medicine in Atlanta, GA | for land acquisition and construction of the medical school campus | $300,000 |
| Municipality of Corozal, Puerto Rico | for renovation and sidewalk improvements | $100,000 |

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| Municipality of Gurabo, Puerto Rico | for construction of a recreational and cultural center | $100,000 |
| Municipality of Monroeville, PA | for redesign of main thoroughfare as pedestiran friendly along US Rt. 22 | $100,000 |
| Municipality of Salinas, Puerto Rico | for construction of a boardwalk in La Playa | $100,000 |
| Municipality of Yauco, Puerto Rico | for construction of low income housing units in Bo. Pueblo Sur | $100,000 |
| Muntu Dance Theatre in Chicago, IL | for construction of a cultural arts facility | $250,000 |
| National Association of Latino Art and Culture in San Antonio, TX | for renovation of the Buena Vista Gardens building and an adjacent property to create a community arts space | $250,000 |
| National Children's Advocacy Center in Huntsville, AL | for renovation, construction and buildout at the Child Abuse Digital Library and the training facility | $300,000 |
| National Forest Recreation Association in Woodlake, CA | for construction of a National Mule and Packers Museum in Bishop CA | $50,000 |
| National Sports Center for the Disabled in Denver, CO | for land acquisition, planning, design and construction of a multipurpose facility for disabled children and adults | $150,000 |
| Near North Development Corporation in Indianapolis, IN | for construction and renovation of affordable housing as part of The Children's District Neighborhood Revitalization Project | $250,000 |
| New Song Urban Ministries, Inc. In Baltimore, MD | for renovation and construction of the Community Learning Center | $250,000 |
| New York State Education and Research Network in Troy, NY | for development of a Disaster Recovery and Business Continuation Facility | $500,000 |
| New Zion Community Resource Center in Louisville, KY | for renovation and buildout of facilities for at-risk youth | $200,000 |
| Newkirk Senior Citizens, Inc. in Newkirk, OK | for construction of the Newkirk Senior Citizens Center | $100,000 |
| Ninth District Development Financing in Abingdon, VA | for capitalization of a revolving loan fund | $150,000 |
| Of One Accord, Inc. Ministry in Rogersville, TN | for renovation and expansion of Food Pantry in Hawkins and Hancock Counties | $75,000 |

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| Office of Economic Development in Detroit, MI | for demolition of vacant buildings as part of a redevelopment plan | $300,000 |
| Office of the Board of Selectmen, MA | for construction of recreational facilities at Oliver Ames High School | $200,000 |
| Office of Town Manager of Miami, AZ | for repair and clearing of housing in the Town of Miami | $100,000 |
| Ohio Dept. of Natural Resources, Division of Parks in Columbus, OH | for enhancements to the Punderson State Park Lodge | $100,000 |
| Ohio Rail Development Commission in Columbus, OH | for rehabilitation of an industrial building | $75,000 |
| Olympic Theater Arts in Sequim, WA | for renovation, construction and buildout of a community theater | $100,000 |
| Opportunity Village in Las Vegas, NV | for construction of Employment and Training Center | $300,000 |
| Orleans County Cornell Cooperative Extension in Albion, NY | for renovations to Trolley building | $75,000 |
| Overton County, TN | for construction and buildout of the new Overton County Library | $150,000 |
| Peace At Home Family Shelter in Fayettevill, AR | for establishment of "safe housing" transitional housing in several counties | $200,000 |
| Peoria/NEXT in Peoria, IL | for construction of the Innovation Center for bioscience and technology small business incubator | $50,000 |
| Phenix City, AL | for riverfront development | $250,000 |
| Players of Utica in New Hartford, NY | for construction and buildout of a community theater | $100,000 |
| Plum Senior Community Center in Pittsburgh, PA | for planning, design and construction of a senior center | $300,000 |
| Polk County, Florida Community Center Project in Polk County, FL | for construction of a community center | $200,000 |
| Port of Cascade Locks, OR | for final design, engineering and permitting services for Cascade Locks Waterfront Park | $100,000 |
| Porter County, IN | for sidewalks and streetscape improvements in the South Haven community | $300,000 |

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| Portland State University in Portland, OR | for renovation, construction and buildout of a multipurpose facility | $100,000 |
| Pregones Theater in Bronx, NY | for renovation and buildout of the theater | $75,000 |
| Prime Time House in Torrington, CT | for renovation and construction of a community services facility | $210,000 |
| Project One in Cincinnati, OH | for procurement of computers and other education equipment for Project One | $100,000 |
| Pueblo of Acoma, NM | for the Acoma Community Center and Wellness facility | $50,000 |
| Quapaw Community Center in Hot Springs, AR | for renovation and buildout of a community center for senior citizens | $50,000 |
| Quinn Chapel in Chicago, IL | for renovation and buildout of a historic building | $250,000 |
| R.M. Warren Community Center Society for Helping, Inc. in Philadelphia, PA | for the purchase of a community center for disabled populations | $100,000 |
| Rainbow Senior Center in Boerne, TX | for equiping a health and wellness center with senior-oriented facilities and equipment | $100,000 |
| Red Lake Band Chippewa Indians in Red Lake, MN | for construction, renovation, and buildout of a multipurpose facility | $150,000 |
| Red Mountain Greenway and Recreational Area Commission in Jefferson County, AL | for land acquisition and construction of the Red Mountain Greenway and Recreation Area | $250,000 |
| Redevelopment Authority of the City of Corry, PA | for redevelopment of six buildings located on the west side of Center Street | $100,000 |
| Rehabilitiation of Matthew Street in Westland, MI | for renovation of existing paved street and boulevard areas | $100,000 |
| Reid Community Development Corporation in Glenn Dale, MD | for land acquisition as part of the development of a small business and employment center | $150,000 |
| Rembert Area Community Coalition in Rembert, SC | for planning, design and construction of a community center | $200,000 |
| Renaissance Art Center, Inc. in Rupert, ID | for renovations to the historic theater | $150,000 |

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| Rialto Square Theater in Joliet, IL | for repairs to the Rialto Square Theater | $100,000 |
| Riverton City, UT | for reconstruction of a historic building for a senior center and community center | $300,000 |
| Rocking the Boat in Bronx, NY | for construction of a facility for educational programs | $225,000 |
| Rocky Mountain Development Council in Helena, MT | for completion of Eagle Manor III project | $200,000 |
| Rome Community Brownfield Restoration Corporation in Rome, NY | for renovation and construction of a brownfields site | $200,000 |
| Russell School Community Service Center, Inc. in Lexington, KY | for renovation, construction and buildout of affordable housing for seniors and a community center | $200,000 |
| Rutgers University, Camden-LEAP in Camden, NJ | for planning, design and construction of the Rutgers/LEAP Early Learning Research Academy | $150,000 |
| Sacramento Food Bank Services in Sacramento, CA | for conversion of an existing facility for use by the Sacremento Food Bank Services | $350,000 |
| Saint Francis University Achatz Hall at Fort Wayne, IN | for renovation and equipment | $250,000 |
| Saint Richard Parish in Chicago, IL | for construction, renovation and buildout of a new community center | $250,000 |
| San Antonio Food Bank in San Antonio, TX | for construction and buildout of a new food bank | $350,000 |
| San Jose Conservation Corps and Charter School Youthbuild in San Jose, CA | for construction of low-income housing | $150,000 |
| San Mateo County, CA | for acquisition, renovation and buildout of an apartment complex to provide transitional housing for special needs populations | $150,000 |
| Santa Cruz Redevelopment Agency in Santa Cruz, CA | for streetscape and façade improvements at an affordable housing complex | $200,000 |
| Sayville American Legion Post in Sayville, NY | for renovation and buildout of a historic building | $200,000 |
| Second Harvest Foodbank in Madison, WI | for renovation, construction and buildout of the food bank | $200,000 |

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| Sheboygan Development Corporation in Sheboygan, WI | for construction of the Great Lakes Aerospace Science and Education Center | $100,000 |
| Simsbury Public Library in Simsbury, CT | for renovation and buildout of the library | $150,000 |
| South Carolina School for the Deaf and Blind in Spartenburg, SC | for renovation of rehabilitation facility | $250,000 |
| South Salem Library Association in South Salem, NY | for construction of a new library | $200,000 |
| Southeast Missouri State University in Cape Girardeau, MO | for renovation and construction for the new River Campus | $500,000 |
| Southeast Rio Vista YMCA in Huntington Park, CA | for renovation and buildout of the Southeast Rio Vista YMCA | $50,000 |
| Southeastern Massachusetts Veterans Housing Program, Inc. in New Bedford, MA | for renovation, construction and buildout of a housing facility for low-income veterans | $200,000 |
| Southfield Youth Center Committee in Southfield, MI | for construction, renovation and buildout of the Southfield Youth Center | $150,000 |
| SOWEGA Council on Aging in Albany, GA | for construction of a senior center | $250,000 |
| Spanish Speaking Unity Council in Oakland, CA | for renovation and construction of a facility for the Fruitvale Cultural and Performing Arts Center | $200,000 |
| Spring Hill Community Center Redevelopment Agency in DeLand, FL | for construction of a facility for low income adolescents | $50,000 |
| Springfield Arts Council in Springfield, OH | for construction of Phase III of the west plaza comfort station | $300,000 |
| St. Mary's Development Corporation in Dayton, OH | for implementation of a master plan to revitalize several neighborhoods | $100,000 |
| Stanislaus Ag Center Foundation in Modesto, CA | for planning, design and construction of The Ag Science Center | $100,000 |

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| Stark County Park District in Canton, OH | for purchase of 100 acres and additional right of way to link to Towpath Trail | $100,000 |
| State Employee's Credit Union Family House in Chapel Hill, NC | for planning, design and construction of a residential facility for critically ill patients and their families | $175,000 |
| State University of New York at Fredonia in Fredonia, NY | for renovation, construction and buildout of the SUNY Fredonia High Technology Incubator | $150,000 |
| Stephenson County Board in Freeport, IL | for development of the Mill Race Crossing Industrial Park | $150,000 |
| Strand Theater Performing Arts Center in Plattsburgh, NY | for restoration of the 1924 Vaudeville Theater to create a performing arts cener | $100,000 |
| Syracuse Neighborhood Initiative in Syracuse, NY | for rehabilitation and revitalization of neighborhoods throughout Syracuse | $700,000 |
| Tech2020 in Oak Ridge, TN | for construction of a Nanotechnology Commercialization Center | $100,000 |
| Texas College in Tyler, TX | for construction and renovation of existing space and for equipment for childcare, healthcare and learning needs | $100,000 |
| Texas Wesleyan University in Fort Worth, TX | for renovation of the Neighborhood Empowerment Zone surronding Texas Wesleyan University | $150,000 |
| The Black World History Museum in St. Louis, MO | for facility upgrades, renovation, construction and buildout | $200,000 |
| The Blairstown Historic Preservation Commission in Blairstown, NJ | for renovation of a historic structure into an education center and museum | $50,000 |
| The Hunting & Fishing Museum of Pennsylvania in Tionesta, PA | for development and to create interactive, educational, and historical exhibits for the main museum building | $200,000 |
| The Lincoln Museum in Hodgenville, KY | for expansion and renovation of the museum | $100,000 |
| The University of Pittsburgh at Greensburg in Greensburg, PA | for expansion of McKenna Hall | $50,000 |
| Time and Space Limited Theatre Company, Inc. in Hudson, NY | for construction and buildout of a youth center | $125,000 |
| Titusville YMCA in Titusville, PA | for bringing facility into compliance with Americans with Disabilities Act | $350,000 |
| To Interact in Raleigh, NC | for renovation and buildout of a shelter for victims of domestic violence | $150,000 |

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| To the Helen Keller Birthplace Foundation in Tuscumbia, AL | for renovation of Ivy Green, the birthplace of Helen Keller | $100,000 |
| To the Martin Luther King Family Center in Dallas, TX | for renovation and construction of a family center | $250,000 |
| To the University of North Carolina-Asheville in Asheville, NC | for construction and buildout of the Zeis Science and Multimedia Building | $100,000 |
| Toledo Lucas County Port Authority in Toledo, OH | for improvements to South Airport Industrial Park site | $100,000 |
| Toledo Metroparks in Toledo, OH | for land acquisiton of Kiel Farm | $350,000 |
| Town of Boydton, VA | for development of the Walking Tour of Boydton | $100,000 |
| Town of Boylston, MA | for renovation and buildout of the historic John Bartholomew Gough Estate | $250,000 |
| Town of Clarkstown, NY | for mainstreet revitalization and streetscape improvements | $300,000 |
| Town of Enfield, CT | for streetscape improvements and ADA compliance on North Main Street | $100,000 |
| Town of Manchester, CT | for renovation and buildout of the Spruce Street Youth Center | $200,000 |
| Town of Millinocket, ME | for planning and design of the Penobscot Indian Cultural Center | $250,000 |
| Town of North Hempstead, NY | for renovation, construction and buildout of two community recreational centers | $150,000 |
| Town of Piedmont, WV | for planning, streetscaping, downtown infrastructure improvements and revitalization | $150,000 |
| Town of Scherervile, IN | for renovation and construction of Rohrman Park | $200,000 |
| Town of South Hill, VA | for renovations to the historic Colonial Theatre | $300,000 |
| Town of Tatum, NM | for demoliton and rebuilding of housing for the elderly and low-middle-income families | $100,000 |
| Town of Wakefield, MA | for planning, design and construction of the Wakefield Community Recreational Facility | $200,000 |
| Town of Watertown, MA | for an economic development planning study | $75,000 |
| Town of Willington, CT | for construction of low- and moderate-income housing for senior citizens | $200,000 |
| Town of Yucca Valley, CA | for development of a park and recreational facilites | $200,000 |
| Township of Delaware, NJ | for planning, design and construction of the Delaware Township Community Center | $150,000 |
| Tri-City Community Action Program, Inc. in Malden, MA | for acquisition, renovation and buildout of facilities for low-income families | $250,000 |

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| Tri-County Community College in Robbinsville, NC | for construction of an occupational and technical training facility for students | $200,000 |
| Trinity Repertory Company in Providence, RI | for renovation and construction of the Lederer Theater | $250,000 |
| Trinity River Vision in Fort Worth, TX | for facilities design, construction, and property acquistion of the Trinity River Vision plan | $550,000 |
| Tri-State Center for the Arts in Sharon, CT | for renovation, construction and buildout of the arts facility | $100,000 |
| Troy Chamber of Commerce in Troy, MI | for purchase of a solar green house from Lawrence Tech University | $350,000 |
| Tubman African American Museum in Macon, GA | for construction and buildout of a new facility at the museum | $200,000 |
| Ukiah Cultural and Recreational Center in Ukiah, CA | for construction and buildout of the recreational facility | $150,000 |
| Unified Government of Wyandotte County and Kansas City, KS | for downtown streetscape improvements | $150,000 |
| United Teen Equality Center in Lowell, MA | for renovation and buildout of a youth center | $100,000 |
| Unity House of Troy, Inc. in Troy, NY | for renovation and buildout of an emergency shelter for victims of domestic violence | $200,000 |
| Urban League of Springfield, MA, Inc. | for construction, renovation and buildout activities at a camp for inner-city children | $250,000 |
| Valley Family Center in San Fernando, CA | for construction and buildout of a family center | $150,000 |
| Veterans of Foreign Wars Post #4927 in Centereach, NY | for building renovation and buildout of a veterans center | $150,000 |
| Veterans Village of San Diego, CA | for construction of affordable housing for homeless veterans | $150,000 |
| Village of Clyde, NY | for downtown lighting and other streetscape infrastructure improvements | $400,000 |
| Village of Dixmoor, IL | for buildout of a community center | $100,000 |
| Village of Ellenville, NY | for streetscape improvements and sidewalk furniture | $300,000 |
| Village of Ridgewood, NJ | for repair of the roof of a historic building | $100,000 |
| Village of Riverdale, IL | for construction and renovation of the Pacesetter residential properties | $100,000 |

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| Village of Sauget, IL | for renovations at the Sauget Business Park | $400,000 |
| Village of Tijeras Senior Center in Tijeras, NM | for construction of a Senior Center for seniors in Tijeras and East Mountain areas | $100,000 |
| Village of Wappingers Falls, NY | for land acquisition as part of a redevelopment plan | $200,000 |
| Wabash County YMCA in Wabash, IN | for rehabilitation of a brownfield site in the city of Wabash | $400,000 |
| Wakely Lodge Resort in Hamilton County, NY | for renovation of the Wakely Lodge | $100,000 |
| Wakpa Sica Reconciliation Place in Ft. Pierre, SD | for facility construction and buildout | $250,000 |
| Wallace Community College in Dothan, AL | for conversion of an existing building to a multi-purpose instructional and training facility on the Sparks Campus in Eufaula | $150,000 |
| Walsh College in Troy, MI | for completion of construction of the Walsh College Library | $750,000 |
| Walter Clore Wine and Culinary Center in Prosser, WA | for construction of the Walter Clore Wine and Culinary Center | $250,000 |
| Warner Theatre in Torrington, CT | for renovation, construction and buildout of the theater | $250,000 |
| Warren County Economic Development Corporation in Glens Falls, NY | for renovation and construction of the Glens Falls Civic Center | $150,000 |
| Washington Technology Center in Seattle, WA | for construction, renovation and buildout of a technology center | $150,000 |
| Wattstar Theatre in Los Angeles, CA | for construction and buildout of a theater and educational facility in Watts | $300,000 |
| Wayne Theatre Alliance in Waynesboro, VA | for renovations for the Wayne Theatre | $300,000 |
| Waynesburg College Center for Economic Development in Waynesburg, PA | for construction of a multipurpose facility | $300,000 |
| Western Kentucky University Business Accelerator in Bowling Green, KY | for expansion of the WKU Business Accelerator | $50,000 |

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| Western Mining and Railroad Museum in Helper, UT | for construction and renovation of an addition to the museum to improve accessibility | $150,000 |
| Western Reserve Land Conservancy in Geauga County, OH | for puchase of 246 acres in Lake and Geuga Counties, to be converted to a public park | $100,000 |
| Western States Black Research & Education Center in Culver City, CA | for renovation and buildout of the Mayme Clayton Library | $250,000 |
| Westfield Vocational Technical High School in Westfield, MA | for buildout of the Manufacturing Technology Program | $300,000 |
| Whitman-Walker Clinic, Inc. of Washington, DC | for design, planning and land acquisition for a new facility | $150,000 |
| Willowbrook Wildlife Center in Glen Ellyn, IL | for design and construction of an education center and wildlife rehabilitation and recovery clinic | $150,000 |
| Wilson Community Improvement Association, Inc. in Wilson, NC | for renovation, construction and buildout of the Gee Corbett Village Senior Center | $250,000 |
| Woodbridge Township, NJ | for construction of a Woodbridge Historical Museum | $50,000 |
| Wright Dunbar, Inc. in Dayton; OH | for revitalization of Wright Dunbar Village | $50,000 |
| Wyckoff Heights Medical Center in Brooklyn, NY | for construction of a health care facility for low-income populations | $400,000 |
| Year Up in Boston, MA | for construction, renovation and buildout of a technology training facility | $100,000 |
| YMCA of Greater New York in New York, NY | for renovation, construction and buildout of the Rockaway YMCA | $150,000 |
| YMCA of Greater New York-Castle Hill in Bronx, NY | for construction of a multipurpose facility at the YMCA | $300,000 |
| YMCA of High Point, NC Archdale Trinity Branch in Archdale, NC | for construction of a YMCA facility | $150,000 |
| Youthville Dodge City Campus in Dodge City, KS | for expansion of central kitchen and dining facility | $100,000 |
| Ypsilanti Housing Commission in Ypsilanti, MI | for acquisition of the Parkview Apartments for low-income housing | $150,000 |
| YWCA Columbus in Columbus, OH | for restoration of the historic Griswold Building that houses the YWCA | $200,000 |

| **Grantee and Purpose** | |
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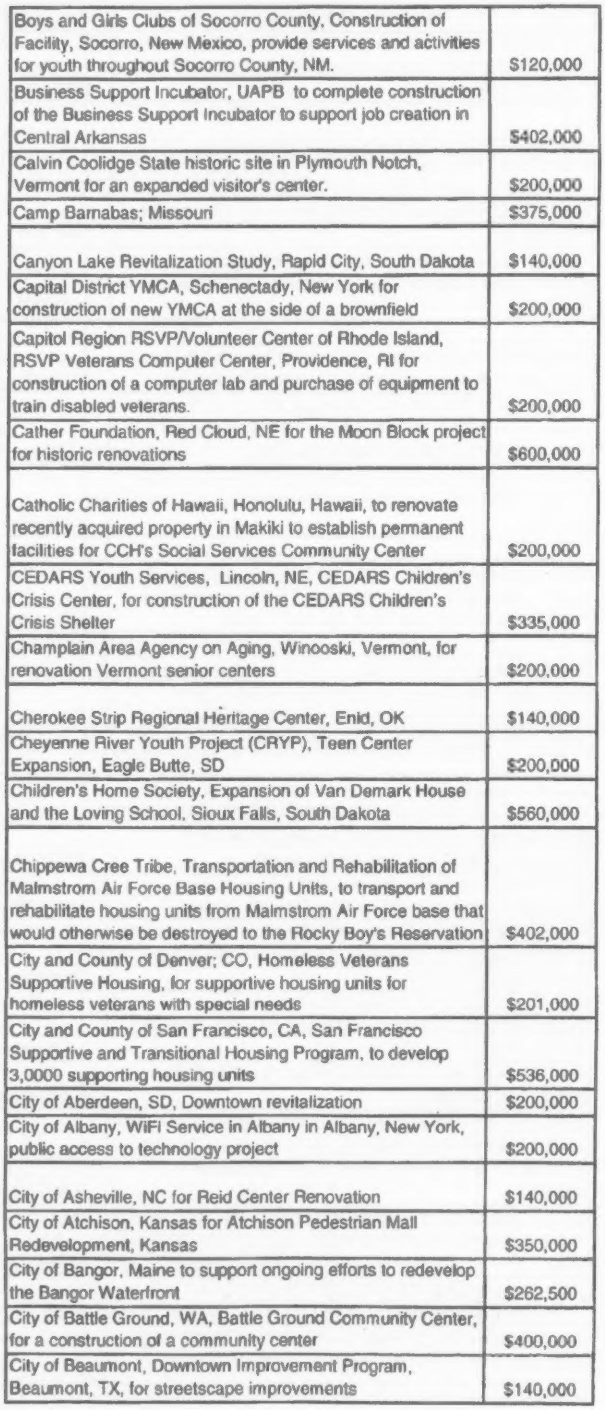
| Acadiana Outreach Center Housing Redevelopment; Lafayette, Louisiana | $280,000 |
| Affordable Housing Revolving Loan Fund and Grant Pool, Scott County Housing Council, Davenport, IA. For affordable housing for those making lass than 80% of the AMI | $268,000 |
| Akron-Canton Regional Foodbank, Akron, Ohio for building renovations | $368,500 |
| Appalachia Service Project Home Repair Program, Southern West Virginia, for the repair of low and moderate income housing. | $500,000 |
| Appalachia Service Project, Chavies, KY to continue free home repair services to Kentucky's low-income families | $140,000 |
| Armory District Revitalization Planning, NY, for planning and design efforts within the City's Armory District to aid in the redevelopment of this deteriorating corridor. | $200,000 |
| Asian Counseling and Referral Service, Seattle, WA, Asian Counseling and Referral Service for construction of a new building | $500,000 |
| Audubon Arkansas, Development of Little Rock Audubon Center, Little Rock, AR, To complete the second phase of development of the Little Rock Audubon Center | $200,000 |
| Audubon Mississippi, Pascagoula River Audubon Center, Moss Point, Mississippi, To construct a nature-based education facility that will contribute to the economic and community recovery on the Mississippi Gulf Coast. | $700,000 |
| Beautiful Gate Outreach Center; "Reaching Out and Saving Lives!" Project; Wilmington, Delaware; for construction of a larger facility to be used for HIV testing services and prevention programs in New Castle County | $335,000 |
| Bell-Whitley Community Agency, Bell County, KY to Complete construction of One Stop Training Center | $140,000 |
| Bemidji Regional Airport, Bemidji, Minnesota, for the Bemidji JOBZ infrastructure development project to support light manufacturing facilities. | $335,000 |
| Bernalillo County, NM; Metropolitan Assessment and Treatment Services Transitional Housing Facility; Bernalillo County, NM. | $150,000 |
| Bold Vision Capital Campaign for The Center for Family Resources: Georgia | $350,000 |
| Borough of Collingswood, NJ, Collingswood Theatre Project, for comprehensive renovation of the Scottish Rite Theatre which is the focal point of the Borough's revitalization program. | $200,000 |
| Boys & Girls Clubs of Greater Washington, Alexandria for the renovation of the Alexandria, Virginia, Branch Boys and Girls Club | $300,000 |
| Boys and Girls Club of Greater Manchester, NH, for renovation and expansion of facility | $210,000 |
| Boys and Girls Club of Magic Valley, Twin Falls, Idaho, for construction of a Boys and Girls Club facility in the town of Buhl, Idaho | $175,000 |



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| Boys and Girls Clubs of Socorro County, Construction of Facility, Socorro, New Mexico, provide services and activities for youth throughout Socorro County, NM. | $120,000 |
| Business Support Incubator, UAPB to complete construction of the Business Support Incubator to support job creation in Central Arkansas | $402,000 |
| Calvin Coolidge State historic site in Plymouth Notch, Vermont for an expanded visitor's center. | $200,000 |
| Camp Barnabas; Missouri | $375,000 |
| Canyon Lake Revitalization Study, Rapid City, South Dakota | $140,000 |
| Capital District YMCA, Schenectady, New York for construction of new YMCA at the side of a brownfield | $200,000 |
| Capitol Region RSVP/Volunteer Center of Rhode Island, RSVP Veterans Computer Center, Providence, RI for construction of a computer lab and purchase of equipment to train disabled veterans. | $200,000 |
| Cather Foundation, Red Cloud, NE for the Moon Block project for historic renovations | $600,000 |
| Catholic Charities of Hawaii, Honolulu, Hawaii, to renovate recently acquired property in Makiki to establish permanent facilities for CCH's Social Services Community Center | $200,000 |
| CEDARS Youth Services, Lincoln, NE, CEDARS Children's Crisis Center, for construction of the CEDARS Children's Crisis Shelter | $335,000 |
| Champlain Area Agency on Aging, Winooski, Vermont, for renovation Vermont senior centers | $200,000 |
| Cherokee Strip Regional Heritage Center, Enid, OK | $140,000 |
| Cheyenne River Youth Project (CRYP), Teen Center Expansion, Eagle Butte, SD | $200,000 |
| Children's Home Society, Expansion of Van Demark House and the Loving School, Sioux Falls, South Dakota | $560,000 |
| Chippewa Cree Tribe, Transportation and Rehabilitation of Malmstrom Air Force Base Housing Units, to transport and rehabilitate housing units from Malmstrom Air Force base that would otherwise be destroyed to the Rocky Boy's Reservation | $402,000 |
| City and County of Denver; CO, Homeless Veterans Supportive Housing, for supportive housing units for homeless veterans with special needs | $201,000 |
| City and County of San Francisco, CA, San Francisco Supportive and Transitional Housing Program, to develop 3,0000 supporting housing units | $536,000 |
| City of Aberdeen, SD, Downtown revitalization | $200,000 |
| City of Albany, WiFi Service in Albany in Albany, New York, public access to technology project | $200,000 |
| City of Asheville, NC for Reid Center Renovation | $140,000 |
| City of Atchison, Kansas for Atchison Pedestrian Mall Redevelopment, Kansas | $350,000 |
| City of Bangor, Maine to support ongoing efforts to redevelop the Bangor Waterfront | $262,500 |
| City of Battle Ground, WA, Battle Ground Community Center, for a construction of a community center | $400,000 |
| City of Beaumont, Downtown Improvement Program, Beaumont, TX, for streetscape improvements | $140,000 |

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| City of Belen, NM; Multipurpose Community Center Phase III; Belen, NM, to provide a centralized venue for community events and activities. | $450,000 |
| City of Bellingham, WA, for the construction of the Bellingham Marine Trades Center | $250,000 |
| City of Bethlehem; South Bethlehem Workforce Training and Development Center; Bethlehem, PA - redevelopment, renovation and construction of a South Bethlehem Workforce Training and Development Center | $140,000 |
| City of Billings, Housing First Project,, to build houses for homeless families | $268,000 |
| City of Billings, MT, Big Sky Economic Development Authority for historic preservation of the Cobb Field facility | $335,000 |
| City of Boise, Public Works Department, Boise, Idaho, for design and construction of city's geothermal system expansion | $175,000 |
| City of Brewer, Maine for a redevelopment project on the site of the former Eastern Fine Paper Mill | $262,500 |
| City of Browns Valley, Browns Valley, MN, To aid in recovery efforts of a major flood | $750,000 |
| City of Buffalo, NY for the construction and renovation of the Buffalo Urban Arts Center | $200,000 |
| City of Canton, MS, to transform the Historic Canton High School into the Canton Municipal Government Complex. | $400,000 |
| City of Central Falls, Central Falls Urban Revitalization Project, Central Falls, RI for the remediation of the Old Public Works Building and rehabilitation of city recreational facilities. | $201,000 |
| City of College Park, MD for blight removal along the Route 1 Corridor | $469,000 |
| City of Columbus, IN, Golden Castings Foundry Demolition and Site Remediation Project to raze and remediate the site of the former Golden Castings Foundry for the demolition and environmental remediation costs of the Golden Castings foundry site | $335,000 |
| City of Columbus, Indiana, Mill Race Center for Active Adults for construction of the new 30,000-square-foot Mill Race Center for Active Adults (the "Mill Race Center") that offers a wide variety of programs for senior citizens | $670,000 |
| City of Conover, North Carolina, Broyhill Furniture Industrial Site Redevelopment, to demolish unusable manufacturing structures at the abandoned Broyhill furniture manufacturing plant and refurbish facility. | $750,000 |
| City of Council Bluffs, Sunset Park North Neighborhood Redevelopment, Council Bluffs, IA, to redevelop the Katelman neighborhood. | $335,000 |
| City of Detroit, MI, for infrastructure improvements to continue the revitalization of the Brush Park Historic District neighborhood | $200,000 |
| City of Everett, WA, for the expansion of the Everett Senior Activity Center | $600,000 |
| City of Fayetteville, Fayetteville Attainable Housing Partnership, Fayetteville, Arkansas, To support the Fayetteville Attainable Housing Partnership | $670,000 |

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| City of Florence, City of Florence Community Activity Center, SC, to provide for a new activity center | $150,000 |
| City of Gardiner, Maine for waterfront infrastructure | $150,000 |
| City of Grand Junction, CO, Grand Junction, CO, to create park in LMI neighborhood and/or eliminate slum and blight. | $201,000 |
| City of Greenville, Community Recreation Centers, Greenville, SC for renovation of Greenville's recreation outdated recreation centers | $150,000 |
| City of Grenada, Taylor Hall Renovation Project, Grenada, MS, for the renovation of the historic Taylor Hall. | $200,000 |
| City of Hamilton, Fulton Bridge Industrial Park, Hamilton, AL, Development of Industrial Park | $700,000 |
| City of Hillsboro, Downtown Streetscape Project, Hillsboro, TX, for streetscape improvements | $140,000 |
| City of Humboldt, Iowa for Brownfields clean-up at Frit Industries site. | $750,000 |
| City of Kansas City, MO for redevelopment of the 11th and Grand Neighborhood | $750,000 |
| City of Kearney, Kearney, NE, Peterson Senior Activity Center, for construction of the Peterson Senior Activity Center | $670,000 |
| City of Lake Charles, Lake Charles, LA, America's Wetland Center; to establish a center focused on increasing public awareness of the national importance of sustainable wetlands conservation, preservation, and restoration | $400,000 |
| City of Las Vegas, NV, Post Office Museum Las Vegas, Nevada, to complete renovation and transformation of the historic Post Office in downtown Las Vegas to a museum on local history. | $200,000 |
| City of Lincoln, NE for Antelope Valley Project Community Revitalization | $180,000 |
| City of Madison, MS, City of Madison Historic Gateway Project, Madison, MS. To support the developments of a new town square and renovation of the Madison Co. Cultural Center. | $750,000 |
| City of Marion, Iowa for Central Corridor Redevelopment Project | $350,000 |
| City of Marshall, Memorial Hall Visitor and History Center Renovation, Marshall, TX, for the renovation of a historic building | $140,000 |
| City of Marshalltown, Iowa, for Grant Park Neighborhood Redevelopment Initiative | $140,000 |
| City of Medford; Santo Community Center – Phase III; Medford, OR; To create a gymnasium and large community classroom in Medford, OR. | $360,000 |
| City of Miami Beach, Florida; Miami Beach City Center Housing; Miami Beach, Florida; to maintain affordable housing for low-income residents of Miami Beach, Florida. | $525,000 |
| City of Milford, Connecticut, Eisenhower Park Renovation, for the rehabilitation of Eisenhower Park | $348,400 |

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| City of Muncie, IN, Unity Center, Muncie, IN for a New community center | $350,000 |
| City of Northampton, Massachusetts, Northampton State Hospital Renovation, to assist the City of Northampton in developing more than 200 units of affordable housing. | $200,000 |
| City of Oakland, Oakland Transit-Oriented Villages, Oakland, CA for he development of new housing | $335,000 |
| City of Orlando, FL, Parramore Neighborhood Revitalization, to redevelop this distressed area of downtown Orlando into a safe and prosperous community with a mixture of residential and supportive accessory opportunities. | $670,000 |
| City of Philadelphia, Green City Strategy, Philadelphia, PA to "clean and green" 450 parcels – or about 450,000 square feet – of vacant land in Philadelphia using top soil, grass, trees, and wood fencing. | $201,000 |
| City of Pittsburgh, South Side Works, Pittsburgh; redevelop to enhance mobility | $200,000 |
| City of Pittsfield, MA, Downtown Building Renovation and Rehabilitation | $200,000 |
| City of Pocatello, Pocatello, Idaho, for renovation and modernization of the Community Recreational Center | $140,000 |
| City of Port Townsend, WA, for the construction of the Northwest Maritime Center | $450,000 |
| City of Portland, OR, Washington Monroe Community Center, for the design and construction of the community center and supporting elements | $670,000 |
| City of Portland; Regional Bridges to Housing Program; Portland, OR and Vancouver, WA; to develop affordable, permanent family-sized housing | $402,000 |
| City of Quincy; Riverfront Infrastructure Improvement; Quincy, Illinois; to connect public facilities and public space in an economically distressed area in Quincy. | $250,000 |
| City of Reno Nevada, NV, Oliver-Montello Affordable Housing Project, to purchase vacant buildings in an effort to revitalize an area of northeast Reno and transition it from commercial to residential. | $600,000 |
| City of Rocky Mount, NC for renovations to the Booker T. Washington High School | $140,000 |
| City of Rugby, REAP Zones, Rugby, North Dakota to expand economic development opportunities in two REAP zones | $268,000 |
| City of Saginaw, MI, for acquisition and development of the Saginaw riverfront site | $670,000 |
| City of Scranton; Scranton Housing and Community Space Initiative; Scranton, PA - planning, design and construction of apartments and community space, as part of a downtown revitalization initiative. | $140,000 |
| City of Sparks, NV, Larry D. Johnson Community Center, to complete construction of a multi-purpose community center that will provide low income households and at-risk children with various educational classes. | $250,000 |
| City of Spearfish, SD, Spearfish Industrial Park Infrastructure Construction | $200,000 |

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| City of Suffolk, Virginia, To renovate and restore the Phoenix Bank of Nansemond building for purposes of the Museum | $120,000 |
| City of Taunton, MA, to make structural and facility repairs to a low-income senior center | $200,000 |
| City of Temple, Downtown Redevelopment/Performing Arts Centre, Temple, TX, for downtown redevelopment | $140,000 |
| City of Tonasket, WA, Tonasket Community Center for building renovations | $200,000 |
| City of Waterloo, IA Neighborhood Revitalization Area | $350,000 |
| City of Waterloo, IA, Chamberlain demolition project | $350,000 |
| City of Watertown, SD, Uptown Revitalization | $200,000 |
| City of Wilson, North Carolina, City of Wilson Downtown Redevelopment Project, to clear blighted old tobacco barns and old office buildings that currently exist in Wilson and to construct new homes for owner-occupancy | $375,000 |
| City Year, Inc. City Year Headquarters Renovation, to assist City Year, Inc. in the renovation of their headquarters to allow them to better serve their low-income students. | $200,000 |
| Coastal Heritage Society, Savannah Battlefield Historic Paint and Coach Shops, Savannah, GA, for revitalization and repair of the Georgia Central Railway Historic Paint and Coach Shops | $450,000 |
| Coffeyville Community Enhancement Foundation, Coffeyville, KS, for infrastructure rehabilitation and construction | $400,000 |
| Coles County Council on Aging; Coles County, Illinois, Coles County Council on Aging Senior Center to construct a new senior center | $250,000 |
| Community Chest, Virginia City, NV, Storey County Youth and Community Resource Center, to complete construction on a multi-purpose community resource center. | $200,000 |
| Community Church of Christ, Sean Bell Memorial Field of Dreams, Community Youth Center, 167-04 108th Avenue, Jamaica, NY, for securing a site and/or purchasing a building for the Sean Bell Memorial Field of Dreams, Community Youth Center | $200,000 |
| CommunityWorks, Inc. for construction, including the finishing of the interior of the ExplorationWorks building | $435,500 |
| Cooper University Hospital, Camden, NJ for the Camden Cooper Urban Development Initiative, for neighborhood housing redevelopment. | $200,000 |
| County of Hudson, Jersey City. Redevelopment of Koppers Coke brownfield site, to transform the former Koppers Coke site in Kearny into a two million square foot industrial park that includes warehousing and distribution space | $268,000 |
| County of Umatilla, OR, Umatilla County Fairgrounds Exposition Center to replace the obsolete Umatilla County Exposition Center with an 18,000 square-foot exhibition hall | $450,000 |
| Covenant House Alaska for Covenant House Enhancement and Relocation, to construct a new and larger facility | $280,000 |

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| Coventry Cares Community Center, Coventry Cares Community Center and Project Friends, Coventry, RI for the construction of an intergenerational complex comprised of human services, adult day care, and a senior center. | $335,000 |
| Crossroads Rhode Island, Crossroads Rhode Island Child Care and Community Center, North Kingstown, RI for the construction of a child care and community center to provide both homeless families and neighborhood residents with affordable child care. | $201,000 |
| Dakota Boys and Girls Ranch, Dakota Boys and Girls Ranch Treatment Facility Renovation, Minot, ND, to upgrade the mechanical heating and water lines, alarm system, and address accessibility concerns. | $234,500 |
| Daly Mansion Preservation Trust, to preserve and interpret the Daly Mansion, its buildings, grounds and the history it conveys | $268,000 |
| Delaware Children's Museum, Inc., for the construction of the Delaware Children's Museum in Wilmington, Delaware, as part of the effort to remove blight and redevelop brownfields along the Christina Riverfront | $268,000 |
| Development Workshop, Inc., Upper Valley Industries Plant Facility, Idaho Falls, Idaho, for planning and design of a new facility to provide job services for people with disabilities | $300,000 |
| Dillon County, I-95 Industrial Park Spec Building, Dillon, South Carolina, to provide for the construction of an industrial park spec building near the City of Dillon on I-95 | $150,000 |
| East Baltimore Development, Inc. (EBDI), Baltimore, MD, East Baltimore Development Project, to provide for workforce development, clean and safe programs, and infrastructure improvements. | $200,000 |
| Easter Seals Hawaii, Easter Seals Hawaii Kapolei Service Center, Hawaii, to construct a multi-program service center to provide therapy and early intervention services to children with physical and developmental disabilities, as well as programs for teens and adults with disabilities. | $200,000 |
| Easter Seals New Hampshire, Flood Repair and Renovation Project, Manchester, NH for Reconstruction and renovation of Easter Seals New Hampshire building | $500,000 |
| Edison Wetlands Association, Edison, NJ for the Dismal Swamp Conservation Area Trails Project, for the design and construction of trails for public recreation in the Dismal Swamp Conservation Area. | $200,000 |
| El Centro de la Raza, Seattle, WA, El Centro de la Raza for facility improvements | $300,000 |
| Empower New Haven, Brownfield's redevelopment initiative, New Haven, CT Redevelopment of a commercial venture and economic catalyst program | $502,500 |
| Erie County; Erie Technology Incubator, Erie, PA for construction of the Erie Technology Incubator, which will promote economic development. | $140,000 |
| Fairfax County, Fairfax, to develop and build 15-30 units of single room occupancy housing for the chronically homeless | $300,000 |
| FAME assistance corporation, Los Angeles, CA for redevelopment of a blighted neighborhood | $335,000 |

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| Fondean Revitalization Project, MS for the revitalization of the Fondren area in Jackson, MS. | $600,000 |
| Food Bank of Alaska, Food Bank of Alaska Mat-Su Branch Building Purchase, to allow the Food Bank of Alaska to purchase the collaborative anti-hunger facility in the Mat-Su Valley | $280,000 |
| Four Bands Community Fund, Inc., Revolving Loan Fund recapitalization, Eagle Butte, South Dakota | $200,000 |
| Gambit Manufacturing and business technology center, Orem, UT | $140,000 |
| Global Samaritan Resources, Abilene, Texas, to build a 25,000 square foot warehouse facility for receiving, storing and shipping of goods used for humanitarian aid. | $100,000 |
| Goodrich-Gannett Neighborhood Center Cleveland, OH; Early Childhood/Family Services Center Campus Completion, to renovate and construct a new childcare/family services center | $300,000 |
| Goodwill Industries of Hawaii, Inc., Kapolei, HI, to construct the Goodwill Ohana Career and Learning Center to provide workforce development and job placement assistance to unemployed and under-employed low-income residents | $200,000 |
| Grassroots Crisis Intervention Center, Inc., Columbia, MD, to provide the last stage of construction funding for the only emergency services shelter in Howard County, Maryland | $200,000 |
| Gregory House Programs, Honolulu, HI, to renovate housing for a temporary housing facility that provides housing and support services for individuals suffering from HIV/AIDS | $200,000 |
| Harbor Homes Inc., Veterans Center, Buckingham Place, Nashua, NH, to provide transitional housing and support services for homeless veterans | $350,000 |
| Hattiesburg Area Development Partnership, Old Hattiesburg High School, Hattiesburg, MS. For the renovation of the old high school. | $750,000 |
| Hawaii Nature Center Makiki Valley, Honolulu, Hawaii, Makiki Valley Watershed Education Center Project | $200,000 |
| Herriman City, UT, to acquire and restore three historically significant buildings in the community. | $140,000 |
| Holbrook Community Foundation in Harpswell, Maine for repair and renovation of Holbrook's Wharf | $150,000 |
| Homeward, Inc.; Equity for Rural Iowa-Revolving Loan Equity Fund; Iowa; Provide equity investment in rural communities | $201,000 |
| Housing and Neighborhood Development Services, Inc., Orange, NJ for the Berg Hat Factory Commercial Arts Center, to build out a business incubator and community arts complex within a formerly abandoned hat factory in a low income neighborhood | $200,000 |
| Housing Authority of the City of Milwaukee, Convent Hill Green Roof, to add a green roof to an affordable housing highrise for low-income seniors. | $200,000 |
| Institute for the Study and Practive of Nonviolence, RI, for Building renovations | $200,000 |
| International Peace Garden, International Peace Garden facility renovation, Dunseith, ND to renovate the facilities at this international garden. | $301,500 |

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| Iowa Department of Economic Development, Des Moines, Iowa. To rehabilitate Main Street Communities | $536,000 |
| Irvine Urban Outreach Center, Baltimore County, Maryland, for an urban outreach center | $335,000 |
| Jackson Medical Mall District Economic and Community Development, Ms for housing development | $400,000 |
| Jewish Foundation for Group Homes, Inc., Rockville, MD, Jewish Foundation for Group Homes, to acquire and renovate a single-family home into an Alternative Living Unit for three adults with developmental disabilities | $200,000 |
| Keehi Memorial Organization (KMO), Keehi Adult Day Health Center and Child Care Center, Honolulu, Hawaii for an intergenerational health and child care center that will provide services to low and moderate income children and the elderly. | $234,000 |
| Kenai Peninsula Food Bank, Soldotna, AK to construct an expansion of the existing Kenai Pens | $140,000 |
| Kipahulu Community Association, Inc, Hana, Hawaii, Kipahulu Certified Kitchen, The project will enable low income community members to gather as an intergenerational community and create jobs in Native Hawaiian food harvesting and processing. | $200,000 |
| Lakeview Museum; Lakeview Museum construction; Peoria, Illinois; the museum will promote economic development and tourism in downtown Peoria. | $250,000 |
| Lamar County Commission, Lamar County Industrial Park, Lamar County, Alabama, Infrastructure Development for Industrial Park | $560,000 |
| Las Cruces Families and Youth, Inc. Las Cruces, NM, for construction of a new Transitional Living Program facility to house outpatient counseling for at risk youth and their families | $200,000 |
| Las Cumbres Community Services; Espanola, NM; for construction of new facility for community services. | $300,000 |
| Longview Housing Authority, Longview, WA, Phoenix House, for construction of low-income housing | $500,000 |
| Looking for Lincoln Heritage Coalition, for economic development of Illinois historic sites | $500,000 |
| Los Fresnos Boys and Girls Club; Construction of a new Boys and Girls Club facility in Los Fresnos, Cameron County,Texas | $250,000 |
| Los Pueblos Community Council, Ribera, NM for Restoration and Preservation of Old Ribera School Building to use of building as community and cultural center. | $240,000 |
| Lutheran Settlement House; Low-Income Housing and Multi-Purpose Space; Philadelphia, PA - planning, design, redevelopment and construction of a facility, which will include affordable housing. | $140,000 |
| Maine State Music Theatre in Brunswick, Maine to complete the renovation of rehearsal and office space in the newly acquired facility | $250,000 |
| Marguerite's Place, Nashua, New Hampshire, for the provision of transitional housing and supportive services to homeless women and children who have been victims of domestic abuse | $210,000 |

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| Martin Luther King, Jr. Community Center, Rock Island Illinois, for the renovation and expansion of the Martin Luther King, Jr. Community Center | $670,000 |
| McKinley County, New Mexico, Construction of a new regional juvenile crisis complex | $335,000 |
| Mercer County Commission; For repair and renovation of the Memorial Building, Princeton, WV | $1,000,000 |
| Mercy Housing Incorporated, Mercy housing project in Holyoke, Massachusetts, to build 50 new homes for low-income senior citizens in Holyoke, Massachusetts. | $200,000 |
| Mid-America-Research and Development Foundation in Jefferson City, MO to provide equipment to produce emerging plant-based economic development options for rural communities | $375,000 |
| Missoula Food Bank Inc, Statewide Food Bank Transportation System, Missoula, MT to purchase eight new vehicles to rescue more local food | $301,500 |
| Mobile C.A.R.E. Foundation, Chicago, IL for the acquisition and operation of Asthma Vans | $201,000 |
| Mohawk Theater Restoration, North Adams, Massachusetts, to assist in the renovation of the Mohawk Theater and in the redevelopment of downtown North Adams. | $200,000 |
| Monmouth County, NJ for the NJ Children's Advocacy Center for the construction of a children's advocacy center for victims of child abuse. | $200,000 |
| Montgomery County Government, Silver Spring, MD, Long Branch Pedestrian Safety Linkages and Way-Finding Community Markers, to provide for pedestrian safety in the Long Branch community | $268,000 |
| Morningstar Community Development Corporation in Kansas City, MO, to construct a youth family center | $750,000 |
| Morning Star Ranch in Florence, KS, to renovate facilities | $595,000 |
| Mount Airy USA; Mount Airy Urban Renewal Initiative; Philadelphia, PA - blight removal, development, and construction, as part of an urban renewal initiative. | $140,000 |
| Municipality of Anchorage, Mountain View Revitalization Project, Anchorage, Alaska to restore buildings in the Mountain View area. | $700,000 |
| Murray-Calloway County Economic Development Corporation for the Murray-Calloway Economic Development Corporation Industrial Park Acquisition and Development Project In Murray, Kentucky, to construct an industrial park to support economic growth | $2,000,000 |
| Muskegon Heights Housing Commission, Muskegon Heights, MI, for community networking | $200,000 |
| Nathan Adelson Hospice, Adult Day Care Center, Henderson / Las Vegas, NV | $500,000 |
| National Tropical Botanical Garden; Kalaheo, Kaua'i, Hawai'i; to construct a Native Hawaiian community learning center | $200,000 |
| Nebraska Innovation Center (Whitier) to renovate and improve the Whittier school for use as the Nebraska Innovation Center | $670,000 |

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| Neighborhood House, Seattle, WA, Highpoint Neighborhood Center, for construction of a community center | $600,000 |
| Neighbors for Kids, Depoe Bay, OR; to make an addition to their current facility. | $180,000 |
| New Center Council Inc., Detroit, MI, for infrastructure improvements to enhance the economic viability of the Historic New Center | $670,000 |
| NH Division of Parks and Recreation, Robert Frost Farm, Derry, New Hampshire, for reconstruction | $210,000 |
| Norman Economic Development Corp, Norman, OK for the construction of an engineering incubator that will create a new industrial center for Norman, OK. | $140,000 |
| Northeast Community Center Association in Spokane, WA, Northeast Community Center, for facility construction | $500,000 |
| Northern Community Investment Corporation to expand and secure the region's economy and public services by providing high speed, high technology connectivity throughout the region. | $700,000 |
| Northwest Tennessee Port Authority, Tiptonville, Tennessee for the construction of this new facility will promote growth in the region and take advantage of unique transportation opportunities that will tie in the port | $525,000 |
| Ocean Community YMCA, Camp Watchaug Redevelopment, Westerly, RI for the renovations to create a state-of-the-art learning center. | $200,000 |
| OK Native American Cultural and Educational Authority for American Indian Cultural Center and Museum, Oklahoma City, OK | $140,000 |
| Old Town Boys and Girls Club, Albuquerque, NM. for renovation of the existing Old Town Boys and Girls Club accompanied by construction of new areas for the Club | $335,000 |
| Our Children's Homestead, Central Iowa for Housing/Vocational Education Program for Foster Children – Aging Out; Iowa | $210,000 |
| Our City Reading; Housing Initiative; Reading, PA - rehabilitation of abandoned houses and provide down payment assistance to home buyers | $140,000 |
| PACE Training and Evaluation Center, Morgantown, WV, for the construction of a new training facility | $1,500,000 |
| Patterson Park Community Development Corp, Library Square Revitalization Project, Baltimore, MD, to provide for the revitalization of an under-used area of Baltimore City | $201,000 |
| Pearl City Foundation, Pearl City, Hawaii, Momilani Community Center Adult Day Care and Child Care Facility Construction Project, to construct a new facility of 6,700 square feet for the Elderly Daycare/Day Health and an Early Educational Daycare of the Head Start Program | $200,000 |
| Penobscot Theatre Company in Bangor, Maine to renovate the Bangor Opera House | $150,000 |

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| Port of Gold Beach, OR, Port of Gold Beach High Dock Rehabilitation, to rebuild the High Dock at the Port of Gold Beach that provides critical infrastructure for water-dependent and water-related commercial and retail activities. | $450,000 |
| Preble Street in Portland, Maine for the development of Florence House, a comprehensive center for homeless women | $200,000 |
| Providence Connections, Inc.; Providence Family Support Center; Pittsburgh, PA for planning, renovation and redevelopment of the Providence Family Support Center. | $140,000 |
| Provo City Downtown Parking Structure Project, Utah | $140,000 |
| Rainier Vista Boys and Girls Club, Seattle WA, Rainier Vista Boys and Girls Club for facility construction | $500,000 |
| Randolph County YMCA, IN to build a new licensed child care facility for 93 children | $140,000 |
| Redevelopment Authority of the City of Milwaukee, Wisconsin, 30th Street Industrial Corridor-Milwaukee Wisconsin for blight elimination and redevelopment of the 30th Street Corridor | $502,500 |
| Redevelopment Authority of the City of Racine, WI for blight removal and reconstruction efforts | $200,000 |
| RurAL CAP, Inc for Rural Alaska Community Head Start Facility Upgrades | $140,000 |
| Saginaw Depot Preservation Corporation, Saginaw, MI, to restore the historic Potter Street storefronts and add street enhancements | $670,000 |
| Salina City, to build a senior citizens and civic center for the three communities in the area of Salina, UT. | $525,000 |
| Salvation Army Alaska Division for Anchorage Salvation Army Family Enrichment Center to build a family shelter, a commercial-grade kitchen, | $280,000 |
| San Bernardino Boys & Girls Club, Boys & Girls Club Improvements, San Bernardino CA, for facility expansion | $201,000 |
| San Francisco Museum and Historical Society, Redevelopment of the Old Mint facility, San Francisco, CA | $335,000 |
| Santa Clara Pueblo, Construction of Regional Adult Day Care Center, Espanola, NM, Regional Adult Day Care Center | $300,000 |
| Seattle Nisei Veterans Committee, Seattle, WA, Nisei Veterans Memorial Hall, for construction | $250,000 |
| Second Harvest Food Bank of East Central Indiana, Inc, for Food Bank Capital Improvements Project | $700,000 |
| Smithfield City, UT, to construct a new city complex | $525,000 |
| Souhegan Boys and Girls Club, Milford, NH, for renovations and reconstruction after severe flood damage | $140,000 |
| South Dakota State Fair Foundation, Huron, SD, upgrade South Dakota State Fair Open Class Beef Complex and Hippodrome | $200,000 |
| Southern Cultural Heritage Foundation, Vicksburg, MS; for the renovation of the Southern Cultural Heritage Center Auditorium | $200,000 |

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| Southern Nevada Convention Training Trust , Las Vegas, NV, Convention and Trade Training Center, to construct a facility in Las Vegas to provide trade training for the convention industry to students who are unemployed, underemployed, or in transition. | $378,000 |
| Southern West Virginia Multicultural Museum and Community Center, Raleigh County, West Virginia, for the establishment of a multicultural museum and community center in Beckley, WV | $200,000 |
| Southside Institutions Neighborhood Alliance, Southside Institutions Neighborhood Alliance Blight Removal, Hartford, CT, for activities associated the acquisition, removal, and redevelopment of blighted properties in Hartford, Connecticut. | $200,000 |
| Spaulding Fibre Remediation and Demolition, NY to demolish the structures and remediate any environmental problems and develop new infrastructure on the site | $1,170,000 |
| Springfield Boys and Girls Club; Community Center; Springfield, IL; Planning, development, land acquisition, and construction costs for a new community center in Springfield. | $200,000 |
| St. Lawrence County Chamber of Commerce Inc, Regional Rural Broadband Expansion, Canton, NY. To expand broadband access to rural areas. | $200,000 |
| St. Louis Area Food Bank, St. Louis County, MO, Foodbank Warehouse Acquisition Project | $375,000 |
| Stanford Settlement, Inc. Carl R. Hansen Teen Center, Sacramento, CA. Funds will be used to construct a new teen center facility for at-risk youth in the northern area of Sacramento, CA | $200,000 |
| Synergy Services, Inc in K.C.,MO. To design and construct a homeless youth shelter and campus | $562,500 |
| Syracuse City, Utah for Syracuse City Utah Municipal Center Expansion Project | $210,000 |
| Tallahatchie County Board of Supervisors, Sumner, MS, Tallahatchie County Courthouse Restoration, for the restoration of the Tallahatchie County Courthouse | $700,000 |
| TechTown, Detroit, MI for renovations for historic structures for economic development | $200,000 |
| The Arc of Hilo, Arc of Hilo Client Support Services Facility Construction, in Hilo, HI, to construct a multi-purpose job training, day program, and community center for people with disabilities | $268,000 |
| The ARC of Madison County Facilities Expansion, AL | $175,000 |
| The Children's Center of the Cumberlands, Scott County, Tennessee, expand the Children's Center and allow expanded service and care for abused children | $175,000 |
| The Children's Home, Children's Home (CH) Residential Facility Improvement Initiative, Cromwell, Connecticut, for the redesign of residential facilities | $200,000 |
| The City of Newport News, VA, Jefferson Park Revitalization, VA, for acquisition, demolition, relocation activities and capital improvements of dilapidated housing | $670,000 |

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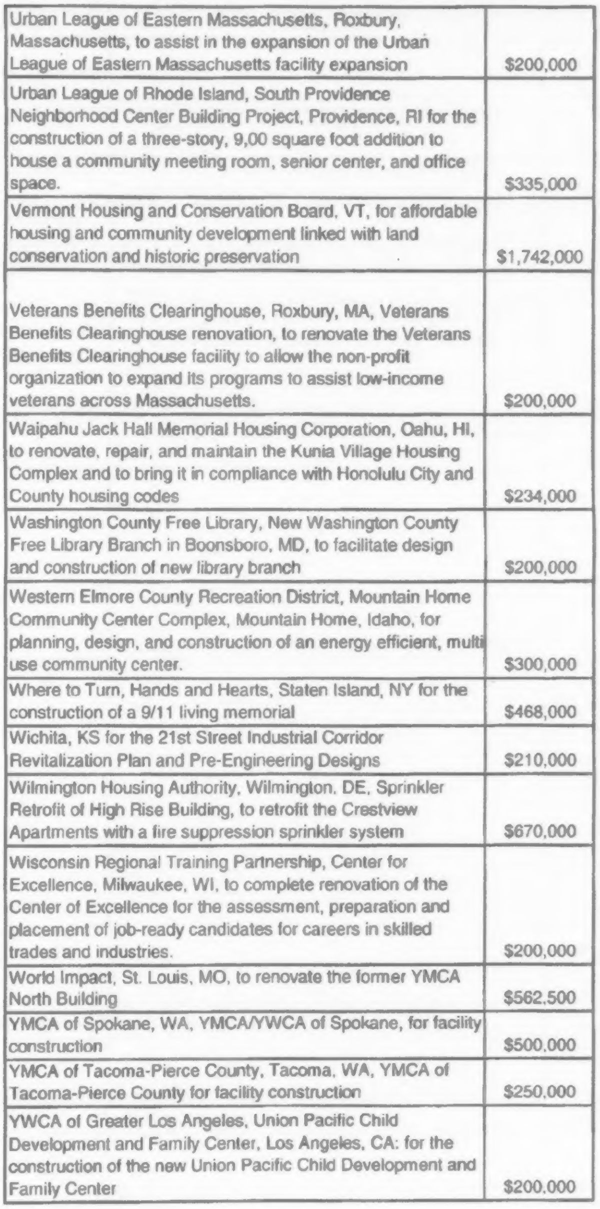
| The Civic Center of Moreau, Inc. The Moreau Community Center, Campaign to Establish the New Regional Community Center at Moreau, South Glens Falls, NY, for the construction of the Regional Community Center at Moreau which will provide dramatically improved educational, recreational, and community service facilities as well as substantial economic development | $200,000 |
| The Greater Boston Food Bank, Boston, Massachusetts, for the development of a new facility to distribute food to Massachusetts families in need. | $200,000 |
| The Ministry of Caring Inc.; Mary Mother of Hope House I – Renovation Project, Wilmington, DE, to renovate the Mary Mother of Hope House which provides housing and support services from homeless women 18 and older | $670,000 |
| The Westfield Boys and Girls Club, Westfield, Massachusetts, Westfield Boys and Girls Club, for renovation and repair | $200,000 |
| TLC for Children and Families, Olathe, KS: , for an emergency shelter and social services for children and youth in the Kansas City | $525,000 |
| To Bridgeton Board of Education, Bridgeton, NJ for the restoration of the historic Bridgeton High School facility which was built during the New Deal by the WPA | $200,000 |
| To Paterson Board of Education, Paterson, NJ, Hinchliffe facility, for the restoration of the historic Hinchliffe facility | $200,000 |
| To the Goodwill Rescue Mission, Newark, NJ for the renovation of transitional living facilities. | $200,000 |
| Tom Green County, San Angelo, TX, for the relocation and expansion of the Tom Green County Library, the only public library in the region. | $140,000 |
| Town of Colebrook, Mohawk River Retaining Wall, Colebrook, NH, repair retaining wall and two water mains along the Mohawk River. | $300,000 |
| Town of Colmar Manor, Colmar Manor Community Center, Colmar Manor, Maryland, to construct a multi-use community facility that combines community organizations and municipal services | $402,000 |
| Town of Marietta, MS, for the construction of a multi-purpose facility | $200,000 |
| Town of Vernon, Amberbelle Mill Historic Restoration Initiative, Vernon, Connecticut, for exterior and interior upgrades to the historic Amberbelle Mill facility. | $200,000 |
| Turtle Mountain Band of Chippewa, Turtle Mountain Youth Center, Belcourt, ND to construct a youth center for Native Americans on the reservation. | $335,000 |
| United Methodist Youthville, Dodge City, Kansas to provide a central kitchen/dining facility for the campus in compliance with federal regulations | $210,000 |
| United Way for Southeastern Michigan, Detroit, MI, to construct a training center for non-profit social service providers | $268,000 |
| United Way of Treasure Valley, Boise, Idaho, for construction of a Community Detox Center | $175,000 |



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| Urban League of Eastern Massachusetts, Roxbury, Massachusetts, to assist in the expansion of the Urban League of Eastern Massachusetts facility expansion | $200,000 |
| Urban League of Rhode Island, South Providence Neighborhood Center Building Project, Providence, RI for the construction of a three-story, 9,00 square foot addition to house a community meeting room, senior center, and office space. | $335,000 |
| Vermont Housing and Conservation Board, VT, for affordable housing and community development linked with land conservation and historic preservation | $1,742,000 |
| Veterans Benefits Clearinghouse, Roxbury, MA, Veterans Benefits Clearinghouse renovation, to renovate the Veterans Benefits Clearinghouse facility to allow the non-profit organization to expand its programs to assist low-income veterans across Massachusetts. | $200,000 |
| Waipahu Jack Hall Memorial Housing Corporation, Oahu, HI, to renovate, repair, and maintain the Kunia Village Housing Complex and to bring it in compliance with Honolulu City and County housing codes | $234,000 |
| Washington County Free Library, New Washington County Free Library Branch in Boonsboro, MD, to facilitate design and construction of new library branch | $200,000 |
| Western Elmore County Recreation District, Mountain Home Community Center Complex, Mountain Home, Idaho, for planning, design, and construction of an energy efficient, multi use community center. | $300,000 |
| Where to Turn, Hands and Hearts, Staten Island, NY for the construction of a 9/11 living memorial | $468,000 |
| Wichita, KS for the 21st Street Industrial Corridor Revitalization Plan and Pre-Engineering Designs | $210,000 |
| Wilmington Housing Authority, Wilmington, DE, Sprinkler Retrofit of High Rise Building, to retrofit the Crestview Apartments with a fire suppression sprinkler system | $670,000 |
| Wisconsin Regional Training Partnership, Center for Excellence, Milwaukee, WI, to complete renovation of the Center of Excellence for the assessment, preparation and placement of job-ready candidates for careers in skilled trades and industries. | $200,000 |
| World Impact, St. Louis, MO, to renovate the former YMCA North Building | $562,500 |
| YMCA of Spokane, WA, YMCA/YWCA of Spokane, for facility construction | $500,000 |
| YMCA of Tacoma-Pierce County, Tacoma, WA, YMCA of Tacoma-Pierce County for facility construction | $250,000 |
| YWCA of Greater Los Angeles, Union Pacific Child Development and Family Center, Los Angeles, CA: for the construction of the new Union Pacific Child Development and Family Center | $200,000 |

The conference agreement includes $26,500,000 for the Neighborhood Initiatives program and directs HUD to implement the program as follows:

| Grantee | Purpose | Funding |
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| Bucks County Community College in Newtown, PA | for design and construction of a training facility | $100,000 |
| CAP Services, Inc. in Stevens Point, WI | for capitalization of a revolving loan fund for small business development | $500,000 |
| Chicago Parks District in Chicago, IL | for renovation and construction as part of the Lane Tech High School Field Improvement Project | $700,000 |
| City and County of San Francisco Mayor's Office of Housing in San Francisco, CA | for construction of permanent supportive housing for homeless individuals as part of the Mason Street Project | $600,000 |
| City of Charleston, SC | for planning, design, construction and buildout of the City of Charleston's International African American Museum | $800,000 |
| City of College Park, MD | for construction in coordination with the Downtown College Park Redevelopment Project | $300,000 |
| Douglas County, WI | for extension of sewer and water utilities to the Parkland Industrial Park | $500,000 |
| Housing Assistance Council | for nationwide capacity building, outreach and training | $3,000,000 |
| La Raza HOPE Fund | for capitalization of a revolving loan fund to be used for nationwide community development activities | $1,000,000 |
| Metropolitan Development Association in Syracuse, NY | for implementation of a comprehensive regional economic development strategy | $375,000 |
| National American Indian Housing Council | for nationwide capacity building, outreach and training | $1,000,000 |
| National Housing Development Corporation in Rancho Cucamonga, CA | for development and preservation of affordable housing | $1,000,000 |
| North Central Wisconsin Regional Planning Commission in Wausau, WI | for capitalization of a revolving loan fund for new business development | $400,000 |

The conference agreement does not include language proposed by the House to require a 25 percent match for EDI and NI grants in FY09.

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| San Francisco Housing Authority in San Francisco, CA | for demolition, planning, design, and construction of mixed-income housing at the Hunters View Housing Project | $1,200,000 |
| United Veterans of America, Inc. in Leeds, MA | for construction and buildout of a permanent housing facility for veterans in Pittsfield, MA | $900,000 |
| University of Hartford in Hartford, CT | for renovation and buildout of a historic building | $200,000 |
| Yardley Borough, PA | for acquisition and installation of equipment to improve stormwater systems as part of a redevelopment plan | $280,000 |

| **Grantee and Purpose** | |
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| Bering Straits Native Corporation, Nome, Alaska, funds will be used for the construction and expansion of the site pad for the quarry | $562,500 |
| Center for Planning Excellence; Center for Planning Excellence; Baton Rouge, LA to continue to coordinates urban and rural planning efforts in South Louisiana | $2,000,000 |
| Central Wyoming College Foundation; Intertribal Education and Community Center; Riverton, Wyoming; to complete construction of and purchase equipment for the Intertribal Education and Community Center | $420,000 |
| City of Forsyth, Georgia to renovate and repair the buildings on the former Tift College campus so that it will be ready to house the hundreds of employees of the State Department of Corrections. | $350,000 |
| City of Green Bay, Wisconsin, Neighborhood Block Redevelopment, to purchase, demolish and refurbish blighted properties to eliminate overcrowding, reduce crime and stabilize a struggling neighborhood | $1,500,000 |
| City of Rochester, NY, Rochester Lead Hazard Prevention Program, to enhance lead hazard assessments, inspections, remediation training and outreach to expedite lead hazard remediation in public housing | $156,000 |
| Emergency Demolition of the Former Swift Plant (KD Station) in Sioux City, Iowa | $700,000 |
| Hiawatha Village Low Income Housing Development Project, Seattle, WA | $750,000 |
| homeWORD, Missoula, MT to develop rental housing that is affordable to working families in Missoula, MT | $670,000 |
| John C. Stennis Institute for Capacity Development Imitative | $800,000 |
| Kitsap County Resources Community Services Center Construction, Bremerton, WA | $200,000 |
| Miami Dade College, FL, Cuban American Historical Museum at the Miami Dade College Freedom Tower, Florida | $350,000 |
| NeighborhoodsNOW, Community Foundation of Wyandotte County, Kansas City, KS | $1,200,000 |
| Passage Point Transitional Housing Construction, King County, WA | $500,000 |
| Poplar Bluff Historic Depot Restoration; Missouri | $187,500 |

| | |
|---|---|
| Robinson Film Center Building; Shreveport, Louisiana | $280,000 |
| Salishan HOPE VI Redevelopment Project, Tacoma, WA | $1,500,000 |
| Starr Commonwealth of Ohio, Van Wert and Columbus, Ohio, Starr Commonwealth facilities renovations for positive environments where children flourish | $544,000 |
| Washington State Housing Finance Commission, Seattle, WA for capacity building | $700,000 |

*Funding Employer Relocation using CDBG funding.*—The conferees encourage HUD to develop expeditiously its guidelines to ensure CDBG compliance with federal statutory restrictions on job relocation as cited in the recently released GAO report: Economic Development: Format Monitoring Approaches Needed to Help Ensure Compliance with Restrictions on Funding Employer Relocation (GAO–07–1005).

### HOME INVESTMENT PARTNERSHIP PROGRAM

### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total of $1,767,000,000 for this account, instead of $1,764,010,000 as proposed by the House and $1,970,000,000 as proposed by the Senate.

The conference agreement provides $50,000,000 for housing counseling, instead of $48,340,000 as proposed by the House and $150,000,000 as proposed by the Senate.

In addition, $12,500,000 is reserved for technical assistance, instead of $9,900,000 as proposed by the House and $15,000,000 as proposed by the Senate. Of amounts made available for technical assistance, $8,500,000 is for qualified non-profit intermediaries to provide technical assistance to CDHOs and $4,000,000 is for intermediaries to provide technical assistance to HOME participating jurisdictions.

The conference agreement includes $15,000,000 for the American Dream Downpayment Initiative, instead of $25,000,000 as proposed by the Senate. The House had no similar provision.

The conference agreement does not include two provisions within the HOME account that provided $200,000,000 for counseling and foreclosure activities, as proposed by the Senate. Instead, the conference agreement provides funding in Title III of this Act through the Neighborhood Reinvestment Corporation for such activities. The conferees do not instruct HUD on issuance of a NOFA, as proposed by the Senate.

### SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

The conference agreement provides $60,000,000 for this account, as opposed to $59,700,000 proposed by the House and $70,000,000 proposed by the Senate. Of the total, $26,500,000 is provided for the SHOP program as proposed by the Senate, instead of $27,710,000 as proposed by the House. Of the total, $33,500,000 is provided for the first four capacity building activities authorized under section 4(b)(3), of which up to $5,000,000 may be made available for rural capacity building activities, as proposed by the Senate. The House did not include such a provision.

### HOMELESS ASSISTANCE GRANTS

### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $1,585,990,000 for Homeless Assistance Grants, as proposed by the Senate instead of $1,560,990,000 proposed by the House. Funds are available for two years except for $5,000,000, which is available until expended, as proposed by the Senate. Sufficient funding is provided for renewal of Shelter Plus Care contracts. The conference agreement transfers $2,475,000 to the Working Capital Fund as proposed by both the House and the Senate.

The conference agreement provides $25,000,000 for the Secretary to conduct a demonstration program on the effectiveness of rapid re-housing programs in reducing the number of homeless families as proposed by the Senate. The conferees direct HUD to select a limited number of sites to receive funding for this demonstration program as a part of the Homeless Assistance Grants competition, and should consider the following criteria when selecting sites: proven experience in rapid re-housing, performance of the Continuum of Care, and geographic diversity. Selected programs should provide families with housing placement services, short-term housing assistance, including up to 18 months of rental assistance, and an array of appropriate services for families. The conferees have also included language that allows the Secretary to use up to $1,250,000 to conduct an evaluation of the demonstration program. This evaluation should include, but is not limited to, a cost-benefit analysis, including both direct and indirect social benefits of rapid re-housing programs, as well as the success of such programs in keeping families in stable housing.

The conference agreement modifies a provision of the Senate that requires HUD to submit the AHAR report by June 21, 2008, as opposed to March 21, 2008.

## Housing Programs

### HOUSING FOR THE ELDERLY

### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $735,000,000 for the section 202 program as proposed by the Senate, instead of $734,580,000 as proposed by the House.

The conference agreement allocates funds as follows: $628,850,000 for new capital and PRAC contracts, amendments to contracts and for the renewal of contracts for up to one year terms and for supportive services; $60,000,000 for service coordinators and the continuation of congregate services grants. The House had proposed $59,400,000 for this purpose; $24,750,000 for assisted living conversion grants and emergency capital repairs as proposed by the House and Senate; $20,000,000 for competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning related to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959; and not to exceed $1,400,000 may be transferred to the Working Capital Fund for information technology activities as proposed by the Senate instead of $1,980,000 proposed by the House.

The conference agreement requires HUD to submit a plan by June 15, 2008, detailing the status of PRAC funding, including reasons for delays, instead of March 15, 2008, as proposed by the House.

### HOUSING FOR PERSONS WITH DISABILITIES

### (INCLUDING TRANSFER OF FUNDS)

The conference agreement recommends a total program level of $237,000,000 for the Section 811 program as proposed by the Senate, instead of $236,610,000 proposed by the House. As proposed by the Senate, not to exceed $600,000 may be transferred to the Working Capital Fund, instead of $990,000 as proposed by the House.

The conferees require a report from HUD on the number of non-elderly disabled vouchers that are still in circulation and being used by non-elderly disabled individuals by May 15, 2008.

### OTHER ASSISTED HOUSING PROGRAMS

### RENTAL HOUSING ASSISTANCE

The conference agreement provides $27,600,000 for Section 236 payments to State-aided, non-insured projects as proposed by both the House and the Senate.

### RENT SUPPLEMENT

### (RESCISSION)

The conference agreement rescinds $27,600,000 from the Rent Supplement account, as proposed by the House and Senate.

### FLEXIBLE SUBSIDY FUND

### (TRANSFER OF FUNDS)

The conference agreement includes language permanently transferring excess rental charges to the Flexible Subsidy Fund as proposed by the House and Senate.

### MANUFACTURED HOUSING FEES TRUST FUND

The conference agreement provides up to $16,000,000 for authorized activities from fees collected in the Fund as proposed by the House and Senate.

## Federal Housing Administration

### MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement establishes an $185,000,000,000 limitation on commitments to guarantee single-family loans during fiscal year 2008, as proposed by the House and the Senate.

The conference agreement establishes a $50,000,000 limitation on direct loans to nonprofits and governmental entities in connection with the sale of HUD-owned single-family properties, as proposed by the House and the Senate.

The conference agreement does not include funds for administrative expenses, as proposed by the House.

As proposed by both the House and the Senate, the conference agreement provides $77,400,000 for administrative contract expenses, of which not to exceed $25,500,000 may be transferred to the Working Capital Fund. Of this amount, up to $5,000,000 shall be for education and outreach of FHA single-family loan products, as proposed by the Senate.

### GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes the following, as proposed by both the House and the Senate: establishes a $45,000,000,000 limitation on multifamily and specialized loan guarantees during fiscal year 2008; and provides $8,600,000 for subsidy costs to support certain multifamily and special purpose loan guarantee programs as proposed by both the House and Senate.

The conference agreement does not include funds for administrative expenses, as proposed by the House.

Language is also included allowing up to $5,000,000 to be made available for discount sales of multifamily real property to units of local government, as proposed by the Senate. It is the intent of the conferees that the units affected remain affordable.

The conference agreement does not include language proposed by the House to study the impact of discounted sales on the FHA fund.

## Government National Mortgage Association

### GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

The conference agreement includes up to $200,000,000,000 for new commitments, as proposed by the House and Senate. The conference agreement does not include language appropriating administrative expenses or transferring funds to the Salaries and Expenses account, as proposed by the House.

## Policy Development and Research

### RESEARCH AND TECHNOLOGY

The conference agreement provides $61,440,000 for research and technology as proposed by the Senate, instead of $59,087,000 as proposed by the House.

Of the amount provided the conference agreement directs that $23,000,000 is provided for Section 107 grants to academic institutions, and is to be distributed as follows:

| | |
|---|---|
| Section 107 | $23,000,000 |
| Native Alaskan and Hawaiian Serving Institutions | (3,000,000) |
| Tribal colleges and Universities | (5,000,000) |
| HBCUs | (9,000,000) |
| Hispanic Serving Institutions | (6,000,000) |

The conference agreement also includes language that directs that the implementation of $5,000,000 for the Partnership for the Advancement of Technology in Housing (PATH) be administered by PD&R, as proposed by the House. The conferees reiterate the provision that all PATH funds shall be competitively awarded and the resources shall be focused on energy-efficiency in low-income housing.

The conference agreement includes $500,000 instead of $1,000,000 as proposed by the House to establish an interagency working group between HUD and the Federal Transit Administration (FTA). The conferees direct HUD and FTA to develop a best practices manual which will serve to assist communities as they seek to establish mixed-income transit-oriented development. HUD and FTA should also jointly report back to the House and Senate Committees on Appropriations within six months of enactment of this Act, on new ways the two agencies can better coordinate transportation and housing programs to promote affordable housing near transit.

### FAIR HOUSING AND EQUAL OPPORTUNITY

### FAIR HOUSING ACTIVITIES

The conference agreement provides $50,000,000 for this program instead of $52,380,000 as proposed by the Senate and $45,540,000 as proposed by the House. Of this amount, $25,620,000 is for the Fair Housing Assistance Program (FHAP) and $24,000,000 is for the Fair Housing Initiatives Program (FHIP).

The conferees direct the Secretary to identify essential documents to translate for individuals with limited English proficiency to further enhance access and services for HUD assisted programs. Within the resources provided under this section, the Secretary, in consultation with the appropriate housing providers and interest groups, shall give priority to specific languages that currently have high concentrations in HUD assisted properties and activities.

### OFFICE OF LEAD HAZARD CONTROL

### LEAD HAZARD REDUCTION

The conference agreement provides $145,000,000 for the Lead Hazard Reduction program instead of $130,000,000 proposed by the House and $151,000,000 as proposed by the Senate.

The conference agreement allocates funds as follows: $8,800,000 for Operation LEAP, as proposed by the Senate; $7,000,000 for technical assistance; $8,800,000 for the Healthy Homes Initiative, as proposed by the Senate; and $48,000,000 for an initiative to target lead abatement funds to areas with the highest lead paint abatement needs, as proposed by the Senate. The conference agreement includes language requiring a match of 25 percent for grantees under this competitive program, as proposed by the House, and authorizes the Secretary to waive this match requirement if it is determined that such action will facilitate the best use of funds, especially for low and very low-income communities.

The conference agreement does not include language proposed by the House on funding levels for the lead-based paint hazard grant program and the Lead Hazard Demonstration Program.

The conference agreement includes $2,000,000 for the Big Buy Program, as proposed by the Senate. The House did not have a similar provision.

### MANAGEMENT AND ADMINISTRATION

### SALARIES AND EXPENSES

The conference agreement does not include this House-proposed account. Funding is instead reflected in a new compensation and benefits structure funded in nine appropriated accounts at the beginning of Title II of this Act.

### WORKING CAPITAL FUND

The conference agreement includes $155,000,000 for the Working Capital Fund (WCF) instead of $175,000,000 as proposed by the Senate and $125,000,000 as proposed by the House.

The conferees instruct GAO to conduct a study on the status of current information systems, not the HUD IG, as proposed by the House.

The conference agreement states that no funds under this account may be used for e-Gov unless approved by the Committees.

In addition, the conference agreement includes language proposed by both the House and Senate that allows transfers from other accounts to be used for the purposes of the fund and for which the funds were appropriated.

### OFFICE OF INSPECTOR GENERAL

The conference agreement provides $112,000,000 for the Office of Inspector General as proposed by the Senate instead of $107,000,000 as proposed by the House. The conference agreement does not include a transfer of funds, as proposed by the House.

### OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

### SALARIES AND EXPENSES

The conference agreement provides $66,000,000 for the Office of Federal Housing Enterprise Oversight (OFHEO) to be derived from collections available in the Federal Housing Enterprise Oversight Fund as proposed by the House and the Senate.

### GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Section 201 splits overpayments 50/50 between Treasury and State HFAs, as proposed by the House and Senate.

Section 202 precludes the use of funds to prosecute or investigate legal activities under the Fair Housing Act, as proposed by the House and Senate.

Section 203 continues language to correct anomalies for HOPWA and specifies jurisdictions in New York and New Jersey and uses a three year average as proposed by the House and Senate.

Section 204 requires that funds are to be subject to competition unless specified otherwise in statute as proposed by the House and Senate.

Section 205 allows HUD to use funds for services or facilities of GNMA and Fannie Mae as proposed by the House and Senate.

Section 206 requires HUD to comport with the budget estimates except as otherwise provided in this Act or through an approved reprogramming, as proposed by the House and Senate.

Section 207 provides authorization for HUD corporations to utilize funds under certain conditions and restrictions, as proposed by the House and Senate.

Section 208 requires that technical assistance and training funds be subject to an approved operating plan as proposed by the House and Senate due by March 15, 2008.

Section 209 requires a report on unexpended balances each quarter as proposed by the House and Senate.

Section 210 specifies the distribution of AIDS funds to New Jersey and North Carolina, as proposed by the House and Senate.

Section 211 requires a report annually on number of leased units and average costs, as proposed by the House and Senate.

Section 212 requires that the administration's budget and the Department's budget justifications shall be submitted in the identical account and sub-account structure provided in this Act.

Section 213 requires that non-elderly disabled assistance shall continue for non-elderly disabled persons upon turnover to the extent practicable, as proposed by the House and Senate. Further, assistance provided through the Family Unification Program shall remain available for this purpose upon turnover, to the extent practicable.

Section 214 exempts residency requirement for PHA Boards in Alaska, Iowa, and Mississippi, as proposed by the House and Senate, and the County of Los Angeles, as proposed by the Senate.

Section 215 authorizes HUD to transfer debt and use agreements from an obsolete project to a viable project or projects, provided that no additional costs are incurred, and other conditions are met, as proposed by the House and Senate.

Section 216 distributes 2008 Native American Housing Block grant funds to the same Native Alaskan recipients as 2005, as proposed by the House and Senate.

Section 217 prohibits the IG from changing the basis on which the audit of GNMA is conducted. The Senate did not have a similar provision.

Section 218 sets forth requirements for eligibility for Section 8 voucher assistance, and includes a consideration for persons with disabilities, as proposed by the House and Senate.

Section 219 authorizes the Secretary to insure mortgages under Section 255 of the National Housing Act, as proposed by the House and Senate.

Section 220 instructs HUD on managing and disposing of any multifamily property that is owned by HUD, as proposed by the Senate.

Section 221 amends the National Housing Act in specified areas related to FHA multifamily loan limits, as proposed by the House and Senate.

Section 222 retains a provision proposed by the House that authorizes the Secretary to waive certain requirements on adjusted income for certain assisted living projects for counties in Michigan. The Senate did not have a similar provision.

Section 223 retains a provision proposed by the House that allows the recipient of a section 202 grant to establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity. The Senate did not have a similar provision.

Section 224 amends section 24 of the 1937 Housing Act by extending the HOPE VI program through September 30, 2008, as proposed by the Senate. The House did not have a similar provision.

Section 225 modifies a provision proposed by the Senate by allowing PHAs that own and operate 400 units or fewer of public housing to be exempt from asset management requirements. The House did not have a similar provision.

Section 226 modifies a provision proposed by the Senate to restrict the Secretary from imposing any requirement or guideline relating to asset management that restricts or limits the use of capital funds for central office costs, up to the limit established in QWHRA. The House did not have a similar provision.

Section 227 requires that the Secretary shall report quarterly on the status of all Project-Based Section 8 housing, as proposed by the Senate. The House did not have a similar provision.

Section 228 provides that the Secretary shall report quarterly on HUD's use of all sole source contracts, as proposed by the Senate. The House did not have a similar provision.

Section 229 extends existing 12-year energy contracts held by PHAs up to a term of 20 years without requiring the reprocurement of energy performance contractors, as proposed by the Senate. The House did not have a similar provision.

Section 230 modifies provisions proposed by the House and Senate by increasing the number of Moving-to-Work (MTW) agencies and by making the Santa Clara and San Jose PHAs, the San Bernardino PHA, and the Alaska Housing Finance Corporation MTW agencies.

Section 231 directs that the Secretary may not rescind or take any adverse action with respect to the Moving-to-Work program designation for the Housing Authority of Baltimore City based on any alleged administrative or procedural errors in making such designation, as proposed by the Senate. The House did not have a similar provision.

Section 232 amends the CDBG statute to allow Alton and Granite City, Illinois to be considered metropolitan cities, as proposed by the Senate. The House did not have a similar provision.

Section 233 provides that amounts provided under the Section 108 loan guarantee program may be used to guarantee notes or other obligations issued by any State on behalf of non-entitlement communities in the State, as proposed by the Senate. The House did not have a similar provision.

Section 234 directs that not later than 30 days after enactment of this Act, the Secretary shall place on the HUD homepage a direct link to the website of the HUD IG and a link by which individuals may anonymously report waste, fraud and abuse, as proposed by the Senate. The House did not have a similar provision.

Section 235 amends a provision proposed by the Senate that that not later than 60 days after enactment of this Act, the Secretary shall submit a complete and accurate accounting for 2007 and 2008 of the actual project-based renewal costs, revised estimates of the funding needed to fully fund all 12 months of all contracts, and all sources of funding that will be used to fully fund 12 months of contracts for fiscal years 2007 and 2008. The House did not have a similar provision.

Section 236 provides that no employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the CFO determines that such allotment holder has received training. The CFO shall ensure that each HUD subaccount has a trained allotment holder within 90 days of the enactment of this Act.

Section 237 provides that funding for indemnities is limited to non-programmatic litigation and is restricted to the payment of attorney fees only.

## TITLE—III

## RELATED AGENCIES

### ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

### SALARIES AND EXPENSES

The conference agreement includes $6,150,000 for the Salaries and Expenses of the Architectural and Transportation Barriers Compliance Board as proposed by both the House and the Senate.

### FEDERAL MARITIME COMMISSION

### SALARIES AND EXPENSES

The conference agreement includes $22,072,000 for the Salaries and Expenses of the Federal Maritime Commission as proposed by the House, instead of $22,322,000 as proposed by the Senate.

### NATIONAL TRANSPORTATION SAFETY BOARD

### SALARIES AND EXPENSES

The conference agreement includes $84,499,000 instead of $85,000,000 as proposed by the House and $84,500,000 as proposed by the Senate. The conferees direct that not less than $1,424,000 of the total appropriation shall fund 11 additional critical safety staff, and, consistent with the House language, prohibit these funds from being used for the Academy.

Within the funds provided, the conferees direct a total of $74,063 to address the Board's most recent Anti-Deficiency Act violation that occurred from fiscal years 1998 through 2006 related to inappropriate purchase of death and dismemberment insurance for agency employees on official travel. The conferees also include language allowing NTSB to continue to make lease payments for the NTSB Academy in fiscal year 2008 as proposed by the House and Senate.

### NEIGHBORHOOD REINVESTMENT CORPORATION

### PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

The conference agreement provides $319,800,000 for the Neighborhood Reinvestment Corporation instead of $119,800,000 as proposed by the House and Senate.

The conference agreement includes $200,000,000 to be administered by the Neighborhood Reinvestment Corporation (NRC) to make grants to NRC- or HUD-approved counseling intermediaries (including State housing finance agencies) for mortgage foreclosure mitigation assistance of owner-occupied homes.

NRC is a Congressionally-chartered nonprofit corporation, and since 1978, NRC has been providing quality housing counseling. The conferees note that NRC was one of the first organizations to begin responding to the subprime mortgage crisis by establishing its Center for Foreclosure Solutions. NRC will manage a competition for housing counseling organizations with demonstrated experience in this field, and will begin awarding grants within 60 days of enactment of this Act. The NRC can administer this competition rapidly and can thus facilitate help for homeowners almost immediately.

This $200,000,000 is one-time funding to be available until expended by the NRC in response to the ongoing lending and credit crisis. This crisis is fueled by more than 2 million mortgages that now face significant risk of default and foreclosure as the housing markets slow and adverse mortgage terms, such as adjustable rate mortgages, reset.

This program is designed to assist homeowners with subprime or other single-family mortgages that are likely to be in default and/or foreclosure. This is not designed as a bailout for either financial institutions or homeowners with mortgages that are likely to fail. Instead, the goal of the program is to provide counseling assistance that will prevent foreclosure and result in the long-term affordability of the mortgage or another positive outcome for the homeowner. No Federal funds are to be used to directly benefit financial institutions or homeowners.

The conferees believe that the funding is needed, will be well-used, and will help stabilize the single-family mortgage marketplace. However, the conference agreement notes that $200,000,000 is a rapid expansion of housing counseling assistance. As a result, the conferees direct that $50,000,000 will be awarded within 60 days of enactment, which the conferees expect will result in a rapid investment of these funds.

Finally, the conference agreement directs the NRC to provide a bi-annual report to the House and Senate Committees on Appropriations as well as the House Financial Services Committee and the Senate Banking Committee. These reports will identify the use of funds in the program, models of success and an overall analysis of the program, its strategies for success and its evolution, among other things.

### UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

### OPERATING EXPENSES

The conference agreement provides $2,150,000 instead of $2,000,000 as proposed by the House and $2,300,000 as proposed by the Senate. The conference agreement extends the expiration date for the Council until September 30, 2008.

The conferees direct the Council to report within 180 days of enactment to the House and Senate Committees on Appropriations on a comprehensive funding strategy to meet the agency's ten year goal to end chronic homelessness. The report should specify how local and Federal agencies will contribute to the achievement of this goal.

The conferees agree to a limit of $50,000 for travel by the Executive Director.

## TITLE IV—GENERAL PROVISIONS THIS ACT

### (INCLUDING TRANSFERS OF FUNDS)

Section 401 continues the provision as proposed by the House and the Senate requiring pay raises to be funded within appropriated levels in this Act or previous Appropriations Acts.

Section 402 continues the provision as proposed by the House and the Senate prohibiting pay and other expenses for non-Federal parties in regulatory or adjudicatory proceedings funded in this Act.

Section 403 continues the provision as proposed by the House and the Senate prohibiting obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein.

Section 404 continues the provision as proposed by the House and the Senate limiting consulting service expenditures of public record in procurement contracts.

Section 405 continues the provision as proposed by the House and the Senate specifying reprogramming procedures by subjecting the establishment of new offices and reorganizations to the reprogramming process.

Section 406 continues the provision as proposed by the House and the Senate providing that fifty percent of unobligated balances may remain available for certain purposes.

Section 407 continues the provision as proposed by the House and the Senate requiring agencies and departments funded herein to report on sole source contracts.

Section 408 continues the provision as proposed by the House and the Senate prohibiting Federal training not directly related to the performance of official duties.

Section 409 includes a provision as proposed by the House that prohibits funds in this Act from being used to provide homeownership assistance for applicants described in Section 247A(h)(3) of the Immigration and Nationality Act. The Senate did not include a similar provision.

Section 410 includes a provision as proposed by the House that prohibits funds from being used to employ workers described in Section 247A(h)(3) of the Immigration and Nationality Act. The Senate did not include a similar provision.

Section 411 modifies the Senate language that prohibits funds from being used for any project that seeks to use the power of eminent domain unless eminent domain is employed only for a public use.

Section 412 includes a provision as proposed by the Senate that denies the transfer of funds made available in this Act to any instrumentality of the United States Government except as authorized by this Act or any other Appropriations Act. The House did not include a similar provision.

Section 413 includes a provision as proposed by the Senate that prohibits funds in this Act from being used to permanently replace an employee intent on retuning to his or her past occupation after completion of military service. The House did not include a similar provision.

Section 414 continues a provision as proposed by the Senate that prohibits funds in this Act from being used unless the expenditure is in compliance with the Buy American Act. The House did not include a similar provision.

Section 415 continues a provision as proposed by the Senate that prohibits funds from being appropriated or made available to any person or entity that has been convicted of violating the Buy American Act. The House did not include a similar provision.

The conference agreement does not include section 409 as proposed by the House.

The conference agreement does not include section 411 as proposed by the House.

The conference agreement does not include section 412 as proposed by the House.

The conference agreement does not include section 413 as proposed by the House.

The conference agreement does not include section 414 as proposed by the House.

The conference agreement does not include section 415 as proposed by the House.

The conference agreement does not include section 418 as proposed by the House.

The conference agreement does not include section 419 as proposed by the House.

The conference agreement does not include section 420 as proposed by the House.

The conference agreement does not include section 414 as proposed by the Senate.

The conference agreement does not include section 415 as proposed by the Senate.

### COMPLIANCE WITH RULE XXI, CL. 9 (HOUSE) AND WITH RULE XLIV (SENATE)

The following list is submitted in compliance with clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, which require publication of a list of congressionally directed spending items (Senate), congressional earmarks (House), limited tax benefits, and limited tariff benefits included in the conference report, or in the joint statement of managers accompanying the conference report, including the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Congressionally directed spending items (as defined in the Senate rule) and congressional earmarks (as defined in the House rule) in the conference report or joint statement of managers are listed below. Neither the conference report nor the statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House and Senate rules.

The following list is also submitted in compliance with House Resolution 491, which requires a listing of congressional earmarks in the conference report or joint statement of managers that were not committed to the committee of conference by either House, not in a report on a bill committed to conference, and not in a Senate committee report on a companion measure. Such earmarks are marked with an asterisk in the list below.

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| AIP—Airport Improvement Program | Akutan Airport, AK | $2,625,000 | Sen. Stevens |
| AIP—Airport Improvement Program | Franklin Field Airport, AL | $1,575,000 | Sen. Shelby |
| *AIP—Airport Improvement Program | Mobile Downtown Airport Ramp Rehabilitation and Drain Repair, AL | $750,000 | Sen. Sessions, Rep. Jo Bonner |
| AIP—Airport Improvement Program | Scottsboro Municipal Airport, AL improvements | $550,000 | Rep. Robert Cramer, Sen. Shelby |
| AIP—Airport Improvement Program | Tuscaloosa Regional Airport Masterplan, AL | $200,000 | Rep. Artur Davis |
| AIP—Airport Improvement Program | Northwest Arkansas Regional Airport, AR | $2,600,000 | Sen. Lincoln, Sen. Pryor |
| AIP—Airport Improvement Program | Texarkana Regional—Webb Field Airport, AR | $670,000 | Sen. Lincoln, Sen. Pryor |
| AIP—Airport Improvement Program | Sky Harbor, Phoenix, AZ taxiway improvements | $1,250,000 | Rep. Ed Pastor, Sen. Kyl |
| AIP—Airport Improvement Program | Williams Gateway Airport, AZ taxiway B construction | $1,750,000 | Rep. Harry Mitchell, Sen. Kyl |
| AIP—Airport Improvement Program | Meadows Field Airport Expansion, CA | $650,000 | Rep. Kevin McCarthy |
| AIP—Airport Improvement Program | Denver International Airport Pavement Rehabilitation, CO | $2,010,000 | Sen. Salazar, Rep. Diana DeGette |
| AIP—Airport Improvement Program | Eagle County Regional Airport Runway Extension, CO | $350,000 | Rep. Mark Udall, Sen. Salazar |
| AIP—Airport Improvement Program | Walker Field Grand Junction Runway Resurfacing, CO | $900,000 | Rep. John Salazar, Sen. Salazar |
| AIP—Airport Improvement Program | Albert Whitted Airport Improvements, FL | $1,000,000 | Rep. C.W. Young |
| AIP—Airport Improvement Program | Gainesville Regional Airport Taxiway Rehabilitation, FL | $400,000 | Rep. Cliff Stearns, Sen. Martinez |
| AIP—Airport Improvement Program | St. Lucie County International New Parallel Runway Construction, FL | $500,000 | Rep. Alcee Hastings |
| AIP—Airport Improvement Program | Augusta Bush Field terminal expansion, GA | $1,500,000 | Rep. John Barrow, Sen. Chambliss |
| AIP—Airport Improvement Program | Glynn County Airport Commission Improvements, GA | $1,000,000 | Rep. Jack Kingston, Sen. Chambliss |
| AIP—Airport Improvement Program | Middle Georgia Regional Airport, GA improvements | $750,000 | Rep. Jim Marshall |
| AIP—Airport Improvement Program | Paulding County Airport land acquisition, site preparation and construction, GA | $600,000 | Rep. Phil Gingrey, Sen. Chambliss |
| AIP—Airport Improvement Program | Turner County Airport Renovations, GA | $150,000 | Rep. Jim Marshall |
| AIP—Airport Improvement Program | Boise Airport Runway Improvements, ID | $750,000 | Sen. Craig, Sen. Crapo, Rep. Michael Simpson |
| AIP—Airport Improvement Program | Lake in the Hills Airport, IL | $750,000 | Sen. Durbin |
| AIP—Airport Improvement Program | Lewis University Airport, IL | $750,000 | Sen. Durbin, Sen. Obama, Rep. Judy Biggert |
| AIP—Airport Improvement Program | Waukegan Regional Airport, IL | $750,000 | Sen. Durbin |
| AIP—Airport Improvement Program | Clark County Runway Extension, IN | $1,150,000 | Rep. Baron Hill |
| AIP—Airport Improvement Program | Fort Wayne International Airport, IN | $167,500 | Sen. Bayh, Sen. Lugar, Rep. Mark Souder |
| AIP—Airport Improvement Program | Huntingburg Airport Upgrades, IN | $150,000 | Rep. Baron Hill |
| AIP—Airport Improvement Program | Manhattan Airport Runway Safety Improvements, KS | $1,400,000 | Sen. Brownback, Rep. Nancy Boyda |
| AIP—Airport Improvement Program | Cincinnati Northern Kentucky International Airport, rehabilitation, Boone County, KY | $500,000 | Rep. Geoff Davis |
| AIP—Airport Improvement Program | Louisville International Airport Runway Widening/Improvements, KY | $1,250,000 | Sen. McConnell, Rep. John Yarmuth |
| AIP—Airport Improvement Program | Alexandria International Airport, LA | $700,000 | Sen. Vitter, Sen. Landrieu |
| AIP—Airport Improvement Program | Lafayette Regional Airport Airport Upgrades, LA | $1,500,000 | Rep. Charles Boustany, Sen. Landrieu, Sen. Vitter |
| AIP—Airport Improvement Program | Monroe Regional Airport New Terminal, LA | $400,000 | Rep. Rodney Alexander, Sen. Vitter, Sen. Landrieu |
| AIP—Airport Improvement Program | Nantucket Municipal Airport, MA facility replacement | $500,000 | Rep. William Delahunt, Sen. Kennedy, Sen. Kerry |
| AIP—Airport Improvement Program | New Bedford Safety Upgrades (PAPI) , MA | $100,000 | Rep. Barney Frank |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| AIP—Airport Improvement Program | Norwood Airport Reconstruction, MA | $200,000 | Rep. Steven Lynch |
| AIP—Airport Improvement Program | Capital City Airport Phase II Runway Extension, MI | $3,600,000 | Sen. Stabenow, Sen. Levin, Rep. Mike Rogers (MI) |
| AIP—Airport Improvement Program | Detroit Metro-Wayne County Airport Taxiway Kilo Rehabilitation, MI | $1,000,000 | Rep. John Dingell |
| AIP—Airport Improvement Program | Kalamazoo Battle Creek Airport terminal, MI | $500,000 | Rep. Fred Upton |
| AIP—Airport Improvement Program | MBS International Airport, MI | $1,340,000 | Sen. Stabenow, Sen. Levin, Rep. Dave Camp |
| AIP—Airport Improvement Program | Oakland County International Airport, MI improvement and noise mitigation programs | $1,000,000 | Rep. Joe Knollenberg, Sen. Levin, Sen. Stabenow |
| AIP—Airport Improvement Program | Pellston Regional Airport Improvements, MI | $600,000 | Rep. Bart Stupak |
| AIP—Airport Improvement Program | St. Clair County Airport Improvements, MI | $300,000 | Rep. Candice Miller |
| AIP—Airport Improvement Program | W.K. Kellogg Airport, Battle Creek, Runway, MI | $500,000 | Rep. Timothy Walberg, Sen. Levin, Sen. Stabenow |
| AIP—Airport Improvement Program | Bemidji Regional Airport Terminal Modernization/Expansion, MN | $500,000 | Rep. Collin Peterson |
| AIP—Airport Improvement Program | St. Cloud Airport, MN | $1,125,000 | Sen. Coleman, Sen. Klobuchar |
| AIP—Airport Improvement Program | Columbia Regional Airport, MO | $2,025,000 | Sen. Bond |
| AIP—Airport Improvement Program | Eldon Model Airpark, MO | $315,000 | Sen. Bond |
| AIP—Airport Improvement Program | Max B. Swisher Skyhave Airport, MO | $1,035,000 | Sen. Bond |
| AIP—Airport Improvement Program | Springfield-Branson National Airport Midfield Replacement Terminal Construction, MO | $1,000,000 | Rep. Roy Blunt |
| AIP—Airport Improvement Program | Gulfport-Biloxi International Airport, MS | $2,000,000 | Sen. Cochran, Sen. Lott |
| AIP—Airport Improvement Program | Jackson Evers International Airport Airfield Infrastructure Improvements, MS | $2,000,000 | Sen. Cochran, Rep. Charles Pickering |
| AIP—Airport Improvement Program | John Bell Williams Airport, MS | $1,500,000 | Sen. Lott |
| AIP—Airport Improvement Program | Tunica Airport, MS | $1,250,000 | Sen. Cochran |
| AIP—Airport Improvement Program | Airport Improvements, Stanly County, NC | $500,000 | Rep. Robin Hayes |
| AIP—Airport Improvement Program | Andrews-Murphy Airport Expansion Murphy, NC | $1,500,000 | Rep. Heath Shuler, Sen. Dole |
| AIP—Airport Improvement Program | Brunswick County Airport Runway Extension, NC | $400,000 | Rep. Mike McIntyre, Sen. Dole |
| AIP—Airport Improvement Program | Burlington-Alamance County Regional Airport Runway Taxiway Extension, NC | $1,000,000 | Rep. Howard Coble, Sen. Dole |
| AIP—Airport Improvement Program | Concord Regional Airport improvements, NC | $400,000 | Rep. Robin Hayes, Rep. Melvin Watt, Sen. Dole |
| AIP—Airport Improvement Program | Franklin County Airport Runway Extension, Land Acquisition and Improvements, NC | $250,000 | Rep. Bob Etheridge |
| AIP—Airport Improvement Program | Montgomery County Regional Airport improvements, NC | $400,000 | Rep. Robin Hayes |
| AIP—Airport Improvement Program | Rowan County Airport Land Acquisition (runway protection zone), NC | $600,000 | Rep. Melvin Watt, Rep. Howard Coble, Sen. Dole |
| AIP—Airport Improvement Program | Statesville Regional Airport improvement, NC | $1,500,000 | Rep. Virginia Foxx, Rep. Patrick McHenry, Sen. Dole, Sen. Burr |
| AIP—Airport Improvement Program | Grand Forks Airport, Grand Forks Improvements, ND | $1,340,000 | Sen. Conrad, Sen. Dorgan, Rep. Earl Pomeroy |
| AIP—Airport Improvement Program | Airport Authority of the County of Scotts Bluff, NE | $670,000 | Sen. Ben Nelson |
| AIP—Airport Improvement Program | Atlantic City International Airport Terminal Apron, NJ | $500,000 | Rep. Frank LoBiondo, Sen. Lautenberg, Sen. Menendez |
| AIP—Airport Improvement Program | Albuquerque International Sunport Airport, NM | $1,200,000 | Sen. Domenici, Sen. Bingaman, Rep. Heather Wilson |
| AIP—Airport Improvement Program | Carson City Airport, NV | $2,100,000 | Sen. Reid |
| AIP—Airport Improvement Program | Buffalo-Niagara International Subsurface Engineered Wetland Water Quality Project, NY | $400,000 | Rep. Brian Higgins, Sen. Clinton |

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| AIP—Airport Improvement Program | Niagara Falls International Airport Cargo Apron-phase 1B, NY | $1,950,000 | Sen. Schumer, Sen. Clinton, Rep. Louise Slaughter |
| AIP—Airport Improvement Program | Niagara Falls International Airport Improvements, NY | $500,000 | Rep. Thomas Reynolds, Sen. Clinton, Sen. Schumer |
| AIP—Airport Improvement Program | Akron-Canton Regional Parking Apron Construction, OH | $900,000 | Rep. Ralph Regula |
| AIP—Airport Improvement Program | Cuyahoga County Airport Pavement Maintenance and Rehabilitation, OH | $500,000 | Rep. Stephanie Jones, Sen. Voinovich |
| AIP—Airport Improvement Program | Ohio University Airport Improvements, OH | $800,000 | Rep. Zachary Space, Rep. Charles Wilson, Sen. Voinovich |
| AIP—Airport Improvement Program | Toledo Express Airport Improvements, OH | $750,000 | Rep. Marcy Kaptur |
| AIP—Airport Improvement Program | Altus/Quartz Mountain Regional Airport, OK | $600,000 | Rep. Frank Lucas |
| AIP—Airport Improvement Program | McNary Field Airport, OR | $1,005,000 | Sen. Wyden, Sen. Smith |
| AIP—Airport Improvement Program | Roberts Field, Redmond Municipal Airport, OR | $2,512,500 | Sen. Wyden, Sen. Smith, Rep. Greg Walden |
| AIP—Airport Improvement Program | Erie International Airport, PA | $1,050,000 | Sen. Specter |
| AIP—Airport Improvement Program | Philadelphia International Airport Runway Rehabilitation (9R/27L), PA | $650,000 | Rep. Chaka Fattah |
| AIP—Airport Improvement Program | Georgetown Airport Runway Extension, SC | $1,000,000 | Rep. Henry Brown, Rep. James Clyburn |
| AIP—Airport Improvement Program | Chattanooga Airport taxiway relocation & reconstruction, TN | $2,000,000 | Rep. Zach Wamp |
| AIP—Airport Improvement Program | Upper Cumberland Regional Airport Improvements, TN | $700,000 | Sen. Alexander, Rep. Lincoln Davis |
| AIP—Airport Improvement Program | Alliance Airport runway extension, Fort Worth, TX | $800,000 | Rep. Michael Burgess, Rep. Kay Granger, Sen. Hutchison |
| AIP—Airport Improvement Program | Collin County Regional Airport Tower Construction, TX | $1,500,000 | Sen. Hutchison, Sen. Cornyn, Rep. Ralph Hall, Rep. Sam Johnson |
| AIP—Airport Improvement Program | Edinburg International Airport Improvements, Hidalgo County, TX | $850,000 | Rep. Ruben Hinojosa |
| AIP—Airport Improvement Program | George Bush Intercontinental, Houston Noise Mitigation, TX | $500,000 | Rep. Ted Poe |
| AIP—Airport Improvement Program | San Marcos Municipal Airport, TX | $1,575,000 | Sen. Hutchison, Rep. Lloyd Doggett |
| AIP—Airport Improvement Program | Sugar Land Airport Expansion, TX | $2,000,000 | Rep. Nick Lampson |
| AIP—Airport Improvement Program | Ogden Hinckley Airport taxiway project, Ogden, UT | $900,000 | Rep. Rob Bishop |
| AIP—Airport Improvement Program | Danville Regional Airport Improvements, VA | $500,000 | Rep. Virgil Goode |
| AIP—Airport Improvement Program | New River Valley Airport Runway and Taxiway Rehabilitation, VA | $400,000 | Rep. Rick Boucher |
| AIP—Airport Improvement Program | Vermont Statewide Airport, VT | $1,005,000 | Sen. Sanders |
| AIP—Airport Improvement Program | Austin Straubel International Airport, Runway 6/24 Pavement Reconstruction, WI | $1,500,000 | Rep. Steve Kagen |
| AIP—Airport Improvement Program | Chippewa Valley Regional Airport, WI | $2,177,500 | Sen. Kohl, Rep. David Obey |
| AIP—Airport Improvement Program | Dane County Regional Airport improvements, Madison, WI | $400,000 | Rep. Tammy Baldwin, Sen. Kohl |
| AIP—Airport Improvement Program | New Richmond Regional Airport Improvements, WI | $600,000 | Rep. Ron Kind, Sen. Kohl |
| AIP—Airport Improvement Program | Outagamie County Regional Airport Improvements, WI | $500,000 | Rep. Steve Kagen |
| AIP—Airport Improvement Program | Taylor County Airport, Medford Improvements, WI | $2,500,000 | Rep. David Obey, Sen. Kohl |
| AIP—Airport Improvement Program | West Virginia Statewide Airport, WV | $4,600,000 | Sen. Byrd |
| Alternatives Analysis | Mesa Extension Alternatives Analysis—Mesa, AZ | $200,000 | Rep. Harry Mitchell, Sen. Kyl |
| Alternatives Analysis | METRO I–10 Extension Alternative Analysis, AZ | $1,200,000 | Rep. Ed Pastor |
| Alternatives Analysis | Tempe Extension Alternatives Analysis—Tempe, AZ | $200,000 | Rep. Harry Mitchell |
| Alternatives Analysis | Bus Rapid Transit Alternatives Analysis, San Jose | $250,000 | Rep. Zoe Lofgren |
| Alternatives Analysis | Red Car Trolley Engineering Study, CA | $100,000 | Rep. Lucille Roybal-Allard |
| Alternatives Analysis | Southeastern Connecticut Bus Rapid Transit System, CT | $1,340,000 | Sen. Dodd, Sen. Lieberman |
| Alternatives Analysis | Bus Rapid Transit Improvements, Broward County, FL | $700,000 | Sen. Martinez, Sen. Bill Nelson |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Alternatives Analysis | Downtown Orlando East-West Circulator System, Orlando, FL | $700,000 | Sen. Martinez, Sen. Bill Nelson, Rep. Corrine Brown |
| Alternatives Analysis | Downtown Transit Circulator, Fort Lauderdale, FL | $670,000 | Sen. Bill Nelson, Sen. Martinez, Rep. Debbie Wasserman Schultz |
| Alternatives Analysis | Miami-Dade County Metrorail Orange Line Expansion, FL | $1,400,000 | Sen. Martinez, Sen. Bill Nelson, Rep. Kendrick Meek |
| Alternatives Analysis | BeltLine Environment Impact, Atlanta, GA | $300,000 | Rep. John Lewis, Sen. Chambliss |
| Alternatives Analysis | I–285 Bus Rapid Transit Project in Atlanta, GA | $500,000 | Rep. John Lewis, Rep. Tom Price |
| Alternatives Analysis | MARTA Clifton Corridor (Lindbergh-Emory), GA | $750,000 | Sen. Chambliss, Sen. Isakson |
| Alternatives Analysis | DART Alternatives Analysis Design, Des Moines, IA | $250,000 | Rep. Leonard Boswell, Sen. Grassley |
| Alternatives Analysis | CTA Circle Line, IL | $3,920,000 | Sen. Durbin, Rep. Rahm Emanuel |
| Alternatives Analysis | CTA Orange Line Extension, IL | $500,000 | Rep. Daniel Lipinski, Sen. Durbin |
| Alternatives Analysis | CTA Red Line Extension, IL | $600,000 | Rep. Jesse Jackson, Sen. Durbin |
| Alternatives Analysis | CTA Yellow Line Extension-Village of Skokie, IL | $600,000 | Rep. Janice Schakowsky, Sen. Durbin |
| Alternatives Analysis | Illinois Valley Commuter Rail, Ottawa, IL | $250,000 | Rep. Jerry Weller |
| Alternatives Analysis | The Rapid Feasibility Study, MI | $500,000 | Rep. Vernon Ehlers |
| Alternatives Analysis | Light-rail Alternatives Analysis Study, KC, MO | $1,875,000 | Sen. Bond, Rep. Emanuel Cleaver |
| Alternatives Analysis | Charlotte Rapid Transit Extension-Northeast Corridor Light Rail Project, NC | $2,750,000 | Sen. Dole, Sen. Burr, Rep. Melvin Watt, Rep. Sue Myrick |
| Alternatives Analysis | Northern Branch Rail Service Restoration, NJ | $500,000 | Rep. Steven Rothman, Sen. Lautenberg, Sen. Menendez |
| Alternatives Analysis | West Shore Corridor Alternatives Analysis, OH | $350,000 | Rep. Betty Sutton |
| Alternatives Analysis | LTD Alternatives Analysis for Third EmX Corridor, OR | $250,000 | Rep. Peter DeFazio, Sen. Smith, Sen. Wyden |
| Alternatives Analysis | East West Corridor Rapid Transit, Allegheny Cty, PA | $1,000,000 | Rep. Jason Altmire, Rep. Michael Doyle |
| Alternatives Analysis | Northwest New Jersey/Northeast Pennsylvania Commuter Rail Service, PA | $1,340,000 | Sen. Casey, Sen. Specter |
| Alternatives Analysis | Philadelphia Navy Yard Transit Extension Study, PA | $400,000 | Rep. Robert Brady |
| Alternatives Analysis | Commuter Rail Station at Carmel Church, VA | $500,000 | Rep. Jo Ann Davis |
| Alternatives Analysis | I–66 Bus Rapid Transit Study, VA | $1,000,000 | Rep. Frank Wolf |
| Alternatives Analysis | Spokane Streetcar Study, Spokane, WA | $300,000 | Rep. Cathy McMorris Rodgers, Sen. Murray, Sen. Cantwell |
| Appalachian Development Highway System | Corridor H, West Virginia | $16,000,000 | Sen. Byrd |
| Buses & Bus Facilities | Statewide Bus and Bus Facilities Enhancements, AK | $375,000 | Sen. Stevens, Sen. Murkowski |
| Buses & Bus Facilities | Alabama Senior Transportation Program, AL | $700,000 | Sen. Shelby |
| Buses & Bus Facilities | Birmingham Intermodal Transit Facility, AL | $400,000 | Rep. Artur Davis, Sen. Shelby |
| Buses & Bus Facilities | City of Mobile's Transit System, AL | $1,400,000 | Sen. Shelby, Rep. Jo Bonner |
| Buses & Bus Facilities | Huntsville, AL Multimodal Dallas Branch | $1,250,000 | Rep. Robert Cramer, Sen. Shelby |
| Buses & Bus Facilities | State of Arkansas, Bus and Bus Facilities, AR | $3,350,000 | Sen. Lincoln, Sen. Pryor, Rep. Marion Berry, Rep. John Boozeman |
| Buses & Bus Facilities | Bus Expansion—Phoenix, Avondale, Glendale, AZ | $250,000 | Rep. Ed Pastor |
| Buses & Bus Facilities | Buses and Bus Maintenance Facility, Tucson, AZ | $1,000,000 | Rep. Gabrielle Giffords, Rep. Raul Grijalva, Sen. Kyl |

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|---|---|---|---|
| Buses & Bus Facilities | Construction of Intermodal Center, Scottsdale, AZ | $200,000 | Rep. Harry Mitchell |
| Buses & Bus Facilities | East Valley Bus Maintenance Facility—Tempe, AZ | $400,000 | Rep. Harry Mitchell |
| Buses & Bus Facilities | Main Street Bus Rapid Transit Buses, Mesa, AZ | $500,000 | Sen. Kyl, Rep. Harry Mitchell |
| Buses & Bus Facilities | Phoenix Regional Heavy Bus Maintenance Facility, AZ | $500,000 | Rep. Ed Pastor |
| Buses & Bus Facilities | Phoenix/Glendale West Valley Operating Facility, AZ | $750,000 | Rep. Harry Mitchell, Rep. Ed Pastor |
| Buses & Bus Facilities | Anaheim Regional Intermodal Center, Orange County, CA | $600,000 | Rep. Loretta Sanchez, Rep. Edward Royce, Sen. Feinstein |
| Buses & Bus Facilities | BART Intermodal Station Infrastructure Improvements to Improve Bus Safety and Access, CA | $670,000 | Sen. Feinstein, Rep. Ellen Tauscher |
| Buses & Bus Facilities | Beach Cities Transit Equipment, Redondo Beach, CA | $500,000 | Rep. Jane Harman |
| Buses & Bus Facilities | Bus Shelters for Bellflower, CA | $500,000 | Rep. Lucille Roybal-Allard |
| Buses & Bus Facilities | City of Modesto Bus Maintenance Facility, CA | $250,000 | Rep. George Radanovich |
| Buses & Bus Facilities | Clean Air Bus Purchase Program, Baldwin Park, CA | $400,000 | Rep. Hilda Solis |
| Buses & Bus Facilities | Culver City Multi-Modal Light Rail Station, CA | $670,000 | Sen. Feinstein |
| Buses & Bus Facilities | East County Bus Maintenance Facility, El Cajon, CA | $350,000 | Rep. Duncan Hunter |
| Buses & Bus Facilities | Ed Roberts Campus—Berkeley, CA | $500,000 | Rep. Barbara Lee |
| Buses & Bus Facilities | Fairfield/Vacaville Intermodal Station, CA | $200,000 | Rep. Ellen Tauscher |
| Buses & Bus Facilities | Foothill Transit Oriented Neighborhood, CA | $500,000 | Rep. David Dreier, Rep. Hilda Solis |
| Buses & Bus Facilities | Inter-County Express Bus, Orange County, CA | $500,000 | Rep. Ken Calvert |
| *Buses & Bus Facilities | Los Angeles Southwest College Transit Center, CA | $400,000 | Rep. Maxine Waters |
| Buses & Bus Facilities | Monrovia Transit Village, CA | $500,000 | Rep. David Dreier |
| Buses & Bus Facilities | Monterey Salinas Transit Bus Financing, CA | $200,000 | Rep. Sam Farr |
| Buses & Bus Facilities | Muni Bus Rehabilitation, San Francisco, CA | $1,000,000 | Rep. Nancy Pelosi |
| Buses & Bus Facilities | Municipal Transit Operators Coalition (MTOC), CA | $1,100,000 | Rep. Jane Harman, Rep. Grace Napolitano, Rep. Maxine Waters, Rep. Diane Watson, Rep. Henry Waxman |
| Buses & Bus Facilities | Pacific Station Multimodal-Multiuse Facility, CA | $500,000 | Rep. Anna Eshoo, Rep. Sam Farr |
| Buses & Bus Facilities | Palmdale Transportation Center Parking Lot, CA | $250,000 | Rep. Howard McKeon |
| Buses & Bus Facilities | Palo Alto Intermodal Transit Center, CA | $400,000 | Rep. Anna Eshoo |
| Buses & Bus Facilities | Regional Bus Replacement, San Diego, CA | $500,000 | Rep. Susan Davis |
| Buses & Bus Facilities | Rio Hondo College Buses—Los Angeles, CA | $500,000 | Rep. Grace Napolitano |
| Buses & Bus Facilities | Riverside and Corona Transit Centers, CA | $700,000 | Rep. Ken Calvert, Sen. Feinstein |
| Buses & Bus Facilities | SamTrans Revenue Collection System, CA | $500,000 | Rep. Tom Lantos |
| Buses & Bus Facilities | San Diego Balboa Park Trolleys, CA | $335,000 | Sen. Feinstein, Rep. Susan Davis |
| Buses & Bus Facilities | San Joaquin Regional Transit District, CA | $750,000 | Rep. Dennis Cardoza, Rep. Jerry McNerney, Sen. Boxer |
| Buses & Bus Facilities | San Luis Rey Transit Center, CA | $250,000 | Rep. Darrell Issa |
| Buses & Bus Facilities | Santa Maria Intermodal Transit Center, CA | $500,000 | Rep. Lois Capps |
| Buses & Bus Facilities | Street Shuttle Buses for Artesia, CA | $600,000 | Rep. Linda Sanchez |
| Buses & Bus Facilities | Transit Access Passenger Integration, Los Angeles, CA | $750,000 | Rep. Lucille Roybal-Allard, Sen. Feinstein |
| Buses & Bus Facilities | Transit Center, California State Univ, Northridge | $400,000 | Rep. Brad Sherman |
| Buses & Bus Facilities | Tri-Delta Transit Park-and-Ride Lots, CA | $500,000 | Rep. Ellen Tauscher |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Buses & Bus Facilities | Union City Intermodal Station, Union City, CA | $400,000 | Rep. Fortney Stark |
| Buses & Bus Facilities | Venice/Robertson Multi-Modal Station, CA | $500,000 | Rep. Diane Watson |
| Buses & Bus Facilities | VTA Zero Emission Bus Demonstration Program, CA | $400,000 | Rep. Michael Honda |
| Buses & Bus Facilities | Yolo County Bus Maintenance Facility Improvements, CA | $400,000 | Rep. Mike Thompson |
| Buses & Bus Facilities | Colorado Transit Coalition Statewide Request | $3,600,000 | Sen. Allard, Sen. Salazar, Rep. Diana DeGette, Rep. Marilyn Musgrave, Rep. Ed Perlmutter, Rep. John Salazar, Rep. Tom Tancredo, Rep. Mark Udall |
| Buses & Bus Facilities | Bridgeport Intermodal Center, CT | $4,395,000 | Sen. Dodd, Sen. Lieberman, Rep. Christopher Shays |
| Buses & Bus Facilities | Intermodal Center, Mansfield, CT | $500,000 | Rep. Joe Courtney, Sen. Lieberman |
| Buses & Bus Facilities | Norwalk Pulse Point Facility Safety Improvements, CT | $150,000 | Sen. Dodd, Sen. Lieberman |
| Buses & Bus Facilities | Norwich Intermodal Transportation Center, CT | $2,010,000 | Sen. Dodd, Sen. Lieberman |
| Buses & Bus Facilities | South Norwalk Intermodal Facility Phase 2, CT | $500,000 | Rep. Christopher Shays, Sen. Lieberman |
| Buses & Bus Facilities | West Haven Intermodal Station, CT | $600,000 | Rep. Rosa DeLauro, Sen. Lieberman |
| Buses & Bus Facilities | Union Station Intermodal Transportation Facility, DC | $500,000 | Rep. Eleanor Holmes Norton |
| Buses & Bus Facilities | Automotive-Based Fuel Cell Hybrid Bus Program, DE | $1,005,000 | Sen. Biden, Sen. Carper, Rep. Michael Castle |
| Buses & Bus Facilities | Replacement of Fixed Route Transit Buses, DE | $670,000 | Sen. Biden, Sen. Carper, Rep. Michael Castle |
| Buses & Bus Facilities | 7th Avenue Transit Hub, FL | $500,000 | Rep. Kendrick Meek, Sen. Martinez |
| Buses & Bus Facilities | Basic Transit Infrastructure, Hillsborough, FL | $300,000 | Rep. Kathy Castor, Rep. Gus Bilirakis |
| Buses & Bus Facilities | Broward Bus Procurement, FL | $200,000 | Rep. Robert Wexler, Sen. Martinez |
| Buses & Bus Facilities | Broward County Southwest Transit Facility, FL | $500,000 | Rep. Lincoln Diaz-Balart |
| Buses & Bus Facilities | Flagler County Bus and Bus Facilities, FL | $500,000 | Rep. John Mica |
| Buses & Bus Facilities | HART Bus and Paratransit Van Acquisition, FL | $300,000 | Rep. Gus Bilirakis |
| Buses & Bus Facilities | Jacksonville Intermodal Center, FL | $500,000 | Rep. Ander Crenshaw |
| Buses & Bus Facilities | Jacksonville Trans. Auth., Bus and Bus Facilities, FL | $500,000 | Rep. Corrine Brown, Rep. Ander Crenshaw |
| Buses & Bus Facilities | Lakeland Area Mass Transit District, Lakeland, FL | $300,000 | Rep. Adam Putnam |
| Buses & Bus Facilities | Lower Keys Shuttle, Key West, FL | $300,000 | Rep. Ileana Ros-Lehtinen |
| Buses & Bus Facilities | LYNX Bus Acquisition, Orlando, Florida | $1,400,000 | Sen. Martinez, Rep. Corrine Brown |
| Buses & Bus Facilities | Miami Lakes Transit Program, FL | $300,000 | Rep. Mario Diaz-Balart |
| Buses & Bus Facilities | Miami-Dade Transit Bus Procurement Plan, FL | $700,000 | Sen. Martinez, Sen. Bill Nelson |
| Buses & Bus Facilities | Multi-Modal Transportation Program, Boca Raton, FL | $350,000 | Rep. Ron Klein |
| Buses & Bus Facilities | North Orange/South Seminole ITS Enhanced Circulator, City of Orlando, FL | $1,172,500 | Sen. Bill Nelson, Sen. Martinez |
| Buses & Bus Facilities | Palm Beach County AVL/APC & Fareboxes, FL | $750,000 | Rep. Ron Klein, Rep. Tim Mahoney |
| Buses & Bus Facilities | Pasco County Public Transportation (Bus Purchase), FL | $300,000 | Rep. Gus Bilirakis |
| Buses & Bus Facilities | Pinellas Suncoast Transit Auth bus replacement, FL | $400,000 | Rep. C.W. Young |
| Buses & Bus Facilities | PSTA Bus and Bus Facilities, St. Petersburg, FL | $260,000 | Rep. Kathy Castor |

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| Buses & Bus Facilities | Sarasota County Area Transit Bus acquisition, FL | $500,000 | Rep. Vern Buchanan |
| Buses & Bus Facilities | StarMetro Intelligent Transpo System, Tallahassee, FL | $500,000 | Rep. Allen Boyd |
| Buses & Bus Facilities | Suntran Bus Acquisition, Marion County, FL | $200,000 | Rep. Cliff Stearns |
| Buses & Bus Facilities | Town Center Transit Hub in Miramar, FL | $400,000 | Rep. Alcee Hastings |
| Buses & Bus Facilities | Winter Haven Transit Bus and Bus Facility, FL | $300,000 | Rep. Adam Putnam |
| Buses & Bus Facilities | Acquisition of MARTA Clean Fuel Buses, GA | $3,000,000 | Sen. Chambliss, Sen. Isakson, Rep. Jack Kingston, Rep. John Lewis |
| Buses & Bus Facilities | Chatham County, Savannah Bus Facility, GA | $400,000 | Rep. John Barrow, Rep. Jack Kingston |
| Buses & Bus Facilities | City of Moultrie Intermodal Facility, GA | $350,000 | Sen. Chambliss, Rep. Jim Marshall |
| Buses & Bus Facilities | Honolulu Bus and Paratransit Replacement Program, HI | $200,000 | Rep. Neil Abercrombie, Rep. Mazie Hirono, Sen. Inouye, Sen. Akaka |
| Buses & Bus Facilities | Public Transportation Vehicle Enhancement Project, HI | $400,000 | Rep. Mazie Hirono |
| Buses & Bus Facilities | Rural Bus Program for Hawaii, Maui and Kauai Counties, HI | $1,560,000 | Sen. Inouye |
| Buses & Bus Facilities | Coralville Intermodal Facility, IA | $670,000 | Sen. Harkin, Sen. Grassley, Rep. David Loebsack |
| Buses & Bus Facilities | Statewide Bus Replacement, IA | $4,690,000 | Sen. Harkin, Sen. Grassley, Rep. David Loebsack |
| Buses & Bus Facilities | Idaho Transit Coalition Buses and Bus Facilities, ID | $3,212,000 | Sen. Crapo, Sen. Craig, Rep. Michael Simpson |
| Buses & Bus Facilities | Treasure Valley Transit Facilities, ID | $288,000 | Sen. Craig, Sen. Crapo |
| Buses & Bus Facilities | Berwyn Intermodal Transit Facility, IL | $400,000 | Rep. Daniel Lipinski |
| Buses & Bus Facilities | Chicago Transit Authority/69th Street Transit Center, IL | $500,000 | Rep. Bobby Rush |
| Buses & Bus Facilities | Grand Ave. Transit Signal Priority Lake County, IL | $320,000 | Rep. Melissa Bean |
| Buses & Bus Facilities | Illinois Bus and Bus Facilities, IL | $6,000,000 | Sen. Durbin, Rep. Ray LaHood |
| Buses & Bus Facilities | MetroLINK Transit Facility, Rock Island, IL | $500,000 | Rep. Phil Hare, Sen. Durbin, Sen. Obama |
| Buses & Bus Facilities | Mobile Data Terminal/Chicago Paratransit Vehicles, IL | $200,000 | Rep. Danny Davis, Rep. Luis Gutierrez, Sen. Obama |
| Buses & Bus Facilities | Mobile data terminals for PACE, Arlington Hts, IL | $400,000 | Rep. Danny Davis, Sen. Obama |
| Buses & Bus Facilities | Multimodal Center, Normal, IL | $250,000 | Rep. Timothy Johnson, Rep. Jerry Weller, Sen. Obama |
| Buses & Bus Facilities | PACE Bus Park-N-Ride Facility, Plainfield, IL | $250,000 | Rep. Judy Biggert, Sen. Obama |
| Buses & Bus Facilities | PACE South Suburban Signal Transit Signal Priority, IL | $250,000 | Rep. Jesse Jackson, Sen. Obama |
| Buses & Bus Facilities | PACE Suburban Bus Roosevelt Rd/Arlington Hts. IL | $250,000 | Rep. Peter Roskam, Sen. Obama |
| Buses & Bus Facilities | River Valley Metro, Kankakee, IL | $500,000 | Rep. Jerry Weller, Sen. Durbin |
| Buses & Bus Facilities | City Bus Replacement Plan Lafayette, IN | $200,000 | Rep. Steve Buyer |
| Buses & Bus Facilities | City of Anderson, IN, Transit | $400,000 | Rep. Mike Pence, Sen. Lugar |
| Buses & Bus Facilities | Indianapolis Downtown Transit Center & Fleet Additions, IN | $1,490,000 | Sen. Bayh, Sen. Lugar, Rep. Julia Carson |
| Buses & Bus Facilities | Statewide Electric Hybrid Bus Initiative by the Indiana Transit Association, IN | $2,800,000 | Sen. Lugar |
| Buses & Bus Facilities | TRANSPO Bus Operations Center, South Bend, IN | $670,000 | Sen. Bayh, Sen. Lugar, Rep. Joe Donnelly |
| Buses & Bus Facilities | Bus Fleet Replacement, Topeka Metropolitan Transit, KS | $300,000 | Rep. Nancy Boyda |
| Buses & Bus Facilities | Bus Replacement for Unified Government of Wyandotte County, KS | $700,000 | Sen. Brownback, Sen. Roberts, Rep. Dennis Moore |
| Buses & Bus Facilities | City of Lawrence, KS—Bus Replacement | $150,000 | Rep. Dennis Moore |
| Buses & Bus Facilities | Johnson County Transit Bus Replacement, KS | $150,000 | Rep. Dennis Moore |
| Buses & Bus Facilities | Bus Replacement Program, TANK, Ft. Wright, KY | $250,000 | Rep, Geoff Davis |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Buses & Bus Facilities | Fulton County Transit Authority, KY | $400,000 | Rep. Ed Whitfield |
| Buses & Bus Facilities | Paducah Area Transit System, KY | $2,000,000 | Sen. McConnell, Rep. Ed Whitfield |
| Buses & Bus Facilities | TARC Clean Bus program, KY | $250,000 | Rep. John Yarmuth |
| Buses & Bus Facilities | Transit Authority of Northern Kentucky Bus Replacement Project, KY | $1,000,000 | Sen. McConnell |
| Buses & Bus Facilities | Transportation to Wellness, Covington, KY | $200,000 | Rep. Geoff Davis |
| Buses & Bus Facilities | Multimodel Transportation Facility, Lafayette, LA | $825,000 | Sen. Vitter, Sen. Landrieu, Rep. Charles Boustany |
| Buses & Bus Facilities | New Orleans Regional Transit Authority, LA | $500,000 | Rep. William Jefferson, Sen. Vitter, Sen. Landrieu |
| Buses & Bus Facilities | SporTran Buses for the City of Shreveport, LA | $250,000 | Rep. Jim McCrery, Sen. Vitter, Sen. Landrieu |
| Buses & Bus Facilities | Attleboro Intermodal Center, Attleboro MA | $500,000 | Rep. James McGovern, Sen. Kennedy, Sen. Kerry |
| Buses & Bus Facilities | Brockton Area Transit Authority Bus Replacement, MA | $500,000 | Rep. Stephen Lynch, Sen. Kennedy, Sen. Kerry |
| Buses & Bus Facilities | Bus Fleet Replacement Project, WRTA, Worcester, MA | $200,000 | Rep. James McGovern |
| Buses & Bus Facilities | Commonwealth Avenue Green Line Station, MA | $670,000 | Sen. Kennedy, Sen. Kerry, Rep. Michael Capuano |
| Buses & Bus Facilities | Construction of Amesbury Bus Facility, MA | $250,000 | Rep. John Tierney |
| Buses & Bus Facilities | Council on Aging, LRTA; Lowell, MA | $75,000 | Rep. Martin Meehan |
| Buses & Bus Facilities | FRTA, Franklin Regional Transit Center, MA | $800,000 | Rep. John Olver |
| Buses & Bus Facilities | Intermodal Stations in Salem and Beverly, MA | $250,000 | Rep. John Tierney |
| Buses & Bus Facilities | MART Bus and Commuter Facilities, MA | $750,000 | Rep. John Olver |
| Buses & Bus Facilities | MART Commuter Parking and Facilities, MA | $750,000 | Rep. John Olver |
| Buses & Bus Facilities | MBTA Commuter Rail Station Improvements, Melrose, MA | $700,000 | Rep. Edward Markey |
| *Buses & Bus Facilities | Merrimack Valley RTA Buses, MA | $400,000 | Rep. Niki Tsongas |
| Buses & Bus Facilities | Newton Rapid Transit Handicap Accessibility, MA | $400,000 | Rep. Barney Frank |
| Buses & Bus Facilities | Bi-County Transit Center, Langley Park, MD | $835,000 | Sen. Mikulski, Sen. Cardin, Rep. Chris Van Hollen |
| Buses & Bus Facilities | Central MD Transit Operations Facility, Anne Arundel County, MD | $670,000 | Sen. Mikulski, Sen. Cardin, Rep. Elijah Cummings, Rep. C.A. Ruppersberger, Rep. John Sarbanes |
| Buses & Bus Facilities | Maryland Statewide Bus and Bus Facility Program | $750,000 | Rep. Elijah Cummings, Rep. Wayne Gilchrest, Rep. Chris Van Hollen, Rep. Albert Wynn, Sen. Cardin |
| Buses & Bus Facilities | Southern Maryland Commuter Bus Park and Ride Lots | $1,300,000 | Rep. Steny Hoyer, Sen. Mikulski |
| Buses & Bus Facilities | Statewide Buses and Bus Facilities, ME | $300,000 | Rep. Thomas Allen, Sen. Collins, Sen. Snowe |
| Buses & Bus Facilities | 1st District Bus Replacement and Facilities, MI | $4,020,000 | Sen. Levin, Sen. Stabenow, Rep. Bart Stupak |
| Buses & Bus Facilities | Alma Dial-a-Ride (Gratiot County), MI | $300,000 | Rep. Dave Camp, Sen. Levin, Sen. Stabenow |
| Buses & Bus Facilities | Ann Arbor Transportation Authority Transit Center, MI | $750,000 | Rep. John Dingell |
| Buses & Bus Facilities | Belding Dial-A-Ride vehicle, equipment acquisition, MI | $48,000 | Rep. Vernon Ehlers |
| Buses & Bus Facilities | Berrien County Transit, MI | $100,000 | Rep. Fred Upton, Sen. Levin, Sen. Stabenow |
| Buses & Bus Facilities | Bus Component Overhaul, Detroit, MI | $250,000 | Rep. John Conyers, Rep. Carolyn Kilpatrick, Sen. Levin, Sen. Stabenow |

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| Buses & Bus Facilities | Bus Maintenance Facility, Detroit, MI | $750,000 | Rep. John Conyers, Rep. Carolyn Kilpatrick, Sen. Levin, Sen. Stabenow |
| Buses & Bus Facilities | Clare County Transit Corporation/Harrison Airport Facility, MI | $502,500 | Sen. Levin, Sen. Stabenow, Rep. Dave Camp |
| Buses & Bus Facilities | Greater Lapeer Transportation Authority Lapeer, MI | $200,000 | Rep. Candice Miller |
| Buses & Bus Facilities | Harbor Transit, MI | $250,000 | Rep. Peter Hoekstra |
| Buses & Bus Facilities | Ionia Dial-A-Ride vehicle, equipment acquisition, MI | $392,000 | Rep. Vernon Ehlers |
| Buses & Bus Facilities | Isabella County Transportation Commission, MI | $500,000 | Rep. Dave Camp |
| Buses & Bus Facilities | JTA bus replacement, Jackson, MI | $350,000 | Rep. Timothy Walberg |
| Buses & Bus Facilities | Kalamazoo Metro Transit, MI | $250,000 | Rep. Fred Upton |
| Buses & Bus Facilities | Mass Transportation Authority, Flint, Michigan Fiscal Year 2008 Bus and Bus Facilities Program, MI | $2,600,000 | Sen. Levin, Sen. Stabenow, Rep. Dale Kildee |
| Buses & Bus Facilities | Midland Dial-a-Ride (Midland County), MI | $179,000 | Rep. Dave Camp, Sen. Levin, Sen. Stabenow |
| Buses & Bus Facilities | Muskegon Area Transit System, MI | $250,000 | Rep. Peter Hoekstra |
| Buses & Bus Facilities | Replacement Buses, Detroit, MI | $250,000 | Rep. John Conyers, Rep. Carolyn Kilpatrick, Sen. Levin, Sen. Stabenow |
| Buses & Bus Facilities | Sanilac Transportation Authority Carsonville, MI | $400,000 | Rep. Candice Miller |
| Buses & Bus Facilities | STARS Operations Center & Fare Boxes, Saginaw, MI | $500,000 | Rep. Dale Kildee, Sen. Levin, Sen. Stabenow |
| Buses & Bus Facilities | Yates Dial-A-Ride, MI | $250,000 | Rep. Peter Hoekstra |
| Buses & Bus Facilities | Albert Lea Transit Facility, MN | $300,000 | Rep. Timothy Walz |
| Buses & Bus Facilities | Greater Minnesota Transit Bus and Bus Facilities, MN | $3,000,000 | Sen. Coleman, Sen. Klobuchar |
| Buses & Bus Facilities | Replacement Small Buses, St. Cloud Metro Bus, MN | $820,000 | Sen. Klobuchar, Sen. Coleman, Rep. Michele Bachmann |
| Buses & Bus Facilities | Transit Bus Facilities, Duluth, MN | $400,000 | Rep. James Oberstar |
| Buses & Bus Facilities | Union Depot Multi-Modal Hub, St. Paul, MN | $670,000 | Sen. Klobuchar, Rep. Betty McCollum |
| Buses & Bus Facilities | White Earth Tribal Nation SMART Transit and Buses, MN | $400,000 | Rep. Collin Peterson, Sen. Klobuchar |
| Buses & Bus Facilities | City Utilities of Springfield Intermodal Transfer Facility, MO | $1,500,000 | Sen. Bond |
| Buses & Bus Facilities | Forest Park Circulator/I–64 Closure Alleviation, MO | $750,000 | Sen. Bond |
| Buses & Bus Facilities | Franklin County Transit, MO | $176,000 | Rep. Kenny Hulshof |
| Buses & Bus Facilities | Kansas City Area Transportation Authority Bus Replacement (KCATA), MO | $750,000 | Sen. Bond |
| Buses & Bus Facilities | Southeast Missouri Transportation Service (SMTS), MO | $750,000 | Sen. Bond |
| Buses & Bus Facilities | St. Louis Metro Bus & Paratransit Rolling Stock, MO | $500,000 | Rep. William Clay |
| Buses & Bus Facilities | Statewide Bus and Bus Facilities, MO | $1,500,000 | Sen. Bond |
| Buses & Bus Facilities | Coast Transit Authority Bus and Bus Facilities, MS | $3,000,000 | Sen. Cochran |
| Buses & Bus Facilities | JATRAN Fleet Replacement, MS | $1,125,000 | Sen. Cochran |
| Buses & Bus Facilities | LOU Public Transit System, Oxford, MS | $875,000 | Sen. Cochran, Rep. Roger Wicker |
| Buses & Bus Facilities | Bus and Bus Facilities, MT | $670,000 | Sen. Baucus, Sen. Tester |
| Buses & Bus Facilities | CSKT Reservation Transportation Program, MT | $234,500 | Sen. Tester, Sen. Baucus |
| Buses & Bus Facilities | Asheville Replacement Buses Asheville, NC | $300,000 | Rep. Heath Shuler |
| Buses & Bus Facilities | Intermodal Transportation Facility, Winston-Salem, NC | $400,000 | Rep. Melvin Watt |
| Buses & Bus Facilities | North Carolina Statewide Bus and Bus Facilities | $1,250,000 | Rep. Howard Coble, Rep. Robin Hayes, Rep. David Price, Rep. Melvin Watt, Sen. Dole |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Buses & Bus Facilities | TTA Replacement Buses, NC | $500,000 | Rep. Brad Miller |
| Buses & Bus Facilities | North Dakota Statewide Transit | $1,633,500 | Sen. Conrad, Sen. Dorgan, Rep. Earl Pomeroy |
| Buses & Bus Facilities | Metro Area Transit, Omaha, NE—Video Surveillance Security System for Transit Buses/Americans with Disabilities Act Complimentary Paratransit Vehicles, NE | $500,000 | Sen. Ben Nelson |
| Buses & Bus Facilities | I–89 Park and Ride/Bus Terminal, NH | $500,000 | Rep. Paul Hodes |
| Buses & Bus Facilities | Bus Shuttle Project for Seniors, Irvington, NJ | $400,000 | Sen. Lautenberg, Sen. Menendez |
| Buses & Bus Facilities | Hudson County Intermodal Station Pedestrian Bridge, NJ | $300,000 | Rep. Albio Sires, Sen. Lautenberg, Sen. Menendez |
| Buses & Bus Facilities | Lakewood Multi-Modal Facility, Phase I, NJ | $1,340,000 | Sen. Lautenberg, Sen. Menendez |
| Buses & Bus Facilities | Morris County Intermodel Park and Ride, NJ | $500,000 | Rep. Rodney Frelinghuysen, Sen. Lautenberg, Sen. Menendez |
| Buses & Bus Facilities | Newark Penn Station Intermodel Improvement, NJ | $1,340,000 | Sen. Lautenberg, Sen. Menendez, Rep. Donald Payne |
| Buses & Bus Facilities | Northern New Jersey Intermodal Stations & Park-N-Ride | $200,000 | Rep. Steven Rothman, Rep. Rodney Frelinghuysen, Sen. Lautenberg, Sen. Menendez |
| Buses & Bus Facilities | Northwest NJ Intermodal Transit Improvements, NJ | $600,000 | Rep. Scott Garrett, Sen. Lautenberg, Sen. Menendez |
| Buses & Bus Facilities | Passaic/Bergen Intermodal Facilities, NJ | $500,000 | Rep. Bill Pascrell, Sen. Lautenberg, Sen. Menendez |
| Buses & Bus Facilities | South Amboy Intermodal Transportation Initiative, NJ | $500,000 | Rep. Frank Pallone, Sen. Lautenberg, Sen. Menendez |
| Buses & Bus Facilities | West Orange Township Senior Citizen & Handicap Shuttle Bus, NJ | $200,000 | Sen. Lautenberg |
| Buses & Bus Facilities | Albuquerque Transit Facility Rehabilitation, NM | $510,000 | Sen. Domenici, Sen. Bingaman |
| Buses & Bus Facilities | Bus and Bus Facilities, City of Roswell, NM | $300,000 | Sen. Bingaman |
| Buses & Bus Facilities | Bus and Bus Facilities, Grant County, NM | $1,005,000 | Sen. Bingaman |
| Buses & Bus Facilities | Fleet and Capital Items Los Alamos County Transit System, NM | $600,000 | Sen. Domenici, Sen. Bingaman |
| Buses & Bus Facilities | New Mexico Commuter Rail, Santa Fe/Bernalillo Intermodal Facility, NM | $1,105,000 | Sen. Bingaman, Sen. Domenici, Rep. Tom Udall |
| Buses & Bus Facilities | Para-Transit Van Replacement, Las Cruces, NM | $480,000 | Rep. Stevan Pearce, Sen. Bingaman, Sen. Domenici |
| Buses & Bus Facilities | Santa Fe Place Transit Center, NM | $600,000 | Sen. Domenici, Sen. Bingaman |
| Buses & Bus Facilities | Santa Fe Trails Transit Vehicles, NM | $300,000 | Rep. Tom Udall, Sen. Domenici, Sen. Bingaman |
| Buses & Bus Facilities | Transit Vehicle Fleet Upgrades, NM | $1,248,000 | Sen. Domenici, Sen. Bingaman |
| Buses & Bus Facilities | Acquisition of Two Senior Transit Vehicles, NV | $100,000 | Rep. Jon Porter |
| Buses & Bus Facilities | Central City Intermodal Transportation Terminal, NV | $300,000 | Rep. Shelley Berkley, Sen. Reid, Sen. Ensign |
| Buses & Bus Facilities | Reno & Sparks Intermodal Transportation Centers, NV | $750,000 | Sen. Reid, Sen. Ensign, Rep. Dean Heller |
| Buses & Bus Facilities | Statewide Bus and Bus Facilities, NV | $750,000 | Sen. Ensign, Sen. Reid, Rep. Dean Heller |
| Buses & Bus Facilities | Sunset (RTC) Maintenance Facility, NV | $750,000 | Sen. Reid |
| Buses & Bus Facilities | Bronx Zoo Intermodal Transporation Facility, NY | $600,000 | Rep. Eliot Engel, Sen. Schumer |
| Buses & Bus Facilities | Bus replacement/service expansion Suffolk Co. NY | $250,000 | Rep. Timothy Bishop |
| Buses & Bus Facilities | Central New York Regional Transportation Authority, NY | $1,600,000 | Rep. James Walsh |
| Buses & Bus Facilities | City of Poughkeepsie Transit Hub, NY | $780,000 | Sen. Schumer, Sen. Clinton |
| Buses & Bus Facilities | CNYRTA Transit Garage—Oneida County—Utica, NY | $400,000 | Rep. Michael Arcuri |

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| Buses & Bus Facilities | Intermodal Transit Center, Port Chester, NY | $700,000 | Rep. Nita Lowey |
| Buses & Bus Facilities | Jamaica Intermodal Facilities, Jamaica, NY | $500,000 | Rep. Gregory Meeks, Sen. Schumer, Sen. Clinton |
| Buses & Bus Facilities | Lincoln Center Corridor Redevelopment Project, NY | $500,000 | Rep. Jerrold Nadler, Rep. Charles Rangel, Rep. Edolphus Towns, Sen. Clinton, Sen. Schumer |
| Buses & Bus Facilities | Long Island Bus Fleet Replacement, NY | $500,000 | Rep. Carolyn McCarthy, Sen. Schumer, Sen. Clinton |
| Buses & Bus Facilities | Nassau County Hub, NY | $1,560,000 | Sen. Clinton, Sen. Schumer |
| Buses & Bus Facilities | NFTA, Purchase Hybrid Buses, NY | $300,000 | Rep. Brian Higgins, Sen. Clinton, Sen. Schumer |
| Buses & Bus Facilities | Preliminary Design of a Saratoga Bus Facility, NY | $250,000 | Rep. Kirsten Gillibrand, Sen. Schumer, Sen. Clinton |
| Buses & Bus Facilities | Replacement Buses for the Westchester County Bee-Line Bus System, NY | $780,000 | Sen. Schumer, Sen. Clinton |
| Buses & Bus Facilities | Bus Purchase, Portage Area Transit, Kent, OH | $500,000 | Rep. Tim Ryan |
| Buses & Bus Facilities | Central Ohio Transit Authority Bus Replacement, OH | $600,000 | Rep. Deborah Pryce, Sen. Voinovich |
| Buses & Bus Facilities | Greater Dayton RTA Bus Replacement, OH | $500,000 | Rep. Michael Turner |
| Buses & Bus Facilities | Kent State Geauga, Regional Transit Shelter, OH | $450,000 | Rep. Steven LaTourette |
| Buses & Bus Facilities | Kent State Multimodal Transportation Facility, Kent, OH | $200,000 | Rep. Tim Ryan, Sen. Voinovich |
| Buses & Bus Facilities | Senior Transportation Connection, OH | $1,222,000 | Sen. Brown, Rep. Stephanie Jones, Rep. Dennis Kucinich, Sen. Voinovich |
| Buses & Bus Facilities | TARTA Bus and Bus Facilities, OH | $1,000,000 | Rep. Marcy Kaptur |
| Buses & Bus Facilities | West Price Hill Park and Ride, OH | $200,000 | Rep. Steve Chabot |
| Buses & Bus Facilities | Bus and ParaTransit Vans, OK | $300,000 | Rep. Mary Fallin, Sen. Inhofe |
| Buses & Bus Facilities | Sect. 5309 Capital Appropriation-Tulsa Transit, OK | $250,000 | Rep. John Sullivan |
| Buses & Bus Facilities | Sandy Transit Fleet Replacement, Sandy, OR | $400,000 | Rep. Earl Blumenauer, Sen. Wyden, Sen. Smith |
| Buses & Bus Facilities | Yamhill County Transit Project, OR | $150,000 | Rep. David Wu, Sen. Wyden, Sen. Smith |
| Buses & Bus Facilities | 69th Street Terminal Parking Facility, Upper Darby Township, PA | $500,000 | Rep. Joe Sestak |
| Buses & Bus Facilities | Advanced CNG Buses Fleet Replacement—CATA, PA | $750,000 | Rep. John Peterson, Sen. Specter |
| Buses & Bus Facilities | Altoona, PA Intermodal Transportation Center, PA | $335,000 | Sen. Casey |
| Buses & Bus Facilities | Bethlehem Transit Transfer Center, PA | $500,000 | Rep. Charles Dent |
| Buses & Bus Facilities | Butler Multi-Modal Transit Center, PA | $500,000 | Rep. Phil English |
| Buses & Bus Facilities | Church Street Transportation Center, PA | $2,400,000 | Rep. Christopher Carney |
| Buses & Bus Facilities | Expansion of the Scranton Electric Trolley System, PA | $200,000 | Rep. Paul Kanjorski |
| Buses & Bus Facilities | Franklin Street Station Intermodel, Reading PA | $1,250,000 | Sen. Specter, Rep. Jim Gerlach |
| Buses & Bus Facilities | Hybrid-Electric Bus Acquisition (SEPTA), PA | $2,000,000 | Sen. Specter, Rep. Joe Sestak, Rep. Patrick Murphy |
| Buses & Bus Facilities | Paoli Transportation Center, Paoli, PA | $500,000 | Rep. Jim Gerlach, Rep. Joe Sestak |
| Buses & Bus Facilities | Purchase of transit vehicles, York County, PA | $350,000 | Rep. Todd Platts |
| Buses & Bus Facilities | Replacement Buses, Centre Area Transportation Authority (CATA), PA | $700,000 | Sen. Specter, Sen. Casey, Rep. Michael Doyle |
| Buses & Bus Facilities | SEPTA Hybrid Fuel Buses, PA | $500,000 | Rep. Patrick Murphy, Rep. Joe Sestak, Sen. Specter |
| Buses & Bus Facilities | SEPTA Interoperability Communications Initiative, PA | $670,000 | Sen. Casey |
| Buses & Bus Facilities | Union Station Intermodal Trade and Transit Center, PA | $400,000 | Rep. Tim Holden |
| Buses & Bus Facilities | Vehicle Replacement—DuFAST, PA | $600,000 | Rep. John Peterson |
| Buses & Bus Facilities | Rhode Island Public Transit Authority Intelligent Transportation System, RI | $1,368,900 | Sen. Reed |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Buses & Bus Facilities | Columbia Transit Facility, SC | $750,000 | Rep. James Clyburn |
| Buses & Bus Facilities | CARTA N. Shore Shuttle Parking & Terminal Facility, TN | $600,000 | Rep. Zach Wamp |
| Buses & Bus Facilities | Memphis Area Transit Authority, TN | $500,000 | Rep. Steve Cohen |
| Buses & Bus Facilities | MTSU Intermodal Transportation Hub, TN | $200,000 | Rep. Bart Gordon |
| Buses & Bus Facilities | Tennessee DOT, Bus and Bus Facilities Replacement | $4,450,000 | Sen. Alexander, Rep. Steve Cohen, Rep. Jim Cooper, Rep. John Duncan, Rep. Bart Gordon, Rep. John Tanner |
| Buses & Bus Facilities | Abilene Paratransit Vehicle Replacement, TX | $440,000 | Sen. Cornyn, Sen. Hutchison, Rep. Randy Neugebauer |
| Buses & Bus Facilities | Advanced Transit Program / METRO Solutions Bus Expansion, TX | $500,000 | Rep. Al Green |
| Buses & Bus Facilities | Capital Metropolitan Transportation Authority, Austin, TX | $260,000 | Sen. Cornyn, Sen. Hutchison |
| Buses & Bus Facilities | City of El Paso Paratransit Van Replacement, TX | $500,000 | Rep. Silvestre Reyes, Sen. Cornyn |
| Buses & Bus Facilities | City of El Paso, Neighborhood Circulator, TX | $400,000 | Rep. Silvestre Reyes |
| Buses & Bus Facilities | City of Lubbock/Citibus for Alternative Fuel Buses, TX | $500,000 | Rep. Randy Neugebauer, Sen. Hutchison |
| Buses & Bus Facilities | Concho Valley Multi-modal Terminal Building, TX | $250,000 | Rep. K. Conaway |
| Buses & Bus Facilities | Corpus Christi RTA Bus & Bus Facilities, TX | $500,000 | Rep. Solomon Ortiz, Sen. Hutchison |
| Buses & Bus Facilities | Fort Bend County Sienna Plantation Park and Ride, TX | $300,000 | Rep. Nick Lampson |
| Buses & Bus Facilities | Fort Worth Transportation Authority, TX | $300,000 | Rep. Joe Barton |
| Buses & Bus Facilities | Greater Southeast District Transit Facility, TX | $200,000 | Rep. Sheila Jackson-Lee |
| Buses & Bus Facilities | Houston Downtown Clean Fuel Transit Initiative, TX | $1,500,000 | Sen. Cornyn |
| Buses & Bus Facilities | METRO Bus Expansion, Houston, TX | $400,000 | Rep. John Culberson |
| Buses & Bus Facilities | Rio Metro Intercity Transit, Hidalgo County, TX | $500,000 | Rep. Ruben Hinojosa |
| Buses & Bus Facilities | The Woodlands Capital Cost of Contracting, TX | $300,000 | Rep. Kevin Brady |
| Buses & Bus Facilities | Urban Commuter Rail Circulator Vehicles, TX | $250,000 | Rep. Michael McCaul |
| Buses & Bus Facilities | VIA Bus Improvements/Facility Modernization, San Antonio, TX | $2,475,000 | Sen. Hutchison, Sen. Cornyn, Rep. Charles Gonzalez, Rep. Ciro Rodriguez, Rep. Lamar Smith |
| Buses & Bus Facilities | Victoria Bus Replacement, TX | $300,000 | Rep. Ron Paul |
| Buses & Bus Facilities | Intermodal Facilities, UT | $4,200,000 | Sen. Bennett, Sen. Hatch |
| Buses & Bus Facilities | Greater Richmond Transit Company Bus Operations and Maintenance Facility, VA | $450,000 | Rep. Robert Scott, Sen. Webb, Sen. Warner |
| Buses & Bus Facilities | HRTSouthside Bus Facility Replacement, Norfolk, VA | $700,000 | Rep. Thelma Drake, Sen. Warner, Sen. Webb |
| Buses & Bus Facilities | PRTC Bus Facilities, VA | $1,000,000 | Rep. Frank Wolf, Sen. Warner |
| Buses & Bus Facilities | Southside Bus Facility Replacement in Hampton Roads, VA | $1,200,000 | Sen. Warner, Sen. Webb, Rep. Robert Scott |
| Buses & Bus Facilities | WMATA Bus and Bus Facilities, DC/MD/VA | $1,140,000 | Sen. Warner, Sen. Webb |
| Buses & Bus Facilities | WMATA Bus Safety Initiative, VA | $200,000 | Rep. James Moran, Rep. Eleanor Holmes Norton, Sen. Warner, Sen. Webb |
| Buses & Bus Facilities | VITRAN Purchase, USVI | $400,000 | Rep. Donna Christensen |
| Buses & Bus Facilities | Bennington Multi-Modal Facility, VT | $335,000 | Sen. Sanders |
| Buses & Bus Facilities | Bus Replacement for Rural Community Transportation of St. Johnsbury, VT | $335,000 | Sen. Sanders |

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| Buses & Bus Facilities | CCTA Buses, Facilities and Equipment, VT | $2,600,000 | Sen. Leahy, Sen. Sanders, Rep. Peter Welch |
| Buses & Bus Facilities | Vans for Vermont Senior Centers, VT | $200,000 | Sen. Sanders |
| Buses & Bus Facilities | Vermont Statewide Buses, Facilities and Equipment, VT | $670,000 | Sen. Leahy, Sen. Sanders |
| Buses & Bus Facilities | Ben Franklin Transit, Fleet Expansion and Modernization, WA | $700,000 | Sen. Murray, Sen. Cantwell Rep. Doc Hastings |
| Buses & Bus Facilities | Clallam Transit Vehicle Replacement, WA | $196,000 | Sen. Murray, Sen. Cantwell |
| Buses & Bus Facilities | Columbia County Public Transportation Vehicle Replacement, WA | $84,000 | Sen. Murray, Sen. Cantwell |
| Buses & Bus Facilities | Community Transit Vehicle Replacement, WA | $1,050,000 | Sen. Murray, Sen. Cantwell, Rep. Jay Inslee |
| Buses & Bus Facilities | C–TRAN Vehicle Replacement, WA | $490,000 | Sen. Murray, Sen. Cantwell |
| Buses & Bus Facilities | Everett Transit Vehicle Replacement, WA | $600,000 | Sen. Murray, Sen. Cantwell |
| Buses & Bus Facilities | Grays Harbor Transit Vehicle Replacement, WA | $105,000 | Sen. Murray, Sen. Cantwell |
| Buses & Bus Facilities | Hybrid Bus Program, WA | $300,000 | Rep. Jim McDermott, Rep. David Reichert, Sen. Murray, Sen Cantwell |
| Buses & Bus Facilities | Intercity Transit Multimodal Facility Olympia, WA | $350,000 | Rep. Brian Baird, Sen. Murray, Sen. Cantwell |
| Buses & Bus Facilities | Island Transit Vehicle Replacement, WA | $420,000 | Sen. Murray, Sen. Cantwell |
| Buses & Bus Facilities | Jefferson Transit Vehicle Replacement, WA | $350,000 | Sen. Murray, Sen. Cantwell |
| Buses & Bus Facilities | Link Transit Vehicle Replacement, WA | $550,000 | Sen. Murray, Sen. Cantwell |
| Buses & Bus Facilities | Mason Transit Vehicle Replacement, WA | $280,000 | Sen. Murray |
| Buses & Bus Facilities | Pacific Transit Vehicle Replacement, WA | $35,000 | Sen. Murray, Sen. Cantwell |
| Buses & Bus Facilities | Pierce Transit Peninsula Park & Ride, WA | $1,050,000 | Sen. Murray, Sen. Cantwell, Rep. Norman Dicks |
| Buses & Bus Facilities | Port Angles International Gateway Project, WA | $350,000 | Sen. Murray |
| Buses & Bus Facilities | Pullman Transit Maintenance Facility Expansion, WA | $800,000 | Sen. Murray, Sen. Cantwell |
| Buses & Bus Facilities | Skagit Transit Bus Replacement, WA | $200,000 | Rep. Rick Larsen, Sen. Murray, Sen. Cantwell |
| Buses & Bus Facilities | Spokane Transit Smart Bus Technology Modernization, WA | $700,000 | Sen. Murray, Sen. Cantwell |
| Buses & Bus Facilities | University Place Intermodal Transit Facility, WA | $750,000 | Sen. Murray |
| Buses & Bus Facilities | 7th District Bus Services, WI | $1,250,000 | Rep. David Obey |
| Buses & Bus Facilities | Janseville City Transit System, WI | $750,000 | Rep. Paul Ryan |
| Buses & Bus Facilities | Milwaukee County Bus Capital, WI | $500,000 | Rep. Gwen Moore |
| Buses & Bus Facilities | Wisconsin Statewide Bus and Bus Facilities, WI | $3,350,000 | Sen. Kohl, Rep. Steve Kagen, Rep. Paul Ryan |
| Delta Regional Transportation Development Program | Caruthersville Downtown Infrastructure Road Redevelopment, Caruthersville, MO | $375,000 | Sen. Bond |
| Delta Regional Transportation Development Program | Highway 67 (Wappapello Bridge) Four Lane Improvement Project, MO | $2,250,000 | Sen. Bond, Rep. Jo Ann Emerson |
| Delta Regional Transportation Development Program | Newburg Bridge Replacement, MO | $180,000 | Sen. Bond |
| Delta Regional Transportation Development Program | Route AB Route Extension, Cape Girardeau, MO | $570,000 | Sen. Bond, Rep. Jo Ann Emerson |
| Delta Regional Transportation Development Program | Route AB/Nash Road Improvement Project, MO | $750,000 | Sen. Bond, Rep. Jo Ann Emerson |
| Delta Regional Transportation Development Program | Route D Road Improvement Project, MO | $1,875,000 | Sen. Bond |
| Delta Regional Transportation Development Program | Route EE Road/Multi-Modal Improvement Project, MO | $750,000 | Sen. Bond |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
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| Delta Regional Transportation Development Program | Route Y Safety Improvement Project, MO | $750,000 | Sen. Bond, Rep. Jo Ann Emerson |
| Delta Regional Transportation Development Program | Canton Parkway, MS | $2,800,000 | Sen. Cochran |
| Delta Regional Transportation Development Program | Greenville Street Revitilization, MS | $1,500,000 | Sen. Cochran |
| Delta Regional Transportation Development Program | Marks Airport, MS | $1,000,000 | Sen. Cochran |
| Delta Regional Transportation Development Program | Statesman Boulevard and Trail, MS | $1,500,000 | Sen. Cochran |
| F&E—Facilities and Equipment | Alaska Volcano Monitoring/Observatory Program, AK | $2,700,000 | Sen. Stevens, The President |
| F&E—Facilities and Equipment | Alaskan NAS Interfacility Communications System, AK | $2,000,000 | Sen. Stevens, The President |
| F&E—Facilities and Equipment | Approach Lighting System Improvement Program, AK | $2,550,000 | Sen. Stevens |
| F&E—Facilities and Equipment | Saline County Airport ILS Continuation, AR | $400,000 | Rep. Vic Snyder |
| F&E—Facilities and Equipment | Integrated Control and Monitoring System, CA | $2,000,000 | Rep. David Dreier |
| F&E—Facilities and Equipment | NextGen Integrated Airport Project, FL | $2,000,000 | Sen. Bill Nelson, Rep. John Mica |
| F&E—Facilities and Equipment | Council Bluffs Municipal Airport, IA | $1,640,000 | Sen. Harkin, Sen. Grassley, Rep. Steve King |
| F&E—Facilities and Equipment | Airport Surveillance Radar (ASR–9) at O'Hare Airport, IL | $5,000,000 | Sen. Durbin |
| F&E—Facilities and Equipment | Independence Municipal Airport, KS | $700,000 | Rep. Todd Tiahrt |
| F&E—Facilities and Equipment | Completion of ILS installation, Somerset Airport, KY | $510,000 | Rep. Harold Rogers |
| F&E—Facilities and Equipment | Center for Aviation Safety Research, MO | $2,250,000 | Sen. Bond |
| F&E—Facilities and Equipment | Runway Obstruction Warning System, Gulfport, MS | $2,000,000 | Sen. Cochran |
| F&E—Facilities and Equipment | Runway Touchdown Zone and Centerline Lighting, Gulfport-Biloxi Airport, MS | $500,000 | Rep. Gene Taylor, Sen. Cochran |
| F&E—Facilities and Equipment | Northeastern Regional Airport ILS Completion, Edenton, NC | $500,000 | Rep. G. K. Butterfield, Sen. Burr |
| F&E—Facilities and Equipment | Piedmont Triad International Airport, NC | $1,050,000 | Sen. Burr |
| F&E—Facilities and Equipment | Radar Relocation, Bismark Municipal Airport, ND | $1,000,000 | Sen. Dorgan, Sen. Conrad, Rep. Earl Pomeroy |
| F&E—Facilities and Equipment | Alliance Municipal Airport, NE | $468,000 | Sen. Ben Nelson |
| F&E—Facilities and Equipment | Wind Hazard Detection Equipment, NV | $800,000 | Sen. Reid |
| F&E—Facilities and Equipment | ILS at Aiken Municipal Airport, SC | $950,000 | Sen. Graham, Rep. J. Barrett |
| F&E—Facilities and Equipment | Multilateration Air Traffic Surveillance, Provo, UT | $700,000 | Sen. Bennett, Sen. Hatch |
| F&E—Facilities and Equipment | Rutland State Airport Lighting (MALSR) Improvements, VT | $1,350,000 | Sen. Leahy, Rep. Peter Welch |
| *F&E—Facilities and Equipment | SEATAC ASDE–X Relocation and Upgrade, Seattle, WA | $5,000,000 | Sen. Murray |
| F&E—Facilities and Equipment | System-Wide Information Management/Mobile Objects Technology, WA | $2,100,000 | Sen. Murray, Sen. Cantwell |
| F&E—Towers | Oakland, CA Air Traffic Control Facilities | $4,600,000 | The President |
| F&E—Towers | Palm Springs Airport Air Traffic Control Tower, CA | $2,000,000 | Rep. Mary Bono, Sen. Boxer, The President |
| F&E—Towers | San Francisco Control Tower Replacement, CA | $1,500,000 | Rep. Nancy Pelosi, Rep. Tom Lantos, Rep. Ellen Tauscher |

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| F&E—Towers | Jefferson County Air Traffic Control Tower, CO | $2,500,000 | Rep. Mark Udall, Rep. Tom Tancredo, Sen. Salazar, The President |
| F&E—Towers | Fort Lauderdale, FL Air Traffic Control Facilities | $1,000,000 | Sen. Martinez, The President |
| F&E—Towers | Orlando, FL Air Traffic Control Facilities | $7,000,000 | Sen. Martinez, The President |
| F&E—Towers | Pensacola, FL Air Traffic Control Facilities | $4,180,000 | Sen. Martinez, The President |
| F&E—Towers | West Palm Beach Air Traffic Control Facility, FL | $7,590,000 | Rep. Robert Wexler, Sen. Martinez, The President |
| F&E—Towers | Boise, ID Air Traffic Control Facilities | $9,074,000 | Sen. Craig, Sen. Crapo, The President |
| F&E—Towers | Barnstable Municipal Airport, MA | $3,250,000 | Sen. Kennedy, Sen. Kerry, Rep. William Delahunt |
| F&E—Towers | Nantucket Memorial Airport, MA | $2,750,000 | Sen. Kennedy, Sen. Kerry, Rep. William Delahunt |
| F&E—Towers | Kalamazoo, MI Air Traffic Control Facilities | $22,550,000 | The President |
| F&E—Towers | Traverse City, MI Air Traffic Control Facilities | $1,150,000 | The President |
| F&E—Towers | Greenwood Airport Tower Construction, MS | $1,500,000 | Sen. Cochran, Sen. Lott |
| F&E—Towers | Gulfport, MS Air Traffic Control Facilities | $11,997,000 | Sen. Cochran, The President |
| F&E—Towers | Missoula, MT Air Traffic Control Facilities | $754,000 | The President |
| F&E—Towers | Reno, NV Air Traffic Control Facilities | $15,223,000 | The President |
| F&E—Towers | LaGuardia, NY Air Traffic Control Facilities | $9,000,000 | The President |
| F&E—Towers | Dayton, OH Air Traffic Control Facilities | $2,300,000 | The President |
| F&E—Towers | Toledo, OH Air Traffic Control Facilities | $1,450,000 | The President |
| F&E—Towers | Medford, OR Air Traffic Control Facilities | $1,100,000 | The President |
| F&E—Towers | Memphis, TN Air Traffic Control Facilities | $4,760,000 | The President |
| F&E—Towers | Abilene, TX Air Traffic Control Facilities | $2,200,000 | The President |
| F&E—Towers | Houston, TX Air Traffic Control Facilities | $29,072,000 | The President |
| FAA—Operations | Medallion Program, AK | $2,550,000 | Sen. Stevens |
| FAA—Operations | Alien Species Action Plan (ASAP), HI | $1,250,000 | Sen. Inouye |
| FB—Ferry Boats and Terminal Facilities | Berkeley/Albany Ferry Service, CA | $750,000 | Rep. Barbara Lee |
| FB—Ferry Boats and Terminal Facilities | Ferry Maintenance Facility in Vallejo, CA | $1,000,000 | Rep. George Miller |
| FB—Ferry Boats and Terminal Facilities | San Francisco Bay Area Water Transit Ferry Boat, CA | $670,000 | Sen. Feinstein |
| FB—Ferry Boats and Terminal Facilities | Mayport Ferry Replacement Vessel, Jacksonville, FL | $500,000 | Rep. Ander Crenshaw |
| FB—Ferry Boats and Terminal Facilities | Green River Ferry Rehabilitation, KY | $364,000 | Rep. Ron Lewis |
| FB—Ferry Boats and Terminal Facilities | Oak Bluffs Ferry Terminal Reconstruction, MA | $1,375,000 | Rep. William Delahunt, Sen. Kennedy, Sen. Kerry |
| FB—Ferry Boats and Terminal Facilities | Water Taxi/Ferry Service, City of Medford, MA | $825,000 | Rep. Edward Markey |
| FB—Ferry Boats and Terminal Facilities | Swan's Island Ferry Facilities, ME | $1,875,000 | Sen. Collins, Sen. Snowe |
| FB—Ferry Boats and Terminal Facilities | Landing Craft for Mackinac Island, MI | $300,000 | Rep. Bart Stupak |
| FB—Ferry Boats and Terminal Facilities | Port of Detroit Public Dock and Terminal Project, MI | $2,345,000 | Sen. Levin, Sen. Stabenow |
| FB—Ferry Boats and Terminal Facilities | Port of New Bourbon, Ste. Genevieve, MO | $500,000 | Rep. Russ Carnahan |
| FB—Ferry Boats and Terminal Facilities | North Carolina Statewide Ferry System, NC | $2,325,000 | Sen. Dole |
| FB—Ferry Boats and Terminal Facilities | Bemus-Stow Ferry and Facilities Upgrades, NY | $500,000 | Rep. Brian Higgins |
| FB—Ferry Boats and Terminal Facilities | Engineering & construction of Glen Cove Ferry and Facilities, NY | $1,350,000 | Sen. Schumer, Sen. Clinton, Rep. Peter King |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| FB—Ferry Boats and Terminal Facilities | Ferry infrastructure, NY | $750,000 | Rep. Anthony Weiner, Sen. Schumer, Sen. Clinton |
| FB—Ferry Boats and Terminal Facilities | Haverstraw Ferry Terminal, NY | $312,000 | Sen. Clinton, Sen. Schumer |
| FB—Ferry Boats and Terminal Facilities | Ocean Beach Ferry Terminal Enhancement, NY | $1,300,000 | Rep. Steve Israel |
| FB—Ferry Boats and Terminal Facilities | Excursion Vessel Project, OH | $500,000 | Rep. Betty Sutton |
| FB—Ferry Boats and Terminal Facilities | Put-In-Bay Ferry Terminal Improvements, OH | $500,000 | Rep. Marcy Kaptur |
| FB—Ferry Boats and Terminal Facilities | River Ferry Boat Transportation Program, City of Oklahoma City, OK | $1,750,000 | Sen. Inhofe |
| FB—Ferry Boats and Terminal Facilities | Port Aransas Ferryboat Expansion, TX | $750,000 | Rep. Solomon Ortiz |
| FB—Ferry Boats and Terminal Facilities | Ferry Boats, USVI | $750,000 | Rep. Donna Christensen |
| FB—Ferry Boats and Terminal Facilities | Ferry in Wahkiakum County, WA | $200,000 | Sen. Murray, Sen. Cantwell, Rep. Brian Baird |
| FB—Ferry Boats and Terminal Facilities | Kitsap Transit, Low-wake Passenger-only Ferry, WA | $1,000,000 | Rep. Norman Dicks |
| FB—Ferry Boats and Terminal Facilities | Kitsap Transit, Rich-Passage Wake Impact Study, WA | $1,540,000 | Sen. Murray, Sen. Cantwell |
| FB—Ferry Boats and Terminal Facilities | Multimodal Terminal Redevelopment, Mukilteo, WA | $1,000,000 | Rep. Rick Larsen, Sen. Murray |
| FB—Ferry Boats and Terminal Facilities | New Ferry Boat Construction, WA | $500,000 | Rep. Jay Inslee, Sen. Murray, Sen. Cantwell |
| FB—Ferry Boats and Terminal Facilities | SR 304/Bremerton Transportation Center Project, WA | $5,900,000 | Rep. Norman Dicks, Sen. Murray, Sen. Cantwell |
| FB—Ferry Boats and Terminal Facilities | Vashon Island Passenger Only Ferry, WA | $600,000 | Sen. Murray, Sen. Cantwell, Rep. Jim McDermott |
| FL—Federal lands (Public Lands Highways) | U.S. Forest Highway 4, Winston County, Alabama | $1,000,000 | Rep. Robert Aderholt, Sen. Shelby |
| FL—Federal lands (Public Lands Highways) | Highway Improvements in Sells, AZ | $1,000,000 | Rep. Raul Grijalva |
| FL—Federal lands (Public Lands Highways) | Hoover Dam Bypass Bridge, AZ | $2,000,000 | Sen. Kyl, Rep. Trent Franks |
| FL—Federal lands (Public Lands Highways) | Paving of FS 512 (Young Road), AZ | $750,000 | Rep. Rick Renzi |
| FL—Federal lands (Public Lands Highways) | Road from Hardrock to Pinon, AZ (Navajo Reservation) | $750,000 | Rep. Rick Renzi |
| FL—Federal lands (Public Lands Highways) | Bald Hill Slide Mitigation and Repair Project, CA | $1,000,000 | Rep. Mike Thompson |
| FL—Federal lands (Public Lands Highways) | Forest Highway 171 Widening, Butte County, CA | $1,000,000 | Rep. Wally Herger |
| FL—Federal lands (Public Lands Highways) | Golden Gate National Park Conservancy, Park Access and Trails, San Francisco, CA | $3,000,000 | Rep. Nancy Pelosi, Rep. Tom Lantos, Rep. Lynn Woolsey, Sen. Feinstein |
| FL—Federal lands (Public Lands Highways) | Needles Highway, Needles, CA | $2,300,000 | Rep. Jerry Lewis |
| FL—Federal lands (Public Lands Highways) | Pacific Way Bridge, Marin County, CA | $500,000 | Rep. Lynn Woolsey |
| FL—Federal lands (Public Lands Highways) | South Access to Golden Gate Bridge, Doyle Drive, CA | $1,500,000 | Rep. Nancy Pelosi |
| FL—Federal lands (Public Lands Highways) | SH 115, CO | $500,000 | Rep. Doug Lamborn, Sen. Salazar |
| FL—Federal lands (Public Lands Highways) | SH 13 from Wyoming State Line South through CO | $500,000 | Rep. John Salazar, Sen. Salazar |
| FL—Federal lands (Public Lands Highways) | SH9, Frisco to Breckenridge, CO | $1,000,000 | Rep. Mark Udall, Sen. Salazar |
| FL—Federal lands (Public Lands Highways) | State Highway 150 (US 160N to Great Sand Dunes), CO | $2,260,000 | Sen. Salazar, Sen. Allard, Rep. John Salazar |
| FL—Federal lands (Public Lands Highways) | U.S. 491, Montezuma County, CO | $1,000,000 | Rep. John Salazar, Sen. Salazar |
| FL—Federal lands (Public Lands Highways) | Chesapeake and Delaware Canal Recreation Trail, DE | $700,000 | Rep. Michael Castle |
| FL—Federal lands (Public Lands Highways) | Sharpes Ferry Bridge Replacement, Marion County, FL | $1,000,000 | Rep. Ric Keller |
| FL—Federal lands (Public Lands Highways) | Federal Lands Program, State of HI | $1,170,000 | Sen. Inouye |

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| FL—Federal lands (Public Lands Highways) | City of Rocks Back Country Byway, ID | $3,950,000 | Sen. Crapo, Sen. Craig, Rep. Michael Simpson |
| FL—Federal lands (Public Lands Highways) | FH–24, Banks to Lowman, ID | $500,000 | Rep. Bill Sali, Sen. Craig |
| FL—Federal lands (Public Lands Highways) | Reconstruction of K–20 between US75 and Horton, KS | $250,000 | Rep. Nancy Boyda |
| FL—Federal lands (Public Lands Highways) | Riverwalk Construction Phase 2 Section 3, Lowell, MA | $1,000,000 | Rep. Marty Meehan |
| FL—Federal lands (Public Lands Highways) | APG Highway Access, Aberdeen Proving Ground, MD | $250,000 | Rep. C.A. Ruppersberger, Sen. Mikulski |
| FL—Federal lands (Public Lands Highways) | BRAC Related Improvements, Harford County, MD | $2,010,000 | Sen. Mikulski, Sen. Cardin, Rep. C.A. Ruppersberger |
| FL—Federal lands (Public Lands Highways) | BRAC/MD 355—Transportation Analysis, Bethesda, MD | $2,010,000 | Sen. Mikulski, Sen. Cardin, Rep. Chris Van Hollen |
| FL—Federal lands (Public Lands Highways) | MD 175 Improvements, Anne Arundel County, MD | $500,000 | Rep. C.A. Ruppersberger, Rep. John Sarbanes, Sen. Mikulski, Sen. Cardin |
| FL—Federal lands (Public Lands Highways) | MD 4 at Suitland Parkway, Prince George's County, MD | $2,500,000 | Rep. Steny Hoyer, Rep. Albert Wynn, Sen. Mikulski, Sen. Cardin |
| FL—Federal lands (Public Lands Highways) | U.S. 15 at Monocacy Boulevard, Frederick, MD | $250,000 | Rep. Roscoe Bartlett, Sen. Cardin |
| FL—Federal lands (Public Lands Highways) | Western Maryland Welcome Center Frederick Co MD | $250,000 | Rep. Roscoe Bartlett |
| FL—Federal lands (Public Lands Highways) | MN TH 38 Improvements, MN | $500,000 | Rep. James Oberstar |
| FL—Federal lands (Public Lands Highways) | Safety Project on Environmental Effects of Dust Suppressant Chemicals on Federal Lands Highways, MO | $1,312,500 | Sen. Bond |
| FL—Federal lands (Public Lands Highways) | SR 601 from I–10 to SR 26, MS | $1,000,000 | Rep. Gene Taylor |
| FL—Federal lands (Public Lands Highways) | Tupelo Thoroughfare Corridor, Tupelo, MS | $1,000,000 | Rep. Roger Wicker |
| FL—Federal lands (Public Lands Highways) | Montana Secondary 323 from Ekalaka to Alzada, MT | $1,600,000 | Rep. Dennis Rehberg, Sen. Baucus |
| FL—Federal lands (Public Lands Highways) | Blue Ridge Parkway, Asheville, NC | $1,000,000 | Rep. Heath Shuler |
| FL—Federal lands (Public Lands Highways) | NC 143 in Graham County, NC | $750,000 | Rep. Heath Shuler |
| FL—Federal lands (Public Lands Highways) | Lewis and Clark Legacy Trail, ND | $536,000 | Sen. Conrad, Sen. Dorgan |
| FL—Federal lands (Public Lands Highways) | Three Affiliated Tribes Wells Road, ND | $1,000,000 | Rep. Earl Pomeroy, Sen. Dorgan, Sen. Conrad |
| FL—Federal lands (Public Lands Highways) | Valentine National Wildlife Refuge Roads, NE | $300,000 | Rep. Adrian Smith, Sen. Hagel |
| FL—Federal lands (Public Lands Highways) | West Jemez Bypass Construction, Los Alamos County, NM | $1,340,000 | Sen. Bingaman |
| FL—Federal lands (Public Lands Highways) | Carson Freeway, Phase 2, Carson City, NV | $1,000,000 | Rep. Dean Heller |
| FL—Federal lands (Public Lands Highways) | Craig Road Grade Separation/Overpass, NV | $500,000 | Rep. Shelley Berkley, Sen. Reid |
| FL—Federal lands (Public Lands Highways) | I–15 Corridor Study, NV | $250,000 | Rep. Shelley Berkley, Rep. Jon Porter, Sen. Reid |
| FL—Federal lands (Public Lands Highways) | I–80 at Vista Boulevard and McCarran Boulevard, NV | $750,000 | Sen. Reid |
| FL—Federal lands (Public Lands Highways) | Southern Nevada Beltway Interchanges, NV | $1,100,000 | Sen. Reid, Rep. Shelley Berkley, Rep. Jon Porter |
| FL—Federal lands (Public Lands Highways) | SR–160 Blue Diamond Highway-Clark and Nye Counties, NV | $1,500,000 | Sen. Ensign, Sen. Reid, Rep. John Porter |
| FL—Federal lands (Public Lands Highways) | U.S. 93/Interstate 15 interchange, NV | $700,000 | Rep. Dean Heller, Rep. Jon Porter, Sen. Reid |
| FL—Federal lands (Public Lands Highways) | Fort Drum Connector Road, NY | $800,000 | Rep. John McHugh, Sen. Schumer |
| FL—Federal lands (Public Lands Highways) | Hudson Valley Welcome Center, Hyde Park, NY | $1,725,000 | Rep. Kristen Gillibrand, Sen. Schumer |
| FL—Federal lands (Public Lands Highways) | Granger Road/Transportation Boulevard Improvement, OH | $1,000,000 | Rep. Dennis Kucinich |
| FL—Federal lands (Public Lands Highways) | Improved Access to Cuyahoga Valley National Park, OH | $500,000 | Rep. Betty Sutton |
| FL—Federal lands (Public Lands Highways) | Sequoyah Refuge Road, Sequoyah, OK | $500,000 | Rep. Dan Boren |
| FL—Federal lands (Public Lands Highways) | United Keetowah Band Tribal Roads, Tahlequah, OK | $500,000 | Rep. Dan Boren |
| FL—Federal lands (Public Lands Highways) | I–84 Sandy River Delta Project, Salem, OR | $1,000,000 | Rep. Earl Blumenauer, Sen. Smith, Sen. Wyden |
| FL—Federal lands (Public Lands Highways) | BIA Route 14 (Gooseneck Road)-Oglala Sioux Tribe, SD | $1,692,000 | Sen. Johnson |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| FL—Federal lands (Public Lands Highways) | Kenel Road Rehabilitation and Resurfacing-Standing Rock Sioux Tribe, SD | $2,000,000 | Sen. Johnson |
| FL—Federal lands (Public Lands Highways) | Pave from Sitting Bull Monument to US 12 and from US 12 to north of SD 1806P from SD 1806 to end of pavement in Wakpala, SD | $593,600 | Sen. Thune |
| FL—Federal lands (Public Lands Highways) | SD 44 and SD 73, Paving in Jackson and Mellette Counties, SD | $630,000 | Sen. Thune |
| FL—Federal lands (Public Lands Highways) | US 212 Paving from Eagle Butte to East of the SD 63 East Junction, Serving Cheyenne River Reservation, SD | $700,000 | Sen. Johnson, Sen. Thune |
| FL—Federal lands (Public Lands Highways) | State Route 374 from SR 149 to 77 Montgomery Co,TN | $500,000 | Rep. Marsha Blackburn |
| FL—Federal lands (Public Lands Highways) | Stones River National Battlefield Tour Route, TN | $1,000,000 | Rep. Bart Gordon |
| FL—Federal lands (Public Lands Highways) | Bear River Access Road Forest Street Improvements Project, UT | $875,000 | Sen. Hatch, Sen. Bennett, Rep. Rob Bishop |
| FL—Federal lands (Public Lands Highways) | Halchita Bridge, San Juan County, UT | $500,000 | Rep. Jim Matheson |
| FL—Federal lands (Public Lands Highways) | State Route 92, Lehi to Highland, UT | $500,000 | Rep. Jim Matheson |
| FL—Federal lands (Public Lands Highways) | 14th Street Bridge/GW Memorial Parkway, VA | $3,000,000 | Rep. James Moran |
| FL—Federal lands (Public Lands Highways) | Route 1/619 Traffic Circle at Quantico, VA | $500,000 | Rep. Jo Ann Davis |
| FL—Federal lands (Public Lands Highways) | Vermont Federal Lands Projects, VT | $335,000 | Sen. Leahy |
| FL—Federal lands (Public Lands Highways) | 116th Street NE Interchange Improvement Project, Tulalip Tribes, WA | $1,050,000 | Sen. Murray, Sen. Cantwell |
| FL—Federal lands (Public Lands Highways) | Discovery Trail, Long Beach to Port of Ilwaco, WA | $375,000 | Rep. Brian Baird, Sen. Murray, Sen. Cantwell |
| FL—Federal lands (Public Lands Highways) | Fidalgo Bay Improvement Project, Samish Tribe, WA | $500,000 | Sen. Murray, Sen. Cantwell |
| FL—Federal lands (Public Lands Highways) | Skomish Tribe Access Road and US 101 Realignment, WA | $1,000,000 | Sen. Murray, Sen. Cantwell |
| FL—Federal lands (Public Lands Highways) | Welcome Center on SR 410, WA | $750,000 | Rep. David Reichert, Sen. Murray, Sen. Cantwell |
| FL—Federal lands (Public Lands Highways) | 17-Mile Road Reconstruction, Wind River Indian Reservation, WY | $2,100,000 | Sen. Enzi, Sen. Thomas, Sen. Barrasso, Rep. Barbara Cubin |
| *FL—Federal lands (Public Lands Highways) | Grand Teton National Park Pathways System, WY | $1,750,000 | Sen. Barrasso |
| Grade Crossings on Designated High Speed Rail Corridors | Grade Crossing Hazard Elimination, Glendale, CA | $500,000 | Rep. Adam Schiff, Sen. Feinstein |
| Grade Crossings on Designated High Speed Rail Corridors | Leucadia Boulevard/At-Grade Rail Safety Improvements, CA | $500,000 | Rep. Brian Bilbray |
| Grade Crossings on Designated High Speed Rail Corridors | Southern California Regional Rail Authority, San Fernando Valley, CA | $1,000,000 | Rep. Howard Berman |
| Grade Crossings on Designated High Speed Rail Corridors | Ventura County, Metrolink Grade Crossing Improvements, CA | $500,000 | Rep. Elton Gallegly |
| Grade Crossings on Designated High Speed Rail Corridors | Gulf Coast Corridor Grade Crossing Hazard Elimination, MS and LA | $500,000 | Rep. William Jefferson, Rep. Gene Taylor |
| Grade Crossings on Designated High Speed Rail Corridors | Hopson Road Grade Separation, Raleigh, NC | $500,000 | Rep. David Price |
| Grade Crossings on Designated High Speed Rail Corridors | Klumac Road Grade Separation, Salisbury, NC | $300,000 | Rep. Melvin Watt |
| Grade Crossings on Designated High Speed Rail Corridors | Private Crossing Safety Initiative, NC | $275,000 | Rep. Melvin Watt |
| Grade Crossings on Designated High Speed Rail Corridors | Quiet Zone at Union Pacific Grade Crossings, Round Rock, TX | $500,000 | Rep. John Carter |
| IM—Interstate Maintenance Discretionary | Highway 55 Hurricane Evacuation Corridor Study, AL | $250,000 | Rep. Terry Everett, Sen. Shelby |

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| IM—Interstate Maintenance Discretionary | Lighting along Interstate 85 at Exits 77 and 70, AL | $125,000 | Rep. Mike Rogers (AL), Sen. Shelby |
| IM—Interstate Maintenance Discretionary | Interstate 69/Great River Bridge: Highway 65–MS Highway 1, AR | $2,600,000 | Sen. Lincoln, Sen. Pryor |
| IM—Interstate Maintenance Discretionary | Interstates 430/630 Interchange Modifications, AR | $3,180,000 | Sen. Lincoln, Sen. Pryor, Rep. Vic Snyder |
| IM—Interstate Maintenance Discretionary | I–10 Improvements, Western Maricopa County, AZ | $1,375,000 | Rep. Raul Grijalva, Sen. Kyl, Rep. Trent Franks |
| IM—Interstate Maintenance Discretionary | Interstate–10, Pepper Avenue, San Bernardino, CA | $1,000,000 | Rep. Joe Baca |
| IM—Interstate Maintenance Discretionary | Lathrop Road/Interstate 5 Interchange Improvements, CA | $500,000 | Rep. Dennis Cardoza |
| IM—Interstate Maintenance Discretionary | Ranchero Road Corridor Project, Hesperia, CA | $1,500,000 | Rep. Jerry Lewis |
| IM—Interstate Maintenance Discretionary | Rancho Cucamonga, CA I15/Baseline Rd. Interchange, CA | $750,000 | Rep. David Dreier |
| IM—Interstate Maintenance Discretionary | San Diego Freeway (I–405) Widening and Improvement, CA | $500,000 | Rep. Dana Rohrabacher |
| IM—Interstate Maintenance Discretionary | SR–56 Connectors and I–5 Widening, CA | $500,000 | Rep. Brian Bilbray |
| IM—Interstate Maintenance Discretionary | State Route 76 widening and realignment, CA | $250,000 | Rep. Darrell Issa |
| IM—Interstate Maintenance Discretionary | I–225 Corridor Improvements, CO | $670,000 | Sen. Salazar, Sen. Allard, Rep. Ed Perlmutter |
| IM—Interstate Maintenance Discretionary | I–25 / SH 16 (Fort Carson Interchange), CO | $2,260,000 | Sen. Salazar, Sen. Allard, Rep. Doug Lamborn |
| IM—Interstate Maintenance Discretionary | I–25 North of SH 66, CO | $500,000 | Rep. Marilyn Musgrave |
| IM—Interstate Maintenance Discretionary | I–70 Stapleton Interchange, Denver, CO | $500,000 | Rep. Diana DeGette, Sen. Salazar |
| IM—Interstate Maintenance Discretionary | I–76 (Colorado's NE Gateway), CO | $500,000 | Rep. Marilyn Musgrave, Sen. Salazar |
| IM—Interstate Maintenance Discretionary | State of Delaware Turnpike Improvements Project, DE | $1,490,000 | Sen. Biden, Sen. Carper, Rep. Michael Castle |
| IM—Interstate Maintenance Discretionary | I–75/Collier Blvd/SR 84 Interchange Improvements, FL | $500,000 | Rep. Connie Mack |
| IM—Interstate Maintenance Discretionary | I–75/Everglades Blvd. Interchange Study, FL | $250,000 | Rep. Mario Diaz-Balart |
| IM—Interstate Maintenance Discretionary | I–75/Griffin Road Interchange, FL | $1,500,000 | Rep. Debbie Wasserman Schultz |
| IM—Interstate Maintenance Discretionary | I–95 Interchange at Yamato Road and Spanish River Boca, FL | $1,000,000 | Rep. Ron Klein |
| IM—Interstate Maintenance Discretionary | I–95 Interchange, Boca Raton, FL | $500,000 | Rep. Robert Wexler |
| IM—Interstate Maintenance Discretionary | Interstate 75 in Manatee County, FL | $500,000 | Rep. Vern Buchanan |
| IM—Interstate Maintenance Discretionary | I–85 at CR98/Gabbettville Road, Troup County, GA | $1,125,000 | Sen. Chambliss |
| IM—Interstate Maintenance Discretionary | Widen Lee Road bridge at I–20, GA | $500,000 | Rep. David Scott |
| IM—Interstate Maintenance Discretionary | H–1 Improvements Kinau and Lusitana Ramps Project, HI | $3,900,000 | Sen. Inouye |
| IM—Interstate Maintenance Discretionary | Kapolei Interchange Complex, HI | $1,000,000 | Rep. Neil Abercrombie, Rep. Maize Hirono |
| IM—Interstate Maintenance Discretionary | I–235 Storm Water Management Improvements, IA | $1,000,000 | Rep. Leonard Boswell, Sen. Grassley, Sen. Harkin |
| IM—Interstate Maintenance Discretionary | Interstate 29 Reconstruction/Utility Relocation, Sioux City, IA | $1,050,000 | Sen. Grassley, Sen. Harkin, Rep. Steve King |
| IM—Interstate Maintenance Discretionary | Recontruct Interstate 80, Johnson County, IA | $500,000 | Rep. Dave Loebsack, Sen. Harkin |
| IM—Interstate Maintenance Discretionary | U.S. 34 Bridge Mills County, IA | $250,000 | Rep. Steve King |
| IM—Interstate Maintenance Discretionary | I–84, Curtis Road to Broadway Interchange Widening, ID | $1,500,000 | Sen. Crapo, Sen. Craig, Rep. Michael Simpson |
| IM—Interstate Maintenance Discretionary | I55 Noise Abatement Project (North), Woodridge, IL | $400,000 | Rep. Judy Biggert |
| IM—Interstate Maintenance Discretionary | I–235/US 54 & I–235/Central Ave Interchange, KS | $500,000 | Rep. Todd Tiahrt, Sen. Brownback |
| IM—Interstate Maintenance Discretionary | Interstate 70 Viaduct Realignment, Topeka, KS | $750,000 | Sen. Brownback, Rep. Nancy Boyda |
| IM—Interstate Maintenance Discretionary | Green River Area Transportation Corridor 2025 Plan, KY | $350,000 | Sen. Bunning |
| IM—Interstate Maintenance Discretionary | Improvement of Highland Pike (KY 1072) to Farrell Drive, KY | $350,000 | Sen. Bunning |
| IM—Interstate Maintenance Discretionary | KY Ohio River Bridges Project, Louisville, KY | $1,000,000 | Rep. John Yarmuth |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| IM—Interstate Maintenance Discretionary | I–20 Transp. Corridor Program-Lincoln Parish, LA | $500,000 | Rep. Rodney Alexander, Sen. Landrieu, Sen. Vitter |
| IM—Interstate Maintenance Discretionary | I–49, North, LA | $700,000 | Sen. Vitter, Sen. Landrieu |
| IM—Interstate Maintenance Discretionary | Interstate 49 North LA, I–220 to AR State Line, LA | $500,000 | Rep. Jim McCrery |
| IM—Interstate Maintenance Discretionary | I–91 Fiber and Conduit Project, MA | $1,000,000 | Rep. John Olver |
| IM—Interstate Maintenance Discretionary | I–93 P&D Const. Andover, Tewksbury, Wilmington, MA | $400,000 | Rep. Marty Meehan |
| IM—Interstate Maintenance Discretionary | Route 495 Southbound Ramp, Mansfield & Norton, MA | $750,000 | Rep. Barney Frank |
| IM—Interstate Maintenance Discretionary | I–270 at MD 85, Frederick County MD | $500,000 | Rep. Roscoe Bartlett |
| IM—Interstate Maintenance Discretionary | I–695 (Baltimore Beltway) NE, Baltimore County, MD | $750,000 | Rep. C.A. Ruppersberger, Rep. John Sarbanes, Sen. Mikulski |
| IM—Interstate Maintenance Discretionary | I–295, Exit 4 Improvement Project, ME | $375,000 | Sen. Collins, Sen. Snowe, Rep. Thomas Allen |
| IM—Interstate Maintenance Discretionary | Bridge Replacement I–75 at M–21/Corunna Rd Flint, MI | $500,000 | Rep. Dale Kildee |
| IM—Interstate Maintenance Discretionary | I–94/I–275 Interchange Ramp Reconstruction, MI | $1,000,000 | Rep. John Dingell |
| IM—Interstate Maintenance Discretionary | Latson Road interchange at I–96 in Livingston City, MI | $500,000 | Rep. Mike Rogers (MI) |
| IM—Interstate Maintenance Discretionary | Rehabilitation of I–696 from M–53 to I–94, MI | $500,000 | Rep. Sander Levin |
| IM—Interstate Maintenance Discretionary | I–35/MN TH 95, MN | $1,500,000 | Rep. James Oberstar |
| IM—Interstate Maintenance Discretionary | I–35W Reconstruction Design, New Brighton, MN | $900,000 | Rep. Betty McCollum, Sen. Klobuchar |
| IM—Interstate Maintenance Discretionary | Interstate 44 at State Route 5, Laclede County, MO | $500,000 | Rep. Ike Skelton |
| IM—Interstate Maintenance Discretionary | Route 266 & Interchange with I44 Springfield, MO | $500,000 | Rep. Roy Blunt |
| IM—Interstate Maintenance Discretionary | Study for improvm. I–270 at I–44, St. Louis County, MO | $250,000 | Rep. Robert Akin |
| IM—Interstate Maintenance Discretionary | Byram-Clinton Norrell Corridor Project, MS | $500,000 | Sen. Cochran, Rep. Bennie Thompson |
| IM—Interstate Maintenance Discretionary | I–15 Helena Custer Avenue Interchange, MT | $1,005,000 | Sen. Tester, Sen. Baucus |
| IM—Interstate Maintenance Discretionary | I–40 in McDowell County, NC | $1,000,000 | Rep. Heath Shuler |
| IM—Interstate Maintenance Discretionary | I–40/I–77 Interchange in Iredell County, NC | $750,000 | Sen. Dole |
| IM—Interstate Maintenance Discretionary | I–77 in Mecklenburg County, NC | $500,000 | Rep. Melvin Watt, Sen. Dole |
| IM—Interstate Maintenance Discretionary | I–95 in Cumberland, Harnett, and Johnston Counties, NC | $750,000 | Sen. Dole, Rep. Bob Etheridge |
| IM—Interstate Maintenance Discretionary | I–29/52nd Avenue S Interchange Reconstruction, Fargo, ND | $670,000 | Sen. Conrad, Sen. Dorgan, Rep. Earl Pomeroy |
| IM—Interstate Maintenance Discretionary | I–80 Westbound Bridge over Missouri River, NE | $600,000 | Sen. Hagel |
| IM—Interstate Maintenance Discretionary | I–25 Mesa del Sol Interchange, Albuquerque, NM | $500,000 | Rep. Heather Wilson, Sen. Bingaman, Sen. Domenici |
| IM—Interstate Maintenance Discretionary | Fernley Interchange at I–80, NV | $500,000 | Sen. Ensign, Rep. Dean Heller |
| IM—Interstate Maintenance Discretionary | Henderson Starr Road Interchange, NV | $500,000 | Rep. Jon Porter, Sen. Reid |
| IM—Interstate Maintenance Discretionary | I–90 Exit 8 Phase 2 Connector, Rensselaer, NY | $500,000 | Rep. Michael McNulty |
| IM—Interstate Maintenance Discretionary | Brent Spence Bridge Study, OH | $670,000 | Sen. Brown, Sen. Voinovich |
| IM—Interstate Maintenance Discretionary | City of Columbus Interstate 70/71 Cap Project, OH | $350,000 | Sen. Voinovich, Rep. Deborah Price |
| IM—Interstate Maintenance Discretionary | Galbraith Road Interchange (exit) northbound I–75, OH | $500,000 | Rep. Steve Chabot |
| IM—Interstate Maintenance Discretionary | I–280 Veterans Glass City Skyway Lighting Enhancement, OH | $500,000 | Rep. Marcy Kaptur |

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| IM—Interstate Maintenance Discretionary | I–670/Stelzer Road Interchange, OH | $500,000 | Rep. Patrick Tiberi |
| IM—Interstate Maintenance Discretionary | I–71 Corridor Access Improvements at MLK, OH | $750,000 | Sen. Voinovich, Rep. Steve Chabot |
| IM—Interstate Maintenance Discretionary | I–71/Rt 665 Interchange, Grove City, OH | $500,000 | Rep. Deborah Pryce, Sen. Voinovich |
| IM—Interstate Maintenance Discretionary | I–44 Arkansas River East to Yale Avenue, Tulsa, OK | $500,000 | Rep. John Sullivan |
| IM—Interstate Maintenance Discretionary | Interstate 40 Crosstown Expressway, Oklahoma City, OK | $500,000 | Rep. Mary Fallin |
| IM—Interstate Maintenance Discretionary | Columbia River Crossing, Portland, OR | $750,000 | Sen. Smith, Sen. Wyden, Rep. Earl Blumenauer |
| IM—Interstate Maintenance Discretionary | I–5/Wilsonville Interchange, OR | $500,000 | Rep. Darlene Hooley, Sen. Smith, Sen. Wyden |
| IM—Interstate Maintenance Discretionary | I–84 Burnt River Canyon, OR | $1,340,000 | Sen. Wyden, Sen. Smith, Rep. Greg Walden |
| IM—Interstate Maintenance Discretionary | Pennsylvania Turnpike/I–95 Connection, PA | $700,000 | Rep. Patrick Murphy, Sen. Casey |
| IM—Interstate Maintenance Discretionary | I–195 Relocation in Providence, RI | $1,500,000 | Rep. Patrick Kennedy, Rep. James Langevin, Sen. Reed, Sen. Whitehouse |
| IM—Interstate Maintenance Discretionary | Fairview Street/I–385 Interchange, SC | $375,000 | Sen. Graham, Rep. Bob Inglis |
| IM—Interstate Maintenance Discretionary | I–95 and SC 327 Interchange Improvement Project, SC | $500,000 | Rep. John Spratt |
| IM—Interstate Maintenance Discretionary | I–95/SC 301 Interchange Improvement Project, SC | $4,000,000 | Rep. James Clyburn, Rep. Joe Wilson, Sen. Graham |
| IM—Interstate Maintenance Discretionary | US 278 Corridor Construction, SC | $250,000 | Sen. Graham |
| IM—Interstate Maintenance Discretionary | Monroe County Tennessee High Mast Lighting, TN | $500,000 | Rep. John Duncan |
| IM—Interstate Maintenance Discretionary | IH–35W Congestion Relief, TX | $350,000 | Sen. Hutchison |
| IM—Interstate Maintenance Discretionary | Interstate 69 (Texas Portion) | $1,000,000 | Rep. Nick Lampson, Rep. Sheila Jackson-Lee, Rep. Kevin Brady, Rep. Ralph Hall |
| IM—Interstate Maintenance Discretionary | University of Texas at El Paso, Reconstruction of Off-Ramp | $500,000 | Rep. Silvestre Reyes |
| IM—Interstate Maintenance Discretionary | US 287 Ennis Bypass from BU 287 to South of SH 34, TX | $500,000 | Rep. Joe Barton |
| IM—Interstate Maintenance Discretionary | I–15 Bluff Street Interchange, UT | $700,000 | Sen. Hatch, Sen. Bennett, Rep. Jim Matheson |
| IM—Interstate Maintenance Discretionary | I–15 Dixie Drive Interchange, UT | $500,000 | Rep. Jim Matheson |
| IM—Interstate Maintenance Discretionary | I–95/Fairfax County Parkway Interchange at Newington Road, VA | $2,010,000 | Sen. Webb |
| IM—Interstate Maintenance Discretionary | Lee Highway Corridor Improvement Project, VA | $500,000 | Rep. Tom Davis |
| IM—Interstate Maintenance Discretionary | I–5 Port of Tacoma Interchange Project, WA | $1,000,000 | Sen. Murray, Sen. Cantwell |
| IM—Interstate Maintenance Discretionary | I–5/I–205 Salmon Creek Interchange Project, WA | $700,000 | Sen. Murray, Sen. Cantwell, Rep. Brian Baird |
| IM—Interstate Maintenance Discretionary | I–5/SR 510 Lacey Interchange Improvement Project, WA | $500,000 | Sen. Murray, Sen. Cantwell |
| IM—Interstate Maintenance Discretionary | I–5/SR18/SR161—Triangle Project, Federal Way, WA | $500,000 | Rep. Adam Smith, Sen. Cantwell |
| IM—Interstate Maintenance Discretionary | Interstate 25 reconstruction, Glenrock to Hat Six, WY | $950,000 | Sen. Enzi, Sen. Thomas, Rep. Barbara Cubin |
| New Starts / Fixed Guideway | Central Phoenix/East Valley Light Rail-Phoenix, AZ | $90,000,000 | The President, Rep. Harry Mitchell, Rep. Ed Pastor |
| New Starts / Fixed Guideway | Metro Gold Line Eastside Extension, Los Angeles, CA | $80,000,000 | The President, Rep. Lucille Roybal Allard, Sen. Feinstein, Sen. Boxer |
| New Starts / Fixed Guideway | South Sacramento Corridor Phase 2 Project, CA | $4,500,000 | Rep. Daniel Lungren, Rep. Doris Matsui, Sen. Boxer, Sen. Feinstein |
| New Starts / Fixed Guideway | Third Street Light Rail Transit Project-Central, San Francisco, CA | $12,000,000 | Rep. Nancy Pelosi, Sen. Feinstein |
| New Starts / Fixed Guideway | Southeast Corridor Multi-Modal Project (T–REX), CO | $51,560,484 | The President, Sen. Allard, Sen. Salazar, Rep. Diana DeGette, Rep. Tom Tancredo, Rep. Mark Udall |
| New Starts / Fixed Guideway | West Corridor Light Rail Project, Denver, CO | $40,000,000 | The President, Sen. Allard, Sen. Salazar, Rep. Diana DeGette, Rep Ed Perlmutter, Rep. Tom Tancredo, Rep. Mark Udall |
| New Starts / Fixed Guideway | New-Britain-Hartford Busway, CT | $3,338,400 | Sen. Dodd, Sen. Lieberman, Rep. John Larson |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| New Starts / Fixed Guideway | JTA Bus Rapid Transit System, Jacksonville, FL | $9,520,000 | Sen. Martinez, Sen. Bill Nelson, Rep. Corrine Brown |
| New Starts / Fixed Guideway | Metrorail Orange Line Expansion, FL | $2,000,000 | Rep. Kendrick Meek, Sen. Martinez, Sen. Bill Nelson |
| New Starts / Fixed Guideway | Honolulu High Capacity Transit Corridor Project, HI | $15,500,000 | Sen. Inouye, Sen. Akaka, Rep. Neil Abercrombie, Rep. Maize Hirono |
| New Starts / Fixed Guideway | CTA Brown Line Capacity Expansion (Ravenswood), IL | $40,000,000 | The President, Rep. Rahm Emanuel, Sen. Durbin |
| New Starts / Fixed Guideway | Metra Connects, Southeast Service, IL | $7,375,000 | Rep. Jesse Jackson, Sen. Durbin, Sen. Obama |
| New Starts / Fixed Guideway | METRA, STAR Line, Northeastern IL | $7,375,000 | Rep. Melissa Bean, Rep. Judy Biggert, Rep. J. Hastert, Rep. Mark Kirk, Rep. Peter Roskam, Rep. Jerry Weller, Sen. Durbin, Sen. Obama |
| New Starts / Fixed Guideway | METRA, Union Pacific Northwest Line, Northeastern IL | $7,375,000 | Rep. Melissa Bean, Rep. Rahm Emanuel, Rep. Mark Kirk, Sen. Durbin, Sen. Obama |
| New Starts / Fixed Guideway | Northern Indiana Commuter Transit District Recapitalization, IN | $5,000,000 | Rep. Peter Visclosky, Rep. Joe Donnelly, Sen. Lugar |
| New Starts / Fixed Guideway | North Shore Corridor and Blue Line Extension, MA | $2,000,000 | Rep. John Tierney |
| New Starts / Fixed Guideway | Largo Metrorail Extension, MD | $35,000,000 | Sen. Warner, Sen. Webb |
| New Starts / Fixed Guideway | MARC Commuter Rail Improvements and Rolling Stock, MD | $10,000,000 | Sen. Cardin, Sen. Mikulski, Rep. John Sarbanes |
| New Starts / Fixed Guideway | Central Corridor Light Rail, Ramsey County, MN | $10,400,000 | Sen. Coleman, Sen. Klobuchar, Rep. Keith Ellison, Rep. Betty McCollum |
| New Starts / Fixed Guideway | NorthStar Commuter Rail, MN | $55,000,000 | Sen. Coleman, Sen. Klobuchar, Rep. Keith Ellison, Rep. James Oberstar |
| New Starts / Fixed Guideway | Charlotte Rapid Transit Extension, NC | $2,000,000 | Rep. Sue Myrick, Rep. Melvin Watt, Sen. Dole, Sen. Burr |
| New Starts / Fixed Guideway | Monmouth-Ocean-Middlesex Cnty Passenger Rail Line, NJ | $1,000,000 | Rep. Jim Saxton, Rep. Christopher Smith, Sen. Lautenberg, Sen. Menendez |
| New Starts / Fixed Guideway | MOS2 of the Hudson Bergen Light Rail, NJ | $55,192,995 | The President, Rep. Albio Sires, Sen. Lautenberg, Sen. Menendez |
| New Starts / Fixed Guideway | Northwest NJ-Northeast PA Passenger Rail Project | $3,000,000 | Rep. Rodney Frelinghuysen |
| New Starts / Fixed Guideway | Trans-Hudson Midtown Corridor, New Jersey | $15,000,000 | Sen. Lautenberg, Sen. Menendez, Rep. Albio Sires |
| New Starts / Fixed Guideway | Long Island Rail Road East Side Access, New York, NY | $215,000,000 | The President, Sen. Clinton, Sen. Schumer |
| New Starts / Fixed Guideway | Second Avenue Subway Phase 1, NY | $171,235,000 | The President, Rep. Carolyn Maloney, Rep. Jerrold Nadler, Sen. Clinton, Sen. Schumer |
| New Starts / Fixed Guideway | I–205/Portland Mall Light Rail, OR | $80,000,000 | The President, Rep. Darlene Hooley, Sen. Smith, Sen. Wyden |
| New Starts / Fixed Guideway | North Shore LRT Connector, Pittsburgh, PA | $33,516,444 | The President |
| New Starts / Fixed Guideway | South County Commuter Rail, Wickford Junction Station, RI | $12,519,846 | Sen. Reed |
| New Starts / Fixed Guideway | DCTA Fixed Guideway/Engineering, Lewisville, TX | $250,000 | Rep. Michael Burgess |
| New Starts / Fixed Guideway | North Corridor BRT, Houston and Southeast Corridor BRT, TX | $20,000,000 | Sen. Hutchison, Rep. John Culberson, Rep. Al Green, Rep. Gene Green |
| New Starts / Fixed Guideway | NW/SE LRT MOS in Dallas, TX | $86,250,000 | The President, Rep. Joe Barton, Rep. Ralph Hall, Rep. Eddie Johnson, Rep. Sam Johnson, Rep. Pete Sessions, Sen Cornyn, Sen. Hutchison |
| New Starts / Fixed Guideway | Mid-Jordan Light Rail Extension, UT | $20,000,000 | Sen. Bennett, Sen. Hatch |
| New Starts / Fixed Guideway | Weber County to Salt Lake City Commuter Rail, UT | $80,000,000 | The President, Rep. Rob Bishop, Sen. Bennett, Sen. Hatch |

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| New Starts / Fixed Guideway | Dulles Corridor Metrorail Project, VA | $35,000,000 | Rep. Frank Wolf, Rep. Tom Davis, Sen. Warner, Sen. Webb |
| New Starts / Fixed Guideway | Norfolk Light Rail Project, VA | $23,500,000 | Sen. Warner, Sen. Webb, Rep. Robert Scott |
| New Starts / Fixed Guideway | VRE Rolling Stock, VA | $4,000,000 | Sen. Webb |
| New Starts / Fixed Guideway | Central Link Initial Segment, Seattle, WA | $70,000,000 | The President, Sen. Murray |
| New Starts / Fixed Guideway | University Link LRT Extension, Seattle, WA | $20,000,000 | The President, Sen. Murray |
| Rail Line Relocation and Improvement Program | Sacramento Intermodal Terminal Facility Track Relocation, CA | $400,000 | Rep. Matsui, Sen. Feinstein |
| Rail Line Relocation and Improvement Program | Pecos Street grade crossing, CO | $200,000 | Rep. Ed Perlmutter, Rep. Mark Udall, Sen. Salazar |
| Rail Line Relocation and Improvement Program | Railroad Grade Separation Project, Elkhart, IN | $450,000 | Rep. Joe Donnelly, Sen. Lugar |
| Rail Line Relocation and Improvement Program | Railroad Relocation Planning, Terre Haute, IN | $450,000 | Rep. Brad Ellsworth, Sen. Lugar |
| Rail Line Relocation and Improvement Program | Rail Safety Upgrades, Coos County, NH | $400,000 | Rep. Paul Hodes |
| Rail Line Relocation and Improvement Program | Mount Vernon Railroad Cut, NY | $250,000 | Rep. Eliot Engel, Sen. Schumer |
| Rail Line Relocation and Improvement Program | Rail Line Relocation in Chester, SC | $400,000 | Rep. John Spratt |
| Rail Line Relocation and Improvement Program | Pierre Rail Improvements, Pierre, SD | $200,000 | Rep. Stephanie Herseth |
| Rail Line Relocation and Improvement Program | Wisconsin West Rail Transit Authority, Barron, WI | $2,500,000 | Rep. David Obey, Sen. Kohl |
| Research (FAA) | Airframe Maintenance Technology AAS Degree Program, DE | $335,000 | Sen. Carper |
| Research (FAA) | Jet Engine Technology Inspection, IA | $500,000 | Sen. Harkin, Sen. Grassley |
| Research (FAA) | Support of Aircraft Fleet Evaluation Research, IA | $335,000 | Sen. Harkin, Sen. Grassley |
| Research (FAA) | National Institute for Aviation Research, KS | $2,400,000 | Sen. Brownback, Rep. Todd Tiahrt |
| Research (FAA) | Research on Small Aircraft, National Institute for Aviation Research, KS | $700,000 | Sen. Brownback, Sen. Roberts |
| Research (FAA) | Advance Materials in Transport Aircraft Structures, WA | $700,000 | Sen. Murray |
| Research (FAA) | Advanced Materials and Manufacturing Innovation Center, WA | $525,000 | Sen. Murray |
| Research (FAA) | Spiroid Winglet Fuel Efficiency Research, WA | $2,100,000 | Sen. Murray |
| Research (FRA) | Positive Train Control Technology, AK | $750,000 | Sen. Stevens |
| Research (FRA) | Center for Commercial Deployment of Transportation Technologies, CA | $250,000 | Rep. Dana Rohrabacher |
| *Research (FRA) | Public Education and Enforcement Research Study (PEERS), IL | $500,000 | Sen. Durbin |
| Research (FRA) | Advanced Freight Locomotive Safety and Monitoring System, MA | $1,000,000 | Rep. John Olver |
| Research (FRA) | Constructed Facilities Center at West Virginia University, WV | $195,000 | Sen. Byrd |
| Research (FRA) | Track Stability Technology, Marshall University, WV | $585,000 | Sen. Byrd |
| Research (FTA) | Southern Fuel Cell Coalition Demonstration Project, GA | $200,000 | Rep. John Lewis |
| Research (FTA) | Community Transportation Association of America, Nationwide Joblinks | $1,700,000 | Rep. John Olver |
| Research (FTA) | BuSolutions Advanced Transit Research, MI | $700,000 | Rep. Joe Knollenberg |
| Research (FTA) | Missouri Transportation Institute, MO | $1,750,000 | Sen. Bond |
| Research (FTA) | Staten Island Transit Enhancements Plan—Phase II, NY | $225,000 | Sen. Clinton, Sen. Schumer, Rep. Jerrold Nadler |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Research (FTA) | Prototype Vehicle Domestic Manufacturer, OR | $500,000 | Sen. Wyden |
| Research (FTA) | American Cities Transportation Institute, PA | $300,000 | Rep. Chaka Fattah |
| Research (FTA) | East Tennessee Hydrogen Initiative, TN | $700,000 | Rep. John Duncan, Rep. Zach Wamp |
| Research (FTA) | WVU Exhaust Emission Testing Initiative, WV | $780,000 | Sen. Byrd |
| Research (NHTSA) | Commercial Vehicle Rollover Prevention Technology Demonstration, MI | $1,000,000 | Rep. Joe Knollenberg |
| *Research (NHTSA) | Teens in the Drivers Seat, TX | $350,000 | Rep. Ciro Rodriguez |
| Research (NHTSA) | Lightweight Plastic and Composite Vehicles, WA | $350,000 | Sen. Murray |
| Small Starts | AC Transit BRT Corridor—Alameda County, CA | $500,000 | Rep. Barbara Lee |
| Small Starts | Metro Rapid Bus System Gap Closure, Los Angeles, CA | $16,681,000 | The President, Sen. Boxer |
| Small Starts | Perris Valley Line Metrolink Extension, CA | $2,000,000 | Sen. Feinstein |
| Small Starts | Rapid Transit (BRT) Project, Livermore, CA | $3,000,000 | Rep. Jerry McNerney, Rep. Ellen Tauscher |
| Small Starts | SMART EIS and PE, CA | $2,000,000 | Rep. Mike Thompson, Rep. Lynn Woolsey |
| Small Starts | Telegraph Avenue-International Boulevard-East 14th Street Bus Rapid Transit Corridor Improvements, CA | $2,000,000 | Sen. Feinstein |
| Small Starts | Planning and Design, Bus Rapid Transit-State Avenue Corridor, Wyandotte County, KS | $1,500,000 | Sen. Brownback |
| Small Starts | MBTA Fitchburg to Boston Rail Corridor Project Development and Construction, MA | $6,000,000 | Rep. John Olver |
| Small Starts | Troost Corridor Bus Rapid Transit, MO | $6,260,000 | The President, Sen. Bond, Rep. Emanuel Cleaver |
| *Small Starts | I–69 HOV/BRT, MS | $7,700,000 | Sen. Cochran |
| Small Starts | Lane Transit District, Pioneer Parkway EmX Corridor, OR | $14,800,000 | The President, Rep. Peter DeFazio, Sen. Wyden, Sen. Smith |
| Small Starts | Bus Rapid Transit, Cumberland County, PA | $300,000 | Rep. Todd Platts |
| Small Starts | CORRIDORone, PA | $11,200,000 | Rep. Joseph Pitts, Sen. Specter, Rep. Tim Holden, Sen. Casey |
| Small Starts | Pawtucket/Central Falls Commuter Rail Station, RI | $2,000,000 | Sen. Reed |
| Small Starts | Galveston Rail Trolley Extenstion to Seawall Boulevard, TX | $2,000,000 | Sen. Hutchison |
| Small Starts | VIA Bus Rapid Transit Corridor Project, San Antonio, TX | $5,000,000 | Rep. Charles Gonzalez, Rep. Ciro Rodriguez |
| Small Starts | Provo Orem Bus Rapid Transit, UT | $4,100,000 | Sen. Bennett, Sen. Hatch, Rep. Chris Cannon |
| Small Starts | Route 1 Bus Rapid Transit, Potomac Yard-Crystal City, Alexandria and Arlington, VA | $1,000,000 | Sen. Webb, Sen. Warner, Rep. James Moran |
| Small Starts | Virginia Railway Express Extension-Gainesville/Haymarket, VA | $500,000 | Rep. Tom Davis |
| Small Starts | King County Pacific Highway South BRT, Seattle, WA | $14,076,000 | The President, Sen. Murray, Rep. Adam Smith |
| Surface Transportation Priorities | Denali Commission, Alaska for transportation infrastructure projects throughout rural Alaska, AK | $7,500,000 | Sen. Stevens |
| Surface Transportation Priorities | Atmore, Alabama Road Improvement | $250,000 | Rep. Jo Bonner, Sen. Shelby |
| Surface Transportation Priorities | Church Street Overpass, Huntsville, AL | $1,000,000 | Rep. Robert Cramer, Sen. Shelby |
| Surface Transportation Priorities | City of Tuscaloosa Downtown Revitalization Project, AL—Twenty First Avenue Phase I and University Boulevard Phase III, AL | $4,200,000 | Sen. Shelby |
| Surface Transportation Priorities | Southside bridge replacement, Etowah County, AL | $1,000,000 | Rep. Robert Aderholt, Sen. Shelby |
| Surface Transportation Priorities | Wall Triana Road Project, Madison County, AL | $500,000 | Rep. Robert Cramer, Sen. Shelby |
| Surface Transportation Priorities | Winchester Road Widening, City of Huntsville, AL | $750,000 | Rep. Robert Cramer, Sen. Shelby |

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| Surface Transportation Priorities | Bella Vista Bypass, AR | $500,000 | Rep. John Boozman, Sen. Lincoln, Sen. Pryor |
| Surface Transportation Priorities | Highway 165 Overpass, Stuttgart, AR | $500,000 | Rep. Marion Berry, Sen. Lincoln, Sen. Pryor |
| Surface Transportation Priorities | Highway 71/Future Interstate 49 Development and Construction between Louisiana Line and Doddridge, AR | $1,000,000 | Rep. Mike Ross, Sen. Lincoln, Sen. Pryor |
| Surface Transportation Priorities | Highway 77 Rail Grade Separation, Marion, AR | $500,000 | Rep. Marion Berry, Sen. Lincoln, Sen. Pryor |
| Surface Transportation Priorities | I–555 Access Road, Poinsett County, AR | $1,000,000 | Rep. Marion Berry, Sen. Lincoln, Sen. Pryor |
| Surface Transportation Priorities | Westside (Caraway) Overpass, City of Jonesboro, AR | $1,840,000 | Sen. Lincoln, Sen. Pryor, Rep. Marion Berry |
| Surface Transportation Priorities | Houghton Road Corridor Bridge Replacement, Tucson, AZ | $750,000 | Rep. Gabrielle Giffords |
| Surface Transportation Priorities | Indian Bend Road Improvements, Scottsdale, AZ | $1,000,000 | Rep. Harry Mitchell |
| Surface Transportation Priorities | Twin Peaks Corridor Project, Marana, AZ | $1,500,000 | Rep. Gabrielle Giffords, Rep. Ed Pastor |
| Surface Transportation Priorities | 16th Street, San Miguel Railroad Crossing Safety, CA | $250,000 | Rep. Kevin McCarthy |
| Surface Transportation Priorities | Airport Boulevard/Highway 101 Interchange, Monterey, CA | $500,000 | Rep. Sam Farr |
| Surface Transportation Priorities | Blossom Hill/Monterey Highway Crossing, San Jose, CA | $500,000 | Rep. Zoe Lofgren, Sen. Feinstein |
| Surface Transportation Priorities | Brentwood Boulevard/SR 4 Improvements, Brentwood, CA | $750,000 | Rep. Jerry McNerney |
| Surface Transportation Priorities | Bristol Street Widening, Orange County, CA | $670,000 | Sen. Feinstein |
| Surface Transportation Priorities | Dorsey Drive Interchange in Grass Valley, CA | $750,000 | Rep. John Doolittle |
| Surface Transportation Priorities | Friant Corridor, CA | $500,000 | Rep. George Radanovich |
| Surface Transportation Priorities | Fullerton, CA-State College/BNSF Grade Separation, CA | $500,000 | Rep. Edward Royce |
| Surface Transportation Priorities | Golden Gate Bridge Moveable Median Barrier, CA | $500,000 | Rep. Nancy Pelosi, Rep. Lynn Woolsey, Sen. Feinstein |
| Surface Transportation Priorities | Grade Separations in Riverside, CA | $1,420,000 | Rep. Ken Calvert, Sen. Boxer, Sen. Feinstein |
| Surface Transportation Priorities | Highland Park Streetscape, Los Angeles, CA | $250,000 | Rep. Xavier Becerra |
| Surface Transportation Priorities | Lincoln Bypass on SR65 in Placer County, CA | $950,000 | Rep. John Doolittle |
| *Surface Transportation Priorities | Los Banos Bypass—SR 152; Merced, CA | $500,000 | Rep. Dennis Cardoza |
| Surface Transportation Priorities | Mission Road Beautification Project, Alhambra, CA | $250,000 | Rep. Adam Schiff |
| Surface Transportation Priorities | Mission Street Pedestrian Improvements, South Pasadena, CA | $250,000 | Rep. Adam Schiff |
| Surface Transportation Priorities | Montclair, CA Ramona Ave grade separation, CA | $250,000 | Rep. David Dreier |
| Surface Transportation Priorities | Monterey Bay Sanctuary Scenic Trail, CA | $500,000 | Rep. Sam Farr |
| Surface Transportation Priorities | Park Place Extension and Railroad Grade Separation, El Segundo, CA | $750,000 | Rep. Jane Harman |
| *Surface Transportation Priorities | Park Street Streetscape Improvement, Alameda, CA | $500,000 | Rep. Fortney Stark |
| Surface Transportation Priorities | Potrero Boulevard/SR 60 Interchange, Beaumont, CA | $1,500,000 | Rep. Jerry Lewis |
| Surface Transportation Priorities | Reconstruct French Camp/I–5 interchange and Sperry Road Connection, San Joaquin County, CA | $1,000,000 | Rep. Jerry McNerney, Sen. Feinstein |
| Surface Transportation Priorities | Repair of San Tomas Expressway Box Culvert, Santa Clara County, CA | $500,000 | Rep. Michael Honda |
| Surface Transportation Priorities | Resurfacing and Reconstruction of Pacific Boulevard, Huntington Park, CA | $800,000 | Rep. Lucille Roybal-Allard |
| Surface Transportation Priorities | Rice Avenue Interchange at U.S. Highway 101, Ventura County, CA | $500,000 | Rep. Lois Capps, Sen. Feinstein |
| Surface Transportation Priorities | Santa Clarita Cross Valley Connector, CA | $500,000 | Rep. Howard McKeon, Sen. Feinstein |
| Surface Transportation Priorities | SFgo Market Street improvements, San Francisco, CA | $500,000 | Rep. Nancy Pelosi |
| Surface Transportation Priorities | Sheila Street at Commerce Way Improvements, Commerce, CA | $500,000 | Rep. Lucille Roybal-Allard |
| Surface Transportation Priorities | Shoal Creek Pedestrian Bridge, CA | $250,000 | Rep. Duncan Hunter |
| Surface Transportation Priorities | Sidewalk Construction in Ashland/Cherryland, CA | $750,000 | Rep. Barbara Lee |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Surface Transportation Priorities | Slauson Avenue Corrider Improvement Project, Maywood, CA | $800,000 | Rep. Lucille Roybal-Allard |
| Surface Transportation Priorities | University Parkway/I-215, San Bernardino, CA | $750,000 | Rep. Jerry Lewis |
| Surface Transportation Priorities | VTA High Occupancy Toll Lane Demonstration Project, Santa Clara County, CA | $500,000 | Rep. Michael Honda |
| Surface Transportation Priorities | West Vista Way widening, CA | $250,000 | Rep. Darrell Issa |
| Surface Transportation Priorities | Westchester Streetscape Improvement Project, CA | $1,000,000 | Rep. Maxine Waters |
| Surface Transportation Priorities | U.S. 287 at Lamar, Colorado: Ports to Plains, CO | $1,340,000 | Sen. Salazar, Sen. Allard |
| Surface Transportation Priorities | Wadsworth Interchange/State Highway 128, CO | $600,000 | Sen. Allard, Sen. Salazar |
| Surface Transportation Priorities | Atlantic Rail Underpass and Road Realignment Project, CT | $250,000 | Rep. Christopher Shays, Sen. Lieberman |
| Surface Transportation Priorities | Depot Street Bridge Revitalization, Beacon Falls, CT | $1,600,000 | Rep. Rosa DeLauro, Sen. Dodd |
| Surface Transportation Priorities | Fall Mountain Water Road Paving, Plymouth, CT | $500,000 | Rep. Christopher Murphy, Sen. Dodd, Sen. Lieberman |
| Surface Transportation Priorities | Mystic River Bridge Rehabilitation, CT | $1,000,000 | Rep. Joe Courtney |
| Surface Transportation Priorities | Naugatuck River Greenway Design Study, CT | $150,000 | Rep. Rosa DeLauro, Rep. Christopher Murphy |
| Surface Transportation Priorities | North Main Street Streetscape Enhancements, CT | $234,500 | Sen. Dodd, Sen. Lieberman |
| Surface Transportation Priorities | Pedestrian Plaza Improvements at the Connecticut Science Center in Hartford, CT | $670,000 | Sen. Lieberman, Sen. Dodd |
| Surface Transportation Priorities | Redevelopment of Front Street and Constitution Way in Hartford, CT | $1,340,000 | Sen. Lieberman |
| Surface Transportation Priorities | Torrington Gateway, CT | $240,000 | Rep. Christopher Murphy |
| Surface Transportation Priorities | U.S. 44 Improvements, Avon, CT | $750,000 | Rep. Christopher Murphy |
| *Surface Transportation Priorities | American Veterans Disabled for Life Memorial Related Transportation Improvements, DC | $1,000,000 | Rep. Eleanor Holmes Norton |
| Surface Transportation Priorities | Forest City Southeast Federal Center and Anacostia Waterfront Improvements, DC | $500,000 | Rep. Eleanor Holmes Norton |
| Surface Transportation Priorities | DelTrac Integrated Transportation Management System, DE | $804,000 | Sen. Biden, Sen. Carper, Rep. Michael Castle |
| Surface Transportation Priorities | Port of Wilmington Rail Improvement Project, DE | $1,005,000 | Sen. Carper, Sen. Biden, Rep. Michael Castle |
| Surface Transportation Priorities | 118th Avenue Expressway—Pinellas County, FL | $1,750,000 | Rep. C.W. Young |
| Surface Transportation Priorities | Beckett Bascule Bridge Alternative Analysis, FL | $100,000 | Rep. Gus Bilirakis |
| Surface Transportation Priorities | Belleview Bypass, Marion County, FL | $250,000 | Rep. Cliff Stearns |
| Surface Transportation Priorities | Burnt Store Road: Evacuation Route Widening, FL | $200,000 | Rep. Connie Mack, Rep. Tim Mahoney, Sen. Bill Nelson |
| Surface Transportation Priorities | City of Miami Beach Atlantic Corridor Greenway, FL | $500,000 | Rep. Ileana Ros-Lehtinen |
| Surface Transportation Priorities | Expands SR 46 to 4-lanes, Sanford, FL | $500,000 | Rep. Tom Feeney, Sen. Martinez |
| Surface Transportation Priorities | Four Lane State Road 87 Santa Rosa County, FL | $500,000 | Rep. Jeff Miller, Sen. Martinez |
| Surface Transportation Priorities | Grand Lagoon Bridge Replacement and Thomas Drive Widening Project, Bay County, FL | $500,000 | Rep. Allen Boyd, Sen. Bill Nelson, Sen. Martinez |
| Surface Transportation Priorities | Hurricane Evacuation Route Signalization, FL | $250,000 | Rep. Ric Keller |
| Surface Transportation Priorities | Indian Street Bridge, Martin County, FL | $1,000,000 | Rep. Tim Mahoney |
| Surface Transportation Priorities | Interchanger at Interstate and University Parkway, FL | $1,000,000 | Rep. Vern Buchanan |
| Surface Transportation Priorities | Mahan Drive Phase II, Leon County, FL | $725,000 | Sen. Bill Nelson, Rep. Allen Boyd |
| Surface Transportation Priorities | Palm Bay Parkway, Palm Bay, FL | $2,760,000 | Sen. Bill Nelson, Rep. Dave Weldon |

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| Surface Transportation Priorities | State Road 9B, St. Johns County, FL | $500,000 | Rep. John Mica |
| Surface Transportation Priorities | TECO Line Streetcar System Extension, Tampa, FL | $1,000,000 | Rep. Kathy Castor |
| Surface Transportation Priorities | U.S. 17–92–US 192, Kissimmee, FL | $1,000,000 | Rep. Dave Weldon |
| Surface Transportation Priorities | U.S. 41 Enhancements, Charlotte County, FL | $500,000 | Rep. Vern Buchanan, Rep. Tim Mahoney, Sen. Martinez, Sen. Bill Nelson |
| Surface Transportation Priorities | U.S.–41 Capacity Improvements in Lee County, FL | $100,000 | Rep. Connie Mack |
| Surface Transportation Priorities | Downtown Development Authority District Streetscape, Dahlonega GA | $100,000 | Rep. Nathan Deal |
| Surface Transportation Priorities | Glenwood Road Pedestrian Safety Improvements, DeKalb County, GA | $1,000,000 | Rep. Henry Johnson |
| Surface Transportation Priorities | McGinnis Ferry Road—Gwinnett County, GA | $400,000 | Rep. John Linder, Sen. Chambliss |
| Surface Transportation Priorities | SR 151 at CR 162/Colbert Hollow Road, Catoosa County, GA | $150,000 | Rep. Nathan Deal |
| Surface Transportation Priorities | SR 8/US 29 Plsnt. Hl/Lester Rd., Gwinnett Co., GA | $400,000 | Rep. John Linder |
| Surface Transportation Priorities | SR 9 south of Cumming from SR 141 to SR 20, GA | $250,000 | Rep. Nathan Deal |
| Surface Transportation Priorities | State Road 39/State Road 91 and US 84 Improvements, Donalsonville, GA | $750,000 | Rep. Sanford Bishop |
| Surface Transportation Priorities | State Road 982/Talbotton Road Improvements, Columbus, GA | $750,000 | Rep. Sanford Bishop |
| Surface Transportation Priorities | Terry Creek Bridge Widening, GA | $1,000,000 | Rep. Jack Kingston |
| Surface Transportation Priorities | 19th Street SW Grade Separation Mason City, IA | $1,100,000 | Rep. Tom Latham, Sen. Harkin, Sen. Grassley |
| Surface Transportation Priorities | CEMAR Trail, IA | $335,000 | Sen. Harkin |
| Surface Transportation Priorities | Cold Storage Spur Line, IA | $1,170,000 | Sen. Harkin, Rep. Leonard Boswell |
| Surface Transportation Priorities | Roger Snedden Drive Grade Separation Boone, IA | $500,000 | Rep. Tom Latham, Sen. Grassley |
| Surface Transportation Priorities | Warren County, Southwest Connector Interchange, IA | $550,000 | Rep. Tom Latham, Sen. Grassley |
| Surface Transportation Priorities | College of Southern Idaho Student Safety Initiative, ID | $480,000 | Sen. Craig, Sen. Crapo |
| Surface Transportation Priorities | I–84, Exit 29 (Franklin Road) Local Systems Improvement, ID | $480,000 | Sen. Craig, Sen. Crapo |
| Surface Transportation Priorities | Lewiston Partnership Project, ID | $240,000 | Sen. Craig, Sen. Crapo |
| Surface Transportation Priorities | U.S.–95, Thorncreek Road to Moscow, ID | $500,000 | Rep. Bill Sali, Sen. Craig |
| Surface Transportation Priorities | Algonquin Road Extension, McHenry County, IL | $250,000 | Rep. Donald Manzullo |
| Surface Transportation Priorities | Grand Avenue Underpass, Chicago, IL | $1,340,000 | Sen. Obama |
| Surface Transportation Priorities | I–355 Corridor Improvement Project, IL | $435,000 | Sen. Durbin |
| Surface Transportation Priorities | Jack Dame Road Extension, City of Rochelle, IL | $250,000 | Rep. Donald Manzullo, Sen. Obama |
| Surface Transportation Priorities | Lincoln/Belmont/Ashland Streetscape Project, Chicago, IL | $1,250,000 | Rep. Rahm Emanuel |
| Surface Transportation Priorities | Milwaukee Avenue Reconstruction Project, Chicago, IL | $1,250,000 | Rep. Rahm Emanuel |
| Surface Transportation Priorities | Morgan Street Improvments, City of Elmwood, IL | $250,000 | Rep. Ray LaHood |
| Surface Transportation Priorities | North Seminary Street Railroad Grade Separation Bridge, Galesburg, IL | $500,000 | Rep. Phil Hare |
| Surface Transportation Priorities | Oak Ridge Cemetery, Springfield, IL | $250,000 | Rep. Ray LaHood |
| Surface Transportation Priorities | Reconstruction of the Wood Dale and Irving Park Rd, IL | $500,000 | Rep. Peter Roskam |
| Surface Transportation Priorities | River Tech Boulevard Road Construction, Moline, IL | $1,200,000 | Sen. Durbin, Sen. Obama |
| Surface Transportation Priorities | Sheridan Crossing improvements, North Chicago, IL | $250,000 | Rep. Mark Kirk |
| Surface Transportation Priorities | Southwest Rochelle Truck Loop, Ogle County, IL | $100,500 | Sen. Obama |
| Surface Transportation Priorities | Street extension, Champaign, IL | $500,000 | Rep. Timothy Johnson |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Surface Transportation Priorities | Twin Bridge Road, Decatur, IL | $500,000 | Rep. Ray LaHood |
| Surface Transportation Priorities | U.S. Rt 40 Water St. to Evergreen Ave, Teutopolis, IL | $400,000 | Rep. John Shimkus |
| Surface Transportation Priorities | White County, IL | $100,000 | Rep. John Shimkus |
| Surface Transportation Priorities | 18th Street Corridor and Railroad Crossing Project, Logansport, IN | $350,000 | Rep. Joe Donnelly |
| Surface Transportation Priorities | Calumet Avenue and 45th Street Grade Separation, Munster, IN | $1,250,000 | Rep. Peter Visclosky, Sen. Bayh, Sen. Lugar |
| Surface Transportation Priorities | Fort Wayne Clinton Street Bridge Replacement, IN | $1,420,000 | Rep. Mark Souder, Sen. Bayh, Sen. Lugar |
| Surface Transportation Priorities | Improve bike trails in Highland, IN | $400,000 | Rep. Peter Visclosky |
| Surface Transportation Priorities | Renovation of Monument Circle, Indianapolis, IN | $335,000 | Sen. Bayh, Sen. Lugar |
| Surface Transportation Priorities | Ronald Reagan Parkway, Hendricks County, Indiana | $500,000 | Rep. Steve Buyer, Sen. Lugar |
| Surface Transportation Priorities | State Road 62/337 Construction, Harrison County, IN | $1,250,000 | Rep. Baron Hill, Sen. Lugar |
| Surface Transportation Priorities | Study Improvements to 109th Avenue, Winfield, IN | $250,000 | Rep. Peter Visclosky |
| Surface Transportation Priorities | U.S. 31 Freeway Upgrade Project in Marshall, Fulton, Miami and Tipton Counties, IN | $350,000 | Rep. Joe Donnelly, Sen. Lugar |
| Surface Transportation Priorities | 159th Street bridge replacement, Andover, KS | $1,000,000 | Rep. Todd Tiahrt |
| Surface Transportation Priorities | 87th Street Parkway Improvements, Lenexa, KS | $250,000 | Sen. Brownback |
| Surface Transportation Priorities | Intersection Rehabilitation and Improvements, US–24 and Marlatt Avenue, Manhattan, KS | $700,000 | Sen. Brownback, Sen. Roberts |
| Surface Transportation Priorities | Interchange Construction at US–73 and 20th Street, Leavenworth, KS | $700,000 | Sen. Brownback |
| *Surface Transportation Priorities | Intersection Rehabilitation, US–166 and US–169, Montgomery County, KS | $600,000 | Sen. Brownback |
| Surface Transportation Priorities | Reconstruction of Two Interchanges on I–235, Wichita, KS | $700,000 | Sen. Brownback |
| Surface Transportation Priorities | Reconstruction of US–50 in Gray County, KS | $600,000 | Sen. Brownback |
| Surface Transportation Priorities | Reconstruction of US–50 in Reno County, KS | $500,000 | Sen. Brownback |
| Surface Transportation Priorities | Replacement of the Big River Bridge on US–77, KS | $500,000 | Rep. Jerry Moran |
| Surface Transportation Priorities | U.S. 69 Improvements, Crawford County, KS | $1,000,000 | Rep. Nancy Boyda |
| Surface Transportation Priorities | U.S. 54 Greenburg, KS | $600,000 | Sen. Brownback |
| Surface Transportation Priorities | 21st Century Parks Project in Louisville, KY | $6,000,000 | Sen. McConnell |
| Surface Transportation Priorities | Interstate 66 Pike County, KY | $1,000,000 | Rep. Harold Rogers |
| Surface Transportation Priorities | Interstate 66 Somerset to London, KY | $1,500,000 | Rep. Harold Rogers |
| Surface Transportation Priorities | Lexington Traffic Movement and Revitalization Study, Lexington, KY | $500,000 | Rep. Ben Chandler |
| Surface Transportation Priorities | Paducah Waterfront Development Project, KY | $4,000,000 | Sen. McConnell |
| Surface Transportation Priorities | South Airport Connector Road, Boone County, KY | $250,000 | Rep. Geoff Davis |
| Surface Transportation Priorities | Baton Rouge Riverfront Development and Levee Pedestrian and Bike Path, LA | $1,000,000 | Sen. Landrieu |
| Surface Transportation Priorities | Bossier Parish Congestion Relief Program, LA | $1,812,000 | Sen. Landrieu, Sen. Vitter, Rep. Jim McCrery |
| Surface Transportation Priorities | Greater Ouachita Port and Intermodal Facility, LA | $500,000 | Rep. Rodney Alexander, Sen. Landrieu, Sen. Vitter |
| Surface Transportation Priorities | I–69, LA | $2,800,000 | Sen. Landrieu, Sen. Vitter |
| Surface Transportation Priorities | LA 675 Lane Improvements, Iberia Parish, LA | $500,000 | Rep. Charlie Melancon, Sen. Landrieu, Sen. Vitter |

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| Surface Transportation Priorities | LA–42; Ascension Parish, LA | $250,000 | Rep. Richard Baker |
| Surface Transportation Priorities | U.S. 11 Corridor Improvements, St. Tammany Parish, LA | $2,000,000 | Sen. Landrieu, Sen. Vitter |
| Surface Transportation Priorities | Widening of LA 16; Livingston Parish, LA | $250,000 | Rep. Richard Baker, Sen. Vitter |
| Surface Transportation Priorities | Blackstone River Canal Replication Project, Worcester, MA | $750,000 | Rep. James McGovern |
| Surface Transportation Priorities | Community Transportation Association of America, Nationwide Joblinks | $900,000 | Rep. John Olver |
| Surface Transportation Priorities | Downtown Streetscape Improvements, Framingham, MA | $500,000 | Rep. Edward Markey |
| Surface Transportation Priorities | Edwards Street Improvement, Springfield, MA | $750,000 | Rep. Richard Neal |
| Surface Transportation Priorities | Holy Cross Road Safety Project, Worcester, MA | $750,000 | Rep. James McGovern |
| Surface Transportation Priorities | Massachusetts Avenue Design and Recontruction, Arlington, MA | $750,000 | Rep. Edward Markey |
| Surface Transportation Priorities | Massachusetts Landscape Connectivity Study, MA | $200,000 | Rep. John Olver |
| Surface Transportation Priorities | Northern Avenue Bridge Revitilzation, MA | $1,000,000 | Rep. Stephen Lynch |
| Surface Transportation Priorities | Pittsfield Downtown Streetscape, MA | $1,500,000 | Rep. John Olver |
| Surface Transportation Priorities | Reconstruction of Commonwealth Avenue, Boston, MA | $1,000,000 | Rep. Michael Capuano |
| Surface Transportation Priorities | Route 116 and Bay Road Intersection and Road Improvements, Amherst, MA | $1,500,000 | Rep. John Olver |
| Surface Transportation Priorities | Route 195/Coggeshall Street Interchange, New Bedford, MA | $500,000 | Rep. Barney Frank |
| Surface Transportation Priorities | Crisfield County Dock, Somerset County, MD | $100,000 | Rep. Wayne Gilchrest |
| Surface Transportation Priorities | Gwynns Falls Trail/CSX Bridge, MD | $335,000 | Sen. Cardin |
| Surface Transportation Priorities | MD 237, Pegg Road to MD 235, St. Mary's County, MD | $1,000,000 | Rep. Steny Hoyer, Sen. Mikulski |
| Surface Transportation Priorities | MD 246/MD 235 to Saratoga Drive, Lexington Park, MD | $500,000 | Rep. Steny Hoyer |
| Surface Transportation Priorities | Route 5 Overpass and River Center, St. Mary's County, MD | $500,000 | Rep. Steny Hoyer |
| Surface Transportation Priorities | South Capitol Street Corridor Improvements, DC | $500,000 | Rep. Steny Hoyer |
| Surface Transportation Priorities | Suitland Road Gateway Project, Prince George's County, MD | $1,000,000 | Rep. Steny Hoyer, Rep. Albert Wynn |
| Surface Transportation Priorities | U.S. 301 Improvement in Charles and Prince George's County, MD | $1,000,000 | Rep. Steny Hoyer, Sen. Mikulski |
| Surface Transportation Priorities | Arnold Bridge Improvement, Willimantic, ME | $500,000 | Rep. Michael Michaud |
| Surface Transportation Priorities | Somerset Street Extension, Portland, ME | $500,000 | Rep. Thomas Allen, Sen. Collins, Sen. Snowe |
| Surface Transportation Priorities | Belleville Road/Ecorse Road Intersection, Wayne County, MI | $750,000 | Rep. Thaddeus McCotter, Sen. Levin, Sen. Stabenow |
| Surface Transportation Priorities | Greenway Path and Bridge, Southgate, Wayne County, MI | $250,000 | Rep. John Conyers |
| Surface Transportation Priorities | Maple Rd. SCATS signals; Bloomfield Twp. 6 miles, MI | $1,000,000 | Rep. Joe Knollenberg |
| Surface Transportation Priorities | Maple Rd. widening; 1.5 Miles; Walled Lake City, MI | $500,000 | Rep. Thaddeus McCotter, Sen. Levin, Sen. Stabenow |
| Surface Transportation Priorities | Northwestern Corridor Roundabouts; ROW and Construction, MI | $1,000,000 | Rep. Joe Knollenberg, Sen. Levin, Sen. Stabenow |
| Surface Transportation Priorities | Pinnacle Aeropark, Wayne County, MI | $670,000 | Sen. Stabenow, Sen. Levin |
| Surface Transportation Priorities | Port Huron, NAFTA Corridor Congestion Mitigation Project, Phase I, MI | $670,000 | Sen. Stabenow, Sen. Levin |
| Surface Transportation Priorities | Walton Boulevard Bridge widening, MI | $500,000 | Rep. Joe Knollenberg |
| Surface Transportation Priorities | Blue Earth CSAH 12 Extension/TH 14 Interchange, MN | $1,340,000 | Sen. Klobuchar, Sen. Coleman |
| Surface Transportation Priorities | Cambridge-Isanti Bike/Walk Trail, MN | $700,000 | Rep. James Oberstar |
| Surface Transportation Priorities | Highway 610 Corridor, MN | $500,000 | Rep. Jim Ramstad, Sen. Coleman, Sen. Klobuchar |
| Surface Transportation Priorities | Snelling Avenue/University Avenue Intersection Redesign, St. Paul, MN | $500,000 | Rep. Betty McCollum |
| Surface Transportation Priorities | Grant City Downtown Square Street Improvments, MO | $375,000 | Sen. Bond |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Surface Transportation Priorities | Heart of America Bicycle/Pedestrian Bridge, MO | $562,500 | Sen. Bond |
| Surface Transportation Priorities | Highway 13 at Broadmoor Intersection in Springfield, MO | $375,000 | Sen. Bond |
| Surface Transportation Priorities | Highway 13 Bypass, MO | $2,250,000 | Sen. Bond |
| Surface Transportation Priorities | Improvements to Route 266 and Interchange with Interstate 44, MO | $2,250,000 | Sen. Bond |
| Surface Transportation Priorities | Joe Dice Suspension Bridge, MO | $562,500 | Sen. Bond |
| Surface Transportation Priorities | MO 740 (Stadium Boulevard) Extension, MO | $300,000 | Rep. Kenny Hulshof |
| Surface Transportation Priorities | Nash Road/Route AB, Cape Girardeau County, MO | $800,000 | Rep. Jo Ann Emerson |
| Surface Transportation Priorities | New Alignment South Bridge, MO | $2,125,000 | Sen. Bond |
| Surface Transportation Priorities | Paseo Street Corridor Improvements, MO | $562,500 | Sen. Bond |
| Surface Transportation Priorities | Route 221, St. Francois and Iron Counties, MO | $250,000 | Rep. Jo Ann Emerson |
| Surface Transportation Priorities | Route 63, Howell/Oregon Counties, MO | $250,000 | Rep. Jo Ann Emerson |
| Surface Transportation Priorities | Route Y, Stoddard County MO | $500,000 | Rep. Jo Ann Emerson |
| Surface Transportation Priorities | Rt. 47 and Warrior Ave., Warrenton, MO | $200,000 | Rep. Kenny Hulshof |
| Surface Transportation Priorities | U.S. 54 Corridor Expansion, MO | $750,000 | Sen. Bond |
| Surface Transportation Priorities | U.S. 60 Corridor Improvements, MO | $562,500 | Sen. Bond |
| Surface Transportation Priorities | U.S. 63 and Gans Road Overpass, MO | $750,000 | Sen. Bond |
| Surface Transportation Priorities | Upgrade and partly relocate MO Rt 141, St L County, MO | $250,000 | Rep. Todd Akin |
| Surface Transportation Priorities | Upgrade MO Rt 94 (Page Ext Ph 2), St Chas Cnty, MO | $250,000 | Rep. Todd Akin |
| Surface Transportation Priorities | Uptown St. Joseph Transportation District, MO | $1,500,000 | Sen. Bond |
| Surface Transportation Priorities | East Brandon Bypass, MS | $750,000 | Sen. Lott |
| Surface Transportation Priorities | East Metropolitan Corridor, MS | $3,000,000 | Sen. Cochran, Sen. Lott |
| Surface Transportation Priorities | Highway 9 4-Lane Corridor, MS | $3,000,000 | Sen. Cochran |
| Surface Transportation Priorities | Hugh White State Park Access Road, Grenada, MS | $1,000,000 | Rep. Roger Wicker |
| Surface Transportation Priorities | I–55/Gluckstadt Interchange Improvements, MS | $1,500,000 | Sen. Lott, Sen. Cochran |
| Surface Transportation Priorities | Martin Bluff Road, MS | $1,700,000 | Sen. Lott |
| Surface Transportation Priorities | Northside Drive, Clinton, MS | $3,250,000 | Sen. Cochran |
| Surface Transportation Priorities | Star Landing Road Corridor, DeSoto County, MS | $2,400,000 | Sen. Cochran, Sen. Lott |
| Surface Transportation Priorities | U.S. Highway 49/Highway 7 Connector, MS | $2,750,000 | Sen. Cochran |
| Surface Transportation Priorities | Urban Collector Road, Jackson and Harrison Counties, MS | $2,000,000 | Sen. Cochran |
| Surface Transportation Priorities | Bridge over Broadway, Missoula to Rattlesnake National Recreation Area, MT | $670,000 | Sen. Baucus, Sen. Tester |
| Surface Transportation Priorities | Kalispell Bypass, MT | $4,020,000 | Sen. Tester, Sen. Baucus |
| Surface Transportation Priorities | Shiloh Road Corridor, Billings, MT | $4,690,000 | Sen. Baucus, Sen. Tester |
| Surface Transportation Priorities | I–540 Western Wake Freeway, NC | $1,000,000 | Rep. David Price |
| Surface Transportation Priorities | Tenth St. Connector, Greenville, NC | $250,000 | Rep. Walter Jones, Sen. Dole |

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| Surface Transportation Priorities | U.S. 17 in Craven County, NC | $250,000 | Rep. Walter Jones |
| Surface Transportation Priorities | U.S. 74 Interchange at NC 211, Brunswick County, NC | $500,000 | Rep. Mike McIntyre |
| Surface Transportation Priorities | Walker Street Grade Separation, Town of Cary, NC | $1,000,000 | Rep. David Price, Sen. Burr, Sen. Dole |
| Surface Transportation Priorities | Antelope Valley Transportation Improvements, NE | $500,000 | Rep. Jeff Fortenberry, Sen. Ben Nelson, Sen. Hagel |
| Surface Transportation Priorities | Realignment of Saddle Creek Road, NE | $1,340,000 | Sen. Ben Nelson, Sen. Hagel |
| Surface Transportation Priorities | U.S. 30, Columbus Viaduct Replacement, NE | $500,000 | Rep. Adrian Smith |
| Surface Transportation Priorities | Chocorua Village Safety Improvement Project, Tamworth, NH | $500,000 | Rep. Carol Shea-Porter |
| Surface Transportation Priorities | Downtown Franklin Revitalization, Franklin, NH | $800,000 | Rep. Paul Hodes |
| Surface Transportation Priorities | Granite Street Reconstruction Project, NH | $1,700,000 | Sen. Gregg, Rep. Carol Shea-Porter |
| Surface Transportation Priorities | Little Bay Bridges/Spaulding Turnpike, NH | $1,750,000 | Sen. Gregg |
| Surface Transportation Priorities | Battleship New Jersey Access Road (Clinton Street) Repaving Project, NJ | $422,100 | Sen. Menendez, Sen. Lautenberg |
| Surface Transportation Priorities | Bridge Street, Clay Street, Jackson Street Bridges, Essex County, NJ | $1,000,000 | Rep. Albio Sires, Sen. Lautenberg, Sen. Menendez |
| Surface Transportation Priorities | Downtown Streetscape Project, New Providence, NJ | $250,000 | Rep. Mike Ferguson, Sen. Lautenberg, Sen. Menendez |
| Surface Transportation Priorities | Route 22 Sustainable Corridor, Somerset County, NJ | $4,000,000 | Rep. Rodney Frelinghuysen, Rep. Mike Ferguson, Sen. Lautenberg, Sen. Menendez |
| Surface Transportation Priorities | Route 29 Boulevard Conversion Project from Memorial Drive to Route 1 Bridge, Trenton, NJ | $750,000 | Rep. Rush Holt, Rep. Christopher Smith, Sen. Lautenberg, Sen. Menendez |
| Surface Transportation Priorities | Route 537/State Route 34 Intersection Monmouth, NJ | $250,000 | Rep. Christopher Smith, Sen. Menendez |
| Surface Transportation Priorities | Rte 295/42/I–76, Direct Connection, Camden County, NJ | $500,000 | Rep. Robert Andrews |
| Surface Transportation Priorities | Bridge Replacements, McKinley County, NM | $300,000 | Sen. Domenici, Sen. Bingaman |
| Surface Transportation Priorities | Design, engineering, environmental assessment and initial constructions of East Aztec Arterial Route, NM | $600,000 | Sen. Domenici, Sen. Bingaman |
| Surface Transportation Priorities | Hobbs East Bypass Project, NM | $600,000 | Sen. Domenici, Sen. Bingaman |
| Surface Transportation Priorities | Las Cruces Downtown Revitalization, NM | $1,200,000 | Sen. Domenici, Sen. Bingaman |
| Surface Transportation Priorities | Northwest Loop Access Road, Sandoval County, NM | $975,000 | Sen. Domenici, Sen. Bingaman, Rep. Tom Udall |
| Surface Transportation Priorities | Pinon Hills Boulevard East and Animus River Bridge, NM | $900,000 | Sen. Domenici, Sen. Bingaman |
| Surface Transportation Priorities | San Juan County Road 3900, NM | $600,000 | Sen. Domenici, Sen. Bingaman |
| Surface Transportation Priorities | San Juan County Road Bridge #567, NM | $500,000 | Rep. Tom Udall, Sen. Bingaman |
| Surface Transportation Priorities | San Juan County Road CR 7500, NM | $300,000 | Sen. Domenici, Sen. Bingaman |
| Surface Transportation Priorities | Village Plaza Streets and Drainage, Village of Angel Fire, NM | $120,000 | Sen. Domenici |
| Surface Transportation Priorities | West Lea Street Improvements, Carlsbad, NM | $180,000 | Sen. Domenici, Sen. Bingaman |
| Surface Transportation Priorities | Boulder City Bypass Project, NV | $250,000 | Rep. Jon Porter, Sen. Reid |
| Surface Transportation Priorities | Henderson Lake Mead Parkway, NV | $200,000 | Sen. Reid |
| Surface Transportation Priorities | Mountain Edge Parkway Environmental Assessment, Las Vegas, NV | $750,000 | Sen. Reid |
| Surface Transportation Priorities | Reno Rail Access Corridor Enhancements, NV | $500,000 | Sen. Reid, Sen. Ensign |
| Surface Transportation Priorities | Commack Road Bypass Study, Suffolk County, NY | $500,000 | Rep. Steve Israel |
| Surface Transportation Priorities | Construction/Enhancement of Motts Lane, Penfield, NY | $100,000 | Rep. Louise Slaughter |
| Surface Transportation Priorities | Design & construction of Glen Cove Connector Road, NY | $100,000 | Rep. Peter King, Sen. Clinton, Sen. Schumer |
| Surface Transportation Priorities | Downtown Parking Improvements, Ossining, NY | $175,000 | Rep. Nita Lowey |
| Surface Transportation Priorities | Eastern Hills Corridor, Clarence, NY | $250,000 | Rep. Thomas Reynolds |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| *Surface Transportation Priorities | Environmental Shield, Queens, NY | $750,000 | Rep. Joseph Crowley |
| Surface Transportation Priorities | Fruit Belt Redevelopment Plan, Buffalo, NY | $1,600,000 | Rep. Louise Slaughter, Sen. Schumer, Sen. Clinton |
| Surface Transportation Priorities | Grand Avenue Improvements, City of Poughkeepsie, NY | $1,000,000 | Rep. Maurice Hinchey, Sen. Schumer, Sen. Clinton |
| Surface Transportation Priorities | Highway-Rail Grade Crossing Bypass, Silver Springs, NY | $300,000 | Rep. Thomas Reynolds |
| Surface Transportation Priorities | Hylan Drive, Henrietta, NY | $850,000 | Rep. John Kuhl |
| Surface Transportation Priorities | Library Lane-Coles Lane Improvements, Bronx, NY | $1,000,000 | Rep. Jose Serrano |
| Surface Transportation Priorities | Murray Athletic Center, NY | $100,000 | Rep. John Kuhl, Sen. Schumer, Sen. Clinton |
| Surface Transportation Priorities | North Main Street Corridor Master Plan, Freeport, NY | $200,000 | Rep. Carolyn McCarthy, Sen. Schumer, Sen. Clinton |
| Surface Transportation Priorities | Parking Expansion, Dobbs Ferry, NY | $250,000 | Rep. Nita Lowey |
| Surface Transportation Priorities | Prospect and Gowanus Expressways ITS Deployment, NY | $1,000,000 | Rep. Yvette Clarke, Sen. Schumer, Sen. Clinton |
| Surface Transportation Priorities | Reconstruct Route 6, Town of Cortlandt, NY | $2,000,000 | Rep. John Hall |
| Surface Transportation Priorities | Revitalization and redevelopment of the Hamlet of Brewerton, NY | $780,000 | Sen. Schumer, Sen. Clinton |
| Surface Transportation Priorities | Safety and Traffic Improvements, Ardsley, NY | $150,000 | Rep. Nita Lowey |
| Surface Transportation Priorities | South Bronx Greenway, Hunts Point Landing, NY | $500,000 | Rep. Jose Serrano |
| Surface Transportation Priorities | South Bronx Greenway, Randall's Island Connector, NY | $500,000 | Rep. Jose Serrano |
| Surface Transportation Priorities | Streetscape Improvements, Eastchester, NY | $300,000 | Rep. Nita Lowey |
| Surface Transportation Priorities | Walden Trail Connection, Town of Montgomery, NY | $351,000 | Rep. Maurice Hinchey |
| Surface Transportation Priorities | Chesapeake By-Pass, Lawrence County, OH | $750,000 | Rep. Charlie Wilson |
| Surface Transportation Priorities | Diley Road Widening, City of Pickerington, OH | $500,000 | Rep. David Hobson |
| Surface Transportation Priorities | East Market Street Widen/Improve Design, Akron, OH | $500,000 | Rep. Tim Ryan |
| Surface Transportation Priorities | Fulton Dr. and Wales Ave. Intersection Improvement, OH | $600,000 | Rep. Ralph Regula |
| Surface Transportation Priorities | Harrison County Road 29, OH | $1,000,000 | Rep. Zack Space |
| Surface Transportation Priorities | Holmes County Trail: Phase 5 Holmes County, OH | $750,000 | Rep. Zack Space, Sen. Brown |
| Surface Transportation Priorities | Mahoning Avenue Improvements, Youngstown, OH | $500,000 | Rep. Tim Ryan |
| Surface Transportation Priorities | Quadral Drive extension, Wadsworth, OH | $900,000 | Rep. Ralph Regula |
| Surface Transportation Priorities | Rickenbacker Rail Spur, Pickaway and Franklin Counties, OH | $500,000 | Rep. David Hobson, Sen. Brown, Sen. Voinovich |
| Surface Transportation Priorities | State Route 794 Relocation Initiative, OH | $1,000,000 | Rep. David Hobson |
| Surface Transportation Priorities | U.S. 20 Southwyck Corridor Improvements, OH | $750,000 | Rep. Marcy Kaptur |
| Surface Transportation Priorities | Downtown Revitalization Project, Lawton, OK | $250,000 | Rep. Tom Cole |
| Surface Transportation Priorities | 19th Street Extension at Deschutes Junction, OR | $500,000 | Rep. Greg Walden, Sen. Smith, Sen. Wyden |
| Surface Transportation Priorities | Brewery Grade/Highway 30 Intersection and Flour Mill Property Redevelopment, OR | $670,000 | Sen. Wyden, Sen. Smith |
| Surface Transportation Priorities | Highway 217, Beaverton-Hillsday Highway to Allen Boulevard, Washington County, OR | $750,000 | Rep. David Wu, Sen. Smith, Sen. Wyden |
| Surface Transportation Priorities | American Parkway, PA | $2,100,000 | Sen. Specter, Sen. Casey |
| Surface Transportation Priorities | Bridge Over Brandywine Creek, Downingtown, PA | $500,000 | Rep. Jim Gerlach |

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|---|---|---|---|
| Surface Transportation Priorities | Chicora Bridge Safety Improvements, Butler, PA | $250,000 | Rep. Phil English, Sen. Casey |
| Surface Transportation Priorities | Dillerville Rail Yard Relocation, PA | $1,385,000 | Sen. Specter, Sen. Casey |
| Surface Transportation Priorities | East Carson Street Widening, PA | $1,250,000 | Sen. Specter, Sen. Casey, Rep. Michael Doyle |
| Surface Transportation Priorities | Freedom Crider Road Upgrade, Beaver County, PA | $750,000 | Rep. Jason Altmire |
| Surface Transportation Priorities | I–81 Rebuild/Expansion, PA | $1,400,000 | Sen. Specter, Sen. Casey |
| Surface Transportation Priorities | Martinsburg Borough Streetscape Project, PA | $100,000 | Rep. Bill Shuster |
| Surface Transportation Priorities | Memorial Park Drive in Upper Moreland Township, PA | $300,000 | Rep. Allyson Schwartz |
| Surface Transportation Priorities | Reading Lighting and Streetscape Enhancement Initiative, PA | $167,500 | Sen. Casey |
| Surface Transportation Priorities | Regional Telecommunications System on Pennsylvania Turnpike, PA | $500,000 | Rep. Robert Brady |
| Surface Transportation Priorities | Rehabilitation of the Martin's Mill Covered Bridge, PA | $250,000 | Rep. Bill Shuster |
| Surface Transportation Priorities | Route 60/422 Interchange, Union Township, PA | $750,000 | Rep. Jason Altmire |
| Surface Transportation Priorities | State Route 21 Improvements and Upgrades, Fayette County, PA | $1,500,000 | Rep. John Murtha |
| Surface Transportation Priorities | State Route 21 Intersection at Junction Deli, Green County, PA | $1,090,000 | Rep. John Murtha |
| *Surface Transportation Priorities | Stoopville Road Improvements, PA | $500,000 | Rep. Patrick Murphy |
| Surface Transportation Priorities | U.S. 422 River Crossing Complex Projects, PA | $750,000 | Rep. Joe Sestak |
| Surface Transportation Priorities | U.S. Route 30/Harrisburg Pike Gateway Interchange Project, PA | $1,400,000 | Sen. Specter |
| Surface Transportation Priorities | Upgrade signalized intersections, Allentown, PA | $500,000 | Rep. Charles Dent |
| Surface Transportation Priorities | Valley View Business Park Access Road, PA | $670,000 | Sen. Casey, Rep. Christopher Carney |
| Surface Transportation Priorities | RI Bridge and Tunnel Authority EZPass Project for Claiborne Pell Bridge, RI | $500,000 | Rep. Patrick Kennedy, Sen. Reed, Sen. Whitehouse |
| Surface Transportation Priorities | Greene Street/Williams Street connector, SC | $500,000 | Rep. James Clyburn |
| Surface Transportation Priorities | Phase 2 road improvements for Tri-County Technical, SC | $300,000 | Rep. J. Barrett |
| Surface Transportation Priorities | SC 9 Improvements, SC | $500,000 | Rep. Bob Inglis |
| Surface Transportation Priorities | U.S. 278 Corridor, Beaufort County, SC | $500,000 | Rep. Joe Wilson, Sen. Graham |
| Surface Transportation Priorities | SD 11 and SD 42 in Sioux Falls, SD | $2,310,000 | Sen. Johnson |
| Surface Transportation Priorities | South Dakota School of Mines and Technology Connector Road, SD | $390,000 | Sen. Johnson, Sen. Thune |
| Surface Transportation Priorities | Interstate 69, TN | $2,100,000 | Sen. Alexander |
| Surface Transportation Priorities | State Route 218 Extension, Henry County, TN | $750,000 | Rep. John Tanner |
| Surface Transportation Priorities | State Route 437 By-Pass in Bedford County, TN | $700,000 | Sen. Alexander |
| Surface Transportation Priorities | Upgrade S.R. 31 in Mooresburg, Hawkins County, TN | $500,000 | Rep. David Davis |
| Surface Transportation Priorities | Alsbury Boulevard Extension, Burleson, TX | $600,000 | Rep. Chet Edwards |
| Surface Transportation Priorities | Austin Intelligent Transportation Systems, TX | $250,000 | Rep. Michael McCaul, Rep. Lamar Smith |
| Surface Transportation Priorities | Brazos Valley Transportation Management Center, TX | $600,000 | Rep. Chet Edwards |
| Surface Transportation Priorities | Collard Street Reconstruction, Madisonville, TX | $200,000 | Rep. Chet Edwards |
| Surface Transportation Priorities | CR 172 Improvements, Grimes County, TX | $400,000 | Rep. Chet Edwards |
| Surface Transportation Priorities | Dallas Woodall Rodgers Freeway Deck Plaza, TX | $100,000 | Rep. Pete Sessions |
| Surface Transportation Priorities | Del Rio Roadway Construction, Val Verde County, TX | $1,000,000 | Rep. Ciro Rodriguez |
| Surface Transportation Priorities | East Loop, TX | $420,000 | Sen. Hutchison |
| Surface Transportation Priorities | East Texas Higher Speed Rail Feasibility Study, TX | $455,000 | Sen. Hutchison |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Surface Transportation Priorities | FM 3503 Relocation Improvements, TX | $500,000 | Rep. K. Conaway |
| Surface Transportation Priorities | FM509 Extension, TX | $700,000 | Sen. Hutchison, Sen. Cornyn |
| Surface Transportation Priorities | I–69, US–77 Upgrades from Harlingen to I–37, TX | $525,000 | Sen. Hutchison |
| Surface Transportation Priorities | IH30 Interchange at Monty Stratton Pkwy-Greenville, TX | $250,000 | Rep. Ralph Hall |
| Surface Transportation Priorities | Lake Ridge Parkway Extension in Grand Prairie, TX | $500,000 | Rep. Kenny Marchant, Sen. Cornyn |
| Surface Transportation Priorities | Memorial Drive Feasibility Study, Beverly Hill, TX | $300,000 | Rep. Chet Edwards |
| Surface Transportation Priorities | Northeast Inner Loop intersection Improvements, TX | $350,000 | Rep. John Carter |
| Surface Transportation Priorities | Port of Orange Intermodal Project, Orange, Texas | $500,000 | Rep. Kevin Brady |
| Surface Transportation Priorities | Reconstruction of Long Point Road in Houston, TX | $750,000 | Rep. John Culberson |
| Surface Transportation Priorities | SH66 from SH205 to FM 549, Rockwall TX | $250,000 | Rep. Ralph Hall |
| Surface Transportation Priorities | Thomas Road Project, McAllen, TX | $700,000 | Rep. Henry Cuellar |
| Surface Transportation Priorities | Trinity River Vision Bridges, Ft Worth, TX | $1,750,000 | Rep. Kay Granger, Sen. Cornyn, Sen. Hutchison |
| Surface Transportation Priorities | U.S. 290/S.H. 36 Improvements, TX | $250,000 | Rep. Michael McCaul, Sen. Cornyn |
| Surface Transportation Priorities | White Bluff Intersection Widening Project, White Bluff, TX | $200,000 | Rep. Chet Edwards |
| Surface Transportation Priorities | Widening Loop 281, Longview, TX | $500,000 | Rep. Louie Gohmert |
| Surface Transportation Priorities | 500 South, I–15 to Redwood Road, UT | $600,000 | Sen. Bennett, Sen. Hatch |
| Surface Transportation Priorities | Geneva RD & Provo Center ST, UT | $250,000 | Rep. Chris Cannon |
| Surface Transportation Priorities | I–15 Auxiliary Lanes, Kaysville to 31st Street, UT | $1,200,000 | Sen. Bennett, Sen. Hatch |
| Surface Transportation Priorities | Ft. Lee Access Points, Prince George, VA | $750,000 | Rep. Robert Scott, Rep. J. Forbes, Sen. Webb, Sen. Warner |
| Surface Transportation Priorities | Streetscape Project—Town of Scottsville, VA | $400,000 | Rep. Virgil Goode |
| Surface Transportation Priorities | US Route 1/SR 123 Interchange Improvements, Prince William County, VA | $2,010,000 | Sen. Webb |
| Surface Transportation Priorities | Vienna Sidewalk construction, VA | $100,000 | Rep. Tom Davis |
| Surface Transportation Priorities | Widen Route 10, Chesterfield, VA | $250,000 | Rep. J. Forbes |
| Surface Transportation Priorities | Chittenden County Road Improvement Projects in Colchester (VT Route 15/Campus Road) and Essex Junction (VT Route 15), VT | $1,675,000 | Sen. Leahy |
| Surface Transportation Priorities | Streetscape Improvement Project, Bennington, VT | $500,000 | Rep. Peter Welch |
| Surface Transportation Priorities | Vermont Downtown Streetscape and Sidewalk Improvements in Springfield and Bristol, VT | $670,000 | Sen. Leahy |
| Surface Transportation Priorities | A–B Street Corridor Connector, WA | $1,260,000 | Sen. Murray |
| Surface Transportation Priorities | Beaudry Road Crossing and Pathway, Yakima Co. WA | $200,000 | Rep. Doc Hastings |
| Surface Transportation Priorities | Big Pasco Industrial Center Intermodal Project, Phase 4, WA | $900,000 | Sen. Murray, Sen. Cantwell |
| Surface Transportation Priorities | City of Granite Falls Freight Access Project, WA | $1,050,000 | Sen. Murray, Sen. Cantwell |
| Surface Transportation Priorities | Coal Creek Parkway Corridor Completion Project, WA | $700,000 | Sen. Murray |
| Surface Transportation Priorities | FAST Corridor Grade Separations, WA | $500,000 | Rep. David Reichert, Rep. Adam Smith |
| Surface Transportation Priorities | Hanford Reach National Monument Transportation Improvements, WA | $700,000 | Sen. Murray, Sen. Cantwell |
| Surface Transportation Priorities | Icicle Station Project, Leavenworth, WA | $300,000 | Sen. Murray |

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| Surface Transportation Priorities | Implementing Red Mountain Area Plan, Benton Co. WA | $300,000 | Rep. Doc Hastings, Sen. Murray, Sen. Cantwell |
| Surface Transportation Priorities | Lincoln Avenue Grade Separation Project, WA | $1,050,000 | Sen. Murray, Sen. Cantwell |
| Surface Transportation Priorities | Post Street Centennial Trail and Utility Bridge, WA | $1,400,000 | Sen. Murray, Sen. Cantwell |
| Surface Transportation Priorities | South Lake Union Streetcar Project Capital Improvements, WA | $805,000 | Sen. Murray, Sen. Cantwell |
| Surface Transportation Priorities | Tacoma Rail Mountain Division Track Improvements, WA | $770,000 | Sen. Murray, Sen. Cantwell |
| Surface Transportation Priorities | U.S. 2 Safety Improvements, WA | $650,000 | Sen. Murray, Sen. Cantwell, Rep. Rick Larsen |
| Surface Transportation Priorities | U.S. 395, North Spokane Corridor, WA | $500,000 | Rep. Cathy McMorris Rodgers, Sen. Murray, Sen. Cantwell |
| Surface Transportation Priorities | West Vancouver Freight Access Project, WA | $1,400,000 | Sen. Murray, Sen. Cantwell |
| Surface Transportation Priorities | 1/2 Street, Town of Turtle Lake, WI | $350,000 | Rep. David Obey |
| Surface Transportation Priorities | College Avenue Bridge Project, Appleton, WI | $500,000 | Rep. Steve Kagen, Sen. Kohl |
| Surface Transportation Priorities | County Highway C Road improvements, Bayfield County, WI | $1,750,000 | Rep. David Obey, Sen. Kohl |
| Surface Transportation Priorities | County Highway F Reconstruction, Douglas County, WI | $1,500,000 | Rep. David Obey, Sen. Kohl |
| Surface Transportation Priorities | Engineering Project for NFDL Railyard Crossing, WI | $600,000 | Rep. Thomas Petri |
| Surface Transportation Priorities | State Highway 53 Improvements, Barron County, WI | $1,000,000 | Rep. David Obey |
| Surface Transportation Priorities | STH 44—Oshkosh, WI | $400,000 | Rep. Thomas Petri |
| Surface Transportation Priorities | U.S. Highway 10 Improvements between Marshfield and Stevens Point, WI | $2,500,000 | Rep. David Obey, Sen. Kohl |
| Surface Transportation Priorities | U.S. Highway 41 Construction Project from Oconto, WI. to Peshtigo, WI | $1,000,000 | Rep. Steve Kagen, Sen. Kohl |
| Surface Transportation Priorities | Wisconsin State Highway 57 Expansion from Dyckesville to Sturgeon Bay, WI | $500,000 | Rep. Steve Kagen, Sen. Kohl |
| Surface Transportation Priorities | Coalfields Expressway, WV | $4,000,000 | Sen. Byrd |
| Surface Transportation Priorities | Friends of Cheat Rails-to-Trails program, WV | $300,000 | Rep. Alan Mollohan |
| Surface Transportation Priorities | Interstate 68 Access Road—Monongalia County, WV | $2,000,000 | Sen. Byrd |
| Surface Transportation Priorities | King Coal Highway, WV | $4,000,000 | Sen. Byrd |
| Surface Transportation Priorities | Paw Paw Bends Trail, Morgan County, WV | $1,000,000 | Sen. Byrd |
| Surface Transportation Priorities | Raleigh Street Extension, WV | $500,000 | Rep. Shelley Capito |
| Surface Transportation Priorities | Route 10 Upgrade from I–64 to Corridor G, WV | $1,000,000 | Rep. Nick Rahall |
| Surface Transportation Priorities | West Virginia Route 2 Improvements, WV | $7,643,100 | Sen. Byrd |
| Surface Transportation Priorities | West Virginia Route 9, WV | $8,000,000 | Sen. Byrd |
| TCSP—Transportation & Community & System Preservation | Brannon Stand Bridge, AL | $250,000 | Rep. Terry Everett, Sen. Shelby |
| *TCSP—Transportation & Community & System Preservation | Red Mountain Park Project, Birmingham, AL | $1,000,000 | Sen. Sessions |
| TCSP—Transportation & Community & System Preservation | Northwest Arkansas Western Beltway, AR | $670,000 | Sen. Lincoln, Sen. Pryor, Rep. John Boozman |
| TCSP—Transportation & Community & System Preservation | Safety Improvements to Highway 69, AZ | $250,000 | Rep. Rick Renzi |
| TCSP—Transportation & Community & System Preservation | Central Expressway Auxiliary Lanes, Santa Clara County, CA | $500,000 | Rep. Anna Eshoo |
| TCSP—Transportation & Community & System Preservation | Citracado Parkway Project, CA | $250,000 | Rep. Brian Bilbray |
| TCSP—Transportation & Community & System Preservation | Fairfield Ranch Road, Chino Hills, CA | $250,000 | Rep. Gary Miller |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| TCSP—Transportation & Community & System Preservation | Friant Road Widening, CA | $1,170,000 | Sen. Feinstein, Rep. Devin Nunes |
| TCSP—Transportation & Community & System Preservation | Highway 118 Corridor Study, CA | $250,000 | Rep. Elton Gallegly |
| TCSP—Transportation & Community & System Preservation | La Canada Flintridge, CA I–210 Soundwall, CA | $250,000 | Rep. David Dreier |
| TCSP—Transportation & Community & System Preservation | Reyes Adobe Road/U.S. 101 Interchange Reconstruction, Agoura Hills, CA | $250,000 | Rep. Henry Waxman |
| TCSP—Transportation & Community & System Preservation | School Zone Safety Improvements, Chula Vista, CA | $500,000 | Rep. Bob Filner |
| TCSP—Transportation & Community & System Preservation | State Route 198 Expressway Widening, Kings County, CA | $600,000 | Rep. Jim Costa |
| TCSP—Transportation & Community & System Preservation | U.S. 85 (Highlands Ranch to Castle Rock), CO | $500,000 | Rep. Thomas Tancredo, Sen. Salazar |
| TCSP—Transportation & Community & System Preservation | West Main Street Streetscape, Meriden, CT | $500,000 | Rep. Christopher Murphy |
| TCSP—Transportation & Community & System Preservation | Construction of Riverside Multi-use Trailways, Parkland, FL | $250,000 | Rep. Ron Klein |
| TCSP—Transportation & Community & System Preservation | Downtown Transit Circulator Streetscapes, Broward County, FL | $250,000 | Rep. Ron Klein |
| TCSP—Transportation & Community & System Preservation | Expansion of County Line Road—Hernando County FL | $500,000 | Rep. Ginny Brown-Waite |
| TCSP—Transportation & Community & System Preservation | Heckscher Drive and Bridge Replacement, FL | $1,000,000 | Rep. Ander Crenshaw |
| TCSP—Transportation & Community & System Preservation | U.S. 441/SR7 Interchange at 11th Street, Lauderhill, Broward County, FL | $750,000 | Rep. Alcee Hastings |
| TCSP—Transportation & Community & System Preservation | US 98 Six Lane Widening, FL | $750,000 | Rep. Adam Putnam |
| TCSP—Transportation & Community & System Preservation | Downtown Development Authority District Streetscape, Dahlonega GA | $325,000 | Sen. Chambliss |
| TCSP—Transportation & Community & System Preservation | Extension of the Cobb Parkway, Marietta, GA | $475,000 | Sen. Isakson, Sen. Chambliss, Rep. Tom Price |
| TCSP—Transportation & Community & System Preservation | I–75/Bruton Smith Pkwy Interchange Improvement, GA | $250,000 | Rep. Lynn Westmoreland |
| TCSP—Transportation & Community & System Preservation | New interchange & road relocation, I–85 & CR 98, GA | $250,000 | Rep. Lynn Westmoreland, Sen. Chambliss |
| TCSP—Transportation & Community & System Preservation | Ocmulgee Heritage Trail, Bibb County, GA | $400,000 | Rep. Jim Marshall |
| TCSP—Transportation & Community & System Preservation | Rails to Trails/Civic Center Project, Covington, GA | $500,000 | Rep. Jim Marshall |
| TCSP—Transportation & Community & System Preservation | Silver Comet Trail Atlanta Road Connector, GA | $250,000 | Rep. Tom Price |
| TCSP—Transportation & Community & System Preservation | State Route 24 Widening, Sandersville, Washington County, GA | $500,000 | Rep. John Barrow |

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| TCSP—Transportation & Community & System Preservation | State Route 67 Widening from I–16 to Statesboro bypass, GA | $500,000 | Rep. John Barrow |
| TCSP—Transportation & Community & System Preservation | Union Grove Interchange, Gordon County, GA | $250,000 | Rep. Phil Gingrey |
| TCSP—Transportation & Community & System Preservation | Construct Four Lane Highway 20 West of U.S. 71, IA | $500,000 | Rep. Steve King |
| TCSP—Transportation & Community & System Preservation | Scott Community College Campus Access Road, Davenport, IA | $500,000 | Rep. Bruce Braley, Sen. Grassley |
| TCSP—Transportation & Community & System Preservation | Southeast Connector Extension from SE 6th Street to SE 14th Street, IA | $2,345,000 | Sen. Harkin, Sen. Grassley |
| TCSP—Transportation & Community & System Preservation | University Boulevard Widening, Clive, IA | $350,000 | Rep. Leonard Boswell, Sen. Grassley |
| TCSP—Transportation & Community & System Preservation | US Highway 63 Reconstruction, Waterloo, IA | $350,000 | Sen. Grassley |
| TCSP—Transportation & Community & System Preservation | US 30 McCammon to Topaz Bridge, ID | $350,000 | Sen. Crapo |
| TCSP—Transportation & Community & System Preservation | Butterfield Road, Illinois Route 60/Canadian National Railroad Grade Separation, Lake County, IL | $250,000 | Rep. Melissa Bean |
| TCSP—Transportation & Community & System Preservation | Illinois Route 120 Corridor, Lake County, IL | $1,000,000 | Rep. Melissa Bean |
| TCSP—Transportation & Community & System Preservation | Illinois Trails, IL | $3,000,000 | Sen. Durbin, Sen. Obama, Rep. Jerry Weller |
| TCSP—Transportation & Community & System Preservation | Meacham Road Tollway Access Ramp, Schaumburg, IL | $250,000 | Rep. Melissa Bean |
| TCSP—Transportation & Community & System Preservation | Miller Road Widening, McHenry County, IL | $250,000 | Rep. Melissa Bean |
| TCSP—Transportation & Community & System Preservation | Red Gate Road Bridge, St. Charles, IL | $500,000 | Rep. J Hastert |
| TCSP—Transportation & Community & System Preservation | Street improvements in Burnham, IL | $400,000 | Rep. Jesse Jackson |
| TCSP—Transportation & Community & System Preservation | Street improvements in Thornton, IL | $400,000 | Rep. Jesse Jackson |
| TCSP—Transportation & Community & System Preservation | Campus Perimeter Transportation, Vanderburgh, IN | $350,000 | Rep. Brad Ellsworth, Sen. Lugar |
| TCSP—Transportation & Community & System Preservation | Connersville Intermodal Study, Connersville, IN | $350,000 | Sen. Lugar |
| TCSP—Transportation & Community & System Preservation | Pigeon Creek Greenway Passage: Phase I, Evansville, IN | $670,000 | Sen. Bayh |
| TCSP—Transportation & Community & System Preservation | University Parkway Construction, Vanderburgh County, IN | $350,000 | Rep. Brad Ellsworth, Sen. Bayh, Sen. Lugar |
| TCSP—Transportation & Community & System Preservation | Construction and Improvements to County Road One (RS–209) south of I–70 to K–32, Leavenworth County, KS | $500,000 | Sen. Roberts |
| TCSP—Transportation & Community & System Preservation | Fort Knox Park & Ride Express on US 31W, KY | $350,000 | Sen. Bunning |
| TCSP—Transportation & Community & System Preservation | Kentucky River Palisades Land Preservation, Lexington, KY | $500,000 | Rep. Ben Chandler |
| TCSP—Transportation & Community & System Preservation | Interstate 10 Service Road Corridor, Lake Charles, LA | $2,000,000 | Sen. Landrieu, Sen. Vitter |
| TCSP—Transportation & Community & System Preservation | Signal Synchronization System: Baton Rouge, LA | $350,000 | Sen. Vitter |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| TCSP—Transportation & Community & System Preservation | U.S. 190/Collin Blvd. Widening, LA | $500,000 | Rep. Bobby Jindal, Sen. Vitter, Sen. Landrieu |
| TCSP—Transportation & Community & System Preservation | Reconstruction of Bangor Street, ME | $375,000 | Sen. Collins, Sen. Snowe |
| TCSP—Transportation & Community & System Preservation | Highway 14 from North Mankato, MN to New Ulm, MN | $350,000 | Rep. Tim Walz, Sen. Klobuchar |
| TCSP—Transportation & Community & System Preservation | Highway 14 from Waseca, MN to Owatonna, MN | $500,000 | Sen. Coleman, Sen. Klobuchar, Rep. Tim Walz |
| TCSP—Transportation & Community & System Preservation | Highway 241 Improvement, MN | $500,000 | Rep. Michele Bachmann, Sen. Klobuchar, Sen. Coleman |
| TCSP—Transportation & Community & System Preservation | Stony Run Township Road in Yellow Medicine County, MN | $100,000 | Rep. Collin Peterson |
| TCSP—Transportation & Community & System Preservation | US Highway 212 Expansion-Chaska to Norwood Young America, Carver County, MN | $670,000 | Sen. Klobuchar |
| TCSP—Transportation & Community & System Preservation | Brush Creek Beautification, Kansas City, MO | $1,000,000 | Rep. Emanuel Cleaver |
| TCSP—Transportation & Community & System Preservation | Highway N Improvements, Platte County, MO | $500,000 | Rep. Sam Graves |
| TCSP—Transportation & Community & System Preservation | East Metropolitan Corridor— Rankin County, MS | $250,000 | Sen Cochran, Rep. Charles Pickering |
| TCSP—Transportation & Community & System Preservation | Hwy 27 Hurricane Evacuation Route, MS | $100,000 | Sen. Cochran, Rep. Charles Pickering |
| TCSP—Transportation & Community & System Preservation | Clayton Pedestrian Grade Separation, Johnston County, NC | $367,500 | Sen. Burr |
| TCSP—Transportation & Community & System Preservation | US 17 in Beaufort County, NC | $375,000 | Sen. Dole, Rep. B. K. Butterfield |
| TCSP—Transportation & Community & System Preservation | US 30, Columbus Viaduct, NE | $300,000 | Sen. Hagel |
| TCSP—Transportation & Community & System Preservation | Newark Downtown Core Redevelopment District, NJ | $670,000 | Sen. Lautenberg, Sen. Menendez |
| TCSP—Transportation & Community & System Preservation | Safety and Drainage Improvements on Route 46, Lodi, NJ | $250,000 | Rep. Steven Rothman |
| TCSP—Transportation & Community & System Preservation | South Orange Avenue Roadway Improvements, Essex County, NJ | $250,000 | Rep. Bill Pascrell, Rep. Steven Rothman, Rep. Albio Sires, Sen. Lautenberg, Sen. Menendez |
| TCSP—Transportation & Community & System Preservation | U.S. 550 Improvements, Bernalillo, NM | $500,000 | Rep. Heather Wilson, Sen. Domenici, Sen. Bingaman |
| TCSP—Transportation & Community & System Preservation | I–15 North I–215 to Apex Interchange, NV | $1,000,000 | Sen. Reid, Sen. Ensign, Rep. Shelley Berkley |
| TCSP—Transportation & Community & System Preservation | Meadowood Interchange Complex, Reno, NV | $750,000 | Sen. Reid, Rep. Dean Heller |
| TCSP—Transportation & Community & System Preservation | Hofstra University's Safe and Sustainable Campus Plan, NY | $780,000 | Sen. Schumer, Sen. Clinton |
| TCSP—Transportation & Community & System Preservation | Lincoln Center Corridor Redevelopment Project, NY | $500,000 | Rep. Jerrold Nadler, Rep. Charles Rangel, Sen. Clinton, Sen. Schumer |

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| TCSP—Transportation & Community & System Preservation | Little Neck Quiet Zone, NY | $250,000 | Rep. Gary Ackerman |
| TCSP—Transportation & Community & System Preservation | Main Street Streetscape, Haverstraw, NY | $175,000 | Rep. Nita Lowey |
| TCSP—Transportation & Community & System Preservation | New York State Routes 5, 8, 12 Viaduct and Route 5A and 5S, Utica, NY | $750,000 | Rep. Michael Arcuri, Sen. Schumer |
| TCSP—Transportation & Community & System Preservation | City of Northwood, OH Wales Road Grade Separation | $500,000 | Rep. Paul Gillmor |
| TCSP—Transportation & Community & System Preservation | Eastgate Area Improvements, OH | $250,000 | Rep. Jean Schmidt, Sen. Voinovich |
| TCSP—Transportation & Community & System Preservation | Flats Eastbank Project, City of Cleveland, OH | $850,000 | Sen. Voinovich, Sen. Brown, Rep. Stephanie Jones |
| TCSP—Transportation & Community & System Preservation | Mehring Way Street Grid East, Cincinnati, OH | $200,000 | Rep. Jean Schmidt, Sen. Voinovich |
| TCSP—Transportation & Community & System Preservation | Scioto Mile River Level Park Project, Columbus, OH | $500,000 | Rep. Deborah Pryce, Sen. Voinovich |
| TCSP—Transportation & Community & System Preservation | White Pond Drive Expansion, OH | $670,000 | Sen. Brown, Rep. Betty Sutton |
| TCSP—Transportation & Community & System Preservation | Robinson Grade Separation, City of Norman, OK | $350,000 | Sen. Inhofe |
| TCSP—Transportation & Community & System Preservation | US 169 Highway Widening Environmental Assessment, City of Owasso, OK | $350,000 | Sen. Inhofe, Rep. John Sullivan |
| TCSP—Transportation & Community & System Preservation | I–5 North Macadam Ramp & Street Capacity Improvements, OR | $375,000 | Sen. Smith, Sen. Wyden |
| TCSP—Transportation & Community & System Preservation | Baptist and Broughton Road Intersection, PA | $500,000 | Rep. Tim Murphy |
| TCSP—Transportation & Community & System Preservation | High Priority Corridor 31 of the National Highway System in southwestern, PA | $670,000 | Sen. Casey |
| TCSP—Transportation & Community & System Preservation | PUP Ride Share Program, Philadelphia, PA | $1,000,000 | Rep. Chaka Fattah |
| TCSP—Transportation & Community & System Preservation | Ellsworth Air Force Base Road Improvement, SD | $700,000 | Sen. Thune |
| TCSP—Transportation & Community & System Preservation | North Second Street Corridor Upgrade, Memphis, TN | $500,000 | Rep. Steve Cohen |
| TCSP—Transportation & Community & System Preservation | U.S. 64—Hardeman/McNairy/Hardin/Wayne Counties, TN | $500,000 | Rep. Marsha Blackburn |
| TCSP—Transportation & Community & System Preservation | Lane expansion of RM 1431, TX | $500,000 | Rep. John Carter, Sen. Cornyn |
| TCSP—Transportation & Community & System Preservation | Port Road Expansion and Improvements, TX | $500,000 | Rep. Sheila Jackson-Lee, Rep. Nick Lampson |
| TCSP—Transportation & Community & System Preservation | Jefferson Park Avenue Project, Charlottesville, VA | $300,000 | Sen. Warner, Sen. Webb |
| TCSP—Transportation & Community & System Preservation | Des Moines Creek Trail Access Project, WA | $500,000 | Sen. Murray, Sen. Cantwell |
| TCSP—Transportation & Community & System Preservation | Olympic Discovery Trail/Elwha River Pedestrian Bridge, WA | $575,000 | Sen. Murray, Rep. Norman Dicks |
| TCSP—Transportation & Community & System Preservation | Fairmont Gateway Connector, WV | $1,500,000 | Rep. Alan Mollohan |
| TCSP—Transportation & Community & System Preservation | US Route 35, WV | $400,000 | Sen Bryd, Rep. Shelley Capito |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| TCSP—Transportation & Community & System Preservation | Separated Grade Crossing for Torrington, WY | $350,000 | Sen. Enzi, Sen. Thomas |
| Transportation Planning, Research, and Development | Transportation and Public Safety Traffic Information Exchange Pilot Project, DE | $335,000 | Sen. Carper, Sen. Biden |
| Transportation Planning, Research, and Development | National Center for Manufacturing Sciences (NCMS) | $750,000 | Rep. Joe Knollenberg |
| Transportation Planning, Research, and Development | Virtual Accident and Injury Reconstruction Center, MSU, MS | $1,000,000 | Sen. Cochran |
| Transportation Planning, Research, and Development | UVM Advanced Ground Penetrating Radar Systems, VT | $670,000 | Sen. Leahy |
| Transportation Planning, Research, and Development | Inland Pacific Hub Analysis Project, WA | $250,000 | Sen. Murray, Rep. Cathy McMorris Rodgers |
| Transportation Planning, Research, and Development | SR–520 Innovative Water Quality Protection Project, WA | $350,000 | Sen. Murray, Sen. Cantwell |
| Transportation Planning, Research, and Development | Washington State University Freight Transportation Policy Institute, WA | $450,000 | Sen. Murray |
| Transportation Planning, Research, and Development | Ballast Water Research, University of Wisconsin-Superior, WI | $1,000,000 | Rep. David Obey |
| Transportation Planning, Research, and Development | Great Lakes Maritime Research Institute, University of Wisconsin-Superior, WI | $1,000,000 | Rep. David Obey |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Economic Development Initiatives

| Grantee | Purpose | Funding | Sponsor |
|---|---|---|---|
| Ada Public Works Authority in Ada, OK | for construction of 1 million gallon water storage tower | $250,000 | Rep. Cole, Sen. Inofe |
| African American Cultural Center in Lumberton, NC | for renovation and buildout of the facility | $150,000 | Rep. McIntyre |
| African American History Foundation of Nashville, TN | for planning, design and construction of a museum | $100,000 | Rep. Cooper |
| African-American Male Achievers Network in Los Angeles, CA | for acquisition and renovation of a facility to provide educational opportunities for youth | $150,000 | Rep. Waters |
| Alexandria Central Economic Development District in Alexandria, LA | for development of marina, related dockside, access and utilities | $600,000 | Rep. Alexander, Sen. Vitter |
| Allegheny County Department of Planning in Pittsburgh, PA | for planning, design, renovation, construction and buildout of a brownfields site | $100,000 | Rep. Altmire, Rep. Doyle |
| Allentown Art Museum of the Lehigh Valley in Allentown, PA | for expansion | $250,000 | Rep. Dent |
| Alpine Heritage Preservation in Thomas, WV | for renovation and buildout of the historic opera house | $200,000 | Rep. Mollohan |
| America's Second Harvest of South Georgia in Valdosta, GA | for construction, expansion, and renovation of food distribution center | $225,000 | Rep. Kingston |
| Amherst Cinema Arts Center, Inc. in Amherst, MA | for acquisition, renovation and buildout of an arts center, as part of area redevelopment | $265,000 | Rep. Olver |
| Amherst Youth Foundation in Amherst, NY | for renovations to the Independent Health Youth and Family Center | $150,000 | Rep. Reynolds |
| Anderson Arts Center in Anderson, SC | for completion of the renovation of the Anderson Arts Warehouse Facility | $100,000 | Rep. Barrett |
| Appalachian Service Project, Inc. in Johnson City, TN | for emergency home repair for disadvantaged families | $150,000 | Rep. Davis (David) |

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| Arc Mercer Inc. in Ewing, NJ | for upgrading facilities to serve people with developmental disabilities | $50,000 | Rep. Smith (Christopher) |
| Ardmore Development Authority in Ardmore, OK | for a centrally located resource center | $350,000 | Rep. Cole, Sen. Inofe |
| Ark Memorial Foundation in Laramie, WY | for completion of construction of a national Creative Arts Center | $150,000 | Rep. Cubin |
| Arkansas State University at Mountain Home, in Mountain Home, AR | for construction, renovation, and buildout of a multipurpose facility | $250,000 | Rep. Berry |
| Arkansas State University-Newport in Newport, AR | for construction of the Regional Transportation Technology Center, an educational and training facility | $350,000 | Rep. Berry |
| Arlington Chamber of Commerce in Arlington, TX | for commercialization of technology, especially bio- and nano-technology at University of Texas at Arlington | $100,000 | Rep. Barton, Sen. Hutchison |
| Arlington Housing Corporation in Arlingon, VA | for renovation, expansion and construction of low-income housing | $200,000 | Rep. Moran (James) |
| Armed Services YMCA in Killeen, TX | for construction of a full service YMCA | $400,000 | Rep. Carter |
| ArtsQuest of Bethlehem, PA | for revitalization of a brownsfield site and development of the SteelStax Performing Arts Center on the site | $250,000 | Rep. Dent |
| Asian Youth Center of San Gabriel, CA | for acquisition of a multipurpose facility for the center | $150,000 | Rep. Schiff |
| Atchison County Memorial Building Foundation in Atchison County, MO | for renovation of the Atchison County Memorial Building | $250,000 | Rep. Graves |
| Atlanta Botanical Gardens in Atlanta, GA | for construction of the Canopy Walk, an educational nature walk | $150,000 | Rep. Lewis (John) |
| Atlantic County, NJ | for development of an industrial park to foster economic development | $100,000 | Rep. LoBiondo |
| Audie Murphy/American Cotton Museum in Greenville, TX | for construction of a memorial and building | $100,000 | Rep. Hall (Ralph) |
| Avesta Housing in Portland, ME | for planning, design, construction and buildout of the Florence House Center for Homeless Women | $150,000 | Rep. Allen |
| Bacon County Board of Commissioners in Bacon County, GA | for restoration of an old school building for community use | $225,000 | Rep. Kingston |
| Ballard County, KY | for the Ballard County Chamber of Commerce and Tourism Community Shelter | $50,000 | Rep. Whitfield |
| Barrington Stage Company in Pittsfield, MA | for renovation and buildout of the Berkshire Music Hall and Octagon House | $275,000 | Rep. Olver |
| Bassett Historical Center in Hendry County, VA | for expansion of a facility | $100,000 | Rep. Goode |
| Bay Area Food Bank in Mobile, AL | for construction of a commerical-size kitchen | $250,000 | Rep. Bonner, Sen. Shelby |
| Beatitude House in Warren, OH | for renovation and construction of a facility for homeless women and children | $200,000 | Rep. Ryan |
| Bel Alton High School Alumni Association CDC in Bel Alton, MD | for renovation, construction and buildout of a community center | $400,000 | Rep. Hoyer |
| Belmont Complex in Kittanning, PA | for renovation and construction of the Belmont Complex | $300,000 | Rep. Murtha |
| Berrien County Economic Development Authority in Berrien County, GA | for design and construction of new sewer system | $300,000 | Rep. Kingston |
| Bethel School District in Spanaway, WA | for construction and buildout of a community center for seniors and youth | $150,000 | Rep. Reichert, Rep. Smith (Adam), Sen. Murray, Sen. Cantwell |
| Bethune-Cookman University in Daytona Beach, FL | for rehabilitation and renovation of the School of Nursing | $150,000 | Rep. Mica |
| Billings Food Bank in Billings, MT | for demoliton of buidling | $300,000 | Rep. Rehberg |
| Bi-State Authority, Lawrenceville-Vincennes Airport in Lawrenceville, IL | for construction of a new airport building for a public use area | $100,000 | Rep. Johnson (Timothy) |
| Black Ensemble Theater in Chicago, IL | for planning, design and construction of the theater | $200,000 | Rep. Schakowsky |
| Blount County Government in Blount County, TN | for infrastructure for Pellisippi Research Centre | $150,000 | Rep. Duncan |
| Bolingbrook Park District in Bolingbrook, IL | for construction of the LEED Platinum nature center | $150,000 | Rep. Biggert |
| Bonnie CLAC Lebanon, NH | for capitalization of a revolving loan fund to assist low-income populations with transportation needs | $100,000 | Rep. Hodes |
| Boricua College in Brooklyn, NY | for renovation and buildout of the North Side Campus | $150,000 | Rep. Velazquez |
| Borough of Coraopolis, PA | for streetscape improvements in downtown Coraopolis | $100,000 | Rep. Doyle |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Economic Development Initiatives—Continued

| Grantee | Purpose | Funding | Sponsor |
|---|---|---|---|
| Borough of High Bridge, NJ | for construction of ramps and elevators | $250,000 | Rep. Ferguson |
| Borough of Robesonia, PA | for signage and streetscape improvements as part of the Robesonia Downtown Revitalization project | $150,000 | Rep. Holden |
| Borough of Telford, PA | for renovation of a freight building, enhancement of handicap access and development of a community pavillion | $250,000 | Rep. Dent |
| Borough of West Paterson, NJ | for construction of an urban bikeway | $150,000 | Rep. Pascrell |
| Boynton Beach Community Redevelopment Agency in Boynton Beach, FL | for construction of an educational facility | $300,000 | Rep. Klein |
| Brainerd Institute of Chester, SC | for renovation and buildout of multipurpose facilities at the Brainerd Institute | $100,000 | Rep. Clyburn |
| Brooklyn Children's Museum in Brooklyn, NY | for renovation and construction of the museum | $170,000 | Rep. Clarke, Rep. Weiner, Sen. Schumer |
| Buhl Farm Trust in Sharon, PA | for building renovation at Bhul Farm | $300,000 | Rep. English |
| * Burchfield-Penney Art Center in Buffalo, NY | for construction and buildout | $400,000 | Rep. Slaughter, Rep. Reynolds |
| Calvin College in Grand Rapids, MI | for renovation of a historic building in downown Grand Rapids | $100,000 | Rep. Ehlers |
| Camp Wood YMCA in Elmdale, KS | for construction of alternative energy structures for facilities | $50,000 | Rep. Moran (Jerry) |
| Campbellsville-Taylor Co. Industrial Development in Campbellsville, KY | for development of two engineered, pad ready sites in the current business park | $100,000 | Rep. Lewis (Ron) |
| Carlisle Regional Perfroming Arts Center in Calisle, PA | for renovation of the Carlisle Theater | $100,000 | Rep. Platts |
| Caroll County Community Center in Carrollton, OH | for planning, design and construction of a community center | $300,000 | Rep. Space |
| Carroll County Watershed Authority in Carroll County, TN | for land acquisition | $150,000 | Rep. Tanner |
| Catholic Charities in Louisville, KY | for renovation of a historic building to create affordable housing for seniors | $100,000 | Rep. Yarmuth |
| Central Bradford Progress Authority in Towanda, PA | for renovation of facilities as part of a redevelopment plan | $310,000 | Rep. Camey |
| Central Connecticut Coast YMCA, Inc. in New Haven, CT | for planning, design and construction of a community recreational facility | $300,000 | Rep. DeLauro |
| Charlotte County, FL | for renovation, construction and buildout of the Family Services Center | $200,000 | Rep. Buchanan, Rep. Mahoney |
| Charter Township of White Lake, MI | for land purchases, roadway improvements, public spaces, streetscape and pathways | $150,000 | Rep. McCotter |
| Cherokee Strip Regional Heritage Center in Enid, OK | for renovation and construction of the center | $100,000 | Rep. Lucas, Sen. Inofe |
| Chicago Parks District in Chicago, IL | for renovation of the historic Theatre on the Lake | $700,000 | Rep. Emanuel |
| Chicanos Por La Causa, Inc. in Phoenix, AZ | for acquisition of a facility to be used as a business incubator and training facility | $500,000 | Rep. Pastor |
| Child Care Services Association in Chapel Hill, NC | for planning, design and construction of a child care resource center in Durham | $275,000 | Rep. Price |
| Citizens for a Civic Auditorium in Casper, WY | for construction of a multipurpose Casper Civic Auditorium facility | $200,000 | Rep. Cubin |
| City College of New York in New York, NY | for planning, design, construction, renovation and buildout of a multipurpose educational facility | $250,000 | Rep. Rangel |
| City of Agoura Hills, CA | for land acquisition to protect open space | $150,000 | Rep. Waxman |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| City of Ansonia, CT | for planning and design of affordable housing as part of a redevelopment plan at the Riverside Apartment Complex | $100,000 | Rep. DeLauro |

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| City of Astoria, OR | for planning, design and construction of the Chinese Heritage Park | $150,000 | Rep. Wu |
| City of Austin, TX | for streetscape and fac<9ade improvements as part of the East Austin Fac<9ade Improvement Project | $150,000 | Rep. Doggett, Rep. Smith (Lamar) |
| City of Azusa, CA | for renovation of the Azusa National Guard Armory to become a recreational facility for seniors and youth | $150,000 | Rep. Solis |
| City of Bastrop, TX | for planning, design and construction of a recreational trail | $250,000 | Rep. Doggett |
| City of Bellflower, CA | for construction and buildout of the Los Angeles County Fire Museum | $500,000 | Rep. Roybal-Allard |
| City of Bellmead, TX | for facility construction, renovation and buildout | $300,000 | Rep. Edwards |
| City of Benicia, CA | for renovation, construction and buildout of a facility for veterans | $150,000 | Rep. Miller (George) |
| City of Birmingham, AL | for land acquisition and construction of an urban park | $250,000 | Rep. Davis (Artur), Rep. Bachus, Sen. Shelby |
| City of Cadiz Downtown Development Project in Cadiz, KY | for economic development and community growth | $50,000 | Rep. Whitfield |
| City of Cedar Rapids, IA | for revitalization of a brownfields site | $150,000 | Rep. Loebsack, Sen. Harkin |
| City of Center Point, AL | for the Polly Reed Road Greenway and Pedestrian Walkway Project | $250,000 | Rep. Bachus, Sen. Shelby |
| City of Charlotte, NC | for land acquisition in the development of the Belvedere Business Park | $150,000 | Rep. Watt |
| City of Clearwater, FL | for a comprehensive plan, and to make corresponding infrastructure improvements to revitalize downtown Clearwater | $100,000 | Rep. Bilrakis |
| City of Clearwater, FL | for a comprehensive plan to revitalize downtown Clearwater | $200,000 | Rep. Young (C.W.) |
| City of Columbus, IN | for planning, design, construction and buildout of an educational facility | $150,000 | Rep. Hill, Sen. Lugar |
| City of Commerce City, CO | for renovation and construction of a Boys and Girls Club | $170,000 | Rep. Perlmutter |
| City of Daytona Beach, FL | for construction of a community center for services to disadvantaged youths | $50,000 | Rep. Mica |
| City of Desert Hot Springs, CA | for construction and site improvements for a civic and community center | $200,000 | Rep. Lewis (Jerry) |
| City of Detroit, MI | for demolition of abandoned properties as part of a redevelopment plan | $300,000 | Rep. Conyers, Sen. Levin, Sen. Stabenow |
| City of Doral, FL | for redevelopment of recreation facilities | $150,000 | Rep. Diaz-Balart (Lincoln) |
| City of Eagle Mountain, UT | for park development to complete Phase I of the economic development area in Eagle Mountain City | $420,000 | Rep. Cannon, Sen. Hatch, Sen. Bennett |
| City of Edmonds, WA | for renovation of the Edmunds Center for the Arts | $150,000 | Rep. Inslee, Sen. Murray |
| City of Evansville, IN | for renovation, construction and buildout of the historic Alhambra Theatre | $200,000 | Rep. Ellsworth, Sen. Lugar |
| City of Fayetteville, NC | for planning, design and construction of the Fayetteville Military Business Park | $150,000 | Rep. Etheridge, Rep. Hayes, Rep. McIntyre, Sen. Dole |
| City of Fort Dodge, IA | for the acquisition and/or demolition of the former Beef Processors production plant | $100,000 | Rep. Latham, Sen. Harkin, Sen. Grassley |
| City of Fredonia, KS | for sidewalks and streetscape improvements in the central business district | $100,000 | Rep. Boyda |
| City of Gillette, WY | for design costs for an addition to the current Campbell County Senior Center | $150,000 | Rep. Cubin |
| City of Green Bay, WI | for construction of the Riverfront Boardwalk, as part of a redevelopment plan | $400,000 | Rep. Kagen |
| City of Greenville, IL | for construction of a business incubator | $150,000 | Rep. Shimkus |
| City of Hackensack, NJ | for improvements to Foschini Park | $200,000 | Rep. Rothman |
| City of Hammond, LA | for fire protection water services | $250,000 | Rep. Jindal, Sen. Landrieu |
| City of Hearne, TX | for construction of a visitors center and museum for the WWII POW Camp | $250,000 | Rep. Edwards |
| City of Hermiston, OR | for construction of a learning center | $50,000 | Rep. Walden, Sen. Wyden, Sen. Smith |
| City of Imperial, CA | for planning, design and construction of a regional parks facility | $150,000 | Rep. Filner |
| City of Indianola, MS | for a revolving loan fund to provide affordable housing, as part of the Indianola Housing Initiative | $250,000 | Rep. Thompson (Bennie) |
| City of Jackson, AL | for construction of a building in conjunction with a 240-acre Industrial Development Park | $250,000 | Rep. Bonner |
| City of Jacob in Cottondale, FL | for acquisition and renovation of a community center | $300,000 | Rep. Boyd |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| City of Joplin, MO | for streetscape improvements in Center City | $700,000 | Rep. Blunt |
| City of Kaysville City, UT | for reclamation and conversion of a city-owned property to an economic use | $150,000 | Rep. Bishop (Rob), Sen. Bennett |
| City of La Puente, CA | for planning, design and construction of a Nature Education Center for children | $250,000 | Rep. Napolitano |
| City of Lauderdale Lakes, FL | for renovation and construction of a new educational and cultural addition to the library | $200,000 | Rep. Hastings (Alcee) |
| City of Livermore, CA | for capitalization of a housing loan fund through the Tri-Valley Housing Opportunity Center | $150,000 | Rep. Tauscher |
| City of Los Angeles, CA | for improvements to MacArthur Park | $200,000 | Rep. Becerra |
| City of Lufkin, TX | for construction of a convention center | $100,000 | Rep. Gohmert |
| City of Luling, TX | for renovation, construction and buildout of a historic facility as part of the Zedler Mill Park Pavilion Restoration project | $200,000 | Rep. Doggett |
| City of Lynwood, CA | for construction of a public park | $150,000 | Rep. Sanchez (Linda) |
| City of Madeira Beach, FL | for renovation of John's Pass Village to enhance public use | $50,000 | Rep. Young (C.W.) |
| * City of Maitland, FL | for the Minihaha Park development | $240,000 | Rep. Brown (Corrine) |
| City of Marathon, FL | for improvements to Boot Key Municial Harbor facilites | $100,000 | Rep. Ros-Lehtinen |
| City of Memphis, TN | for demolition and planning as part of the University Place Revitalization project | $225,000 | Rep. Cohen |
| City of Minneapolis, MN | for land and building acquisition, renovation and construction as part of the City's redevelopment plan | $270,000 | Rep. Ellison, Sen. Coleman, Sen. Klobuchar |
| City of Monroe, NC | for renovation of the Old Armory Building site into a community center | $500,000 | Rep. Hayes, Sen. Burr |
| City of Montrose, CO | for planning, design and construction of the Montrose Higher Education and Technology Park | $150,000 | Rep. Salazar, Sen. Salazar |
| City of Mount Vernon, IN | for construction of a riverfront plaza as part of a redevelopment plan | $50,000 | Rep. Ellsworth |
| City of New Bedford, MA | for demolition of abandoned buildings as part of a redevelopment plan | $400,000 | Rep. Frank (Barney) |
| City of New Braunfels, TX | for relocation of the utilities underground | $100,000 | Rep. Smith (Lamar) |
| City of New Brunswick, NJ | for planning, design, streetscape improvements and sidewalks | $150,000 | Rep. Pallone, Sen. Lautenberg |
| City of New Iberia, LA | for planning, design, and construction of a multipurpose facility | $150,000 | Rep. Melancon, Sen. Vitter |
| City of North Las Vegas, NV | for planning, design and construction of a senior center | $150,000 | Rep. Berkley |
| City of Ottawa, KS | for land acquisition, renovation and construction of the Ottawa Industrial Park | $300,000 | Rep. Boyda |
| City of Paxville, SC | for construction and buildout of a technology center for youth and senior citizens | $100,000 | Rep. Clyburn |
| City of Phoenix, AZ | for streetscape improvements as part of the Maryvale Revitalization Project | $150,000 | Rep. Pastor |
| City of Prattville, AL | for Phase II of the public acess and use at Cooters Pond Park | $100,000 | Rep. Everett |
| City of Raeford, NC | for sidewalks and streetscape improvements | $200,000 | Rep. Hayes |
| City of Rainsville, AL | for further construction of the Rainesville Ag center | $330,000 | Rep. Aderholt, Sen. Shelby |
| City of Rancho Cordova, CA | for construction and buildout of a community building at the White Rock Community Park | $150,000 | Rep. Matsui |
| City of Raytown, MO | for the demolition of an abandoned church as part of a redevelopment plan | $550,000 | Rep. Cleaver |
| City of Riverdale, GA | for planning, design and construction of a multipurpose facility for low- and moderate-income residents | $250,000 | Rep. Scott (David) |
| City of Romney, WV | for continued renovation and adaptive reuse of the Coca Cola Bottling plant as a cultural and arts center | $100,000 | Rep. Capito |
| City of Round Rock, TX | for infrastructure and sidewalk improvements on Main Street from IH35 to San Saba Street | $400,000 | Rep. Carter |
| City of San Antonio, TX | for construction and buildout of an educational facility | $400,000 | Rep. Gonzalez, Rep. Rodriguez |

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| City of San Clemente, CA | for continued construction of the Coastal Trail | $300,000 | Rep. Calvert |
| City of San Juan, TX | for planning, design and construction of a new library | $250,000 | Rep. Hinojosa |
| City of San Leandro, CA | for construction and buildout of senior center | $250,000 | Rep. Stark |
| City of Santa Maria, CA | for construction, renovation and buildout of a library | $150,000 | Rep. Capps |
| City of Sarasota, FL | for renovation of the Robert L. Taylor Community Center | $375,000 | Rep. Buchanan, Sen. Martinez |
| City of Somerton in Tucson, AZ | for construction and buildout of the Dunbar Project Youth Cultural Center | $250,000 | Rep. Grijalva |
| City of Springfield, OH | for acquisition, relocation, remediation and infrastructure improvements for the Community/Mercy Health Partners Hospital | $500,000 | Rep. Hobson |
| City of St. Louis, MO | for streetscape improvements on Cherokee Street | $150,000 | Rep. Carnahan |
| City of Suffolk, VA | for renovation of the former East Suffolk High School into a community and recreation center | $200,000 | Rep. Forbes |
| City of Tamarac, FL | for expansion, renovation and buildout of a recreational facility | $150,000 | Rep. Wexler |
| City of Tampa, FL | for construction of the Tampa Riverwalk as part of a redevelopment plan | $300,000 | Rep. Castor |
| City of Toledo, OH | for construction, renovation and buildout in low-income neighborhoods | $250,000 | Rep. Kaptur |
| City of Topeka, KS | for land acquisition for a public park | $100,000 | Rep. Boyda |
| City of Valdosta, GA | for reconstruction and development of an eight block corridor | $250,000 | Rep. Kingston, Sen. Chambliss |
| City of Wakefield, MI | for renovation, construction and buildout of the historic Wakefield Memorial Community Building | $150,000 | Rep. Stupak, Sen. Levin, Sen. Stabenow |
| City of Waterbury, CT | for demolition of abandoned structures as part of a redevelopment plan | $300,000 | Rep. Murphy (Christopher) |
| City of Waterloo, IA | for renovation, construction and buildout of the Cedar Valley TechWorks Technology Center | $200,000 | Rep. Braley, Sen. Grassley |
| City of Wichita, KS | for redevelopment of Dunbar Theater | $300,000 | Rep. Tiahrt |
| City of Yucaipa, CA | for construction of a joint recreation facility for the City of Yucaipa and Crafton Hills Community College | $200,000 | Rep. Lewis (Jerry) |
| Clay County Drug Treatment Center in Manchester, KY | for construction of residential drug treatment facility | $500,000 | Rep. Rogers (Harold) |
| College of Mount Saint Vincent in Riverdale, NY | for renovation of the college's nursing laboratories | $250,000 | Rep. Engel |
| Collier County, FL | for construction of a Community Center in South Immokalee | $150,000 | Rep. Diaz-Balart (Mario), Sen. Martinez |
| Community Health Connections in Gardner, MA | for renovation of a former elementary school for a multipurpose health facility | $325,000 | Rep. Olver |
| Community Rehabilitation Center, Inc., in Jacksonville, FL | for streetscape improvements and renovation of Pearl Street Plaza | $150,000 | Rep. Brown |
| Community Reinvestment Association of North Carolina in Durham, NC | for capitalization of a housing loan fund as part of the Manufactured Housing Redevelopment Fund | $275,000 | Rep. Price |
| Conemaugh Township Community Center in Saltsburg, PA | for improvements to the Center to meet ADA requirements | $50,000 | Rep. Shuster |
| Conway County, AR | for renovation and buildout of the historic Morrilton Post Office building | $150,000 | Rep. Snyder |
| Cornucopia Adult Day Services in Albuquerque, NM | for renovation to the building located at 2002 Bridge Boulevard, SW | $100,000 | Rep. Wilson (Heather) |
| Council on Aging of Sonoma County in Santa Rosa, CA | for construction, renovation and buildout of a multipurpose facility for seniors | $150,000 | Rep. Woolsey |
| County of San Joaquin, CA | for construction and buildout of an economic development facility, the San Joaquin Agricultural Center | $500,000 | Rep. McNerney |
| Crystal Lake Art Center in Frankfort, MI | for improvements to the former Frankfort Coast Guard station for use by the Crystal Lake Art Center | $100,000 | Rep. Hoekstra |
| Cumberland County, KY | for the Burkesville Industrial Development Project | $100,000 | Rep. Whitfield |
| Custer County, ID | for acquistion of an unused middle school building | $100,000 | Rep. Simpson |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Cypress Creek Fine Art Association in Spring, TX | for construction of the Pearl Fincher Museum of Fine Arts | $100,000 | Rep. Poe |
| Dayton Metropolitan Housing Authority in Dayton, OH | for demolition and redevelopment of Cliburn Manor | $50,000 | Rep. Turner, Sen. Voinovich |
| DBA Greater Honesdale Partnership in Honesdale, PA | for acquisition, renovation and construction of a facility | $300,000 | Rep. Carney |
| Destination Plymouth in Plymouth, MA | for renovation and buildout of facilities | $100,000 | Rep. Delahunt |
| Detroit Science Center in Detroit, MI | for construction of the Michigan Careers in Engineering Theater | $750,000 | Rep. Knollenberg |
| Downtown Improvement Program in Beaumont, TX | for redevelopment and enhancement to the streets, including Neches Street from Laurel to College Streets and Park Street from North to College Streets | $50,000 | Rep. Poe, Sen. Hutchison |
| Downtown Roanoke, VA | for infrastructure renovations for awnings of the historic market | $250,000 | Rep. Goodlatte |
| East County Family YMCA in San Diego, CA | for construction of the McGrath Family YMCA | $150,000 | Rep. Hunter |
| East Mississippi Community College Golden Triangle, MS | for construction of a metal-working facility for job training | $500,000 | Rep. Wicker |
| Eastern Shore Community College in Melfa, VA | for additional laboratory, related equipment and infrastructure development at the Eastern Shore Community College | $100,000 | Rep. Drake |
| Eastern Shore Rural Health System, Inc. in Onley, VA | for construction of a new Onley Community Health facility | $200,000 | Rep. Drake |
| Eckerd College in St. Petersburg, FL | for construction of a center for programs serving low income and at-risk youth | $100,000 | Rep. Young (C.W.) |
| El Centro de Servicios Sociales, Inc. in Lorain, OH | for renovation and buildout of the South Lorain Lincoln Community Center, a community facility for youth and seniors | $200,000 | Rep. Sutton |
| Elmira College in Elmira, NY | for preparation of construction plans to renovate a building | $400,000 | Rep. Kuhl, Sen. Schumer |
| Emergency Housing Consortium in San Jose, CA | for construction of the Sobrato Transitional Center, a residential facility for homeless individuals and families | $200,000 | Rep. Honda, Rep. Lofgren |
| Enon-Coulter CDC in Philadelphia, PA | for streetscape improvements and redevelopment in low-income neighborhoods | $100,000 | Rep. Fattah |
| Environmental Learning Centers of Connecticut in Bristol, CT | for construction of an educational facility | $200,000 | Rep. Larson, Sen. Dodd |
| Fairfax County Park Authority in Annandale, VA | for revitalization of Ossian Park | $50,000 | Rep. Davis (Tom) |
| Fairfax County Park Authority in Annandale, VA | for revitalization of athletic facilities at Mason District Park | $50,000 | Rep. Davis (Tom) |
| Farnum Neighborhood House in New Haven, CT | for renovation and buildout of Camp Farnum, a facility serving low-income children | $100,000 | Rep. DeLauro |
| Feedback Foundation in Anaheim, CA | for renovation and buildout of a facility that provides meals for low-income seniors | $150,000 | Rep. Sanchez (Loretta) |
| Florida Southern College in Lakeland, FL | for construction of library to house historic documents of Frank Loyd Wright | $200,000 | Rep. Putnam |
| FM Kirby Center in Wilkes-Barre, PA | for renovation and buildout of a historic building | $150,000 | Rep. Kanjorski |
| Focus on Renewal in McKees Rocks, PA | for planning, design and construction of the Sto-Rox Cultural Arts Center | $100,000 | Rep. Doyle |
| Food Bank of the Virginia Peninsula in Newport News, VA | for renovation and buildout of a facility to provide food to low-income populations | $150,000 | Rep. Scott (Robert) |
| Friendship Circle of the South Bay in Redondo Beach, CA | for construction of a multipurpose facility for children with special needs | $150,000 | Rep. Harman |
| Gannon University in Erie, PA | for development of the Erie Technology Incubator for economic development | $100,000 | Rep. English, Sen. Casey, Sen. Specter |

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| Genesee County Land Bank Authority in Flint, MI | for renovation and construction of the historic Durant Hotel as part of a redevelopment plan | $150,000 | Rep. Kildee |
| Girls and Boys Town USA in Boys Town, NE | for construction of facilities at priority national projects | $250,000 | Rep. Fortenberry, Sen. Nelson (Ben) |
| Girls and Boys Town USA in Oviedo, FL | for expansion of facilities | $250,000 | Rep. Feeney |
| Goodwill Industries of North Louisiana in Shreveport, LA | for renvoation of a donated building for use by the Goodwill | $150,000 | Rep. McCrery |
| Governing Body Supervisors of Berlin Township in Beach Lake, PA | for renovation, construction and buildout of the Berlin Township Community Center | $140,000 | Rep. Carney |
| Government of Guam Department of Public Works in Tamuning, Guam | for sidewalks, street furniture and façade improvements | $250,000 | Rep. Bordallo |
| Grafton County Economic Development Council in Bristol, NH | for acquisition, renovation and buildout of a business incubator | $200,000 | Rep. Hodes |
| Grant County Family YMCA in Marion, IN | for renovation of the Memorial Coliseum | $200,000 | Rep. Burton |
| Grant County Housing Authority in Petersburg, WV | for streetscape improvements and construction of ADA accessible entrances for affordable housing | $100,000 | Rep. Mollohan |
| Graveyard of the Atlantic Museum in Hatteras, NC | for completion of construction of the Graveyard of the Atlantic Museum | $150,000 | Rep. Jones (Walter) |
| Greater Cincinnati Foundation, Black Brigade Fund in Cincinnati, OH | for construction of a monument to commemorate the Black Brigade of Cincinnati | $50,000 | Rep. Schmidt |
| Greene County Community Center in Waynesburg, PA | for construction, renovation and buildout of recreational facilities | $200,000 | Rep. Murtha |
| Group Ministries, Inc. in Buffalo, NY | for renovation and buildout of a community services building | $200,000 | Rep. Slaughter |
| Halifax County Historical Society in South Boston, VA | for installation of the Crossing of the Dan exhibit project | $225,000 | Rep. Goode |
| Hamilton County, TN | for construction of a building to house the Center for Entrepreneurial Growth | $100,000 | Rep. Wamp |
| Harris County Commissioner's Office, Precinct Three in Houston, TX | for construction and buildout of a multipurpose facility, the Bayland Park Community Aquatic Center | $150,000 | Rep. Green (Al) |
| Harris County Community and Economic Development Department in Houston, TX | for planning studies and streetscape improvements | $100,000 | Rep. Green (Gene) |
| Harvest Community Foundation in Billings, MT | for construction of Billings Heights Community Center | $200,000 | Rep. Rehberg |
| Heidelberg College in Tiffin, OH | for construction of a Wellness and Recreation Center | $100,000 | Rep. Gillmor |
| Helen Keller Services for the Blind in Brooklyn, NY | for renovation and construction of a recreational facility for handicapped children | $150,000 | Rep. Towns, Sen. Clinton, Sen. Schumer |
| Hendry County, FL | for planning, design, and construction of recreational facilities at the Hendry LaBelle Regional Park | $300,000 | Rep. Mahoney |
| Henry County Fiscal Court in Henry County, KY | for enabling the fiscal court to make the Henry County Commerce Park site ready | $300,000 | Rep. Davis (Geoff) |
| Highgate Recreation Center in Highgate, VT | for renovation of a recreational center | $200,000 | Rep. Welch |
| Hillsborough Township, NJ | for construction of a community center | $50,000 | Rep. Ferguson |
| Historic Globe Main Street Program in Globa, AZ | for renovation of the historic Gila County Courthouse for use as a community center | $100,000 | Rep. Renzi |
| Historic St. Mary's City, MD | for construction and renovation of a historic facility | $400,000 | Rep. Hoyer |
| Hocking Athens Perry Community Action in Athens, OH | for renovation and construction of a community center | $200,000 | Rep. Space |
| Holocaust Documentation and Education Center in North Miami Beach, FL | for facility renovation, construction and buildout of the museum | $300,000 | Rep. Wasserman Schultz, Sen. Nelson (Bill) |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Housing Partnership Network, Inc. of Boston, MA | for capitalization of a revolving loan fund for affordable housing | $300,000 | Rep. Hoyer |
| Housing Trust of Santa Clara County in San Jose, CA | for capitalization of a revolving loan fund for first time homebuyers | $150,000 | Rep. Eshoo, Rep. Lofgren, Rep. Honda |
| Houston Fire Museum in Houston, TX | for construction of an Education Center | $250,000 | Rep. Jackson-Lee |
| Houston Zoo in Houston, TX | for development of an educational broadcast program | $300,000 | Rep. Culberson, Rep. McCaul |
| Hudson Area Joint Library in Hudson, WI | for land acquisition, planning, design and construction of a new library | $150,000 | Rep. Kind |
| Hudson Guild Fulton Center in New York, NY | for construction, renovation and buildout of a community services center for seniors | $150,000 | Rep. Nadler, Sen. Clinton, Sen. Schumer |
| Hudson Opera House, Inc. in Hudson, NY | for renovation of the Historic Hudson Opera House Arts Community Center | $125,000 | Rep. Gillibrand, Sen. Schumer |
| Huntingdon County Community Center in Huntingdon, PA | for expansion of the facilities | $100,000 | Rep. Shuster |
| Huntsville Museum of Art in Huntsville, AL | for facility construction, expansion, renovation and buildout of the museum as part of the redevelopment of downtown Huntsville | $200,000 | Rep. Cramer, Sen. Shelby |
| Iberville Parish, LA | for construction of a visitors center | $100,000 | Rep. Baker, Sen. Landrieu |
| Illinois College of Medicine at Peoria in Peoria, IL | for planning, construction, and design of a building at the Illinois College of Medicine | $100,000 | Rep. LaHood |
| Indiana State University in Bedford, IN | for relocation and expansion of the ISU Learning Center | $150,000 | Rep. Buyer |
| Institute of Puerto Rican Arts & Culture in Chicago, IL | for construction, renovation and buildout of a historic building | $250,000 | Rep. Gutierrez |
| * Intergenerational Resource Center, Inc. in Atlanta, GA | for construction of the Martin Luther King, Sr. Community Resource Center, Inc. | $200,000 | Rep. Lewis (John) |
| Isles Incorporated in Trenton, NJ | for redevelopment of a former textile mill as job training center for Youthbuild | $100,000 | Rep. Smith (Christopher) |
| Jewish Home for the Aging in Reseda, CA | for renovation and buildout of a residential facility for seniors with disabilities | $150,000 | Rep. Sherman |
| Jim Hogg County, TX | for land acquisition and construction of a multipurpose community park | $150,000 | Rep. Cuellar |
| Jimmie Hale Mission in Birmingham, AL | for construction of the Jimmie Hale Mission Men's Center Education and Administration Building | $250,000 | Rep. Aderholt, Rep. Bachus, Sen. Shelby |
| John Avery Boys and Girls Club, Inc. in Durham, NC | for construction, expansion, renovation and buildout of a multipurpose facility for Durham's youth and families | $100,000 | Rep. Price |
| John P. Parker Historical Society in Ripley, OH | for refinement of site investigations and improvements for the John P. Parker residence | $100,000 | Rep. Schmidt |
| Josephone Solomon Ellis Foundation, Inc. in Philedelphia, PA | for acquisition, renovation and construction of affordable housing for senior citizens | $150,000 | Rep. Brady (Robert) |
| Kips Bay Boys and Girls Club, Inc. in Bronx, NY | for renovation and buildout of the West Bronx Clubhouse | $200,000 | Rep. Serrano |
| Kitsap County Consolidated Housing Authority in Silverdale, WA | for construction of a public waterfront facility, as part of a redevelopment plan | $400,000 | Rep. Dicks |
| Kokomo YMCA in Kokomo, IN | for renovation, construction and buildout of the Kokomo YMCA | $100,000 | Rep. Donnelly |
| Lake Erie College in Painesville, OH | for construction associated with the Austin Hall of Science Renovation Project | $50,000 | Rep. LaTourette |
| Lakeview Museum in Peoria, IL | for planning, design, and construction of the Lakeview Museum in Peoria | $100,000 | Rep. LaHood |
| Laveen Community Council in Phoenix, AZ | construction and buildout of the Laveen Community Center | $200,000 | Rep. Pastor |
| Lawrence Community Works in Lawrence, MA | for renovation, construction and buildout of the Community Learning Center | $75,000 | Rep. Meehan |

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| Lawrence Economic Development Corporation in South Point, OH | for construction and buildout of the Point Industrial Park | $170,000 | Rep. Wilson (Charles) |
| Lesley University in Cambridge, MA | for construction, renovation and buildout of science labs | $250,000 | Rep. Capuano |
| Lineville Downtown Redevelopment Authority in Lineville, AL | for renovation of theater for economic and community purposes | $200,000 | Rep. Rogers (Mike), Sen. Shelby |
| Los Angeles Fashion District in Los Angeles, CA | for signage and streetscape improvements | $100,000 | Rep. Roybal-Allard |
| Louis Armstrong House Museum in Flushing, NY | for design and construction of a visitor's center | $150,000 | Rep. Ackerman, Sen. Schumer, Sen. Clinton |
| Lovington Community Unit School District in Lovington, IL | for roof replacement on school buildings and electrial upgrades to the interior lighting system | $50,000 | Rep. Johnson (Timothy) |
| Lowcountry Food Bank in Charleston, SC | for construction of a new facility or renovation of an existing structure for storage of food | $100,000 | Rep. Brown (Henry) |
| Luna County, NM | for renovation to Sunshine School to house a drug treatment program | $50,000 | Rep. Pearce |
| Lynchburg Academy of Fine Arts in Lynchburg, VA | for renovations to Lynchburg Academy of Music | $250,000 | Rep. Goodlatte |
| Mahar Regional School in | for renovation, construction and facility buildout of a recreational field | $275,000 | Rep. Olver |
| Mamaroneck Public Library in Mamaroneck, NY | for renovation, construction and buildout of the library | $200,000 | Rep. Lowey |
| Mariner's Museum in Newport News, VA | for promoting development and tourism related to the USS Monitor Center | $100,000 | Rep. Davis (Jo Ann) |
| Marion County 4–H Camp Board Association in Fairmont, WV | for renovation, construction and buildout of at the 4–H camp | $150,000 | Rep. Mollohan |
| Marshall County Commission in Marshall County, AL | for purchase and renovation of the Douglas Senior Center | $120,000 | Rep. Aderholt, Sen. Shelby |
| Marshall University in Huntington, WV | for design, planning and construction of the Advanced Engineering and Applied Technology Complex | $250,000 | Rep. Rahall |
| Masores Bais Yaakov in Brooklyn, NY | for construction of a community center for youth and adults | $150,000 | Rep. Weiner |
| Mayfair Community Development Corporation in Philadelphia, PA | for construction, renovation and buildout of the Devon Theatre of Performing Arts as part of a redevelopment plan | $150,000 | Rep. Schwartz |
| Mecklenburg County Community Service Corporation in Mecklenburg County, VA | for construction of a community center | $200,000 | Rep. Goode |
| Mercy Hospital of Folsom in Folsom, CA | for construction of an above ground helipad at the Mercy Hospital | $100,000 | Rep. Lungren |
| Mesabi Academy of KidsPeace in Buhl, MN | for construction, renovation, expansion and buildout of the youth services facility | $150,000 | Rep. Oberstar, Sen. Coleman |
| Methuen Arlington Neighborhood, Inc. in Methuen, MA | for planning, design and construction of a multipurpose facility for low-income residents | $100,000 | Rep. Meehan |
| Metropolitan Business Collaborative in Milwaukee, WI | for planning, design and construction of the Urban Entrepreneurship Center, a multipurpose facility to promote the growth of small businesses | $200,000 | Rep. Moore (Gwen) |
| Metropolitan Council on Jewish Poverty in New York, NY | for planning, design, construction, renovation and buildout of affordable housing | $200,000 | Rep. Maloney, Sen. Schumer, Sen. Clinton |
| Meyersdale Community Center Roof Improvement in Meyersdale, PA | for rehabilitation of the center | $50,000 | Rep. Shuster |
| Miami Dade College in Haleah, FL | for construction of an addition to the Hialeah Campus' Learning Resources and Media Services Center | $150,000 | Rep. Diaz-Balart (Lincoln) |
| Miami-Dade County, FL | for renovation and buildout of educational laboratories at the Poinciana Industrial Park | $150,000 | Rep. Meek |
| Michigan Holocaust Memorial Center in Farmington Hills, MI | for construction of the Children's Gallery exhibit | $500,000 | Rep. Knollenberg, Sen. Levin, Sen. Stabenow |
| Monroe County Fairgrounds Association in Rochester, NY | for the Monroe County Fairgrounds Rehabilitation and Americans with Disabilities Act Compliance Project | $100,000 | Rep. Kuhl |
| Montgomery County Community College in Pottstown, PA | for expansion of West Campus | $100,000 | Rep. Gerlach |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Morehouse University School of Medicine in Atlanta, GA | for land acquisition and construction of the medical school campus | $300,000 | Rep. Barrow |
| Municipality of Corozal, Puerto Rico | for renovation and sidewalk improvements | $100,000 | Rep. Fortuño |
| Municipality of Gurabo, Puerto Rico | for construction of a recreational and cultural center | $100,000 | Rep. Fortuño |
| Municipality of Monroeville, PA | for redesign of main thoroughfare as pedestiran friendly along US Rt. 22 | $100,000 | Rep. Murphy (Timothy) |
| Municipality of Salinas, Puerto Rico | for construction of a boardwalk in La Playa | $100,000 | Rep. Fortuño |
| Municipality of Yauco, Puerto Rico | for construction of low income housing units in Bo. Pueblo Sur | $100,000 | Rep. Fortuño |
| Muntu Dance Theatre in Chicago, IL | for construction of a cultural arts facility | $250,000 | Rep. Rush |
| National Association of Latino Art and Culture in San Antonio, TX | for renovation of the Buena Vista Gardens building and an adjacent property to create a community arts space | $250,000 | Rep. Gonzalez |
| National Children's Advocacy Center in Huntsville, AL | for renovation, construction and buildout at the Child Abuse Digital Library and the training facility | $300,000 | Rep. Cramer, Sen. Shelby |
| National Forest Recreation Association in Woodlake, CA | for construction of a National Mule and Packers Museum in Bishop CA | $50,000 | Rep. McKeon |
| National Sports Center for the Disabled in Denver, CO | for land acquisition, planning, design and construction of a multipurpose facility for disabled children and adults | $150,000 | Rep. DeGette, Rep. Tancredo, Rep. Udall (Mark), Sen. Salazar |
| Near North Development Corporation in Indianapolis, IN | for construction and renovation of affordable housing as part of The Children's District Neighborhood Revitalization Project | $250,000 | Rep. Carson, Sen. Bayh, Sen. Lugar |
| New Song Urban Ministries, Inc. in Baltimore, MD | for renovation and construction of the Community Learning Center | $250,000 | Rep. Cummings |
| New York State Education and Research Network in Troy, NY | for development of a Disaster Recovery and Business Continuation Facility | $500,000 | Rep. Walsh |
| New Zion Community Resource Center in Louisville, KY | for renovation and buildout of facilities for at-risk youth | $200,000 | Rep. Yarmuth |
| Newkirk Senior Citizens, Inc. in Newkirk, OK | for construction of the Newkirk Senior Citizens Center | $100,000 | Rep. Lucas |
| Ninth District Development Financing in Abingdon, VA | for capitalization of a revolving loan fund | $150,000 | Rep. Boucher |
| Of One Accord, Inc. Ministry in Rogersville, TN | for renovation and expansion of Food Pantry in Hawkins and Hancock Counties | $75,000 | Rep. Davis (David) |
| Office of Economic Development in Detroit, MI | for demolition of vacant buildings as part of a redevelopment plan | $300,000 | Rep. Kilpatrick, Sen. Levin, Sen. Stabenow |
| Office of the Board of Selectmen, MA | for construction of recreational facilities at Oliver Ames High School | $200,000 | Rep. Lynch |
| Office of Town Manager of Miami, AZ | for repair and clearing of housing in the Town of Miami | $100,000 | Rep. Renzi |
| Ohio Dept. of Natural Resources, Division of Parks in Columbus, OH | for enhancements to the Punderson State Park Lodge | $100,000 | Rep. LaTourette |
| Ohio Rail Development Commission in Columbus, OH | for rehabilitation of an industrial building | $75,000 | Rep. Schmidt |
| Olympic Theater Arts in Sequim, WA | for renovation, construction and buildout of a community theater | $100,000 | Rep. Dicks |
| Opportunity Village in Las Vegas, NV | for construction of Employment and Training Center | $300,000 | Rep. Porter, Sen. Reid |
| Orleans County Cornell Cooperative Extension in Albion, NY | for renovations to Trolley building | $75,000 | Rep. Reynolds |
| Overton County, TN | for construction and buildout of the new Overton County Library | $150,000 | Rep. Gordon |

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| Peace At Home Family Shelter in Fayettevill, AR | for establishment of safe housing transitional housing in several counties | $200,000 | Rep. Boozman |
| Peoria/NEXT in Peoria, IL | for construction of the Innovation Center for bioscience and technology small business incubator | $50,000 | Rep. LaHood |
| Phenix City, AL | for riverfront development | $250,000 | Rep. Rogers (Mike), Sen. Shelby |
| Players of Utica in New Hartford, NY | for construction and buildout of a community theater | $100,000 | Rep. Arcuri |
| Plum Senior Community Center in Pittsburgh, PA | for planning, design and construction of a senior center | $300,000 | Rep. Altmire |
| Polk County, Florida Community Center Project in Polk County, FL | for construction of a community center | $200,000 | Rep. Putnam |
| Port of Cascade Locks, OR | for final design, engineering and permitting services for Cascade Locks Waterfront Park | $100,000 | Rep. Walden, Sen. Smith, Sen. Wyden |
| Porter County, IN | for sidewalks and streetscape improvements in the South Haven community | $300,000 | Rep. Visclosky |
| Portland State University in Portland, OR | for renovation, construction and buildout of a multipurpose facility | $100,000 | Rep. Blumenauer, Rep. Walden, Rep. Wu, Sen. Smith |
| Pregones Theater in Bronx, NY | for renovation and buildout of the theater | $75,000 | Rep. Serrano |
| Prime Time House in Torrington, CT | for renovation and construction of a community services facility | $210,000 | Rep. Murphy (Christopher) |
| Project One in Cincinnati, OH | for procurement of computers and other education equipment for Project One | $100,000 | Rep. Chabot |
| Pueblo of Acoma, NM | for the Acoma Community Center and Wellness facility | $50,000 | Rep. Pearce |
| Quapaw Community Center in Hot Springs, AR | for renovation and buildout of a community center for senior citizens | $50,000 | Rep. Ross |
| Quinn Chapel in Chicago, IL | for renovation and buildout of a historic building | $250,000 | Rep. Davis (Danny) |
| R.M. Warren Community Center Society for Helping, Inc. in Philadelphia, PA | for the purchase of a community center for disabled populations | $100,000 | Rep. Fattah |
| Rainbow Senior Center in Boerne, TX | for equiping a health and wellness center with senior-oriented facilities and equipment | $100,000 | Rep. Smith (Lamar) |
| Red Lake Band Chippewa Indians in Red Lake, MN | for construction, renovation, and buildout of a multipurpose facility | $150,000 | Rep. Peterson, Sen. Klobuchar, Sen. Coleman |
| Red Mountain Greenway and Recreational Area Commission in Jefferson County, AL | for land acquisition and construction of the Red Mountain Greenway and Recreation Area | $250,000 | Rep. Bachus |
| Redevelopment Authority of the City of Corry, PA | for redevelopment of six buildings located on the west side of Center Street | $100,000 | Rep. English |
| Rehabilitation of Matthew Street in Westland, MI | for renovation of existing paved street and boulevard areas | $100,000 | Rep. McCotter |
| Reid Community Development Corporation in Glenn Dale, MD | for land acquisition as part of the development of a small business and employment center | $150,000 | Rep. Wynn |
| Rembert Area Community Coalition in Rembert, SC | for planning, design and construction of a community center | $200,000 | Rep. Spratt |
| Renaissance Art Center, Inc. in Rupert, ID | for renovations to the historic theater | $150,000 | Rep. Simpson |
| Rialto Square Theater in Joliet, IL | for repairs to the Rialto Square Theater | $100,000 | Rep. Weller |
| Riverton City, UT | for reconstruction of a historic building for a senior center and community center | $300,000 | Rep. Cannon, Sen. Hatch |
| Rocking the Boat in Bronx, NY | for construction of a facility for educational programs | $225,000 | Rep. Serrano |
| Rocky Mountain Development Council in Helena, MT | for completion of Eagle Manor III project | $200,000 | Rep. Rehberg |
| Rome Community Brownfield Restoration Corporation in Rome, NY | for renovation and construction of a brownfields site | $200,000 | Rep. Arcuri |
| Russell School Community Service Center, Inc. in Lexington, KY | for renovation, construction and buildout of affordable housing for seniors and a community center | $200,000 | Rep. Chandler |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Rutgers University, Camden-LEAP in Camden, NJ | for planning, design and construction of the Rutgers/LEAP Early Learning Research Academy | $150,000 | Rep. Andrews |
| Sacramento Food Bank Services in Sacramento, CA | for conversion of an existing facility for use by the Sacremento Food Bank Services | $350,000 | Rep. Doolittle, Rep. Matsui |
| Saint Francis University Achatz Hall at Fort Wayne, IN | for renovation and equipment | $250,000 | Rep. Souder, Sen. Lugar |
| Saint Richard Parish in Chicago, IL | for construction, renovation and buildout of a new community center | $250,000 | Rep. Lipinski |
| San Antonio Food Bank in San Antonio, TX | for construction and buildout of a new food bank | $350,000 | Rep. Rodriguez |
| San Jose Conservation Corps and Charter School Youthbuild in San Jose, CA | for construction of low-income housing | $150,000 | Rep. Lofgren |
| San Mateo County, CA | for acquisition, renovation and buildout of an apartment complex to provide transitional housing for special needs populations | $150,000 | Rep. Lantos |
| Santa Cruz Redevelopment Agency in Santa Cruz, CA | for streetscape and fac<9ade improvements at an affordable housing complex | $200,000 | Rep. Farr |
| Sayville American Legion Post in Sayville, NY | for renovation and buildout of a historic building | $200,000 | Rep. Israel |
| Second Harvest Foodbank in Madison, WI | for renovation, construction and buildout of the food bank | $200,000 | Rep. Baldwin |
| Sheboygan Development Corporation in Sheboygan, WI | for construction of the Great Lakes Aerospace Science and Education Center | $100,000 | Rep. Petri |
| Simsbury Public Library in Simsbury, CT | for renovation and buildout of the library | $150,000 | Rep. Murphy (Christopher), Sen. Lieberman |
| South Carolina School for the Deaf and Blind in Spartenburg, SC | for renovation of rehabilitation facility | $250,000 | Rep. Inglis |
| South Salem Library Association in South Salem, NY | for construction of a new library | $200,000 | Rep. Hall (John) |
| Southeast Missouri State University in Cape Girardeau, MO | for renovation and construction for the new River Campus | $500,000 | Rep. Emerson |
| Southeast Rio Vista YMCA in Huntington Park, CA | for renovation and buildout of the Southeast Rio Vista YMCA | $50,000 | Rep. Roybal-Allard |
| Southeastern Massachusetts Veterans Housing Program, Inc. in New Bedford, MA | for renovation, construction and buildout of a housing facility for low-income veterans | $200,000 | Rep. Frank (Barney) |
| Southfield Youth Center Committee in Southfield, MI | for construction, renovation and buildout of the Southfield Youth Center | $150,000 | Rep. Levin |
| SOWEGA Council on Aging in Albany, GA | for construction of a senior center | $250,000 | Rep. Bishop (Sanford) |
| Spanish Speaking Unity Council in Oakland, CA | for renovation and construction of a facility for the Fruitvale Cultural and Performing Arts Center | $200,000 | Rep. Lee |
| Spring Hill Community Center Redevelopment Agency in DeLand, FL | for construction of a facility for low income adolescents | $50,000 | Rep. Mica |
| Springfield Arts Council in Springfield, OH | for construction of Phase III of the west plaza comfort station | $300,000 | Rep. Hobson |
| St. Mary's Development Corporation in Dayton, OH | for implementation of a master plan to revitalize several neighborhoods | $100,000 | Rep. Turner |
| Stanislaus Ag Center Foundation in Modesto, CA | for planning, design and construction of The Ag Science Center | $100,000 | Rep. Cardoza |
| Stark County Park District in Canton, OH | for purchase of 100 acres and additional right of way to link to Towpath Trail | $100,000 | Rep. Regula |
| State Employee's Credit Union Family House in Chapel Hill, NC | for planning, design and construction of a residential facility for critically ill patients and their families | $175,000 | Rep. Price |

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| State University of New York at Fredonia in Fredonia, NY | for renovation, construction and buildout of the SUNY Fredonia High Technology Incubator | $150,000 | Rep. Higgins |
| Stephenson County Board in Freeport, IL | for development of the Mill Race Crossing Industrial Park | $150,000 | Rep. Manzullo |
| Strand Theater Performing Arts Center in Plattsburgh, NY | for restoration of the 1924 Vaudeville Theater to create a performing arts cener | $100,000 | Rep. McHugh, Sen. Schumer |
| Syracuse Neighborhood Initiative in Syracuse, NY | for rehabilitation and revitalization of neighborhoods throughout Syracuse | $700,000 | Rep. Walsh, Sen. Schumer |
| Tech2020 in Oak Ridge, TN | for construction of a Nanotechnology Commercialization Center | $100,000 | Rep. Wamp |
| Texas College in Tyler, TX | for construction and renovation of existing space and for equipment for childcare, healthcare and learning needs | $100,000 | Rep. Gohmert |
| Texas Wesleyan University in Fort Worth, TX | for renovation of the Neighborhood Empowerment Zone surrounding Texas Wesleyan University | $150,000 | Rep. Burgess |
| The Black World History Museum in St. Louis, MO | for facility upgrades, renovation, construction and buildout | $200,000 | Rep. Clay |
| The Blairstown Historic Preservation Commission in Blairstown, NJ | for renovation of a historic structure into an education center and museum | $50,000 | Rep. Garrett |
| The Hunting & Fishing Museum of Pennsylvania in Tionesta, PA | for development and to create interactive, educational, and historical exhibits for the main museum building | $200,000 | Rep. Peterson (John) |
| The Lincoln Museum in Hodgenville, KY | for expansion and renovation of the museum | $100,000 | Rep. Lewis (Ron) |
| The University of Pittsburgh at Greensburg in Greensburg, PA | for expansion of McKenna Hall | $50,000 | Rep. Murphy (Timothy) |
| Time and Space Limited Theatre Company, Inc. in Hudson, NY | for construction and buildout of a youth center | $125,000 | Rep. Gillibrand |
| Titusville YMCA in Titusville, PA | for bringing facility into compliance with Americans with Disabilities Act | $350,000 | Rep. Peterson (John) |
| To Interact in Raleigh, NC | for renovation and buildout of a shelter for victims of domestic violence | $150,000 | Rep. Miller (Brad) |
| To the Helen Keller Birthplace Foundation in Tuscumbia, AL | for renovation of Ivy Green, the birthplace of Helen Keller | $100,000 | Rep. Cramer, Sen. Shelby |
| To the Martin Luther King Family Center in Dallas, TX | for renovation and construction of a family center | $250,000 | Rep. Johnson (E.B.) |
| To the University of North Carolina-Asheville in Asheville, NC | for construction and buildout of the Zeis Science and Multimedia Building | $100,000 | Rep. Shuler |
| Toledo Lucas County Port Authority in Toledo, OH | for improvements to South Airport Industrial Park site | $100,000 | Rep. Gillmor |
| Toledo Metroparks in Toledo, OH | for land acquisiton of Kiel Farm | $350,000 | Rep. Kaptur |
| Town of Boydton, VA | for development of the Walking Tour of Boydton | $100,000 | Rep. Goode |
| Town of Boylston, MA | for renovation and buildout of the historic John Bartholomew Gough Estate | $250,000 | Rep. McGovern |
| Town of Clarkstown, NY | for mainstreet revitalization and streetscape improvements | $300,000 | Rep. Lowey |
| Town of Enfield, CT | for streetscape improvements and ADA compliance on North Main Street | $100,000 | Rep. Courtney, Sen. Lieberman |
| Town of Manchester, CT | for renovation and buildout of the Spruce Street Youth Center | $200,000 | Rep. Larson |
| Town of Millinocket, ME | for planning and design of the Penobscot Indian Cultural Center | $250,000 | Rep. Michaud |
| Town of North Hempstead, NY | for renovation, construction and buildout of two community recreational centers | $150,000 | Rep. McCarthy (Carolyn), Sen. Clinton, Sen. Schumer |
| Town of Piedmont, WV | for planning, streetscaping, downtown infrastructure improvements and revitalization | $150,000 | Rep. Mollohan |
| Town of Scherervile, IN | for renovation and construction of Rohrman Park | $200,000 | Rep. Visclosky |
| Town of South Hill, VA | for renovations to the historic Colonial Theatre | $300,000 | Rep. Goode |
| Town of Tatum, NM | for demoliton and rebuilding of housing for the elderly and low-middle-income families | $100,000 | Rep. Pearce |
| Town of Wakefield, MA | for planning, design and construction of the Wakefield Community Recreational Facility | $200,000 | Rep. Tierney |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| Town of Watertown, MA | for an economic development planning study | $75,000 | Rep. Markey |
| Town of Willington, CT | for construction of low- and moderate-income housing for senior citizens | $200,000 | Rep. Courtney |
| Town of Yucca Valley, CA | for development of a park and recreational facilites | $200,000 | Rep. Lewis (Jerry) |
| Township of Delaware, NJ | for planning, design and construction of the Delaware Township Community Center | $150,000 | Rep. Holt |
| Tri-City Community Action Program, Inc. in Malden, MA | for acquisition, renovation and buildout of facilities for low-income families | $250,000 | Rep. Markey |
| Tri-County Community College in Robbinsville, NC | for construction of an occupational and technical training facility for students | $200,000 | Rep. Shuler |
| Trinity Repertory Company in Providence, RI | for renovation and construction of the Lederer Theater | $250,000 | Rep. Kennedy |
| Trinity River Vision in Fort Worth, TX | for facilities design, construction, and property acquistion of the Trinity River Vision plan | $550,000 | Rep. Granger, Sen. Hutchison, Sen. Cornyn |
| Tri-State Center for the Arts in Sharon, CT | for renovation, construction and buildout of the arts facility | $100,000 | Rep. Murphy (Christopher) |
| Troy Chamber of Commerce in Troy, MI | for purchase of a solar green house from Lawrence Tech University | $350,000 | Rep. Knollenberg |
| Tubman African American Museum in Macon, GA | for construction and buildout of a new facility at the museum | $200,000 | Rep. Marshall |
| Ukiah Cultural and Recreational Center in Ukiah, CA | for construction and buildout of the recreational facility | $150,000 | Rep. Thompson (Mike) |
| Unified Government of Wyandotte County and Kansas City, KS | for downtown streetscape improvements | $150,000 | Rep. Moore (Dennis), Sen. Roberts |
| United Teen Equality Center in Lowell, MA | for renovation and buildout of a youth center | $100,000 | Rep. Meehan |
| Unity House of Troy, Inc. in Troy, NY | for renovation and buildout of an emergency shelter for victims of domestic violence | $200,000 | Rep. McNulty, Sen. Schumer, Sen. Clinton |
| Urban League of Springfield, MA, Inc. | for construction, renovation and buildout activities at a camp for inner-city children | $250,000 | Rep. Neal |
| Valley Family Center in San Fernando, CA | for construction and buildout of a family center | $150,000 | Rep. Berman |
| Veterans of Foreign Wars Post #4927 in Centereach, NY | for building renovation and buildout of a veterans center | $150,000 | Rep. Bishop (Timothy) |
| Veterans Village of San Diego, CA | for construction of affordable housing for homeless veterans | $150,000 | Rep. Davis (Susan) |
| Village of Clyde, NY | for downtown lighting and other streetscape infrastructure improvements | $400,000 | Rep. Walsh |
| Village of Dixmoor, IL | for buildout of a community center | $100,000 | Rep. Jackson (Jesse), Rep. Rush |
| Village of Ellenville, NY | for streetscape improvements and sidewalk furniture | $300,000 | Rep. Hinchey |
| Village of Ridgewood, NJ | for repair of the roof of a historic building | $100,000 | Rep. Garrett |
| Village of Riverdale, IL | for construction and renovation of the Pacesetter residential properties | $100,000 | Rep. Jackson (Jesse) |
| Village of Sauget, IL | for renovations at the Sauget Business Park | $400,000 | Rep. Costello |
| Village of Tijeras Senior Center in Tijeras, NM | for construction of a Senior Center for seniors in Tijeras and East Mountain areas | $100,000 | Rep. Wilson (Heather) |
| Village of Wappingers Falls, NY | for land acquisition as part of a redevelopment plan | $200,000 | Rep. Hall (John) |
| Wabash County YMCA in Wabash, IN | for rehabilitation of a brownfield site in the city of Wabash | $400,000 | Rep. Burton |
| Wakely Lodge Resort in Hamilton County, NY | for renovation of the Wakely Lodge | $100,000 | Rep. McHugh |
| Wakpa Sica Reconciliation Place in Ft. Pierre, SD | for facility construction and buildout | $250,000 | Rep. Herseth, Sen. Johnson, Sen. Thune |

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| Wallace Community College in Dothan, AL | for conversion of an existing building to a multi-purpose instructional and training facility on the Sparks Campus in Eufaula | $150,000 | Rep. Everett |
| Walsh College in Troy, MI | for completion of construction of the Walsh College Library | $750,000 | Rep. Knollenberg |
| Walter Clore Wine and Culinary Center in Prosser, WA | for construction of the Walter Clore Wine and Culinary Center | $250,000 | Rep. Hastings (Doc), Sen. Murray, Sen. Cantwell |
| Warner Theatre in Torrington, CT | for renovation, construction and buildout of the theater | $250,000 | Rep. Murphy (Christopher) |
| Warren County Economic Development Corporation in Glens Falls, NY | for renovation and construction of the Glens Falls Civic Center | $150,000 | Rep. Gillibrand |
| Washington Technology Center in Seattle, WA | for construction, renovation and buildout of a technology center | $150,000 | Rep. Baird, Sen. Murray, Sen. Cantwell |
| Wattstar Theatre in Los Angeles, CA | for construction and buildout of a theater and educational facility in Watts | $300,000 | Rep. Richardson |
| Wayne Theatre Alliance in Waynesboro, VA | for renovations for the Wayne Theatre | $300,000 | Rep. Goodlatte |
| *Waynesburg College Center for Economic Development in Waynesburg, PA | for construction of a multipurpose facility | $300,000 | Rep. Murtha |
| Western Kentucky University Business Accelerator in Bowling Green, KY | for expansion of the WKU Business Accelerator | $50,000 | Rep. Lewis (Ron) |
| Western Mining and Railroad Museum in Helper, UT | for construction and renovation of an addition to the museum to improve accessibility | $150,000 | Rep. Matheson |
| Western Reserve Land Conservancy in Geauga County, OH | for puchase of 246 acres in Lake and Geuga Counties, to be converted to a public park | $100,000 | Rep. LaTourette |
| Western States Black Research & Education Center in Culver City, CA | for renovation and buildout of the Mayme Clayton Library | $250,000 | Rep. Watson |
| Westfield Vocational Technical High School in Westfield, MA | for buildout of the Manufacturing Technology Program | $300,000 | Rep. Olver |
| Whitman-Walker Clinic, Inc. of Washington, DC | for design, planning and land acquisition for a new facility | $150,000 | Rep. Norton |
| Willowbrook Wildlife Center in Glen Ellyn, IL | for design and construction of an education center and wildlife rehabilitation and recovery clinic | $150,000 | Rep. Roskam |
| Wilson Community Improvement Association, Inc. in Wilson, NC | for renovation, construction and buildout of the Gee Corbett Village Senior Center | $250,000 | Rep. Butterfield |
| Woodbridge Township, NJ | for construction of a Woodbridge Historical Museum | $50,000 | Rep. Ferguson |
| Wright Dunbar, Inc in Dayton, OH | for revitalization of Wright Dunbar Village | $50,000 | Rep. Turner |
| Wyckoff Heights Medical Center in Brooklyn, NY | for construction of a health care facility for low-income populations | $400,000 | Rep. Velazquez |
| Year Up in Boston, MA | for construction, renovation and buildout of a technology training facility | $100,000 | Rep. Lynch |
| YMCA of Greater New York in New York, NY | for renovation, construction and buildout of the Rockaway YMCA | $150,000 | Rep. Meeks |
| YMCA of Greater New York-Castle Hill in Bronx, NY | for construction of a multipurpose facility at the YMCA | $300,000 | Rep. Crowley |
| YMCA of High Point, NC Archdale Trinity Branch in Archdale, NC | for construction of a YMCA facility | $150,000 | Rep. Coble |
| Youthville Dodge City Campus in Dodge City, KS | for expansion of central kitchen and dining facility | $100,000 | Rep. Moran (Jerry) |
| Ypsilanti Housing Commission in Ypsilanti, MI | for acquisition of the Parkview Apartments for low-income housing | $150,000 | Rep. Dingell |
| YWCA Columbus in Columbus, OH | for restoration of the historic Griswold Building that houses the YWCA | $200,000 | Rep. Pryce |
| | **Grantee and Purpose** | | |
| | Acadiana Outreach Center Housing Redevelopment; Lafayette, Louisiana | $280,000 | Sen. Vitter, Sen. Landrieu, Rep. Boustany |
| | Affordable Housing Revolving Loan Fund and Grant Pool, Scott County Housing Council, Davenport, IA. For affordable housing for those making less than 80% of the AMI | $268,000 | Sen. Harkin, Sen. Grassley |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| | Akron-Canton Regional Foodbank, Akron, Ohio for building renovations | $368,500 | Sen. Brown |
| | Appalachia Service Project Home Repair Program, Southern West Virginia, for the repair of low and moderate income housing | $500,000 | Sen. Byrd, Rep. Rahall |
| | Appalachia Service Project, Chavies, KY to continue free home repair services to Kentucky's low-income families | $140,000 | Sen. Bunning |
| | Armory District Revitalization Planning, NY, for planning and design efforts within the City's Armory District to aid in the redevelopment of this deteriorating corridor | $200,000 | Sen. Schumer, Sen. Clinton |
| | Asian Counseling and Referral Service, Seattle, WA, Asian Counseling and Referral Service for construction of a new building | $500,000 | Sen. Murray, Sen. Cantwell, Rep. McDermott |
| | Audubon Arkansas, Development of Little Rock Audubon Center, Little Rock, AR, To complete the second phase of development of the Little Rock Audubon Center | $200,000 | Sen. Lincoln, Sen. Pryor, Rep. Snyder |
| | Audubon Mississippi, Pascagoula River Audubon Center, Moss Point, Mississippi, To construct a nature-based education facility that will contribute to the economic and community recovery on the Mississippi Gulf Coast | $700,000 | Sen. Cochran |
| | Beautiful Gate Outreach Center; Reaching Out and Saving Lives! Project; Wilmington, Delaware; for construction of a larger facility to be used for HIV testing services and prevention programs in New Castle County | $335,000 | Sen. Carper, Sen. Biden |
| | Bell-Whitley Community Agency, Bell County, KY to Complete construction of One Stop Training Center | $140,000 | Sen. Bunning, Rep. Rogers |
| | Bemidji Regional Airport, Bemidji, Minnesota, for the Bemidji JOBZ infrastructure development project to support light manufacturing facilities | $335,000 | Sen. Klobuchar |
| | Bernalillo County, NM; Metropolitan Assessment and Treatment Services Transitional Housing Facility; Bernalillo County, NM | $150,000 | Sen. Domenici, Sen. Bingaman |
| | Bold Vision Capital Campaign for The Center for Family Resources; Georgia | $350,000 | Sen. Isakson |
| | Borough of Collingswood, NJ, Collingswood Theatre Project, for comprehensive renovation of the Scottish Rite Theatre which is the focal point of the Borough's revitalization program | $200,000 | Sen. Menendez, Sen. Lautenberg |
| | Boys & Girls Clubs of Greater Washington, Alexandria for the renovation of the Alexandria, Virginia, Branch Boys and Girls Club | $300,000 | Sen. Warner, Sen. Webb, Rep. Tom Davis |
| | Boys and Girls Club of Greater Manchester, NH, for renovation and expansion of facility | $210,000 | Sen. Gregg |
| | Boys and Girls Club of Magic Valley, Twin Falls, Idaho, for construction of a Boys and Girls Club facility in the town of Buhl, Idaho | $175,000 | Sen. Crapo, Rep. Michael Simpson |
| | Boys and Girls Clubs of Socorro County, Construction of Facility, Socorro, New Mexico, provide services and activities for youth throughout Socorro County, NM | $120,000 | Sen. Domenici |
| | Business Support Incubator, UAPB to complete construction of the Business Support Incubator to support job creation in Central Arkansas | $402,000 | Sen. Lincoln, Sen. Pryor |
| | Calvin Coolidge State historic site in Plymouth Notch, Vermont for an expanded visitor's center | $200,000 | Sen. Sanders |
| | Camp Barnabas; Missouri | $375,000 | Sen. Bond |
| | Canyon Lake Revitalization Study, Rapid City, South Dakota | $140,000 | Sen. Thune |
| | Capital District YMCA, Schenectady, New York for construction of new YMCA at the side of a brownfield | $200,000 | Sen. Clinton, Sen. Schumer |
| | Capitol Region RSVP/Volunteer Center of Rhode Island, RSVP Veterans Computer Center, Providence, RI for construction of a computer lab and purchase of equipment to train disabled veterans | $200,000 | Sen. Reed |
| | Cather Foundation, Red Cloud, NE for the Moon Block project for historic renovations | $600,000 | Sen. Hagel, Sen. Ben Nelson |
| | Catholic Charities of Hawaii, Honolulu, Hawaii, to renovate recently acquired property in Makiki to establish permanent facilities for CCH's Social Services Community Center | $200,000 | Sen. Inouye |
| | CEDARS Youth Services, Lincoln, NE, CEDARS Children's Crisis Center, for construction of the CEDARS Children's Crisis Shelter | $335,000 | Sen. Ben Nelson, Sen. Hagel |
| | Champlain Area Agency on Aging, Winooski, Vermont, for renovation Vermont senior centers | $200,000 | Sen. Sanders |
| | Cherokee Strip Regional Heritage Center, Enid, OK | $140,000 | Sen. Inhofe, Rep. Lucas |
| | Cheyenne River Youth Project (CRYP), Teen Center Expansion, Eagle Butte, SD | $200,000 | Sen. Johnson |

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| | Children's Home Society, Expansion of Van Demark House and the Loving School, Sioux Falls, South Dakota | $560,000 | Sen. Thune, Sen. Johnson |
| | Chippewa Cree Tribe, Transportation and Rehabilitation of Malmstrom Air Force Base Housing Units, to transport and rehabilitate housing units from Malmstrom Air Force base that would otherwise be destroyed to the Rocky Boy's Reservation | $402,000 | Sen. Tester |
| | City and County of Denver; CO, Homeless Veterans Supportive Housing, for supportive housing units for homeless veterans with special needs | $201,000 | Sen. Salazar, Rep. DeGette |
| | City and County of San Francisco, CA, San Francisco Supportive and Transitional Housing Program, to develop 3,0000 supporting housing units | $536,000 | Sen. Feinstein |
| | City of Aberdeen, SD, Downtown revitalization | $200,000 | Sen. Johnson |
| | City of Albany, WiFi Service in Albany in Albany, New York, public access to technology project | $200,000 | Sen. Clinton, Sen. Schumer |
| | City of Asheville, NC for Reid Center Renovation | $140,000 | Sen. Burr, Rep. Shuler |
| | City of Atchison, Kansas for Atchison Pedestrian Mall Redevelopment, Kansas | $350,000 | Sen. Roberts |
| | City of Bangor, Maine to support ongoing efforts to redevelop the Bangor Waterfront | $262,500 | Sen. Collins, Sen. Snowe |
| | City of Battle Ground, WA, Battle Ground Community Center, for a construction of a community center | $400,000 | Sen. Murray |
| | City of Beaumont, Downtown Improvement Program, Beaumont, TX, for streetscape improvements | $140,000 | Sen. Hutchison |
| | City of Belen, NM; Multipurpose Community Center Phase III; Belen, NM, to provide a centralized venue for community events and activities | $450,000 | Sen. Domenici |
| | City of Bellingham, WA, for the construction of the Bellingham Marine Trades Center | $250,000 | Sen. Murray, Sen. Cantwell, Rep. Larsen |
| | City of Bethlehem; South Bethlehem Workforce Training and Development Center; Bethlehem, PA - redevelopment, renovation and construction of a South Bethlehem Workforce Training and Development Center | $140,000 | Sen. Specter |
| | City of Billings, Housing First Project, to build houses for homeless families | $268,000 | Sen. Tester |
| | City of Billings, MT, Big Sky Economic Development Authority for historic preservation of the Cobb Field facility | $335,000 | Sen. Baucus, Sen. Tester |
| | City of Boise, Public Works Department, Boise, Idaho, for design and construction of city's geothermal system expansion | $175,000 | Sen. Crapo |
| | City of Brewer, Maine for a redevelopment project on the site of the former Eastern Fine Paper Mill | $262,500 | Sen. Collins, Sen. Snowe |
| | City of Browns Valley, Browns Valley, MN, To aid in recovery efforts of a major flood | $750,000 | Sen. Coleman |
| | City of Buffalo, NY for the construction and renovation of the Buffalo Urban Arts Center | $200,000 | Sen. Clinton, Sen. Schumer |
| | City of Canton, MS, to transform the Historic Canton High School into the Canton Municipal Government Complex | $400,000 | Sen. Cochran |
| | City of Central Falls, Central Falls Urban Revitalization Project, Central Falls, RI for the remediation of the Old Public Works Building and rehabilitation of city recreational facilities | $201,000 | Sen. Reed |
| | City of College Park, MD for blight removal along the Route 1 Corridor | $469,000 | Sen. Mikulski |
| | City of Columbus, IN, Golden Castings Foundry Demolition and Site Remediation Project to raze and remediate the site of the former Golden Castings Foundry for the demolition and environmental remediation costs of the Golden Castings foundry site | $335,000 | Sen. Bayh |
| | City of Columbus, Indiana, Mill Race Center for Active Adults for construction of the new 30,000-square-foot Mill Race Center for Active Adults (the Mill Race Center) that offers a wide variety of programs for senior citizens | $670,000 | Sen. Bayh, Rep. Hill |
| | City of Conover, North Carolina, Broyhill Furniture Industrial Site Redevelopment, to demolish unusable manufacturing structures at the abandoned Broyhill furniture manufacturing plant and refurbish facility | $750,000 | Sen. Dole |
| | City of Council Bluffs, Sunset Park North Neighborhood Redevelopment, Council Bluffs, IA, to redevelop the Katelman neighborhood | $335,000 | Sen. Harkin, Sen. Grassley |
| | City of Detroit, MI, for infrastructure improvements to continue the revitalization of the Brush Park Historic District neighborhood | $200,000 | Sen. Levin, Sen. Stabenow, Rep. Conyers, Rep. Kilpatrick |
| | City of Everett, WA, for the expansion of the Everett Senior Activity Center | $600,000 | Sen. Murray, Rep. Larsen |
| | City of Fayetteville, Fayetteville Attainable Housing Partnership, Fayetteville, Arkansas, To support the Fayetteville Attainable Housing Partnership | $670,000 | Sen. Lincoln, Sen. Pryor |
| | City of Florence, City of Florence Community Activity Center, SC, to provide for a new activity center | $150,000 | Sen. Graham, L., Rep. Spratt |
| | City of Gardiner, Maine for waterfront infrastructure | $150,000 | Sen., Collins, Sen. Snowe |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| | City of Grand Junction, CO, Grand Junction, CO, to create park in LMI neighborhood and/or eliminate slum and blight | $201,000 | Sen. Salazar |
| | City of Greenville, Community Recreation Centers, Greenville, SC for renovation of Greenville's recreation outdated recreation centers | $150,000 | Sen. Graham, L. |
| | City of Grenada, Taylor Hall Renovation Project, Grenada, MS, for the renovation of the historic Taylor Hall | $200,000 | Sen. Cochran |
| | City of Hamilton, Fulton Bridge Industrial Park, Hamilton, AL, Development of Industrial Park | $700,000 | Sen. Shelby |
| | City of Hillsboro, Downtown Streetscape Project, Hillsboro, TX, for streetscape improvements | $140,000 | Sen. Hutchison, Rep. Edwards |
| | City of Humboldt, Iowa for Brownfields clean-up at Frit Industries site | $750,000 | Sen. Grassley, Rep. Latham |
| | Mid-America Research and Development Foundation, MO, to provide equipment to produce emerging plant-based economic development options for rural communities | $750,000 | Sen. Bond |
| | City of Kearney, Kearney, NE, Peterson Senior Activity Center, for construction of the Peterson Senior Activity Center | $670,000 | Sen. Ben Nelson |
| | City of Lake Charles, Lake Charles, LA, America's Wetland Center; to establish a center focused on increasing public awareness of the national importance of sustainable wetlands conservation, preservation, and restoration | $400,000 | Sen. Landrieu, Sen. Vitter |
| | City of Las Vegas, NV, Post Office Museum Las Vegas, Nevada, to complete renovation and transformation of the historic Post Office in downtown Las Vegas to a museum on local history | $200,000 | Sen. Reid |
| | City of Lincoln, NE for Antelope Valley Project Community Revitalization | $180,000 | Sen. Hagel, Sen. Ben Nelson, Rep. Fortenberry |
| | City of Madison, MS, City of Madison Historic Gateway Project, Madison, MS. To support the developments of a new town square and renovation of the Madison Co. Cultural Center | $750,000 | Sen. Lott |
| | City of Marion, Iowa for Central Corridor Redevelopment Project | $350,000 | Sen. Grassley, Sen. Harkin, Rep. Loebsack |
| | City of Marshall, Memorial Hall Visitor and History Center Renovation, Marshall, TX, for the renovation of a historic building | $140,000 | Sen. Hutchison, Rep. Gohmert |
| | City of Marshalltown, Iowa, for Grant Park Neighborhood Redevelopment Initiative | $140,000 | Sen. Grassley, Sen. Harkin, Rep. Latham |
| | City of Medford; Santo Community Center—Phase III; Medford, OR; To create a gymnasium and large community classroom in Medford, OR | $360,000 | Sen. Smith, Sen. Wyden, Rep. Walden |
| | City of Miami Beach, Florida; Miami Beach City Center Housing; Miami Beach, Florida; to maintain affordable housing for low-income residents of Miami Beach, Florida. | $525,000 | Sen. Martinez, Rep. Meek, Rep. Ros-Behtinen |
| | City of Milford, Connecticut, Eisenhower Park Renovation, for the rehabilitation of Eisenhower Park | $348,400 | Sen. Lieberman |
| | City of Muncie, IN, Unity Center, Muncie, IN for a New community center | $350,000 | Sen. Lugar, Sen. Bayh, Rep. Pence |
| | City of Northampton, Massachusetts, Northampton State Hospital Renovation, to assist the City of Northampton in developing more than 200 units of affordable housing | $200,000 | Sen. Kennedy, Sen. Kerry, Rep. Neal |
| | City of Oakland, Oakland Transit-Oriented Villages, Oakland, CA for he development of new housing | $335,000 | Sen. Feinstein |
| | City of Orlando, FL, Parramore Neighborhood Revitalization, to redevelop this distressed area of downtown Orlando into a safe and prosperous community with a mixture of residential and supportive accessory opportunities | $670,000 | Sen. Bill Nelson, Sen. Martinez, Rep. Corrine Brown |
| | City of Philadelphia, Green City Strategy, Philadelphia, PA to—clean and green—450 parcels—or about 450,000 square feet—of vacant land in Philadelphia using top soil, grass, trees, and wood fencing | $201,000 | Sen. Casey |
| | City of Pittsburgh, South Side Works, Pittsburgh; redevelop to enhance mobility | $200,000 | Sen. Casey |
| | City of Pittsfield, MA, Downtown Building Renovation and Rehabilitation | $200,000 | Sen. Kennedy, Sen. Kerry |
| | City of Pocatello, Pocatello, Idaho, for renovation and modernization of the Community Recreational Center | $140,000 | Sen. Crapo |
| | City of Port Townsend, WA, for the construction of the Northwest Maritime Center | $450,000 | Sen. Murray, Sen. Cantwell |
| | City of Portland, OR, Washington Monroe Community Center, for the design and construction of the community center and supporting elements | $670,000 | Sen. Wyden, Sen. Smith, Rep. Blumenauer |

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| | City of Portland; Regional Bridges to Housing Program; Portland, OR and Vancouver, WA; to develop affordable, permanent family-sized housing | $402,000 | Sen. Wyden, Sen. Smith, Rep. Hooley |
| | City of Quincy; Riverfront Infrastructure Improvement; Quincy, Illinois; to connect public facilities and public space in an economically distressed area in Quincy | $250,000 | Sen. Durbin |
| | City of Reno Nevada, NV, Oliver-Montello Affordable Housing Project, to purchase vacant buildings in an effort to revitalize an area of northeast Reno and transition it from commercial to residential | $600,000 | Sen. Reid |
| | City of Rocky Mount, NC for renovations to the Booker T. Washington High School | $140,000 | Sen. Burr |
| | City of Rugby, REAP Zones, Rugby, North Dakota to expand economic development opportunities in two REAP zones | $268,000 | Sen. Dorgan, Sen. Conrad |
| | City of Saginaw, MI, for acquisition and development of the Saginaw riverfront site | $670,000 | Sen. Stabenow, Sen. Levin, Rep. Kildee |
| | City of Scranton; Scranton Housing and Community Space Initiative; Scranton, PA—planning, design and construction of apartments and community space, as part of a downtown revitalization initiative | $140,000 | Sen. Specter |
| | City of Sparks, NV, Larry D. Johnson Community Center, to complete construction of a multi-purpose community center that will provide low income households and at-risk children with various educational classes | $250,000 | Sen. Reid, Rep. Heller |
| | City of Spearfish, SD, Spearfish Industrial Park Infrastructure Construction | $200,000 | Sen. Johnson |
| | City of Suffolk, Virginia, To renovate and restore the Phoenix Bank of Nansemond building for purposes of the Museum | $120,000 | Sen. Warner, Sen. Webb |
| | City of Taunton, MA, to make structural and facility repairs to a low-income senior center | $200,000 | Sen. Kennedy, Sen. Kerry |
| | City of Temple, Downtown Redevelopment/Performing Arts Centre, Temple, TX, for downtown redevelopment | $140,000 | Sen. Hutchison, Rep. Carter |
| | City of Tonasket, WA, Tonasket Community Center for building renovations | $200,000 | Sen. Murray |
| | City of Waterloo, IA Neighborhood Revitalization Area | $350,000 | Sen. Grassley |
| | City of Waterloo, IA, Chamberlain demolition project | $350,000 | Sen. Grassley |
| | City of Watertown, SD, Uptown Revitalization | $200,000 | Sen. Johnson |
| | City of Wilson, North Carolina, City of Wilson Downtown Redevelopment Project, to clear blighted old tobacco barns and old office buildings that currently exist in Wilson and to construct new homes for owner-occupancy | $375,000 | Sen. Dole |
| | City Year, Inc. City Year Headquarters Renovation, to assist City Year, Inc. in the renovation of their headquarters to allow them to better serve their low-income students | $200,000 | Sen. Kennedy, Sen. Kerry |
| | Coastal Heritage Society, Savannah Battlefield Historic Paint and Coach Shops, Savannah, GA, for revitalization and repair of the Georgia Central Railway Historic Paint and Coach Shops | $450,000 | Sen. Chambliss |
| * | Coffeyville Community Enhancement Foundation, Coffeyville, KS, for infrastructure rehabilitation and construction | $400,000 | Sen. Brownback |
| | Coles County Council on Aging; Coles County, Illinois, Coles County Council on Aging Senior Center to construct a new senior center | $250,000 | Sen. Durbin |
| | Community Chest, Virginia City, NV, Storey County Youth and Community Resource Center, to complete construction on a multi-purpose community resource center | $200,000 | Sen. Reid |
| | Community Church of Christ, Sean Bell Memorial Field of Dreams, Community Youth Center, 167–04 108th Avenue, Jamaica, NY, for securing a site and/or purchasing a building for the Sean Bell Memorial Field of Dreams, Community Youth Center | $200,000 | Sen. Schumer, Sen. Clinton |
| | CommunityWorks, Inc. for construction, including the finishing of the interior of the ExplorationWorks building | $435,500 | Sen. Baucus |
| | Cooper University Hospital, Camden, NJ for the Camden Cooper Urban Development Initiative, for neighborhood housing redevelopment | $200,000 | Sen. Lautenberg |
| | County of Hudson, Jersey City, Redevelopment of Koppers Coke brownfield site, to transform the former Koppers Coke site in Kearny into a two million square foot industrial park that includes warehousing and distribution space | $268,000 | Sen. Menendez, Sen. Lautenberg, Rep. Sires, Rep. Rothman |
| | County of Umatilla, OR, Umatilla County Fairgrounds Exposition Center to replace the obsolete Umatilla County Exposition Center with an 18,000 square-foot exhibition hall | $450,000 | Sen. Smith, Sen. Wyden, Rep. Walden |
| | Covenant House Alaska for Covenant House Enhancement and Relocation, to construct a new and larger facility | $280,000 | Sen. Murkowski |
| | Coventry Cares Community Center, Coventry Cares Community Center and Project Friends, Coventry, RI for the construction of an intergenerational complex comprised of human services, adult day care, and a senior center | $335,000 | Sen. Reed, Rep. Langevin |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| | Crossroads Rhode Island, Crossroads Rhode Island Child Care and Community Center, North Kingstown, RI for the construction of a child care and community center to provide both homeless families and neighborhood residents with affordable child care | $201,000 | Sen. Reed |
| | Dakota Boys and Girls Ranch, Dakota Boys and Girls Ranch Treatment Facility Renovation, Minot, ND, to upgrade the mechanical heating and water lines, alarm system, and address accessibility concerns | $234,500 | Sen. Dorgan, Sen. Conrad, Rep. Pomeroy |
| | Daly Mansion Preservation Trust, to preserve and interpret the Daly Mansion, its buildings, grounds and the history it conveys | $268,000 | Sen. Baucus |
| | Delaware Children's Museum, Inc., for the construction of the Delaware Children?s Museum in Wilmington, Delaware, as part of the effort to remove blight and redevelop brownfields along the Christina Riverfront | $268,000 | Sen. Carper, Sen. Biden |
| | Development Workshop, Inc., Upper Valley Industries Plant Facility, Idaho Falls, Idaho, for planning and design of a new facility to provide job services for people with disabilities | $300,000 | Sen. Craig |
| | Dillon County, I–95 Industrial Park Spec Building, Dillon, South Carolina, to provide for the construction of an industrial park spec building near the City of Dillon on I–95 | $150,000 | Sen. Graham, L. |
| | East Baltimore Development, Inc. (EBDI), Baltimore, MD, East Baltimore Development Project, to provide for workforce development, clean and safe programs, and infrastructure improvements | $200,000 | Sen. Mikulski, Sen. Cardin, Rep. Cummings |
| | Easter Seals Hawaii, Easter Seals Hawaii Kapolei Service Center, Hawaii, to construct a multi-program service center to provide therapy and early intervention services to children with physical and developmental disabilities, as well as programs for teens and adults with disabilities | $200,000 | Sen. Inouye |
| | Easter Seals New Hampshire, Flood Repair and Renovation Project, Manchester, NH for Reconstruction and renovation of Easter Seals New Hampshire building | $500,000 | Sen. Sununu |
| | Edison Wetlands Association, Edison, NJ for the Dismal Swamp Conservation Area Trails Project, for the design and construction of trails for public recreation in the Dismal Swamp Conservation Area | $200,000 | Sen. Lautenberg |
| | El Centro de la Raza, Seattle, WA, El Centro de la Raza for facility improvements | $300,000 | Sen. Murray, Rep. McDermott |
| | Empower New Haven, Brownfield's redevelopment initiative, New Haven, CT Redevelopment of a commercial venture and economic catalyst program | $502,500 | Sen. Lieberman, Rep. DeLauro |
| | Erie County; Erie Technology Incubator, Erie, PA for construction of the Erie Technology Incubator, which will promote economic development | $140,000 | Sen. Specter |
| | Fairfax County, Fairfax, to develop and build 15-30 units of single room occupancy housing for the chronically homeless | $300,000 | Sen. Warner, Sen. Webb |
| | FAME assistance corporation, Los Angeles, CA for redevelopment of a blighted neighborhood | $335,000 | Sen. Feinstein |
| | Fondren Revitalization Project, MS for the revitalization of the Fondren area in Jackson, MS | $600,000 | Sen. Cochran |
| | Food Bank of Alaska, Food Bank of Alaska Mat-Su Branch Building Purchase, to allow the Food Bank of Alaska to purchase the collaborative anti-hunger facility in the Mat-Su Valley | $280,000 | Sen. Murkowski, Rep. Don Young |
| | Four Bands Community Fund, Inc., Revolving Loan Fund recapitalization, Eagle Butte, South Dakota | $200,000 | Sen. Johnson |
| | Gambit Manufacturing and business technology center, Orem, UT | $140,000 | Sen. Hatch, Rep. Cannon |
| | Global Samaritan Resources, Abilene, Texas, to build a 25,000 square foot warehouse facility for receiving, storing and shipping of goods used for humanitarian aid | $100,000 | Sen. Cornyn |
| | Goodrich-Gannett Neighborhood Center Cleveland, OH; Early Childhood/Family Services Center Campus Completion, to renovate and construct a new childcare/family services center | $300,000 | Sen. Voinovich |
| | Goodwill Industries of Hawaii, Inc., Kapolei, HI, to construct the Goodwill Ohana Career and Learning Center to provide workforce development and job placement assistance to unemployed and under-employed low-income residents | $200,000 | Sen. Inouye |
| | Grassroots Crisis Intervention Center, Inc., Columbia, MD, to provide the last stage of construction funding for the only emergency services shelter in Howard County, Maryland | $200,000 | Sen. Mikulski |
| | Gregory House Programs, Honolulu, HI, to renovate housing for a temporary housing facility that provides housing and support services for individuals suffering from HIV/AIDS | $200,000 | Sen. Akaka |

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| | Harbor Homes Inc., Veterans Center, Buckingham Place, Nashua, NH, to provide transitional housing and support services for homeless veterans | $350,000 | Sen. Sununu |
| | Hattiesburg Area Development Partnership, Old Hattiesburg High School, Hattiesburg, MS. For the renovation of the old high school | $750,000 | Sen. Lott, Sen. Cochran |
| | Hawaii Nature Center Makiki Valley, Honolulu, Hawaii, Makiki Valley Watershed Education Center Project | $200,000 | Sen. Inouye |
| | Herriman City, UT, to acquire and restore three historically significant buildings in the community | $140,000 | Sen. Bennett |
| | Holbrook Community Foundation in Harpswell, Maine for repair and renovation of Holbrook's Wharf | $150,000 | Sen. Collins, Sen. Snowe |
| | Homeward, Inc.; Equity for Rural Iowa-Revolving Loan Equity Fund; Iowa; Provide equity investment in rural communities | $201,000 | Sen. Harkin, Sen. Grassley, Rep. Braley |
| | Housing and Neighborhood Development Services, Inc., Orange, NJ for the Berg Hat Factory Commercial Arts Center, to build out a business incubator and community arts complex within a formerly abandoned hat factory in a low income neighborhood | $200,000 | Sen. Lautenberg, Sen. Menendez, Rep. Payne |
| | Housing Authority of the City of Milwaukee, Convent Hill Green Roof, to add a green roof to an affordable housing highrise for low-income seniors | $200,000 | Sen. Kohl |
| | Institute for the Study and Practice of Nonviolence, RI, for Building renovations | $200,000 | Sen. Reed |
| | International Peace Garden, International Peace Garden facility renovation, Dunseith, ND to renovate the facilities at this international garden | $301,500 | Sen. Dorgan, Sen. Conrad |
| | Iowa Department of Economic Development, Des Moines, Iowa. To rehabilitate Main Street Communities | $536,000 | Sen. Harkin |
| | Irvine Urban Outreach Center, Baltimore County, Maryland, for an urban outreach center | $335,000 | Sen. Cardin, Rep. Sarbanes |
| | Jackson Medical Mall District Economic and Community Development, MS for housing development | $400,000 | Sen. Cochran |
| | Jewish Foundation for Group Homes, Inc., Rockville, MD, Jewish Foundation for Group Homes, to acquire and renovate a single-family home into an Alternative Living Unit for three adults with developmental disabilities | $200,000 | Sen. Mikulski |
| | Keehi Memorial Organization (KMO), Keehi Adult Day Health Center and Child Care Center, Honolulu, Hawaii for an intergenerational health and child care center that will provide services to low and moderate income children and the elderly | $234,000 | Sen. Inouye |
| | Kenai Peninsula Food Bank, Soldotna, AK to construct an expansion of the existing Kenai Pens | $140,000 | Sen. Murkowski |
| | Kipahulu Community Association, Inc, Hana, Hawaii, Kipahulu Certified Kitchen. The project will enable low income community members to gather as an intergenerational community and create jobs in Native Hawaiian food harvesting and processing | $200,000 | Sen. Inouye |
| | Lakeview Museum; Lakeview Museum construction; Peoria, Illinois; the museum will promote economic development and tourism in downtown Peoria | $250,000 | Sen. Durbin, Rep. LaHood |
| | Lamar County Commission, Lamar County Industrial Park, Lamar County, Alabama, Infrastructure Development for Industrial Park | $560,000 | Sen. Shelby |
| | Las Cruces Families and Youth, Inc., Las Cruces, NM, for construction of a new Transitional Living Program facility to house outpatient counseling for at risk youth and their families | $200,000 | Sen. Bingaman |
| | Las Cumbres Community Services; Espanola, NM; for construction of new facility for community services | $300,000 | Sen. Domenici, Sen. Bingaman |
| | Longview Housing Authority, Longview, WA, Phoenix House, for construction of low-income housing | $500,000 | Sen. Murray |
| | Looking for Lincoln Heritage Coalition, for economic development of Illinois historic sites | $500,000 | Sen. Durbin |
| | Los Fresnos Boys and Girls Club: Construction of a new Boys and Girls Club facility in Los Fresnos, Cameron County, Texas | $250,000 | Sen. Cornyn, Rep. Ortiz |
| | Los Pueblos Community Council, Ribera, NM for Restoration and Preservation of Old Ribera School Building to use of building as community and cultural center | $240,000 | Sen. Domenici |
| | Lutheran Settlement House; Low-Income Housing and Multi-Purpose Space; Philadelphia, PA - planning, design, redevelopment and construction of a facility, which will include affordable housing | $140,000 | Sen. Specter |
| | Maine State Music Theatre in Brunswick, Maine to complete the renovation of rehearsal and office space in the newly acquired facility | $250,000 | Sen. Collins, Sen. Snowe |
| | Marguerite's Place, Nashua, New Hampshire, for the provision of transitional housing and supportive services to homeless women and children who have been victims of domestic abuse | $210,000 | Sen. Gregg |
| | Martin Luther King, Jr. Community Center, Rock Island Illinois, for the renovation and expansion of the Martin Luther King, Jr. Community Center | $670,000 | Sen. Obama, Rep. Hare |
| | McKinley County, New Mexico, Construction of a new regional juvenile crisis complex | $335,000 | Sen. Bingaman |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
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| | Mercer County Commission: For repair and renovation of the Memorial Building, Princeton, WV | $1,000,000 | Sen. Byrd |
| | Mercy-Housing Incorporated, Mercy housing project in Holyoke, Massachusetts, to build 50 new homes for low-income senior citizens in Holyoke, Massachusetts | $200,000 | Sen. Kennedy, Sen. Kerry |
| | City of Kansas City; MO for redevelopment of the 11th and Grand Neighborhood | $375,000 | Sen. Bond |
| | Missoula Food Bank Inc, Statewide Food Bank Transportation System, Missoula, MT to purchase eight new vehicles to rescue more local food | $301,500 | Sen. Tester |
| | Mobile C.A.R.E. Foundation, Chicago, IL for the acquisition and operation of Asthma Vans | $201,000 | Sen. Obama |
| | Mohawk Theater Restoration, North Adams, Massachusetts, to assist in the renovation of the Mohawk Theater and in the redevelopment of downtown North Adams | $200,000 | Sen. Kennedy, Sen. Kerry |
| | Monmouth County, NJ for the NJ Children's Advocacy Center for the construction of a children's advocacy center for victims of child abuse | $200,000 | Sen. Lautenberg, Sen. Menendez, Rep. Pallone |
| | Montgomery County Government, Silver Spring, MD, Long Branch Pedestrian Safety Linkages and Way-Finding Community Markers, to provide for pedestrian safety in the Long Branch community | $268,000 | Sen. Mikulski, Rep. Wynn |
| | Morningstar Community Development Corporation in Kansas City, MO, to construct a youth family center | $750,000 | Sen. Bond |
| | Morning Star Ranch in Florence, KS, to renovate facilities | $595,000 | Sen. Brownback, Rep. Jerry Moran |
| | Mount Airy USA; Mount Airy Urban Renewal Initiative; Philadelphia, PA - blight removal, development, and construction, as part of an urban renewal initiative | $140,000 | Sen. Specter |
| | Municipality of Anchorage, Mountain View Revitalization Project, Anchorage, Alaska to restore buildings in the Mountain View area | $700,000 | Sen. Stevens |
| | Murray-Calloway County Economic Development Corporation for the Murray-Calloway Economic Development Corporation Industrial Park Acquisition and Development Project in Murray, Kentucky, to construct an industrial park to support economic growth | $2,000,000 | Sen. McConnell |
| | Muskegon Heights Housing Commission, Muskegon Heights, MI, for community networking | $200,000 | Sen. Stabenow, Sen. Levin |
| | Nathan Adelson Hospice, Adult Day Care Center, Henderson / Las Vegas, NV | $500,000 | Sen. Ensign |
| | National Tropical Botanical Garden; Kalaheo, Kaua'i, Hawai'i; to construct a Native Hawaiian community learning center | $200,000 | Sen. Inouye |
| | Nebraska Innovation Center (Whitier) to renovate and improve the Whittier school for use as the Nebraska Innovation Center | $670,000 | Sen. Ben Nelson, Sen. Hagel |
| | Neighborhood House, Seattle, WA, Highpoint Neighborhood Center, for construction of a community center | $600,000 | Sen. Murray, Rep. McDermott |
| | Neighbors for Kids, Depoe Bay, OR; to make an addition to their current facility | $180,000 | Sen. Smith, Sen. Wyden, Rep. Hooley |
| | New Center Council Inc., Detroit, MI, for infrastructure improvements to enhance the economic viability of the Historic New Center | $670,000 | Sen. Levin, Sen. Stabenow |
| | NH Division of Parks and Recreation, Robert Frost Farm, Derry, New Hampshire, for reconstruction | $210,000 | Sen. Gregg |
| | Norman Economic Development Corp, Norman, OK for the construction of an engineering incubator that will create a new industrial center for Norman, OK | $140,000 | Sen. Inhofe |
| | Northeast Community Center Association in Spokane, WA, Northeast Community Center, for facility construction | $500,000 | Sen. Murray |
| | Northern Community Investment Corporation to expand and secure the region's economy and public services by providing high speed, high technology connectivity throughout the region | $700,000 | Sen. Gregg |
| | Northwest Tennessee Port Authority, Tiptonville, Tennessee for the construction of this new facility will promote growth in the region and take advantage of unique transportation opportunities that will tie in the port | $525,000 | Sen. Alexander |
| | Ocean Community YMCA, Camp Watchaug Redevelopment, Westerly, RI for the renovations to create a state-of-the-art learning center | $200,000 | Sen. Reed, Sen. Whitehouse |
| | OK Native American Cultural and Educational Authority for American Indian Cultural Center and Museum, Oklahoma City, OK | $140,000 | Sen. Inhofe, Rep. Fallin |

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| | Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the existing Old Town Boys and Girls Club accompanied by construction of new areas for the Club | $335,000 | Sen. Bingaman |
| | Our Children's Homestead, Central Iowa for Housing/Vocational Education Program for Foster Children / Aging Out; Iowa | $210,000 | Sen. Grassley, Sen. Harkin, Rep. Latham |
| | Our City Reading: Housing Initiative; Reading, PA - rehabilitation of abandoned houses and provide down payment assistance to home buyers | $140,000 | Sen. Specter |
| | PACE Training and Evaluation Center, Morgantown, WV, for the construction of a new training facility | $1,500,000 | Sen. Byrd |
| | Patterson Park Community Development Corp. Library Square Revitalization Project, Baltimore, MD, to provide for the revitalization of an under-used area of Baltimore City | $201,000 | Sen. Mikulski |
| | Pearl City Foundation, Pearl City, Hawaii, Momilani Community Center Adult Day Care and Child Care Facility Construction Project, to construct a new facility of 6,700 square feet for the Elderly Daycare/Day Health and an Early Educational Daycare of the Head Start Program | $200,000 | Sen. Inouye |
| | Penobscot Theatre Company in Bangor, Maine to renovate the Bangor Opera House | $150,000 | Sen. Collins, Sen. Snowe, Rep. Michaud |
| | Port of Gold Beach, OR, Port of Gold Beach High Dock Rehabilitation, to rebuild the High Dock at the Port of Gold Beach that provides critical infrastructure for water-dependent and water-related commercial and retail activities | $450,000 | Sen. Smith, Sen. Wyden, Rep. DeFazio |
| | Preble Street in Portland, Maine for the development of Florence House, a comprehensive center for homeless women | $200,000 | Sen. Collins, Sen. Snowe, Rep. Thomas Allen |
| | Providence Connections, Inc.; Providence Family Support Center; Pittsburgh, PA for planning, renovation and redevelopment of the Providence Family Support Center | $140,000 | Sen. Specter |
| | Provo City Downtown Parking Structure Project, Utah | $140,000 | Sen. Hatch |
| | Rainier Vista Boys and Girls Club, Seattle WA, Rainier Vista Boys and Girls Club for facility construction | $500,000 | Sen. Murray, Rep. McDermott |
| | Randolph County YMCA, IN to build a new licensed child care facility for 93 children | $140,000 | Sen. Lugar |
| | Redevelopment Authority of the City of Milwaukee, Wisconsin, 30th Street Industrial Corridor-Milwaukee Wisconsin for blight elimination and redevelopment of the 30th Street Corridor | $502,500 | Sen. Kohl, Rep. Gwen Moore |
| | Redevelopment Authority of the City of Racine, WI for blight removal and reconstruction efforts | $200,000 | Sen. Kohl |
| | RurAL CAP, Inc for Rural Alaska Community Head Start Facility Upgrades | $140,000 | Sen. Murkowski, Rep. Don Young |
| | Saginaw Depot Preservation Corporation, Saginaw, MI, to restore the historic Potter Street storefronts and add street enhancements | $670,000 | Sen. Levin, Sen. Stabenow |
| | Salina City, to build a senior citizens and civic center for the three communities in the area of Salina, UT | $525,000 | Sen. Bennett |
| | Salvation Army Alaska Division for Anchorage Salvation Army Family Enrichment Center to build a family shelter, a commercial-grade kitchen | $280,000 | Sen. Murkowski |
| | San Bernardino Boys & Girls Club, Boys & Girls Club Improvements, San Bernardino CA, for facility expansion | $201,000 | Sen. Boxer, Rep. Baca |
| | San Francisco Museum and Historical Society, Redevelopment of the Old Mint facility, San Francisco, CA | $335,000 | Sen. Boxer, Sen. Feinstein |
| | Santa Clara Pueblo, Construction of Regional Adult Day Care Center, Espanola, NM, Regional Adult Day Care Center | $300,000 | Sen. Domenici, Rep. Tom Udall |
| | Seattle Nisei Veterans Committee, Seattle, WA, Nisei Veterans Memorial Hall, for construction | $250,000 | Sen. Murray |
| | Second Harvest Food Bank of East Central Indiana, Inc, for Food Bank Capital Improvements Project | $700,000 | Sen. Lugar |
| | Smithfield City, UT, to construct a new city complex | $525,000 | Sen. Bennett |
| | Souhegan Boys and Girls Club, Milford, NH, for renovations and reconstruction after severe flood damage | $140,000 | Sen. Gregg |
| | South Dakota State Fair Foundation, Huron, SD, upgrade South Dakota State Fair Open Class Beef Complex and Hippodrome | $200,000 | Sen. Johnson |
| | Southern Cultural Heritage Foundation, Vicksburg, MS: for the renovation of the Southern Cultural Heritage Center Auditorium | $200,000 | Sen. Cochran |
| | Southern Nevada Convention Training Trust, Las Vegas, NV, Convention and Trade Training Center, to construct a facility in Las Vegas to provide trade training for the convention industry to students who are unemployed, underemployed, or in transition | $378,000 | Sen. Reid |
| | Southern West Virginia Multicultural Museum and Community Center, Raleigh County, West Virginia, for the establishment of a multicultural museum and community center in Beckley, WV | $200,000 | Sen. Byrd, Rep. Rahall |
| | Southside Institutions Neighborhood Alliance, Southside Institutions Neighborhood Alliance Blight Removal, Hartford, CT, for activities associated the acquisition, removal, and redevelopment of blighted properties in Hartford, Connecticut. | $200,000 | Sen. Dodd, Sen. Lieberman, Rep. Larson |

### TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
|  | Spaulding Fibre Remediation and Demolition, NY to demolish the structures and remediate any environmental problems and develop new infrastructure on the site | $1,170,000 | Sen. Schumer, Sen. Clinton |
|  | Springfield Boys and Girls Club; Community Center; Springfield, IL; Planning, development, land acquisition, and construction costs for a new community center in Springfield | $200,000 | Sen. Durbin |
|  | St. Lawrence County Chamber of Commerce Inc, Regional Rural Broadband Expansion, Canton, NY. To expand broadband access to rural areas | $200,000 | Sen. Clinton, Sen. Schumer |
|  | St. Louis Area Food Bank, St. Louis County, MO, Foodbank Warehouse Acquisition Project | $375,000 | Sen. Bond |
|  | Stanford Settlement, Inc. Carl R. Hansen Teen Center, Sacramento, CA. Funds will be used to construct a new teen center facility for at-risk youth in the northern area of Sacramento, CA | $200,000 | Sen. Boxer |
|  | Synergy Services, Inc in K.C., MO. To design and construct a homeless youth shelter and campus | $562,500 | Sen. Bond |
|  | Syracuse City, Utah for Syracuse City Utah Municipal Center Expansion Project | $210,000 | Sen. Hatch |
|  | Tallahatchie County Board of Supervisors, Sumner, MS, Tallahatchie County Courthouse Restoration, for the restoration of the Tallahatchie County Courthouse | $700,000 | Sen. Cochran |
|  | TechTown, Detroit, MI for renovations for historic structures for economic development | $200,000 | Sen. Stabenow, Sen. Levin, Rep. Kilpatrick |
|  | The Arc of Hilo, Arc of Hilo Client Support Services Facility Construction, in Hilo, HI, to construct a multi-purpose job training, day program, and community center for people with disabilities | $268,000 | Sen. Akaka, Sen. Inouye, Rep. Hirono |
|  | The ARC of Madison County Facilities Expansion, AL | $175,000 | Sen. Shelby |
|  | The Children's Center of the Cumberlands, Scott County, Tennessee, expand the Children's Center and allow expanded service and care for abused children | $175,000 | Sen. Alexander |
|  | The Children's Home, Children's Home (CH) Residential Facility Improvement Initiative, Cromwell, Connecticut, for the redesign of residential facilities | $200,000 | Sen. Dodd, Sen. Lieberman, Rep. Larson |
|  | The City of Newport News, VA, Jefferson Park Revitalization, VA, for acquisition, demolition, relocation activities and capital improvements of dilapidated housing | $670,000 | Sen. Webb, Sen. Warner, Rep. Bobby Scott |
|  | The Civic Center of Moreau, Inc. The Moreau Community Center, Campaign to Establish the New Regional Community Center at Moreau, South Glens Falls, NY, for the construction of the Regional Community Center at Moreau which will provide dramatically improved educational, recreational, and community service facilities as well as substantial economic development | $200,000 | Sen. Schumer, Sen. Clinton, Rep. Gillibrand |
|  | The Greater Boston Food Bank, Boston, Massachusetts, for the development of a new facility to distribute food to Massachusetts families in need | $200,000 | Sen. Kennedy, Sen. Kerry |
|  | The Ministry of Caring Inc.; Mary Mother of Hope House Renovation Project, Wilmington, DE, to renovate the Mary Mother of Hope House which provides housing and support services for homeless women 18 and older | $670,000 | Sen. Biden, Sen. Carper |
|  | The Westfield Boys and Girls Club, Westfield, Massachusetts, Westfield Boys and Girls Club, for renovation and repair | $200,000 | Sen. Kennedy, Sen. Kerry |
|  | TLC for Children and Families, Olathe, KS, for an emergency shelter and social services for children and youth in the Kansas City | $525,000 | Sen. Brownback |
|  | To Bridgeton Board of Education, Bridgeton, NJ for the restoration of the historic Bridgeton High School facility which was built during the New Deal by the WPA | $200,000 | Sen. Lautenberg |
|  | To Paterson Board of Education, Paterson, NJ, Hinchliffe facility, for the restoration of the historic Hinchliffe facility | $200,000 | Sen. Lautenberg |
|  | To the Goodwill Rescue Mission, Newark, NJ for the renovation of transitional living facilities | $200,000 | Sen. Lautenberg, Rep. Payne |
|  | Tom Green County, San Angelo, TX, for the relocation and expansion of the Tom Green County Library, the only public library in the region | $140,000 | Sen. Hutchison |
|  | Town of Colebrook, Mohawk River Retaining Wall, Colebrook, NH, repair retaining wall and two water mains along the Mohawk River | $300,000 | Sen. Sununu |
|  | Town of Colmar Manor, Colmar Manor Community Center, Colmar Manor, Maryland, to construct a multi-use community facility that combines community organizations and municipal services | $402,000 | Sen. Cardin, Rep. Van Hollen |

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| | Town of Marietta, MS, for the construction of a multi-purpose facility | $200,000 | Sen. Cochran |
| | Town of Vernon, Amberbelle Mill Historic Restoration Initiative, Vernon, Connecticut, for exterior and interior upgrades to the historic Amberbelle Mill facility | $200,000 | Sen. Dodd, Sen. Lieberman, Rep. Courtney |
| | Turtle Mountain Band of Chippewa, Turtle Mountain Youth Center, Belcourt, ND to construct a youth center for Native Americans on the reservation. | $335,000 | Sen. Dorgan, Sen. Conrad |
| | United Methodist Youthville, Dodge City, Kansas to provide a central kitchen/dining facility for the campus in compliance with federal regulations | $210,000 | Sen. Roberts |
| | United Way for Southeastern Michigan, Detroit, MI, to construct a training center for non-profit social service providers | $268,000 | Sen. Stabenow, Sen. Levin, Rep. Kilpatrick, Rep. Mike Rogers |
| | United Way of Treasure Valley, Boise, Idaho, for construction of a Community Detox Center | $175,000 | Sen. Crapo |
| | Urban League of Eastern Massachusetts, Roxbury, Massachusetts, to assist in the expansion of the Urban League of Eastern Massachusetts facility expansion | $200,000 | Sen. Kennedy, Sen. Kerry, Rep. Capuano |
| | Urban League of Rhode Island, South Providence Neighborhood Center Building Project, Providence, RI for the construction of a three-story, 9,000 square foot addition to house a community meeting room, senior center, and office space | $335,000 | Sen. Reed |
| | Vermont Housing and Conservation Board, VT, for affordable housing and community development linked with land conservation and historic preservation | $1,742,000 | Sen. Leahy |
| | Veterans Benefits Clearinghouse, Roxbury, MA, Veterans Benefits Clearinghouse renovation, to renovate the Veterans Benefits Clearinghouse facility to allow the non-profit organization to expand its programs to assist low-income veterans across Massachusetts | $200,000 | Sen. Kennedy, Sen. Kerry |
| | Waipahu Jack Hall Memorial Housing Corporation, Oahu, HI, to renovate, repair, and maintain the Kunia Village Housing Complex and to bring it in compliance with Honolulu City and County housing codes | $234,000 | Sen. Inouye |
| | Washington County Free Library, New Washington County Free Library Branch in Boonsboro, MD, to facilitate design and construction of new library branch | $200,000 | Sen. Mikulski |
| | Western Elmore County Recreation District, Mountain Home Community Center Complex, Mountain Home, Idaho, for planning, design, and construction of an energy efficient, multi-use community center | $300,000 | Sen. Craig |
| | Where to Turn, Hands and Hearts, Staten Island, NY for the construction of a 9/11 living memorial | $468,000 | Sen. Clinton, Sen. Schumer |
| | Wichita, KS for the 21st Street Industrial Corridor Revitalization Plan and Pre-Engineering Designs | $210,000 | Sen. Roberts |
| | Wilmington Housing Authority, Wilmington, DE, Sprinkler Retrofit of High Rise Building, to retrofit the Crestview Apartments with a fire suppression sprinkler system | $670,000 | Sen. Biden, Sen. Carper, Rep. Castle |
| | Wisconsin Regional Training Partnership, Center for Excellence, Milwaukee, WI, to complete renovation of the Center of Excellence for the assessment, preparation and placement of job-ready candidates for careers in skilled trades and industries | $200,000 | Sen. Kohl |
| | World Impact, St. Louis, MO, to renovate the former YMCA North Building | $562,500 | Sen. Bond |
| | YMCA of Spokane, WA, YMCA/YWCA of Spokane, for facility construction | $500,000 | Sen. Murray, Sen. Cantwell |
| | YMCA of Tacoma-Pierce County, Tacoma, WA, YMCA of Tacoma-Pierce County for facility construction | $250,000 | Sen. Murray |
| | YWCA of Greater Los Angeles, Union Pacific Child Development and Family Center, Los Angeles, CA: for the construction of the new Union Pacific Child Development and Family Center | $200,000 | Sen. Boxer, Rep. Berman |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Neighborhood Initiatives

| Grantee | Purpose | Funding | Sponsor |
|---|---|---|---|
| Bucks County Community College in Newtown, PA | for design and construction of a training facility | $100,000 | Rep. Murphy (Patrick) |
| CAP Services, Inc. in Stevens Point, WI | for capitalization of a revolving loan fund for small business development | $500,000 | Rep. Obey |
| Chicago Parks District in Chicago, IL | for renovation and construction as part of the Lane Tech High School Field Improvement Project | $700,000 | Rep. Emanuel |
| City and County of San Francisco Mayor's Office of Housing in San Francisco, CA | for construction of permanent supportive housing for homeless individuals as part of the Mason Street Project | $600,000 | Rep. Pelosi, Sen. Boxer |
| City of Charleston, SC | for planning, design, construction and buildout of the City of Charleston's International African American Museum | $800,000 | Rep. Clyburn |
| City of College Park, MD | for construction in coordination with the Downtown College Park Redevelopment Project | $300,000 | Rep. Hoyer |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT—Neighborhood Initiatives—Continued

| Grantee | Purpose | Funding | Sponsor |
|---|---|---|---|
| Douglas County, WI | for extension of sewer and water utilities to the Parkland Industrial Park | $500,000 | Rep. Obey |
| Housing Assistance Council | for nationwide capacity building, outreach and training | $3,000,000 | Rep. Olver, Rep. Knollenberg, Rep. Pastor, Rep. Hinojosa, Rep. Davis (Geoff), Sen. Domenici, Sen. Leahy, Sen. Inouye |
| La Raza HOPE Fund | for capitalization of a revolving loan fund to be used for nationwide community development activities | $1,000,000 | Rep. Olver, Rep. Walsh, Rep. Gutierrez, Sen. Dodd, Sen. Martinez, Sen. Lieberman, Sen. Obama, Sen. Landrieu, Sen. Kerry, Sen. Bingamen, Sen. Casey, Sen. Menendez, Sen. Brown, Sen. Clinton, Sen. Boxer, Sen. Durbin |
| Metropolitan Development Association in Syracuse, NY | for implementation of a comprehensive regional economic development strategy | $375,000 | Rep. Walsh |
| National American Indian Housing Council | for nationwide capacity building, outreach and training | $1,000,000 | Rep. Olver, Sen. Johnson, Sen. Domenici |
| National Housing Development Corporation in Rancho Cucamonga, CA | for development and preservation of affordable housing | $1,000,000 | Rep. Miller (Gary) |
| North Central Wisconsin Regional Planning Commission in Wausau, WI | for capitalization of a revolving loan fund for new business development | $400,000 | Rep. Obey |
| San Francisco Housing Authority in San Francisco, CA | for demolition, planning, design, and construction of mixed-income housing at the Hunters View Housing Project | $1,200,000 | Rep. Pelosi, Sen. Feinstein |
| * United Veterans of America, Inc. in Leeds, MA | for construction and buildout of a permanent housing facility for veterans in Pittsfield, MA | $900,000 | Rep. Olver |
| University of Hartford in Hartford, CT | for renovation and buildout of a historic building | $200,000 | Rep. Larson |
| Yardley Borough, PA | for acquisition and installation of equipment to improve stormwater systems as part of a redevelopment plan | $280,000 | Rep. Murphy (Patrick) |
| | **Grantee and Purpose** | | |
| | Bering Straits Native Corporation, Nome, Alaska, funds will be used for the construction and expansion of the site pad for the quarry | $562,500 | Sen. Stevens |
| | Center for Planning Excellence; Center for Planning Excellence; Baton Rouge, LA to continue to coordinate urban and rural planning efforts in South Louisiana | $2,000,000 | Sen. Landrieu |
| | Central Wyoming College Foundation; Intertribal Education and Community Center; Riverton, Wyoming; to complete construction of and purchase equipment for the Intertribal Education and Community Center | $420,000 | Sen. Enzi |
| | City of Forsyth, Georgia to renovate and repair the buildings on the former Tift College campus so that it will be ready to house the hundreds of employees of the State Department of Corrections | $350,000 | Sen. Isakson |
| | City of Green Bay, Wisconsin, Neighborhood Block Redevelopment, to purchase, demolish and refurbish blighted properties to eliminate overcrowding, reduce crime and stabilize a struggling neighborhood | $1,500,000 | Sen. Kohl |
| | City of Rochester, NY, Rochester Lead Hazard Prevention Program, to enhance lead hazard assessments, inspections, remediation training and outreach to expedite lead hazard remediation in public housing | $156,000 | Sen. Clinton, Sen. Schumer |
| | Emergency Demolition of the Former Swift Plant (KD Station) in Sioux City, Iowa | $700,000 | Sen. Grassley, Sen. Harkin |
| | Hiawatha Village Low Income Housing Development Project, Seattle, WA | $750,000 | Sen. Murray |
| | homeWORD, Missoula, MT to develop rental housing that is affordable to working families in Missoula, MT | $670,000 | Sen. Baucus, Sen. Tester |
| | John C. Stennis Institute for Capacity Development Initiative | $800,000 | Sen. Cochran |
| | Kitsap County Resources Community Services Center Construction, Bremerton, WA | $200,000 | Sen. Murray, Sen. Cantwell |
| | Miami Dade College, FL, Cuban American Historical Museum at the Miami Dade College Freedom Tower, Florida | $350,000 | Sen. Martinez |
| | NeighborhoodsNOW, Community Foundation of Wyandotte County, Kansas City, KS | $1,200,000 | Sen. Brownback |
| | Passage Point Transitional Housing Construction, King County, WA | $500,000 | Sen. Murray |
| | Poplar Bluff Historic Depot Restoration; Missouri | $187,500 | Sen. Bond |
| | Robinson Film Center Building; Shreveport, Louisiana | $280,000 | Sen. Vitter |

| | | | |
|---|---|---|---|
| | Salishan HOPE VI Redevelopment Project, Tacoma, WA | $1,500,000 | Sen. Murray |
| | Starr Commonwealth of Ohio, Van Wert and Columbus, Ohio, Starr Commonwealth facilities renovations for positive environments where children flourish | $544,000 | Sen. Brown, Rep. Pryce, Rep. Gillmor |
| | Washington State Housing Finance Commission, Seattle, WA for capacity building | $700,000 | Sen. Murray |

## TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT[1]

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| FTA Extension[1] | Ardmore transit center, Pennsylvania | | Rep. Gerlach |
| FTA Extension[1] | Area Transit Authority, Pennsylvania | | Rep. Peterson |
| FTA Extension[1] | Area Transportation Authority of North Central Pennsylvania passenger terminal, Pennsylvania | | Rep. Peterson |
| FTA Extension[1] | Buffalo, New York Inner Harbor Redevelopment Project, New York | | Rep. Higgins |
| FTA Extension[1] | Bridgeport Intermodal Center, Connecticut | | Rep. Shays |
| FTA Extension[1] | Broome County hybrid buses, New York | | Rep. Hinchey |
| FTA Extension[1] | Callowhill bus garage replacement, Pennsylvania | | Rep. Fattah |
| FTA Extension[1] | Central New York Regional Transportation Authority, New York | | Rep. Walsh |
| FTA Extension[1] | Glenmont Metrorail parking garage expansion, Maryland | | Rep. Van Hollen |
| FTA Extension[1] | Colorado statewide bus and bus facilities | | Rep. DeGette, Rep. Musgrave, Rep. Perlmutter, Rep. Salazar, Rep. Tancredo, Rep. Udall |
| FTA Extension[1] | Hampton Roads Transit New Maintenance Facilities, Virginia | | Rep. Drake, Rep. Scott (VA) |
| FTA Extension[1] | Howard County Transit repair Facility, Maryland | | Rep. Cummings |
| FTA Extension[1] | I–66/Vienna Metrorail Accessibility Improvements, Virginia | | Rep. Davis (VA) |
| FTA Extension[1] | Irvington Intermodal Upgrades, New York | | Rep. Lowey |
| FTA Extension[1] | Ivy Tech State College multmodal facility, Indiana | | Rep. Carson |
| FTA Extension[1] | Leesburg Train Depot Renovation and Restoration, Georgia | | Rep. Bishop (GA) |
| FTA Extension[1] | Palo Alto Intermodal Transit Center, California | | Rep. Eshoo |
| FTA Extension[1] | Potomac Yard Transit Way, Virginia | | Rep. Moran (VA) |
| FTA Extension[1] | Pulse Point Joint Improvements, Connecticut | | Rep. Shays |
| FTA Extension[1] | Regional Transit Project for Quitman, Clay, Randolph and Stewart Counties, Georgia | | Rep. Bishop (GA) |
| FTA Extension[1] | Renaissance Square, New York | | Rep. Walsh |
| FTA Extension[1] | Rochester Central Bus Terminal, New York | | Rep. Walsh |
| FTA Extension[1] | Springfield Union Station, Springfield, Massachusetts | | Rep. Neal |
| FTA Extension[1] | White Plains Downtown Circulator, New York | | Rep. Lowey |
| FTA Extension[1] | Dulles Corridor Rapid Transit Project, Virginia | | Rep Moran, (VA), Rep. Wolf, Rep. Davis (VA) |
| FTA Extension[1] | Stamford Urban Transitway, all phases, Connecticut | | Rep. Shays |

### TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT [1]—Continued

| Account | Project Name | Total Conference Funded Level | Sponsor |
|---|---|---|---|
| FTA Extension [1] | Harrisburg, Pennsylvania CorridorOne | | Rep. Pitts |

[1] Extension of availability of funds provided in previous appropriations Acts.

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| TITLE I - DEPARTMENT OF TRANSPORTATION | | | | | | |
| Office of the Secretary | | | | | | |
| Salaries and expenses | 84,553 | 96,197 | 90,678 | 95,197 | 93,782 | +9,229 |
| Immediate Office of the Secretary | (2,197) | --- | (2,305) | (2,314) | (2,310) | (+113) |
| Immediate Office of the Deputy Secretary | (697) | --- | (724) | (737) | (730) | (+33) |
| Office of the General Counsel | (15,148) | --- | (15,753) | (18,719) | (18,720) | (+3,572) |
| Office of the Under Secretary of Transportation for Policy | (11,635) | --- | (12,100) | (11,874) | (11,874) | (+239) |
| Office of the Assistant Secretary for Budget and Programs | (8,465) | --- | (8,903) | (10,417) | (9,417) | (+952) |
| Office of the Assistant Secretary for Governmental Affairs | (2,291) | --- | (2,382) | (2,384) | (2,383) | (+92) |
| Office of the Assistant Secretary for Administration | (21,880) | --- | (23,568) | (24,008) | (23,750) | (+1,870) |
| Office of Public Affairs | (1,908) | --- | (1,984) | (1,988) | (1,986) | (+78) |
| Executive Secretariat | (1,441) | --- | (1,498) | (1,535) | (1,516) | (+75) |
| Board of Contract Appeals | (696) | --- | --- | --- | --- | (-696) |
| Office of Small and Disadvantaged Business Utilization | (1,264) | --- | (1,314) | (1,335) | (1,335) | (+71) |
| Office of Intelligence and Security | (2,027) | --- | (2,737) | --- | (7,874) | (+5,847) |
| Office of the Chief Information Officer | (11,801) | --- | (12,273) | (11,587) | (11,887) | (+86) |
| Office of Emergency Transportation | (3,103) | --- | (5,137) | --- | --- | (-3,103) |
| Undesignated pay raise | --- | --- | --- | --- | --- | --- |
| Subtotal | (84,553) | (96,197) | (90,678) | (95,197) | (93,782) | (+9,229) |
| Office of Civil Rights | 8,528 | 9,141 | 9,141 | 9,141 | 9,141 | +613 |
| Rescission of excess compensation for air carriers | -50,000 | -22,000 | -22,000 | -22,000 | -22,000 | +28,000 |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Transportation planning, research, and development | 14,893 | 9,115 | 8,515 | 14,115 | 14,000 | -893 |
| Working capital fund | (118,014) | --- | (128,094) | (128,094) | (128,094) | (+10,080) |
| Minority business resource center program | 893 | 891 | 893 | 891 | 893 | --- |
| (Limitation on guaranteed loans) | (18,367) | (18,367) | (18,367) | (18,367) | (18,367) | --- |
| Minority business outreach | 2,970 | 2,970 | 2,970 | 2,970 | 2,970 | --- |
| New headquarters building | 49,500 | --- | --- | --- | --- | -49,500 |
| Payments to air carriers (Airport & Airway Trust Fund) | 59,400 | --- | 60,000 | 60,000 | 60,000 | +600 |
| Total, Office of the Secretary | 170,737 | 96,314 | 150,197 | 160,314 | 158,786 | -11,951 |
| Federal Aviation Administration | | | | | | |
| Operations | 8,374,217 | --- | 8,716,606 | 8,761,783 | 8,750,000 | +375,783 |
| Air traffic organization | (6,739,761) | --- | (6,958,413) | (6,964,813) | (6,969,663) | (+229,902) |
| Aviation Safety | (1,003,410) | --- | (1,076,103) | (1,092,103) | (1,082,653) | (+79,243) |
| Commercial Space Transportation | (11,696) | --- | (12,549) | (12,837) | (12,549) | (+853) |
| Financial Services | (76,289) | --- | (100,593) | (103,849) | (102,221) | (+25,932) |
| Human Resource Management | (85,738) | --- | (89,101) | (91,214) | (91,214) | (+5,476) |
| Region and Center Operations | (275,797) | --- | (286,848) | (290,872) | (290,872) | (+15,075) |
| Staff Offices | (145,524) | --- | (162,349) | (166,542) | (166,543) | (+21,019) |
| Information Services | (36,002) | --- | (38,650) | (39,552) | (39,552) | (+3,550) |
| Subtotal | (8,374,217) | --- | (8,716,606) | (8,761,783) | (8,750,000) | (+375,783) |
| Safety and Operations | --- | 1,879,453 | --- | --- | --- | --- |
| Air Traffic Organization | --- | 9,307,896 | --- | --- | --- | --- |
| Facilities & equipment (Airport & Airway Trust Fund) | 2,516,920 | --- | 2,515,000 | 2,516,920 | 2,527,284 | +10,364 |
| Research, engineering, and development (Airport and Airway Trust Fund) | 130,234 | 140,000 | 140,000 | 148,800 | 147,000 | +16,766 |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization) | (4,399,000) | (4,300,000) | (4,399,000) | (4,399,000) | (4,399,000) | --- |
| (Limitation on obligations) | (3,514,500) | (2,750,000) | (3,600,000) | (3,514,500) | (3,514,500) | --- |
| Small community air service development program | (10,000) | --- | (10,000) | (10,000) | (10,000) | --- |
| Administration | --- | (80,676) | (80,676) | (80,676) | (80,676) | (+80,676) |
| Airport Cooperative Research Program | (10,000) | (10,000) | (10,000) | (10,000) | (10,000) | --- |
| Airport Technology Research | (17,870) | (18,712) | (18,712) | (18,712) | (18,712) | (+842) |
| 2007 F&E Pop-up contract authority | 596,000 | --- | --- | --- | --- | -596,000 |
| Rescission of contract authority (BY F&E Pop-up) | -596,000 | --- | --- | --- | --- | +596,000 |
| Rescission of contract authority (BY AIP) | --- | --- | -185,500 | -185,500 | -185,500 | -185,500 |
| Rescission of contract authority (prior yr Pop-up) | -25,000 | --- | --- | --- | --- | +25,000 |
| Subtotal | (3,489,500) | (2,750,000) | (3,414,500) | (3,329,000) | (3,329,000) | (-160,500) |
| War risk insurance program extension | -29,000 | --- | -164,000 | -164,000 | -120,000 | -91,000 |
| Total, Federal Aviation Administration | 10,967,371 | 11,327,349 | 11,022,106 | 11,078,003 | 11,118,784 | +151,413 |
| Appropriations | (11,588,371) | (11,327,349) | (11,207,606) | (11,263,503) | (11,304,284) | (-284,087) |
| Rescissions of contract authority | (-621,000) | --- | (-185,500) | (-185,500) | (-185,500) | (+435,500) |
| (Limitations on obligations) | (3,514,500) | (2,750,000) | (3,600,000) | (3,514,500) | (3,514,500) | --- |
| Total budgetary resources | (14,481,871) | (14,077,349) | (14,622,106) | (14,592,503) | (14,633,284) | (+151,413) |
| Federal Highway Administration | | | | | | |
| Limitation on administrative expenses | (360,992) | (384,556) | (384,556) | (377,556) | (377,556) | (+16,564) |
| Federal-aid highways (Highway Trust Fund): | | | | | | |
| (Liquidation of contract authorization) | (36,032,344) | (38,000,000) | (40,955,051) | (40,955,051) | (41,955,051) | (+5,922,707) |
| (Limitation on obligations) | (39,086,465) | (39,585,075) | (40,216,051) | (40,216,051) | (40,216,051) | (+1,129,586) |
| (Limitation on obligations) - bridges | --- | --- | --- | (1,000,000) | (1,000,000) | (+1,000,000) |
| (Exempt contract authority) | (739,000) | (739,000) | (739,000) | (739,000) | (739,000) | --- |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| (Transfer to NHTSA) | (-121,232) | --- | --- | --- | --- | (+121,232) |
| Congestion reduction initiative (leg. proposal) | --- | (175,000) | --- | --- | --- | --- |
| Pay raise (Sec. 111 of P.L.110-5) | 2,794 | --- | --- | --- | --- | -2,794 |
| Appalachian development highway system | 19,800 | --- | --- | 20,000 | 16,000 | -3,800 |
| Delta Regional Authority | --- | --- | --- | 20,000 | 14,300 | +14,300 |
| I-35W bridge repair and reconstruction (emergency appropriations) | --- | --- | --- | 195,000 | 195,000 | +195,000 |
| Emergency relief programs (Highway Trust Fund) , | | | | | | |
| Emergency appropriations (P.L. 110-28) | 871,022 | --- | --- | --- | --- | -871,022 |
| Rescission of contract authority (HTF)(P.L.110-28) | -871,022 | --- | --- | --- | --- | +871,022 |
| Rescission of contract authority (Highway Trust Fund) | -3,471,582 | -1,317,000 | -3,000,000 | -2,890,000 | -3,000,000 | +471,582 |
| Rescission of ISTEA contract authority(HTF)(Sec. 122) | --- | -52,000 | -1,292 | --- | -1,292 | -1,292 |
| Rescission of TEA-21 contract authority(HTF)(Sec. 123) | --- | --- | -6,139 | --- | -5,987 | -5,987 |
| TIFIA (rescission of contract authority)(Sec. 124) | --- | --- | -162,253 | -187,146 | -186,322 | -186,322 |
| Administration (rescission of contract authority)(Sec. 125) | --- | --- | -43,359 | -43,359 | -43,359 | -43,359 |
| Research (rescission of contract authority)(Sec. 126) | --- | --- | -172,243 | --- | -172,243 | -172,243 |
| Highway related safety grants (rescission)(Sec. 127) | --- | --- | -11 | --- | -11 | -11 |
| Miscellaneous appropriations and miscellaneous highway trust funds (rescission)(Sec. 128) | --- | -409,469 | -4,754 | --- | -4,754 | -4,754 |
| '08 rescission of revenue-aligned budget authority | --- | -630,976 | --- | --- | --- | --- |
| Total, Federal Highway Administration | -3,448,988 | -2,409,445 | -3,390,051 | -2,885,505 | -3,188,668 | +260,320 |
| Appropriations | (22,594) | --- | --- | (40,000) | (30,300) | (+7,706) |
| Rescissions | --- | (-409,469) | (-4,765) | --- | (-4,765) | (-4,765) |
| Rescissions of contract authority | (-4,342,604) | (-1,999,976) | (-3,385,286) | (-3,120,505) | (-3,409,203) | (+933,401) |
| (Limitations on obligations) | (39,086,465) | (39,585,075) | (40,216,051) | (41,216,051) | (41,216,051) | (+2,129,586) |
| (Exempt contract authority) | (739,000) | (739,000) | (739,000) | (739,000) | (739,000) | --- |
| (Transfer out) | (-121,232) | --- | --- | --- | --- | (+121,232) |
| Total budgetary resources | (36,255,245) | (37,914,630) | (37,565,000) | (39,069,546) | (38,766,383) | (+2,511,138) |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Federal Motor Carrier Safety Administration | | | | | | |
| Motor carrier safety operations and programs (Highway Trust Fund)(Liquidation of contract authorization). | (223,000) | (228,000) | (228,000) | (231,470) | (229,654) | (+6,654) |
| (Limitation on obligations) | (223,000) | (228,000) | (228,000) | (231,470) | (229,654) | (+6,654) |
| Motor carrier safety grants (Highway Trust Fund) (Liquidation of contract authorization) | (294,000) | (300,000) | (300,000) | (300,000) | (300,000) | (+6,000) |
| (Limitation on obligations) | (294,000) | (300,000) | (300,000) | (300,000) | (300,000) | (+6,000) |
| National motor carrier safety program (HTF) (rescission of contract authority) | --- | --- | -8,213 | -5,213 | -5,213 | -5,213 |
| Motor carrier safety (HTF) (rescission of contract authority) | --- | --- | -32,188 | -32,188 | -32,188 | -32 188 |
| Motor carrier safety grants (HTF) (rescission of contract authority) | --- | --- | -11,260 | -11,260 | -11,260 | -11,260 |
| Motor carrier safety operations and programs (HTF) (rescission of contract authority) | --- | --- | -3,470 | --- | -1,816 | -1,816 |
| Total, Federal Motor Carrier Safety Admin | --- | --- | -52,131 | -48,661 | -50,477 | -50,477 |
| Rescissions of contract authority | --- | --- | -52,131 | -48,661 | -50,477 | -50,477 |
| (Limitations on obligations) | (517,000) | (528,000) | (528,000) | (531,470) | (529,654) | (+12,654) |
| Total budgetary resources | (517,000) | (528,000) | (475,869) | (482,809) | (479,177) | (-37,823) |
| National Highway Traffic Safety Administration | | | | | | |
| Operations and research (general fund) | --- | --- | 125,000 | 124,406 | 126,606 | +126,606 |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Operations and research (Highway Trust Fund) | | | | | | |
| (Liquidation of contract authorization)............ | (107,750) | (229,750) | (107,750) | (107,750) | (107,750) | --- |
| (Limitation on obligations). .................... | (107,750) | (229,750) | (107,750) | (107,750) | (107,750) | --- |
| (Transfer from FHWA)............. ............ | (121,232) | --- | --- | --- | --- | (-121,232) |
| Subtotal, Operations and research.............. | 228,982 | 229,750 | 232,750 | 232,156 | 234,356 | +5,374 |
| National Driver Register (Highway Trust Fund) | | | | | | |
| (Liquidation of contract authorization)... ....... | (4,000) | (4,000) | (4,000) | (4,000) | (4,000) | --- |
| (Limitation on obligations)...................... | (4,000) | (4,000) | (4,000) | (4,000) | (4,000) | --- |
| Highway traffic safety grants (Highway Trust Fund) | | | | | | |
| (Liquidation of contract authorization)............ | (587,750) | (599,250) | (599,250) | (599,250) | (599,250) | (+11,500) |
| (Limitation on obligations): | | | | | | |
| Highway safety programs (23 USC 402)........... | (220,000) | (225,000) | (225,000) | (225,000) | (225,000) | (+5,000) |
| Occupant protection incentive grants(23 USC 405) | (25,000) | (25,000) | (25,000) | (25,000) | (25,000) | --- |
| Safety belt performance grants (23 USC 406)..... | (124,500) | (124,500) | (124,500) | (124,500) | (124,500) | --- |
| Alcohol-impaired driving countermeasures grants (23 USC 410)......................... | (125,000) | (131,000) | (131,000) | (131,000) | (131,000) | (+6,000) |
| State traffic safety information system improvement grants (23 USC 408).............. | (34,500) | (34,500) | (34,500) | (34,500) | (34,500) | --- |
| High visibility enforcement.................... | (29,000) | (29,000) | (29,000) | (29,000) | (29,000) | --- |
| Child safety and booster seat grants........... | (6,000) | (5,000) | (6,000) | (6,000) | (6,000) | --- |
| Motorcyclist safety........................... | (6,000) | (5,000) | (6,000) | (6,000) | (6,000) | --- |
| Grant administration.......................... | (17,750) | (18,250) | (18,250) | (18,250) | (18,250) | (+500) |
| Operations and research (rescission of contract authority)(sec. 141)............................. | --- | --- | -12,197 | -12,197 | -12,197 | -12,197 |
| National driver register (rescission of contract authority)(sec. 142)............................. | --- | --- | -120 | -120 | -120 | -120 |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Highway traffic safety grants (rescission of contract authority)(sec. 143) | --- | --- | -10,529 | -10,529 | -10,529 | -10,529 |
| Subtotal | (587,750) | (599,250) | (576,404) | (576,404) | (576,404) | (-11,346) |
| Total, National Highway Traffic Safety Admin. | --- | --- | 102,154 | 101,560 | 103,760 | +103,760 |
| Appropriations | --- | --- | (125,000) | (124,406) | (126,606) | (+126,606) |
| Rescissions of contract authority | --- | --- | (-22,846) | (-22,846) | (-22,846) | (-22,846) |
| (Limitations on obligations) | (699,500) | (833,000) | (711,000) | (711,000) | (711,000) | (+11,500) |
| (by transfer) | (121,232) | --- | --- | --- | --- | (-121,232) |
| Total budgetary resources | (820,732) | (833,000) | (813,154) | (812,560) | (814,760) | (-5,972) |
| Federal Railroad Administration | | | | | | |
| Safety and operations | 150,271 | 148,472 | 148,472 | 151,186 | 150,193 | -78 |
| Railroad research and development | 34,524 | 32,250 | 33,250 | 36,250 | 36,030 | +1,506 |
| Pennsylvania Station Redevelopment (rescission) | --- | -9,000 | --- | --- | --- | --- |
| Capital assistance to States - Intercity Passenger Rail Service | --- | --- | --- | 100,000 | 75,000 | +75,000 |
| Rail line relocation and improvement program | --- | --- | 35,000 | --- | 20,250 | +20,250 |
| National Railroad Passenger Corporation | | | | | | |
| Operating grants to the National Railroad Passenger Corporation | 490,050 | --- | 475,000 | 485,000 | 475,000 | -15,050 |
| Capital grants to the National Railroad Passenger Corporation | 772,200 | 500,000 | 925,000 | 885,000 | 900,000 | +127,800 |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Efficiency incentive grants to National Railroad Passenger Corporation | 31,300 | 300,000 | --- | --- | --- | -31,300 |
| Intercity Passenger Rail Grant Program (leg proposal) | --- | 100,000 | 50,000 | --- | --- | --- |
| Total, National Railroad Passenger Corporation | 1,293,550 | 900,000 | 1,450,000 | 1,370,000 | 1,375,000 | +81,450 |
| Total, Federal Railroad Administration | 1,478,345 | 1,071,722 | 1,666,722 | 1,657,436 | 1,656,473 | +178,128 |
| Appropriations | (1,478,345) | (1,080,722) | (1,666,722) | (1,657,436) | (1,656,473) | (+178,128) |
| Rescissions | --- | (-9,000) | --- | --- | --- | --- |
| Federal Transit Administration | | | | | | |
| Administrative expenses, general fund | 85,000 | 89,300 | 92,500 | 88,795 | 89,300 | +4,300 |
| Office of the Administrator | (1,063) | --- | --- | (910) | --- | (-1,063) |
| Office of Chief Counsel | (4,273) | --- | --- | (4,545) | --- | (-4,273) |
| Office of Civil Rights | (3,272) | --- | --- | (3,235) | --- | (-3,272) |
| Office of Communications and Congressional Affairs | (1,394) | --- | --- | (1,480) | --- | (-1,394) |
| Office of Budget and Policy | (9,259) | --- | --- | (10,858) | --- | (-9,259) |
| Office of Planning | (4,718) | --- | --- | (4,458) | --- | (-4,718) |
| Office of Program Management | (8,403) | --- | --- | (8,741) | --- | (-8,403) |
| Office of Demonstration and Innovation | (4,876) | --- | --- | (4,944) | --- | (-4,876) |
| Office of Administration | (7,654) | --- | --- | (6,354) | --- | (-7,654) |
| Central Account | (17,668) | --- | --- | (20,719) | --- | (-17,668) |
| Regional offices | (22,420) | --- | --- | (22,551) | --- | (-22,420) |
| Subtotal | (85,000) | (89,300) | (92,500) | (88,795) | (89,300) | (+4,300) |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Formula and Bus Grants (Highway Trust Fund, Mass Transit Account)(limitation on obligations) | (7,262,775) | (7,871,895) | (7,872,893) | (7,872,893) | (7,872,893) | (+610,118) |
| Emergency appropriations (P.L. 110-28) | 35,000 | --- | --- | --- | --- | -35,000 |
| Rescission of contract authority (HTF) | --- | --- | -28,661 | -28,661 | -28,661 | -28,661 |
| Clean fuel buses (Sec. 165) | --- | --- | 26,000 | --- | --- | --- |
| Subtotal | (7,297,775) | (7,871,895) | (7,870,232) | (7,844,232) | (7,844,232) | (+546,457) |
| Research and University Research Centers | 61,000 | 61,000 | 65,500 | 65,500 | 65,500 | +4,500 |
| Trust fund share of expenses(Mass Transit Account,HTF) (liquidation of contract authorization) | (4,660,000) | (6,855,000) | (6,855,000) | (6,855,000) | (6,855,000) | (+2,195,000) |
| Capital investment grants | 1,566,000 | 1,399,818 | 1,700,000 | 1,566,000 | 1,650,000 | +84,000 |
| Rescission | --- | --- | -17,760 | --- | --- | --- |
| Total, Federal Transit Administration | 1,747,000 | 1,550,118 | 1,837,579 | 1,691,634 | 1,776,139 | +29,139 |
| Appropriations | 1,712,000 | 1,550,118 | 1,884,000 | 1,720,295 | 1,804,800 | +92,800 |
| Rescissions | --- | --- | -17,760 | --- | --- | --- |
| Rescissions of contract authority | --- | --- | -28,661 | -28,661 | -28,661 | -28,661 |
| Emergency appropriations | 35,000 | --- | --- | --- | --- | -35,000 |
| (Limitations on obligations) | (7,262,775) | (7,871,895) | (7,872,893) | (7,872,893) | (7,872,893) | (+610,118) |
| Total budgetary resources | (9,009,775) | (9,422,013) | (9,710,472) | (9,564,527) | (9,649,032) | (+639,257) |
| Saint Lawrence Seaway Development Corporation | | | | | | |
| Operations and maintenance (Harbor Maintenance Trust Fund) | 16,223 | 17,392 | 17,392 | 17,392 | 17,392 | +1,169 |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Maritime Administration | | | | | | |
| Maritime security program | 154,440 | 154,440 | 156,000 | 156,000 | 156,000 | +1,560 |
| Operations and training | 111,522 | 115,276 | 118,646 | 122,891 | 122,032 | +10,510 |
| Ship disposal | 20,790 | 20,000 | 17,000 | 18,000 | 17,000 | -3,790 |
| Assistance to small shipyards | --- | --- | --- | 20,000 | 10,000 | +10,000 |
| Maritime Guaranteed Loan (Title XI) Program Account: | | | | | | |
| Administrative expenses | 4,085 | --- | 3,408 | 3,408 | 3,408 | -677 |
| Fund admin expenses with takedowns (leg proposal) | --- | (3,408) | --- | --- | --- | --- |
| Guarantee loans subsidy | --- | --- | --- | 10,000 | 5,000 | +5,000 |
| National defense tank vessel program (rescission) | -74,400 | --- | --- | --- | --- | +74,400 |
| Alteration of bridges | --- | 5,650 | --- | --- | --- | --- |
| Ship construction (rescission) | -2,000 | --- | -3,526 | -4,615 | -6,673 | -4,673 |
| Total, Maritime Administration | 214,437 | 295,366 | 291,528 | 325,684 | 306,767 | +92,330 |
| Appropriations | (290,837) | (295,366) | (295,054) | (330,299) | (313,440) | (+22,603) |
| Rescissions | (-76,400) | --- | (-3,526) | (-4,615) | (-6,673) | (+69,727) |
| Pipeline and Hazardous Materials Safety Administration | | | | | | |
| Hazardous materials safety | 26,723 | 27,003 | 28,899 | 27,003 | 28,000 | +1,277 |
| Administrative expenses | 18,031 | 17,491 | 17,491 | 17,491 | 17,491 | -540 |
| Pipeline Safety Fund | --- | 639 | 639 | 639 | 639 | +639 |
| Subtotal | (18,031) | (18,130) | (18,130) | (18,130) | (18,130) | (+99) |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Pipeline safety: | | | | | | |
| Pipeline Safety Fund | 60,065 | 55,770 | 60,065 | 63,594 | 61,018 | +953 |
| Oil Spill Liability Trust Fund | 14,850 | 18,810 | 18,810 | 18,810 | 18,810 | +3,960 |
| Subtotal | (74,915) | (74,580) | (78,875) | (82,404) | (79,828) | (+4,913) |
| Emergency preparedness grants: | | | | | | |
| Emergency preparedness fund | 198 | 188 | 188 | 188 | 188 | -10 |
| Limitation on emergency preparedness fund | (14,157) | (28,318) | (28,318) | (28,318) | (28,318) | (+14,161) |
| Total, Pipeline and Hazardous Materials Safety Administration | 134,024 | 148,219 | 154,410 | 156,043 | 154,464 | +20,440 |
| Research and Innovative Technology Administration | | | | | | |
| Research and development | 7,736 | 12,000 | 12,000 | 12,000 | 12,000 | +4,264 |
| Office of Inspector General | | | | | | |
| Salaries and expenses | 64,043 | 66,400 | 66,400 | 66,400 | 66,400 | +2,357 |
| Surface Transportation Board | | | | | | |
| Salaries and expenses | 26,313 | 23,085 | 26,495 | 25,000 | 26,325 | +12 |
| Offsetting collections | -1,250 | -1,250 | -1,250 | -1,250 | -1,250 | --- |
| Total, Surface Transportation Board | 25,063 | 21,835 | 25,245 | 23,760 | 25,075 | +12 |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

|  | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Total, title I, Department of Transportation.... | 11,361,834 | 12,168,952 | 11,875,233 | 12,327,732 | 12,128,577 | +766,743 |
| Appropriations.............................. | (15,545,816) | (14,609,397) | (15,597,708) | (15,565,520) | (15,663,702) | (+117,886) |
| Rescissions.................................. | (-126,400) | (-440,469) | (-48,051) | (-26,615) | (-33,438) | (+92,962) |
| Rescission of contract authority........... | (-4,963,604) | (-1,999,976) | (-3,674,424) | (-3,406,173) | (-3,696,687) | (+1,266,917) |
| Emergency appropriations.................... | (906,022) | --- | --- | (195,000) | (195,000) | (-711,022) |
| (Limitations on obligations)................ | (51,080,240) | (51,571,378) | (52,927,944) | (53,845,914) | (53,844,098) | (+2,763,858) |
| (Exempt contract authority)..........:...... | (739,000) | (739,000) | (739,000) | (739,000) | (739,000) | --- |
| Total budgetary resources.................. | (63,181,074) | (64,479,330) | (65,542,177) | (66,912,646) | (66,711,675) | (+3,530,601) |
| Transportation discretionary total............. | 11,361,834 | 12,168,952 | 11,875,233 | 12,327,732 | 12,128,577 | +766,743 |
| TITLE II - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT |  |  |  |  |  |  |
| Management and Administration |  |  |  |  |  |  |
| Salaries and expenses |  |  |  |  |  |  |
| Executive direction.................................. | --- | --- | --- | --- | 24,980 | +24,980 |
| Administration, operations, and management............ | --- | --- | --- | --- | 503,630 | +503,630 |
| Personnel compensation and benefits: |  |  |  |  |  |  |
| Public and Indian Housing......................... | --- | --- | --- | --- | 173,310 | +173,310 |
| Community Planning and Development................ | --- | --- | --- | --- | 90,310 | +90,310 |
| Housing.......................................... | --- | --- | --- | --- | 334,450 | +334,450 |
| Office of the Government National Mortgage Association.................................. | --- | --- | --- | --- | 8,250 | +8,250 |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Policy Development and Research | --- | --- | --- | --- | 16,950 | +16,950 |
| Fair Housing and Equal Opportunity | --- | --- | --- | --- | 63,140 | +63,140 |
| Office of Heathy Homes and Lead Hazard Control | --- | --- | --- | --- | 6,980 | +6,980 |
| Total, Salaries and expenses | --- | --- | --- | --- | 1,222,000 | +1,222,000 |
| Office of the Secretary | | | | | | |
| Salaries and expenses | --- | --- | --- | 3,930 | --- | --- |
| Executive Operations | | | | | | |
| Salaries and expenses: | | | | | | |
| Office of Hearings and Appeals | --- | --- | --- | 1,490 | --- | --- |
| Office of Small and Disadvantaged Business Utilization | --- | --- | --- | 510 | --- | --- |
| Office of Chief Financial Officer | --- | --- | --- | 43,750 | --- | --- |
| Office of General Counsel | --- | --- | --- | 86,820 | --- | --- |
| Office of Chief Procurement Officer | --- | --- | --- | 13,500 | --- | --- |
| Center for Faith-based Initiatives | --- | --- | --- | 1,860 | --- | --- |
| Office of the Assistant Secretary for Congressional and Intergovernmental Relations | --- | --- | --- | 2,670 | --- | --- |
| Office of the Assistant Secretary for Public Affairs | --- | --- | --- | 2,630 | --- | --- |
| Office of Departmental Equal Employment Opportunity | --- | --- | --- | 3,440 | --- | --- |
| Total, Executive Operations | --- | --- | --- | 156,670 | --- | --- |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Administrative Activities | | | | | | |
| Salaries and expenses: | | | | | | |
| Office of the Assistant Secretary for Administration | --- | --- | --- | 1,480 | --- | --- |
| Administration salaries and expenses | --- | --- | --- | 251,630 | --- | --- |
| Office of Departmental Operations and Coordination | --- | --- | --- | 12,520 | --- | --- |
| Office of Field Policy and Management | --- | --- | --- | 47,730 | --- | --- |
| Total, Administrative Activities | --- | --- | --- | 313,360 | --- | --- |
| Public and Indian Housing | | | | | | |
| Salaries and expenses: | | | | | | |
| Assistant Secretary for Public and Indian Housing | --- | --- | --- | 1,620 | --- | --- |
| Housing salaries and expenses | --- | --- | --- | 188,340 | --- | --- |
| Total, Salaries and expenses | --- | --- | --- | 189,960 | --- | --- |
| Tenant-based Rental Assistance: | | | | | | |
| Renewals | 14,436,200 | 14,437,506 | 14,744,506 | 14,929,200 | 14,694,506 | +258,306 |
| Tenant protection vouchers | 149,300 | 150,000 | 150,000 | 150,000 | 200,000 | +50,700 |
| Family self-sufficiency coordinators | 47,500 | 48,000 | 48,000 | 50,000 | 49,000 | +1,500 |
| Administrative fees | 1,288,100 | 1,351,000 | 1,351,000 | 1,351,000 | 1,351,000 | +62,900 |
| Incremental family unification vouchers | --- | --- | 30,000 | 30,000 | 30,000 | +30,000 |
| Veterans affairs supportive housing | --- | --- | --- | 75,000 | 75,000 | +75,000 |
| Working capital fund | 5,900 | 6,494 | 6,494 | 6,494 | 6,494 | +594 |
| Nonelderly disabled incremental vouchers | --- | --- | --- | --- | 30,000 | +30,000 |
| Subtotal | (15,927,000) | (15,993,000) | (16,330,000) | (16,591,694) | (16,436,000) | (+509,000) |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Advance appropriations | 4,193,000 | 4,200,000 | 4,193,000 | 4,200,000 | 4,200,000 | +7,000 |
| Less appropriations from prior year advances | -4,200,000 | -4,193,000 | -4,193,000 | -4,193,000 | -4,193,000 | +7,000 |
| Total, Tenant-based rental assistance | 15,920,000 | 16,000,000 | 16,330,000 | 16,598,694 | 16,443,000 | +523,000 |
| Project-based rental assistance: | | | | | | |
| Renewals | 5,829,303 | 5,522,810 | 6,239,122 | 5,522,810 | 6,139,122 | +309,819 |
| Contract administrators | 145,728 | 286,230 | 238,728 | 286,230 | 238,728 | +93,000 |
| Working capital fund | 1,386 | 3,960 | 1,960 | 3,960 | 3,960 | +2,574 |
| Total, Project-based rental assistance | 5,976,417 | 5,813,000 | 6,479,810 | 5,813,000 | 6,381,810 | +405,393 |
| Public Housing Capital Fund | 2,438,964 | 2,024,000 | 2,438,964 | 2,500,000 | 2,438,964 | --- |
| Public Housing Operating Fund | 3,864,000 | 4,000,000 | 4,200,000 | 4,200,000 | 4,200,000 | +336,000 |
| Revitalization of severely distressed public housing | 99,000 | --- | 120,000 | 100,000 | 120,000 | +21,000 |
| Rescission | --- | -99,000 | --- | --- | --- | --- |
| Native American housing block grants | 623,700 | 626,965 | 626,965 | 630,000 | 630,000 | +6,300 |
| Indian housing loan guarantee fund program account | 6,000 | 7,450 | 7,450 | 7,450 | 7,450 | +1,450 |
| (Limitation on guaranteed loans) | (251,000) | (367,000) | (367,000) | (367,000) | (367,000) | (+116,000) |
| Native Hawaiian housing block grant | 8,727 | 5,940 | 8,727 | 9,000 | 9,000 | +273 |
| Native Hawaiian loan guarantee fund program account | 891 | 1,044 | 1,044 | 1,044 | 1,044 | +153 |
| (Limitation on guaranteed loans) | (35,714) | (41,504) | (41,504) | (41,504) | (41,504) | (+5,790) |
| Total, Public and Indian Housing | 28,937,699 | 28,379,399 | 30,212,960 | 30,049,148 | 30,231,268 | +1,293,569 |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Community Planning and Development | | | | | | |
| Salaries and expenses: | | | | | | |
| Assistant Secretary for Community and Planning Development | --- | --- | --- | 1,520 | --- | --- |
| Community Planning and Development salaries and expenses | --- | --- | --- | 93,770 | --- | --- |
| Total, Salaries and expenses | --- | --- | --- | 95,290 | --- | --- |
| Housing opportunities for persons with AIDS | 286,110 | 300,100 | 300,100 | 300,100 | 300,100 | +13,990 |
| Rural housing and economic development | 16,830 | --- | 16,830 | 17,000 | 17,000 | +170 |
| Community development fund | 3,771,900 | 3,036,570 | 4,180,000 | 4,060,000 | 4,000,000 | +228,100 |
| Section 108 loan guarantees: | | | | | | |
| (Limitation on guaranteed loans) | (137,500) | --- | (137,500) | (275,000) | (205,000) | (+67,500) |
| Credit subsidy | 2,970 | --- | 2,970 | 6,000 | 4,500 | +1,530 |
| Administrative expenses | 743 | --- | 743 | --- | --- | -743 |
| Brownfields redevelopment | 9,900 | --- | 9,900 | 10,000 | 10,000 | +100 |
| HOME investment partnerships program | 1,757,250 | 1,966,640 | 1,764,010 | 1,970,000 | 1,767,000 | +9,750 |
| Homeless assistance grants | 1,441,600 | 1,585,990 | 1,560,990 | 1,585,990 | 1,585,990 | +144,390 |
| Self-help homeownership opportunity program | 49,390 | 69,700 | 59,700 | 70,000 | 60,000 | +10,610 |
| Total, Community Planning and Development | 7,336,693 | 6,959,000 | 7,895,243 | 8,114,380 | 7,744,590 | +407,897 |
| Housing Programs | | | | | | |
| Salaries and expenses: | | | | | | |
| Office of the Assistant Secretary for Housing, Federal Housing Commissioner | --- | --- | --- | 3,420 | --- | --- |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Housing salaries and expenses | --- | --- | --- | 351,560 | --- | --- |
| Total, Salaries and expenses | --- | --- | --- | 354,980 | --- | --- |
| Housing for the elderly | 734,580 | 575,000 | 734,580 | 735,000 | 735,000 | +420 |
| Housing for persons with disabilities | 236,610 | 125,000 | 236,610 | 237,000 | 237,000 | +390 |
| Housing counseling assistance | --- | 50,000 | --- | --- | --- | --- |
| Manufactured housing fees trust fund | 13,000 | 16,000 | 16,000 | 16,000 | 16,000 | +3,000 |
| Offsetting collections | -13,000 | -13,000 | -13,000 | -13,000 | -13,000 | --- |
| Offsetting collections (legislative proposal) | --- | -3,000 | -3,000 | -3,000 | -3,000 | -3,000 |
| Rental housing assistance | 26,136 | 27,600 | 27,600 | 27,600 | 27,600 | +1,464 |
| Rent supplement (rescission) | --- | -27,600 | -27,600 | -27,600 | -27,600 | -27,600 |
| Total, Housing Programs | 997,326 | 750,000 | 971,190 | 1,326,980 | 972,000 | -25,326 |
| Federal Housing Administration | | | | | | |
| FHA - Mutual mortgage insurance program account: | | | | | | |
| (Limitation on guaranteed loans) | (185,000,000) | (185,000,000) | (185,000,000) | (185,000,000) | (185,000,000) | --- |
| (Limitation on direct loans) | (50,000) | (50,000) | (50,000) | (50,000) | (50,000) | --- |
| Administrative expenses | 351,450 | 351,450 | 351,450 | --- | --- | -351,450 |
| Offsetting receipts | -176,000 | --- | --- | --- | --- | +176,000 |
| Administrative contract expenses | 61,974 | 77,400 | 77,400 | 77,400 | 77,400 | +15,426 |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| FHA - General and special risk program account: | | | | | | |
| (Limitation on guaranteed loans) | (45,000,000) | (35,000,000) | (45,000,000) | (45,000,000) | (45,000,000) | --- |
| (Limitation on direct loans) | (50,000) | (50,000) | (50,000) | (50,000) | (50,000) | --- |
| Administrative expenses | 229,086 | 229,086 | 229,086 | --- | --- | -229,086 |
| Offsetting receipts | -476,000 | -230,000 | -230,000 | -230,000 | -230,000 | +246,000 |
| Credit subsidy | 8,712 | 8,600 | 8,712 | 8,600 | 8,600 | -112 |
| Right of first refusal | --- | --- | --- | 5,000 | 5,000 | +5,000 |
| Non-overhead administrative expenses | 71,181 | 78,111 | 78,111 | 78,111 | 78,111 | +6,930 |
| Administrative fee increase | --- | -20,000 | -20,000 | -20,000 | -20,000 | -20,000 |
| Move single-family programs to MMI (leg.proposal) | --- | 22,000 | --- | --- | --- | --- |
| Total, Federal Housing Administration | 70,403 | 516,847 | 494,759 | -80,889 | -80,889 | -151,292 |
| Government National Mortgage Association (GNMA) | | | | | | |
| Salaries and expenses | --- | --- | --- | 9,530 | --- | --- |
| Guarantees of mortgage-backed securities loan guarantee program account: | | | | | | |
| (Limitation on guaranteed loans) | (200,000,000) | (100,000,000) | (200,000,000) | (200,000,000) | (200,000,000) | --- |
| Administrative expenses | 10,700 | 11,000 | 10,700 | --- | --- | -10,700 |
| Consolidate admin expenses (Sec 312)(leg.proposal) | --- | (43,000) | --- | --- | --- | --- |
| Offsetting receipts | -181,000 | -163,000 | -163,000 | -163,000 | -163,000 | +18,000 |
| Move single-family prgms from GSRI (leg.proposal) | --- | -22,000 | --- | --- | --- | --- |
| Total, Gov't National Mortgage Association | -170,300 | -174,000 | -152,300 | -153,470 | -163,000 | +7,300 |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Policy Development and Research | | | | | | |
| Salaries and expenses: | | | | | | |
| Assistant Secretary for Policy Development and Research | --- | --- | --- | 1,570 | --- | --- |
| Policy Development and Research salaries and expenses | --- | --- | --- | 19,310 | --- | --- |
| Total, Salaries and expenses | --- | --- | --- | 20,880 | --- | --- |
| Research and technology | 50,087 | 65,040 | 58,087 | 61,440 | 61,440 | +11,353 |
| Fair Housing and Equal Opportunity | | | | | | |
| Salaries and expenses: | | | | | | |
| Assistant Secretary for Fair Housing and Equal Opportunity | --- | --- | --- | 1,490 | --- | --- |
| Fair and Equal Opportunity salaries and expenses | --- | --- | --- | 69,390 | --- | --- |
| Total, Salaries and expenses | --- | --- | --- | 70,880 | --- | --- |
| Fair housing activities | 45,540 | 45,000 | 45,540 | 52,380 | 50,000 | +4,460 |
| Office of Lead Hazard Control | | | | | | |
| Salaries and expenses | --- | --- | --- | 6,140 | --- | --- |
| Lead hazard reduction | 150,480 | 116,000 | 130,000 | 151,000 | 145,000 | -5,480 |
| Total, Office of Lead Hazard Control | 150,480 | 116,000 | 130,000 | 157,140 | 145,000 | -5,480 |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Management and Administration | | | | | | |
| Salaries and expenses | 581,108 | 654,093 | 642,730 | --- | --- | -581,108 |
| GSE regulator/HUD oversight (leg proposal) | --- | -4,000 | --- | --- | --- | --- |
| Transfer from: | | | | | | |
| Limitation on FHA corporate funds | (562,400) | (556,776) | (556,776) | --- | --- | (-562,400) |
| GNMA | (10,700) | (10,700) | (10,700) | --- | --- | (-10,700) |
| Community Development Loan Guarantees Program | (750) | --- | (743) | --- | --- | (-750) |
| Native American Housing Block Grants | (150) | (149) | (149) | --- | --- | (-150) |
| Indian Housing Loan Guarantee Fund Program | (250) | (247) | (247) | --- | --- | (-250) |
| Native Hawaiian Housing Loan Guarantees | (35) | (35) | (35) | --- | --- | (-35) |
| Subtotal | (1,155,393) | (1,218,000) | (1,211,380) | --- | --- | (-1,155,393) |
| Working capital fund | 195,356 | 220,000 | 125,000 | 172,600 | 155,000 | -40,356 |
| Office of Inspector General | 81,853 | 88,240 | 83,240 | 112,000 | 112,000 | +30,147 |
| (By transfer, limitation on FHA corporate funds) | (23,760) | (23,760) | (23,760) | --- | --- | (-23,760) |
| Emergency appropriations (P.L. 110-28) | 7,000 | --- | --- | --- | --- | -7,000 |
| Subtotal | (112,613) | (112,000) | (107,000) | (112,000) | (112,000) | (-613) |
| Office of Federal Housing Enterprise Oversight | 66,150 | 66,000 | 66,000 | 66,000 | 66,000 | -150 |
| Offsetting receipts | -66,150 | -66,000 | -66,000 | -66,000 | -66,000 | +150 |
| Total, Management and Administration | 865,317 | 958,333 | 850,970 | 284,600 | 267,000 | -598,317 |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Rescissions: | | | | | | |
| Housing certificate fund | -1,650,000 | -1,300,000 | -1,300,000 | -1,100,000 | -1,250,000 | +400,000 |
| Community Development Fund | --- | -356,400 | --- | --- | --- | --- |
| Subtotal | -1,650,000 | -1,656,400 | -1,300,000 | -1,100,000 | -1,250,000 | +400,000 |
| FHA Proposals: | | | | | | |
| Remove HECM cap | -420,000 | -333,000 | -512,000 | -512,000 | -512,000 | -92,000 |
| Increase multifamily loan limit | --- | -14,000 | -28,000 | -28,000 | -28,000 | -28,000 |
| GNMA six basis point premium | --- | -15,000 | --- | --- | --- | --- |
| Total, title II, Department of Housing and Urban Development | 36,213,245 | 35,597,019 | 38,666,449 | 38,737,429 | 38,659,409 | +2,446,164 |
| Appropriations | (38,775,395) | (37,868,019) | (40,489,049) | (40,353,029) | (40,425,009) | (+1,649,614) |
| Rescissions | (-1,650,000) | (-1,783,000) | (-1,327,600) | (-1,127,600) | (-1,277,600) | (+372,400) |
| Advance appropriations | (4,193,000) | (4,200,000) | (4,193,000) | (4,200,000) | (4,200,000) | (+7,000) |
| Emergency appropriations | (7,000) | --- | --- | --- | --- | (-7,000) |
| Offsetting receipts | (-833,000) | (-413,000) | (-413,000) | (-413,000) | (-413,000) | (+420,000) |
| Offsetting collections | (-79,150) | (-82,000) | (-82,000) | (-82,000) | (-82,000) | (-2,850) |
| (Limitation on direct loans) | (100,000) | (100,000) | (100,000) | (100,000) | (100,000) | --- |
| (Limitation on guaranteed loans) | (430,424,214) | (320,408,504) | (430,546,004) | (430,683,504) | (430,613,504) | (+189,290) |
| (Limitation on corporate funds) | (598,045) | (591,667) | (592,410) | --- | --- | (-598,045) |

TITLE III - OTHER INDEPENDENT AGENCIES

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| Architectural and Transportation Barriers Compliance Board | 5,915 | 6,150 | 6,150 | 6,150 | 6,150 | +235 |
| Federal Maritime Commission | 20,428 | 22,322 | 22,072 | 22,322 | 22,072 | +1,644 |

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | House | Senate | Conference | Conference vs. Enacted |
|---|---|---|---|---|---|---|
| National Transportation Safety Board: | | | | | | |
| Salaries and expenses | 79,338 | 83,000 | 85,000 | 84,500 | 84,499 | +5,161 |
| Rescission of unobligated balances | -1,000 | --- | --- | --- | --- | +1,000 |
| Neighborhood Reinvestment Corporation | 116,820 | 119,800 | 119,800 | 119,800 | 319,800 | +202,980 |
| United States Interagency Council on Homelessness | 1,788 | 2,320 | 2,000 | 2,300 | 2,150 | +362 |
| Total, title III, Other Independent Agencies | 223,289 | 233,592 | 235,022 | 235,072 | 434,671 | +211,382 |
| Grand total (net) | 47,798,368 | 47,999,563 | 50,776,704 | 51,300,233 | 51,222,657 | +3,424,289 |
| Appropriations | (54,545,500) | (52,711,008) | (56,321,779) | (56,153,621) | (56,523,362) | (+1,977,862) |
| Rescissions | (-1,727,400) | (-2,201,469) | (-1,353,651) | (-1,132,215) | (-1,289,038) | (+438,362) |
| Rescissions of contract authority | (-4,963,604) | (-1,999,976) | (-3,674,424) | (-3,406,173) | (-3,696,687) | (+1,266,917) |
| Advance appropriations | (4,193,000) | (4,200,000) | (4,193,000) | (4,200,000) | (4,200,000) | (+7,000) |
| Emergency appropriations | (913,022) | --- | --- | (195,000) | (195,000) | (-718,022) |
| Negative subsidy receipts | (-833,000) | (-413,000) | (-413,000) | (-413,000) | (-413,000) | (+420,000) |
| Offsetting collections | (-79,150) | (-82,000) | (-82,000) | (-82,000) | (-82,000) | (-2,850) |
| (Limitation on obligations) | (51,080,240) | (51,571,378) | (52,927,944) | (53,845,914) | (53,844,098) | (+2,763,858) |
| (Exempt contract authority) | (739,000) | (739,000) | (739,000) | (739,000) | (739,000) | --- |
| (By transfer) | (121,232) | --- | --- | --- | --- | (-121,232) |
| (Transfer out) | (-121,232) | --- | --- | --- | --- | (+121,232) |
| Total budgetary resources | (99,617,608) | (100,309,941) | (104,443,648) | (105,885,147) | (105,805,755) | (+6,188,147) |

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2008 recommended by the Committee of Conference, with comparisons to the fiscal year 2007 amount, the 2008 budget estimates, and the House and Senate bills for 2008 follow:

(In thousands of dollars)

| | |
|---|---|
| New budget (obligational) authority, fiscal year 2007 | $47,798,368 |
| Budget estimates of new (obligational) authority, fiscal year 2008 | 47,999,563 |
| House bill, fiscal year 2008 | 50,776,704 |
| Senate bill, fiscal year 2008 | 51,300,233 |
| Conference agreement, fiscal year 2008 | 51,222,657 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 2007 | +3,424,289 |
| Budget estimates of new (obligational) authority, fiscal year 2008 | +3,223,094 |
| House bill, fiscal year 2008 | +445,953 |
| Senate bill, fiscal year 2008 | −77,576 |

JOHN W. OLVER,
ED PASTOR,
CIRO D. RODRIGUEZ,
MARCY KAPTUR,
DAVID E. PRICE,
ROBERT CRAMER, Jr.,
LUCILLE ROYBAL-ALLARD,
MARION BERRY,
DAVE OBEY,
JOE KNOLLENBERG,
FRANK R. WOLF,
ROBERT B. ADERHOLT,
JAMES T. WALSH,
VIRGIL GOODE, Jr.,
JERRY LEWIS,
*Managers on the Part of the House.*

PATTY MURRAY,
ROBERT C. BYRD,
BARBARA A. MIKULSKI,
HERB KOHL,
RICHARD DURBIN,
BYRON L. DORGAN,
PATRICK LEAHY,
TOM HARKIN,
DIANNE FEINSTEIN,
TIM JOHNSON,
FRANK R. LAUTENBERG,
DANIEL K. INOUYE,
CHRISTOPHER S. BOND,
RICHARD C. SHELBY,
ARLEN SPECTER,
R.F. BENNETT,
KAY BAILEY HUTCHISON,
SAM BROWNBACK,
TED STEVENS,
PETE V. DOMENICI,
LAMAR ALEXANDER,
WAYNE ALLARD,
THAD COCHRAN,
*Managers on the Part of the Senate.*

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## JOHN SIDNEY "SID" FLOWERS POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3470) to designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the "John Sidney 'Sid' Flowers Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3470

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. JOHN SIDNEY "SID" FLOWERS POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, shall be known and designated as the "John Sidney "Sid" Flowers Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John Sidney "Sid" Flowers Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 3470, which names the postal facility in Hinesville, Georgia, after John Sidney "Sid" Flowers. H.R. 3470 was introduced by Representative JACK KINGSTON on September 4, 2007, and was reported from the Oversight Committee on October 23 by a voice vote. This measure has the support of the entire Georgia congressional delegation.

Mr. Speaker, Mr. John Sidney Flowers was born December 22, 1931, in Liberty County, Georgia. He served in the United States Army for 2 years before attending Mercer University and Mercer Law School in Macon, Georgia. He was indeed an outstanding citizen, and I want to commend Representative KINGSTON for moving to recognize his contributions by naming this postal facility in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), the author of the bill.

Mr. KINGSTON. I thank the gentleman from California and I thank the gentleman from Illinois (Mr. DAVIS) for his help in the committee and Members of Congress for their support of this.

Sid Flowers, John Sidney Flowers, was a good friend of mine. He was a friend of many people, as he had served in office for so many years in the State of Georgia. His wife, Nan, is a friend; his daughters Kay and Darcy have been friends over the years. It is just one of the great families that does so much for a community and makes a community what it is.

Sidney was actually the Solicitor General for Liberty County for over 32 years. This is the home of Fort Stewart, in Hinesville, Georgia, a military town where there is lots of turnover. You need people who kind of know the history of the community, and that was Sid Flowers. He did so much for so many.

There are many times when people said they would be eating with Sid Flowers, eating lunch, and a group of soldiers would come in who maybe were new in town, maybe not. There are thousands of soldiers stationed at Fort Stewart, and Sidney would quietly walk over to the cashier, pick up the tab for the soldiers, pay for their lunch, and then ask the cashier not to tell them who paid for it.

☐ 1745

That is the kind of guy he was.

Sydney was actually elected as a Republican, and many people know 35 years ago in the State of Georgia, there was almost a nonexistent Republican Party. And to be elected as a Republican, you had to be a pretty good guy, probably somebody who could get elected in either party, and somebody who was liked and had support from both parties.

Yet in all cases, Sid Flowers was respected by everybody. Former Democrat State representative, a Democrat mayor and also a Republican at one time, Buddy DeLoach, has a letter about Sidney Flowers that I will submit for the RECORD, as well as one from Sampie Smith who was a great educator in Liberty County who has recently retired, made a run for mayor himself. But great folks in a great town.

Sidney is what Sampie Smith actually described as one of those Reader's Digest types, somebody who is memorable and inspirational to a community. I will submit a number of things for the RECORD on Sidney Flowers so we can move on to some other issues, but I just want to thank this community for recognizing somebody of his caliber because I had the privilege of knowing him. But I can say this unequivocally, everybody in the Chamber would have liked him because he was someone you could count on and deal with, one of those great community leaders back home that we all have in our districts. I want to submit these letters and a couple of other comments about Sidney, and thank the committee.

The First District of Georgia lost a great man when John Sidney "Sid" Flowers died

August 21, 2006. It was his work as a lawyer and as the Solicitor General for Liberty County's State Court that allowed him to serve his hometown professionally, but it was his kind, often anonymous service to the people and the soldiers of Liberty County that endeared him to so many in the military town of Hinesville, Georgia.

Sid Flowers was a Liberty County native who served in the U.S. Army before heading to law school at Mercer. Although he was a top student at Mercer Law and could have headed to Atlanta for the "big money," he returned to Liberty County to work in his hometown. He served his community as solicitor general for nearly 4 decades, but he was best known for his pro bono legal advice. He gave of his legal knowledge and expertise to the First Presbyterian Church and the church's school at no charge.

Many of Sid's friends mention that it was not uncommon to go to a restaurant with him, and Sid would pick up the tab for any soldiers who happened to be eating in the restaurant at the time. He did this anonymously, as he never wanted his gracious actions to be attributed.

Sid Flowers has been described as "one of those classic Reader's Digest types that folks wrote about being so memorable" and "an inspiration for others to become involved in community service." The military town of Hinesville, Georgia, lost one of its best when Sid Flowers died last year. The true spirit of this man was exemplified by his unpublished deeds, but I think its time we honor him publicly by naming the United States Post Office on Oglethorpe Highway in Hinesville, Georgia after John Sidney Flowers.

HINESVILLE, GA,
*May 16, 2007.*

To: Congressman JACK KINGSTON.

DEAR JACK: I write to urge that the U.S. Post Office Building in Hinesville be named for John Sidney Flowers. Sidney was a lifelong resident of Hinesville and served this community in many ways.

As the long time Solicitor of the state court, Sidney displayed a unique ability to do justice in all cases he handled. His calm, common sense approach to this difficult job enabled him to make a tremendous contribution to the criminal justice system.

Sidney's support for community activities and organizations has been an inspiration for others to become involved in community service. He always gave freely of his time and money.

He was considered by many to be an "old time" lawyer. He was known and trusted by everyone. Many families went to him to settle or avoid disputes. He was a master at restoring calm reason when tempers flared. He is the one we went to when we had problems, and he always took time to help us find solutions.

I believe the naming of the Post Office is fitting and proper way to honor the memory of a man that did so much for this community.

Sincerely,

BUDDY DELOACH.

HINESVILLE, GA,
*March 15, 2007.*

Hon. JACK KINGSTON,
*Rayburn HOB,*
*Washington, DC.*

DEAR REPRESENTATIVE KINGSTON: I am writing about an unnamed federal public building in Hinesville, Georgia and a man that could and should be honored by that building being named for him.

The United States Post Office on Oglethorpe Highway in Hinesville has been open for several years now but remains without a name. A person who richly deserves to be honored, although he never would have thought so, is J. Sidney Flowers.

I met Sidney and his gracious wife Nan when I was sent by the United States Army to Fort Stewart and eventually started teaching at the local public high school, Bradwell Institute, with Mrs. Flowers. Nan's husband was one of those classic Reader's Digest types that folks wrote about being so memorable.

Sidney was a product of Liberty County and dedicated himself to the community. He paid homage of his lineage by serving on the Board of Directors for the Taylors' Creek Cemetery Association for many years, Taylors' Creek was the largest of the little towns that were obliterated with the creation of Camp Stewart in 1940. Sidney was a graduate of Bradwell Institute, a school that traces its heritage here in Hinesville back to 1871. Sidney did very well in law school at Mercer in Macon and could have gone to "the big city" and made "big money" but chose to return to his roots, become a family man, and public servant. For almost four decades he served as the Solicitor General of Liberty County's State Court. He and Nan reared two wonderful and beautiful daughters here, Kay and Darcey. And Sidney was so much more than an elected official.

A veteran of the United States Army, Sidney proudly wore his American Legionnaire's hat and Old Glory in his lapel. He was a Shriner. He was so well respected as an elder of the First Presbyterian Church that he is one of only six to be identified as an Elder Emeritus. He gave his legal knowledge and expertise pro bono to his church and that church's Christian school.

Sidney was charitable to a fault and few but those that were recipients knew about his largess and whenever possible his gifts were anonymous. More than once I have seen him pay the bill of a soldier at local restaurants all the while telling the G.I.'s waitress that his beneficence was not be attributed. His tall height and long gait that had served him so well when he was a young student in Macon when he officiated high school basketball tournaments, made him easily identifiable as he made his way into and out of this very building that I have written about above. It was not unusual for people to go over to him to enjoy his wry sense of humor or to seek his wise counsel. Hinesville and Liberty County lost a great man last year when J. Sidney Flowers passed away and now it is fitting and proper to pay tribute to this giant of a man.

I would urge that you do what you can to have the local post office named for J. Sidney Flowers.

Sincerely yours,

SAMPIE W. SMITH.

Mr. ISSA. Mr. Speaker, I rise in support of H.R. 3470.

Mr. Speaker, today I rise to urge the passing of this bill to designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the "John Sidney 'Sid' Flowers Post Office Building".

A native of Liberty County, Sid Flowers served in the U.S. Army before attending law school at Mercer. Despite distinguishing himself as a top scholar at Mercer, he opted not to pursue high profile law firms in Atlanta. Instead he returned to his hometown where he served the county as Solicitor General for nearly four decades. But his public service did not end there. Mr. Flowers was best known for his pro bono legal work, contributing his advice to the First Presbyterian Church and the church's school at no charge.

Mr. Flowers not only gave back to the community professionally, but also through his generous, often anonymous, contributions. His munificence took many forms, whether it was through community service or anonymously picking up the tab for soldiers dining at local restaurants.

When Mr. Flowers passed on August 21, 2006, Liberty County lost the consummate public servant. A kind and humble man, his passionate and selfless commitment to his community and country undoubtedly deserves tribute.

I urge my colleagues to join me in support of this bill to publicly honor this man, not only for his public service, but for the intangible generosity of his spirit.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3470.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## BEATRICE E. WATSON POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3569) to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the "Beatrice E. Watson Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3569

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. BEATRICE E. WATSON POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, shall be known and designated as the "Beatrice E. Watson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Beatrice E. Watson Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the sponsor of this legislation, the gentleman from California (Mr. BACA).

(Mr. BACA asked and was given permission to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I would like to thank the chairman who is working on this for yielding me this time.

I rise tonight to honor Beatrice "Bea" Watson, a woman who dedicated her life to her community and to democracy. I want to thank my colleagues on both sides of the aisle from California for supporting this legislation on a bipartisan basis. Bea Watson died on August 5 at the age of 83. My bill, H.R. 3569, would designate the Santa Ana Avenue post office in Fontana, California, to be named in her honor.

My friend, Bea Watson, was a distinguished member of the Fontana community. Bea strove to make a positive difference in her hometown, a positive role model, and was an inspiration to all she came in contact with, and she led by example.

In over 45 years of life in Fontana, she served as an elected city councilmember, clerk, historical society officer, women's club president, chamber of commerce member, and organized many events such as parades and festivals in Fontana.

Bea was also recognized for her outstanding achievement and loved by all her community for her contributions to the Fontana community. Through her life, she received over 22 prestigious community awards, including the Fontana PTA Council Award, the Chamber of Commerce Outstanding Volunteer Award, the Community Spirit Award, and the California Legislature Woman of the Year Award.

In fact, Bea was so loved by the community that she was given the title of "Mrs. Fontana" or "Busy Bea" in the City of Fontana. Her efforts have touched the lives of her neighbors and her impact on the community will create a lasting legacy for generations to come.

As a volunteer, as a public servant and as a friend of her community, Bea proved herself to be an exemplary American. She was an excellent example of the meaning of volunteerism, and the quality of life in Fontana is better because she cared and gave so much of herself knowing that it would be a better place for others.

Although now gone, she will continue to serve as an inspiration to us all. It is with great honor that I ask Members of Congress to designate the post office in California's 43rd Congressional District as the Beatrice Watson Post Office. I urge my colleagues to support this legislation.

Again, I thank my colleagues on both sides of the aisle, the 53 Members from California who signed on.

[From The Press-Enterprise, Aug. 14, 2007]

### EX-FONTANA COUNCILWOMAN BEA WATSON DIES

(By Mary Bender)

Former City Clerk and Councilwoman Bea Watson, a tireless community volunteer who organized the city's Christmas and Fontana Days parades, died Sunday and will be remembered in a funeral service Monday.

She was 83.

Mrs. Watson was elected to two terms as Fontana city clerk, completing her eight years in office in December. She also served one term as a city councilwoman, from 1992 to 1996, losing her re-election bid to Manuel Mancha by 68 votes.

"Bea was a citizen who truly cared for this community," said Linda Nunn, Fontana's deputy city clerk. "She will truly be missed."

Mrs. Watson, who had been ill for three months, died of congestive heart failure at Legacy Rehabilitation Center in San Bernardino, according to Monica Bentley, her granddaughter.

She is survived by her husband, Larry Watson, a production specialist for KFON Channel 3, the city's government access station that airs meetings of the Fontana City Council and Planning Commission.

Other survivors include her daughter, Patricia Bentley, of Fontana, her brother, Fay Allen, of San Bernardino, her sister, Marguerite Botsford, of Fontana, Monica Bentley and another granddaughter, and a great-grandson.

Mrs. Watson's successor, City Clerk Tonia Lewis, said she would recruit friends and colleagues to help out with civic events. "It's hard to fill her shoes because she was so active in everything," Lewis said. "She didn't take no for an answer."

Mrs. Watson didn't let her ailments slow her down. "Toward the end, she was so sick and so bent over," Lewis said.

"She had a hard time getting around. She shuffled and it never stopped her," Lewis said. "She just kept going, like the Energizer Bunny."

One of Mrs. Watson's passions was the Fontana Historical Society, which was established in 1974 but in recent years needed an infusion of volunteers to replace its aging roster.

"She got me involved with the Historical Society because the society was failing for lack of membership. She hated to see things fail, so she would gather together people she knew who could handle those things," Lewis said. "We had no choice."

Mrs. Watson was active in several other local organizations and events, including the Fontana Woman's Club, the Fontana Exchange Club; American Legion Auxiliary, Post 772; and the Fontana Chamber of Commerce.

She served on committees to commemorate Fontana's 50th and 75th anniversary celebrations, and organized the city's annual Community Prayer Breakfast since 1990. She also was an active volunteer for the Fontana Days Festival, the annual summer celebration of the city's 1913 founding by A.B. Miller, and organized the city's annual Festival of Winter.

"The Christmas parade was her baby. She felt like she was doing it for the kids in Fontana," Lewis said.

Born July 1, 1924, in Ashtabula, Ohio, Mrs. Watson came West in 1944, living in San Bernardino before moving to Fontana. She attended San Bernardino Valley College and was a retired telephone company administrator with Pacific Bell.

Mr. ISSA. Mr. Speaker, I join with my fellow colleague from California in support of H.R. 3569, a bill to name the post office on Santa Ana Avenue in Fontana after Beatrice "Bea" E. Watson.

She was truly a pillar of the community and well-recognized in Fontana. As my colleague said, the California delegation uniquely requires 53 cosponsors in order to bring a bill. That means that a very diverse State, the most diverse in the Nation, has to come together on these post office namings. This is an example when we did.

Bea dedicated her life to the community and in every sense was in fact a true Californian, although in fact, like myself, she was born in Ohio and came to California at age 20. She originally moved to San Bernardino where she attended the San Bernardino Community College. She then worked for the telephone company as an administrator for Pacific Bell.

Only years later did she arrive in Fontana. Nevertheless, her dedication allowed her to become truly a pillar of the community, a city councilwoman, and to serve in various capacities for the rest of her life, through both Fontana's 50th and 75th anniversaries.

It is not lightly that we consider naming post offices after people not in the postal community, and I join with my colleague today and the California delegation unanimously urging passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I concur with my colleagues from California and urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3569.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## MARINE CORPS CORPORAL STEVEN P. GILL POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3974) to designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the "Marine Corps Corporal Steven P. Gill Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3974

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MARINE CORPS CORPORAL STEVEN P. GILL POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, shall be known and designated as the "Marine Corps Corporal Steven P. Gill Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Marine Corps Corporal Steven P. Gill Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again we have a member of the Armed Services who gave the true devotion of service and we seek to honor him by naming this post office in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, it is my great honor to yield such time as he may consume to the author of this bill, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank the gentleman for yielding, and I thank the committee for all they have done on this bill.

Mr. Speaker, I rise today in support of this resolution honoring the memory of United States Marine Corps Corporal Steven Patrick Gill of Round Rock, Texas.

In January of 2002, Steven Gill placed his college education on hold to enlist in the United States Marine Corps. The events of September 11 moved Steven to take up arms to defend his country. On July 21, 2005, he paid the ultimate sacrifice while deployed in Iraq doing that duty of defending his country.

Steven Gill was born on November 3, 1980, to Bill and Rose Gill of Houston, Texas. After moving to Round Rock, my hometown, in 1993, Steven attended Westwood High School. He was an active member of King of Kings Lutheran Church, and took part in numerous mission trips to help those in need.

After high school, Steven enrolled at Concordia Lutheran College in Austin, Texas, where he studied towards his goal of becoming a youth minister in the Lutheran Church. As it did for so many Americans, the tragic events of September 11 changed the course of Steven's life.

Upon completion of basic training, Steven received follow-up training to become an infantry marine rifleman at the School of Infantry, Camp Pendleton, California. He also attended Amphibious Reconnaissance School at Naval Amphibious Base, Norfolk, Virginia. On July 21, 2005, Steven was serving as a reconnaissance man with Echo Company, Third Reconnaissance Battalion, Regimental Combat Team 8, Second Marine Division in Zaidon, Iraq, when he was killed in action.

Steven served one tour in Iraq and was awarded a Purple Heart, Combat Action Ribbon, Selected Marine Corps Reserve, National Defense Service Medal, Iraq Campaign Medal, 2 GWOT Service Medals, and an Armed Forces Reserve Medal.

Steven Gill gave his life so we can enjoy the freedoms that we have today in this great Nation. It is my honor as his Congressman and a resident of Round Rock, Texas, to honor the sacrifice of Steven Gill for his country here today and to honor his family who gave us their son. As Congress returns to work after honoring our Nation's war heroes, I am proud to offer this small tribute to one of those heroes from Texas.

Mr. ISSA. Mr. Speaker, I rise in support of H.R. 3974.

Mr. Speaker, I rise today to urge passage of this bill to designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the "Marine Corps Corporal Steven P. Gill Post Office Building" in honor of the late Marine Corporal Steven P. Gill, a 24 year old Marine Corps reservist killed near Zaidon, Iraq by an IED on July 21, 2005.

A native of Round Rock, Corporal Gill was not only a model soldier, but also a model citizen.

After graduating from Westwood High School in 1999, he enrolled in Concordia University. Corporal Gill planned to enter the seminary, but his work with children and church youth groups inspired him to pursue a life as a youth minister.

Then, on September 11, 2001, his life, like so many other American's, changed dramatically. In the words of his father, Bill Gill, "When he saw those towers crashing, he had to do something."

Convinced by his father to finish the semester, Corporal Gill enlisted in the Marines in January, 2002, later assigned to the 4th Marine Division, 4th Reconnaissance Battalion, based in San Antonio, the same unit his father served in years ago.

Corporal Gill is a shining example of an individual who continually and selflessly served those around him, both through his work for his community and his country. His spirit lives on through the work of his mother, Rose Gill, who, despite losing her job in wake of his death, continues to promote the Marines and the sacrifice of her son.

Three months after his death she ran in the Marine Corps Marathon and has run in his honor every year since, raising money for wounded soldiers.

"He knew the sacrifice he might be called to make, and he accepted that," his father said. I urge you to honor that sacrifice and the amazing life of this genuine American hero.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3974.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## COMMENDING ED BLOCK COURAGE AWARD FOUNDATION AND DESIGNATING NOVEMBER 2007 AS NATIONAL COURAGE MONTH

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 45) commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month.

The Clerk read the title of the Senate concurrent resolution.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 45

Whereas the Ed Block Courage Award was established by Sam Lamantia in 1978 in honor of Ed Block, the head athletic trainer of the Baltimore Colts and a respected humanitarian;

Whereas each year in Baltimore, Maryland, the Foundation honors recipients from the National Football League who have been chosen by their teammates as exemplifying sportsmanship and courage;

Whereas the Ed Block Courage Award has become one of the most esteemed honors bestowed upon players in the NFL;

Whereas the Ed Block Courage Award Foundation has grown from a Baltimore-based local charity to the Courage House National Support Network for Kids operated in partnership with 17 NFL teams in their respective cities; and

Whereas Courage Houses are facilities that provide support and care for abused children and their families in these 17 locations across the country: Baltimore, Maryland, Pittsburgh, Pennsylvania, Chicago, Illinois, Miami, Florida, Detroit, Michigan, Dallas, Texas, Westchester County, New York, Oakland, California, Seattle, Washington, Charlotte, North Carolina, Cleveland, Ohio, Atlanta, Georgia, St. Louis, Missouri, Indianapolis, Indiana, Buffalo, New York, San Francisco, California, and Minneapolis, Minnesota: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that—

(1) National Courage Month provides an opportunity to educate the people of the United States about the positive role that professional athletes can play as inspirations for America's youth; and

(2) the Ed Block Courage Award Foundation should be recognized for its outstanding contributions toward helping those affected by child abuse.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I urge passage of this resolution commending professional football players for their work against child abuse.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of S. Con. Res. 45, a bill that commends the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse.

S. Con. Res. 45 was introduced by Senator BENJAMIN L. CARDIN, on September 17, 2007.

S. Con. Res. 45 was reported from the Oversight Committee on November 8, 2007, by voice vote. Mr. Speaker, the Ed Block Courage Award Foundation is a Baltimore, Maryland based local charity that formulated the Courage House National Support Network for Kids. The Courage House represents a partnership effort between the Foundation, National Football League Charities, the Professional Football Athletic Trainers Society, the National Football League Players Association, National Football League Films, the Pro Football Hall of Fame and National Football League Alumni. This partnership promotes the prevention of child abuse by raising awareness of the epidemic and assisting agencies who provide for the care and treatment of abused children.

The Ed Block Courage Award Foundation honors recipients from the National Football League who have been chosen by their teammates as exemplifying sportsmanship and courage. Currently, the Ed Block Courage Awards event is heralded as one of the most prestigious in the National Football League.

Mr. Speaker, I commend my colleague Senator CARDIN for seeking to commend the Ed Block Courage Award Foundation and urge the swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I rise today to urge passage of S. Con. Res. 45 because there is in fact nothing, nothing more despicable than those who prey upon children. Whether that abuse is physical, psychological or sexual, this crime destroys lives, harms families, and all too often is perpetrated with a cruelty that is unreported and unseen.

I support the work of this foundation and its recognition that the National Football League players can off the field make a real contribution to making America a better, safer place.

□ 1800

Whether it is John Elway or Joe Montana or any of the other past recipients of this award, they have in fact worked long and hard, not for millions of dollars or thousands of dollars, but for the good of the young people who are our future in this country. Therefore, I too join my colleague and urge the House to unanimously support this resolution.

Mr. Speaker, I rise today to urge passage of S. Con. Res. 45, which commends the Ed Block Courage Award Foundation for its work to prevent child abuse.

Mr. Speaker, there is nothing sadder in this country than the specter of children being abused by adults. Whether it's physical, psychological or sexual abuse, these crimes destroy lives, harm families and, all too often, perpetuate cruelty and crime for generations.

The award, named for the longtime head athletic trainer of the Baltimore Colts, recognizes the NFL player whose off-the-field efforts have done the most in that year to raise awareness of this often hidden crime. Past winners include Dan Marino, Tedy Bruschi, Joe Klecko, John Elway, Joe Montana and Ronnie Lott.

Mr. Speaker, we thank Baltimore for crabcakes and Billie Holliday and Camden Yards and Cal Ripken. And today, we thank Charm City for this.

The award was the vision of Sam Lamantia Jr., a Baltimore hair stylist.

The courage award concept was initiated by Ernie Accorsi, a longtime NFL executive who served as general manager in Baltimore in the early 1980s. Larry Harris, then assistant sports editor of the Baltimore Evening Sun, had the idea to name the award for Block, a forward-thinking, innovative trainer who had a lifelong passion for preventing and addressing child abuse.

The NFL's athletic trainers worked to take the award to a national level.

Today, it represents a cooperative effort of the foundation, the NFL, the NFL Players Association, the NFL Alumni Association, NFL films, the Professional Football Athletic Trainers Society and the Pro Football Hall of Fame. Pete Rozelle, the league's late commissioner, was among its biggest supporters.

The foundation has helped open Courage Houses, sanctuaries for abused children, in 14 NFL cities. Its annual awards ceremony attracts speakers from the highest levels of the sport.

It's been a great partnership, Mr. Speaker, between pro football and the Ed Block Foundation, and it is worthy of our commendation.

I yield back the balance of my time.

Mr. DAVIS of Illinois. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAPUANO). The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 45.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

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## SUPPORTING THE GOALS AND IDEALS OF WORLD DIABETES DAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 211) supporting the goals and ideals of World Diabetes Day.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

### H. CON. RES. 211

Whereas the World Health Organization and the International Diabetes Federation established World Diabetes Day in 1991 with the aim of coordinating diabetes advocacy worldwide;

Whereas World Diabetes Day is celebrated annually on November 14;

Whereas on December 20, 2006, the General Assembly of the United Nations passed a landmark resolution recognizing diabetes as a chronic, debilitating, and costly disease;

Whereas the resolution designates World Diabetes Day as a United Nations Day to be observed every year starting in 2007 in order to raise global awareness of diabetes;

Whereas the theme of the 2007 United Nations World Diabetes Day campaign focuses on raising awareness of diabetes in children and adolescents, who face unique challenges when diagnosed with diabetes;

Whereas the United Nations campaign aims, among other objectives, to firmly establish the message that no child should die of diabetes;

Whereas the global diabetes epidemic has devastating effects on families, societies, and national economies;

Whereas diabetes is the fourth leading cause of death by disease in the world, and is the sixth leading cause of death in the United States;

Whereas diabetes is a leading cause of blindness, kidney failure, amputation, heart attack, and stroke;

Whereas in almost every country the incidence of diabetes is increasing, growing from an estimated 30,000,000 people worldwide in 1985 to an estimated 245,000,000 people in 2007, and to 380,000,000 by 2025, as reported by the International Diabetes Federation;

Whereas diabetes is one of the most common chronic childhood diseases;

Whereas diabetes can strike children at any age, and when diagnosed in young people the risk of developing life-threatening complications at an early age increases and life expectancy is shortened by, on average, 10 to 20 years;

Whereas new figures from the International Diabetes Federation's Diabetes Atlas suggest that more than 70,000 children develop type 1 diabetes each year and 440,000 children worldwide under the age of 14 now live with type 1 diabetes;

Whereas recent data indicate that one out of every three children born in the United States will develop diabetes during their lifetime, including one out of every two children from ethnic minority groups;

Whereas in low- and middle-income countries, many children with diabetes die because they are diagnosed late or misdiagnosed or because insulin is unaffordable, unavailable, or in short supply;

Whereas the incidence of type 2 diabetes, which was previously rare in children, is rising at alarming rates, with more than 200 children a day developing this form of diabetes;

Whereas obesity is a major contributor to type 2 diabetes;

Whereas according to the International Obesity Task Force of the International Association for the Study of Obesity, 155,000,000 school-age children worldwide are overweight, representing at least 1 out of every 10 school-age children;

Whereas at least 30,000,000 of those overweight children are classified as obese, accounting for at least 2 percent of the world's children between the ages of 5 and 17 years of age;

Whereas research has shown conclusively that type 2 diabetes can be prevented or significantly delayed through healthy weight maintenance and regular physical activity;

Whereas adopting a lifestyle high in physical activity and adopting a low-sugar, low-fat diet can successfully prevent the onset of obesity and diabetes among school-age children;

Whereas diabetes is costly, with the world estimated to spend at least $232,000,000,000 in 2007 and over $302,500,000,000 by 2025 to treat and prevent diabetes and its complications;

Whereas world treatment costs for diabetes are growing more quickly than the world population;

Whereas diabetes threatens to subvert global economic advancement by both straining government budgets worldwide (with the cost of diabetes-related disability payments, pensions, social and medical service costs, and lost revenue) and burdening private health insurers and employers with spiraling health care costs;

Whereas by 2025 the largest increases in diabetes prevalence will take place in developing countries, whose economies are less able to support increased expenditures to provide for those with the disease and engage in effective prevention efforts; and

Whereas the economic impact of diabetes threatens to undermine the achievement of the United Nation's Millennium Development Goals for developing countries: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress supports the goals and ideals of World Diabetes Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. It is my pleasure to yield such time as he might consume to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I am pleased to offer House Concurrent Resolution 211, pronouncing that Congress supports the goals and ideals of World Diabetes Day.

Let me thank Representative MANZULLO, who was a prime cosponsor of this legislation, and other Members, for cosponsoring this bipartisan resolution.

This global health awareness campaign established in 1991 by the World Health Organization and International Diabetes Federation is celebrated annually on November 14. This marks the birthday of Dr. Frederick Grant Banting, a Canadian medical scientist, Nobel laureate, and co-discoverer of insulin. And now, it is an official United Nations recognized day.

World Diabetes Day aims to coordinate diabetes advocacy worldwide. In almost every country of the world, the incidence of diabetes is on the rise. Diabetes is the fourth leading cause of global death by disease. In the United States, it is the sixth leading cause of death including accidents, but of deaths by disease it climbs to number five.

The economic burden on both developed and developing countries due to a dramatic increase in the prevalence of diabetes was analyzed in a new report from the Economist Intelligence Unit. Diabetes currently affects 246 million people worldwide and is expected to affect 380 million people by 2025. In 2007, the five countries with the largest number of people with diabetes are India, China, the United States, Russia, and Germany. Worse, each year 3.8 million deaths are attributed to diabetes. An even greater number die from complications, renal failure, vascular loss. Soberly, every 10 seconds, two people develop diabetes and a person dies from diabetes-related causes.

On December 20, 2006, the General Assembly of the United Nations passed landmark Resolution 61–225, recognizing diabetes as a chronic, debilitating, and costly disease. This is the first year, therefore, that the World Diabetes Day has risen to such prominence, and it is fitting that here in the United States Congress we support it this day.

Mr. Speaker, World Diabetes Day has annually focused on a particular aspect or complication of diabetes, the heart, the eyes, the kidneys, and feet. I am especially pleased that this year the World Diabetes Day's theme focuses on raising awareness of diabetes in children and adolescents who face unique challenges when diagnosed with diabetes. The campaign aimed to firmly establish the message that no child should die from diabetes.

As a senior member of the Committee on Education and Labor and Foreign Affairs, as a delegate to the United Nations since 2003 and 2005, I see this year's theme as a perfect synergy of a global health and childhood issue, with importance to the United Nations.

So as we speak here, November 1 in Bermuda, 246 people dressed in U.N. blue t-shirts to represent the 246 million people in the world with diabetes. They stood up. Tomorrow in Lagos, Nigeria, there will be a walk starting at Maryland and ending at Lagos State University, where there will be young people asking folks to have their blood sugar level checked. In Australia, from November 11 to November 20, there are children-centered activities from a Switch-Off Turn On to Play Pledge that will once again highlight this.

And so, as I conclude, while commemorating World Diabetes Day, of course I can look no further than my own congressional district of New Jersey to find shining examples of the dedication to diabetes in the area of education in St. Barnabas Hospital and Newark Beth Israel are all leaders, and we hope that everyone will join in this.

I urge my colleagues to vote for passage of House Concurrent Resolution 211, supporting the goals and ideals of World Diabetes Day.

Mr. ISSA. Mr. Speaker, I join with my colleagues in this bipartisan effort to bring greater awareness to World Diabetes Day.

As my colleague said, 225,000 people per year die in the United States alone from diabetes. But I believe that, as we recognize this day, we have to recognize that diabetes doesn't just kill; diabetes debilitates. It causes blindness. It takes away all or part of limbs. It slows people down in their day-to-day ability to enjoy life. One of the great inventors of our time invented the insulin pump, which allowed people to not have to periodically stop to take medicine, but it didn't change the debilitating effect that artificially-given insulin causes.

We do not have a cure for diabetes today. We need to continue working toward that, as many of our pharmaceutical companies are. So bringing awareness to this is just a first step in making sure that the United States, Europe, and the other developed nations work hard to find real cures for this dreadful disease.

Mr. Speaker, I rise today to urge passage of H. Con. Res. 211, which supports the goals and ideals of World Diabetes Day.

Mr. Speaker, diabetes is among the most lethal diseases known to man. It kills about 225,000 people per year in the United States alone—fifth among disease-related deaths and roughly equal to the population of New Orleans or Madison, WI.

And it's generally believed to be significantly under-reported on death certificates, especially among the old—who may endure multiple chronic conditions, many caused by diabetes.

Because, as anyone who has diabetes knows all too well, when you have diabetes, you don't just have diabetes. The disease leads to increased risk of a number of seriously, sometimes life-threatening complications.

These include—but certainly aren't limited to—heart disease and stroke, blindness, high blood pressure, kidney disease, nervous-system disease, dental disease, even pregnancy complications.

Strokes and heart disease are 2 to 4 times more likely for those with diabetes than those without, and diabetes is the leading cause of new blindness cases in the United States.

Most of these associated health problems can be avoided with good diabetes control, but many people don't realize they have diabetes until it has caused one of these other diseases. Indeed, of the 21 million people in the United States who have diabetes, nearly a third don't yet know it. Those who do spend about one in every 10 dollars we spend on health care in this country.

Mr. Speaker, I applaud efforts such as World Diabetes Day that call attention to the problems this disease causes and the need for further research and outreach.

We need to do what we can to solve this mystery and slow this killer—both to alleviate the pain, suffering and expense of our fellow citizens afflicted by the disease and for our own economic benefit.

Experts say diabetes costs the U.S. economy $132 billion per year. That's what we spend on telecom in a year. It's the total Gross Domestic Product of Singapore and matches, roughly, what the country spends on all research and development in a year.

Mr. Speaker, I know people who suffer from diabetes. So does everyone in this House. Approving a resolution does not do much to alleviate that suffering. But today, it is what we have the opportunity to do. Let us do it.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I join with my colleagues in supporting the promotion of awareness about diabetes and all of its complications and commend Mr. PAYNE for his introduction of this resolution.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H. Con. Res. 211, a bill that supports the goals and ideals of World Diabetes Day.

H. Con. Res. 211, which has 54 cosponsors, was introduced by Rep. DONALD PAYNE on September 17, 2007.

H. Con. Res. 211 was reported from the Oversight Committee on November 8, 2007, by voice vote.

Mr. Speaker, diabetes is a chronic disease that occurs when the pancreas does not produce enough insulin, or when the body cannot effectively use the insulin it produces. Hyperglycemia, which is known as raised blood sugar, over time can lead to serious damage to many parts of the body, especially the nerves and blood vessels.

In 1991, the World Health Organization and the International Diabetes Federation established World Diabetes Day. World Diabetes Day is celebrated on November 14th. This day was designated to promote the awareness that every person with diabetes or the risk of acquiring diabetes should receive the best possible education, prevention and care available.

Currently, more than 240 million people in the world are living with diabetes. Some analysts believed this number will grow to 340 million within 20 years.

Mr. Speaker, I commend my colleague Representative PAYNE for seeking to support the goals and ideals of World Diabetes Day and urge the swift passage of this resolution.

Mr. MANZULLO. Mr. Speaker, today I rise in support of H. Con. Res. 211, commemorating World Diabetes Day on November 14, 2007.

The search for a cure for diabetes is a cause close to my heart. Both my parents were afflicted with the disease, which now strikes 246 million people worldwide. Without early screening, prevention and awareness, this number is expected to rise to 380 million by 2025. In the United States, diabetes is the sixth leading cause of death. Across the world, diabetes is the fourth leading cause of death, with 80 percent of diabetes cases now being found in the developing world. The case for diabetes awareness is so compelling that President Bush recently declared November 2007 to be National Diabetes Month. I would like to add his recent remarks on the subject to the RECORD.

It is clear that action must be taken to slow the pace of what can only be described as an epidemic of diabetes. This year, the theme of the World Diabetes Day Campaign focuses on raising awareness of diabetes in children and adolescents. More than 200 children get diabetes every day, making it one of those most chronic diseases of childhood. Additionally, this demographic faces unique challenges when diagnosed with diabetes, as the disease can interfere with the normal developmental tasks of childhood and adolescence, which include succeeding in school and transitioning to adulthood. Through raising awareness, the World Diabetes Day Campaign focuses on improving early screening to catch early incidences of diabetes in children and promoting healthy lifestyles to prevent the onset of Type 2 diabetes.

I am proud to lend my support to H. Con. Res. 211. Together we can limit the incidence of this debilitating disease by spreading the message of awareness, treatment and prevention. I urge my colleagues to support this important resolution.

### NATIONAL DIABETES MONTH, 2007—A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Diabetes is a debilitating disease that affects millions of Americans of all ages and all walks of life. National Diabetes Month is an opportunity to raise awareness about risk factors, prevention, and treatment of this serious disease.

Diabetes is a chronic illness that leaves the body unable to produce or properly use insulin to maintain healthy blood glucose levels. The two most common forms of the disease that affect our citizens are Type 1 and Type 2 diabetes. Type 1 diabetes, once known as juvenile diabetes, is usually diagnosed in children and young adults who are unable to produce insulin and require daily medication. Type 2 diabetes, the most common form of the disease, is often attributed to lifestyle risk factors and can be controlled by a modified diet, regular physical activity, and medication. Americans can take steps to control the disease and lower the risk of complications such as heart disease, stroke, and kidney disease by maintaining healthy eating and exercise habits, and consulting with a doctor about diabetes testing.

My Administration is committed to providing better care for people living with diabetes and furthering efforts to find a cure. We have supported research initiatives and education programs that encourage healthy living, and we have also modified Medicare coverage to include diabetes screenings. This year, the National Institutes of Health estimates that more than $1 billion will be spent on diabetes research. By working together, we can help identify problems early, manage them before they grow worse, and help ensure more Americans live longer, healthier lives.

Throughout National Diabetes Month, we recognize the medical professionals, scientists, researchers, and all those whose efforts have made a positive difference in the fight against diabetes. By raising public awareness, we can help combat the effects of diabetes in our society and bring hope to children and families living with this disease.

Now, therefore, I, George W. Bush, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim November 2007 as National Diabetes Month. I call upon all Americans to learn more about the risk factors and symptoms associated with diabetes and to observe this month with appropriate programs and activities.

In witness whereof, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand seven, and of the Independence of the United States of America the two hundred and thirty-second.

Mr. DAVIS of Illinois. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 211.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## HONORING SAN JOSE STATE UNIVERSITY FOR ITS 150 YEARS OF COMMITMENT TO PUBLIC HIGHER EDUCATION

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 365) honoring San Jose State University for its 150 years of commitment to public higher education, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 365

Whereas 2007 commemorates the sesquicentennial year that San José State University was first established in 1857 as Minns Evening Normal School to train teachers for the growing population of California;

Whereas the success of the Minns Evening Normal School in San Francisco led to an Act enacted by the California Legislature on May 2, 1862, providing for the establishment of the first California State Normal School in 1862 and thus beginning a new era for education in the State of California: the first State-wide program of free instruction in preparing teachers and prospective teachers;

Whereas from these beginnings as the oldest public, four-year institution of higher education in California, San José State University has matured into a comprehensive university, offering bachelor's and master's degrees in 134 programs;

Whereas San José State University is the flagship school of the California State University system, which uses the 1857 founding date as part of its own heritage as noted on its official seal;

Whereas California State University, the largest public system of higher learning in the United States, is recognized for its long-term commitment to affordable, accessible, and high-quality education;

Whereas San José State University is the region's largest university and the third largest public-sector employer with 30,000 students and 4,000 employees;

Whereas San José State University-related spending in the San Francisco Bay Area is an estimated $479 million, generating a total impact of $829 million on the region's economy, sustaining 11,000 jobs, and generating $48 million annually in tax revenue;

Whereas San José State University has contributed to the rich economic life and culture of the State of California by providing nearly 7,000 graduates into the workforce each year;

Whereas San José State University's most prized tradition is a commitment to enriching the lives of its students by transmitting knowledge and providing them with the skills to apply what they have learned into the service of our society;

Whereas San José State University ranks tenth in the Nation's top public universities in the total number of minority graduates—African Americans, Latinos, Asian Americans, and Pacific Islanders, with bachelor's degrees across all disciplines;

Whereas San José State University has conferred bachelor's degrees in business management and the health professions to more Asian Americans and Pacific Islanders than any other college or university in the Nation;

Whereas San José State University is among the top 35 colleges and universities in terms of the number of bachelor's and master's degrees conferred to Latino students and is therefore a recognized leader in graduating minority students;

Whereas San José State University's faculty contribute to the quality of life in the Nation by their active engagement in scholarship, research, technological innovation, community service, and the arts; and

Whereas San José State University is an active partner with educational institutions, industries, and communities to enhance the quality of education, research, development, and community service for the State of California: Now, therefore, be it

*Resolved*, That the House of Representatives honors San José State University for its 150 years of commitment to public higher education.

Amend the title so as to read: "Resolution honoring San José State University for its 150 years of commitment to public higher education.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BISHOP).

### GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 365 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise today in recognition of the 150th anniversary of San Jose State University. San Jose State University was established in 1857 as Minns Evening Normal School, for the sole purpose of training teachers, as California's population grew. As California's population has grown, San Jose State has grown into the largest university in the region with an enrollment of more than 30,000 students. The school has also expanded its programs to offer 134 bachelor's or master's degrees.

San Jose State is an extremely diverse school, with an enrollment of 23 percent of its students being Asian, 15 percent of its students being Hispanic, and 5 percent of its students being African American. This diversity has also led San Jose State to rank 10th in the Nation in total number of graduating minorities.

Mr. Speaker, I am glad to see another outstanding educational institution continuing to serve all those who wish to advance their education. I would like to thank and congratulate my colleague, Mr. HONDA, for bringing this resolution to the attention of the House of Representatives. I urge my colleagues to resoundingly pass this resolution.

I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 365, honoring San Jose State University for its 150 years of commitment to public higher education. I would like to thank my good friend, Mr. HONDA, for introducing the resolution, and certainly my friend from New York for managing the bill on the floor tonight and recognizing the important role San Jose State University plays in educating the citizens of California and many other States and nations.

San Jose State University was founded as a California State Normal School by the California legislature on May 4, 1857, and is the oldest public university in California. The California State Normal School was itself derived from the Minns Evening Normal School, which was also known as the San Francisco Normal School. Led by Principal George W. Minns, the San Francisco Normal School trained elementary teachers as part of that city's high school system from 1857 to their professional development and personal growth.

Silicon Valley firms are constantly seeking San Jose State University students for internships, summer work programs, and research and development. For a century and a half, San Jose State University faculty and staff has prepared its students for roles as leaders and highly productive professionals and citizens in society.

There is no better way of understanding San Jose State University's economic impact than simply visiting any Silicon Valley workplace, whether it is a tech company, government office, a hospital, or classroom, many of the people you will meet have ties to San Jose State University. In fact, San Jose State University has sent nearly 300,000 graduates into the workforce since it was founded in 1857, and I am honored to stand here today in support of this resolution and would say to my fellow colleagues: I would like you to support and congratulate San Jose State University's Don W. Kassing and all of the faculty and staff as well as San Jose State University students and alumni. I wish them continued success, and I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield 3 minutes to Ms. ZOE LOFGREN of California.

Ms. ZOE LOFGREN of California. Mr. Speaker, I join in the recognition of San Jose State on its 150th anniversary. I am proud that San Jose State is located in the 16th Congressional District which I represent in San Jose, California, as has been mentioned. It is the Silicon Valley university. More than 300,000 graduates of San Jose State have gone into Silicon Valley, and it is the largest source of engineering talent, of computer science and business graduates, for Silicon Valley.

San Jose State is ranked eighth among the top ten colleges and universities offering bachelor's and master's degrees in the western region, with its 134 programs. It is also known for its innovative partnerships, including a first-ever, I think in the country, partnership with the City of San Jose to have a joint university-city public library, a joint venture with the National Hispanic University for joint degrees, and most recently a joint venture with a historically black college in Mississippi for joint issuance of Ph.D.'s in engineering.

I am proud to represent San Jose State. We had to decide who would introduce this resolution. And although the university is in the 16th District, the author, my friend, Congressman MIKE HONDA, is an alumni of the university, so we deferred to him to take the lead on this introduction. I want to thank him for doing so. This is an important event for those of us in Silicon Valley, and especially the 16th District.

□ 1815

Mr. BISHOP of New York. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I rise today in support of H.R. 365, recognizing the 150th anniversary of my alma mater, San Jose State University in California.

I'd like to thank Representatives LOFGREN, ESHOO, FARR, Chairman MILLER, and Ranking Member MCKEON of the Education and Labor Committee, and additional cosponsors of H.R. 365, for the support of this legislation.

For a century and a half, San Jose State has provided affordable access to quality education. Founded in 1857, it is the oldest public institution of higher education on the west coast. From its beginnings as a normal school to train teachers for the developing frontier, the campus has matured into a comprehensive university, offering bachelor's and master's degrees in 134 programs, including 69 bachelor's degrees with 81 concentrations, and 65 master's degrees with 29 concentrations.

In the western region, San Jose State is ranked among the top 10 colleges and universities offering bachelors and masters degrees. San Jose State is part of the California State University System, the Nation's largest public university system.

Noteworthy in this sesquicentennial year of celebration is the fact San Jose State is the largest public 4-year university in Silicon Valley with over 32,000 students and 4,000 faculty and staff members. The university awards more than 4,200 bachelors degrees and 2,400 masters degrees each academic year. Since its founding, the university has sent nearly 300,000 graduates into the workforce. These graduates continue to make significant contributions to the region's rich economy and culture.

The history of San Jose State is very unique. The university traces its origins to Minns Evening Normal School, established in San Francisco in 1857 by George W. Minns and other dedicated educational leaders to address the shortage of qualified teachers for the new State of California. In 1862, the school became California State Normal School by action of the State legislature. Although initial enrollments were low, demand for teacher training shot up when California instituted free public education for every child, paid for with property taxes.

The years of growth and expansion at the new location in San Jose State downtown, the first alumni association was formed in 1873. The determination of California leaders to support teacher training was evident when a fire destroyed the normal school building in 1880. In 1921, the control of the school passed from its board of trustees to the State Department of Education.

As the 20th century came to a close, San Jose State University has developed into a thriving comprehensive university known for "powering Silicon Valley."

Mr. Speaker, I just want to close by recognizing the current president, Don W. Kassing, for all the work he is doing to make San Jose State University one of the great, great higher education institutions in the United States, melding itself with the National Hispanic University and also providing students and intellectual power to NASA Ames and the other Silicon Valley enterprises in Silicon Valley.

San José State ranks among the nation's top universities for its academics and ethnic diversity. The university has ranked 10th in the nation for the total number of minority graduates (African Americans, Asian Americans, Native Americans and Hispanics with bachelor's degrees) across all disciplines. San José State University has conferred bachelor's degrees in business management and the health professions to more Asian Americans than any other college or university in the nation.

Noteworthy also is the fact that San José State is Silicon Valley's largest university and fourth largest public-sector employer. Its 154-acre campus is in downtown San José, the nation's 10th largest city and home to many leading technology companies, including Adobe, Cisco Systems, and E-Bay.

The history of San José State is very unique. The university traces its origins to Minns' Evening Normal School, established in San Francisco in 1857 by George W. Minns and other dedicated educational leaders, to address the shortage of qualified teachers for the new state of California. In 1862, the school became the California State Normal School by action of the state legislature. Although initial enrollments were low, demand for teacher training shot up when California instituted free public education for every child, paid for with property taxes.

An earthquake in 1868 and the challenges of San Francisco's rapid growth spurred school leaders to consider a more stable location for the new school. Several cities vied for the honor; the nod went to the town of San José, then a thriving community of 9,089. State Superintendent O.P. Fitzgerald characterized San José as meeting every requirement: "The climate is unsurpassed, the place is large enough to furnish all needed facilities . . . the people are intelligent, hospitable and moral." In 1870, the trustees selected a tract of land near local transit called Washington Square from among several sites offered by the city. School leaders moved the college and its 150 students to this 27-acre campus in 1871.

Years of growth and expansion at the new location followed; the school added more students, faculty, coursework and facilities. The first alumni association was formed in 1873. The determination of California leaders to support teacher training was evident when a fire destroyed the normal school building in 1880. The legislature promptly provided $150,000 to rebuild. By 1887, the San José State Normal School had an enrollment of 800, highest in the nation except for New York City and Philadelphia.

In 1921, control of the school passed from its board of trustees to the State Department of Education and it became known as San José State Teachers College. Under the leadership of Thomas W. MacQuarrie, who was named president in 1927, there was significant growth and expansion of the curriculum, including the first program for college-trained police officers in the nation.

In 1932, the San José State College Corporation was formed, the forerunner of today's San José State University Research Foundation, which for the past 75 years has partnered with the University to manage externally funded research and education-related activities that are so integral to the University's mission. The campus gained university status and became part of the California State University system in the 1970s. In 1990, student enrollment topped 30,000 and by 1993, the campus reached cultural pluralism, with no ethnic majority.

As the 20th century came to a close, San José State University had developed into a thriving comprehensive university known for "powering Silicon Valley" with the high numbers of graduates who went to work there. Fruitful partnerships with area firms also made possible new programs and laboratories, as well as ALL internships, summer research and scholarships. A unique partnership with the city of San José resulted in the construction and opening of the nation's first joint city-university library.

In 2006, President Don W. Kassing accepted the largest single private donation to the university in its history, a $10 million gift from alumni Sally and Donald Lucas to create a new graduate school of business. One year later, during this sesquicentennial year, $15 million was given by alumnus Charles W. Davidson for the SJSU's College of Engineering, which ties for the largest single private donation in California State University history. Building upon its tradition as a teacher's college, the university also received a donation of $10 million from alumna Connie L. Lurie for the College of Education.

Having receiving both my Undergraduate and Graduate degrees from San José State University I personally attest to the University's academic rigor and integrity. San José State University continues to be a driving force in educating our future leaders and in developing collaborative partnerships with educational institutions, industries, and communities to enhance the quality of education, research, development, and community service for the State of California.

I also want to recognize the current president, Don W. Kassing, for all he is doing to make San José State University one of the great, great higher education institutions in the United States, and we all look forward to the next 150 years.

Mr. BISHOP of New York. We have no additional speakers.

Mr. KUHL of New York. I have no additional speakers on this side. I yield back the balance of my time.

Mr. BISHOP of New York. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 365, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution honoring San Jose State University for its 150 years of commitment to public higher education.".

A motion to reconsider was laid on the table.

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## NATIVE AMERICAN HERITAGE DAY ACT OF 2007

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 62) to honor the achievements and contributions of Native Americans to the United States, and for other purposes.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 62

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Native American Heritage Day Act of 2007".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) Native Americans are the descendants of the aboriginal, indigenous, native people who were the original inhabitants of and who governed the lands that now constitute the United States;

(2) Native Americans have volunteered to serve in the United States Armed Forces and have served with valor in all of the Nation's military actions from the Revolutionary War through the present day, and in most of those actions, more Native Americans per capita served in the Armed Forces than any other group of Americans;

(3) Native American tribal governments developed the fundamental principles of freedom of speech and separation of governmental powers that were a model for those that form the foundation of the United States Constitution;

(4) the Founding Fathers based the provisions of the Constitution on the unique system of democracy of the Six Nations of the Iroquois Confederacy, which divided powers among the branches of government and provided for a system of checks and balances;

(5) Native Americans have made distinct and significant contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

(6) Native Americans should be recognized for their contributions to the United States as local and national leaders, artists, athletes, and scholars;

(7) nationwide recognition of the contributions that Native Americans have made to the fabric of American society will afford an opportunity for all Americans to demonstrate their respect and admiration of Native Americans for their important contributions to the political, cultural, and economic life of the United States;

(8) nationwide recognition of the contributions that Native Americans have made to the Nation will encourage self-esteem, pride, and self-awareness in Native Americans of all ages;

(9) designation of the Friday following Thanksgiving of each year as Native American Heritage Day will underscore the government-to-government relationship between the United States and Native American governments;

(10) designation of Native American Heritage Day will encourage public elementary and secondary schools in the United States to enhance understanding of Native Americans by providing curricula and classroom instruction focusing on the achievements and contributions of Native Americans to the Nation; and

(11) the Friday immediately succeeding Thanksgiving Day of each year would be an appropriate day to designate as Native American Heritage Day.

**SEC. 3. IMPLEMENTATION OF A NATIVE AMERICAN HERITAGE DAY.**

(a) DEVELOPMENT OF MODEL EDUCATIONAL CURRICULA.—Educational institutions are encouraged to develop model educational curricula, in consultation with Native American governmental leaders, for purposes of recognizing a Native American Heritage Day, emphasizing the contributions of Native Americans to the United States and the world, including—

(1) the historical and constitutional status of Native American tribal governments as well as the present day status of Native Americans;

(2) the cultures, traditions, and languages of Native Americans; and

(3) the rich Native American cultural legacy that all Americans enjoy today.

(b) CELEBRATION OF NATIVE AMERICAN HERITAGE DAY.—Congress encourages the people of the United States, as well as Federal, State, and local governments and interested groups and organizations to observe a Native American Heritage Day with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BISHOP).

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H.J. Res. 62 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield such time as he may consume to Mr. BACA of California.

Mr. BACA. Mr. Speaker, I want to thank Mr. BISHOP for allowing me to bring up this legislation.

I rise today in support of establishing a tribute to Native Americans for their many contributions to the United States.

My bill, H.J. Res. 62, encourages all Americans to recognize the Friday after Thanksgiving as Native American Heritage Day.

I want to thank Chairman GEORGE MILLER, Ranking Member DON YOUNG, Representatives DALE KILDEE and RUBÉN HINOJOSA for their continued support for this bill.

Since my time in the California legislature, I've been a strong advocate to help preserve the legacy of Native Americans. It's important that we recognize their contributions to all aspects of our society, from our government to our language to history.

My bill encourages public elementary and secondary schools to enhance student understanding of Native Americans. We need more classroom instruction to focus on the history, culture and achievements and traditions of Native Americans.

Native Americans and their ancestors have played a critical role in the establishment of the freest country in the world. They have fought with valor and have died in every American war dating back to the Revolutionary War to the current wars. We in Congress must encourage greater awareness of the significant roles they have played in our national history.

I urge my colleagues to support this legislation, and I'm honored that Native Americans will be honored on this day.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Joint Resolution 62, to honor the achievements and contributions of Native Americans to the United States and for other purposes.

The strength of our Nation comes from its people; and as the early inhabitants of this great land, the native peoples of North America played a unique role in shaping our Nation's history and culture.

Native Americans are the descendants of the indigenous native people who were the original inhabitants and governors of the lands that now constitute the United States of America.

It was their tribal governments that developed the fundamental principles of freedom of speech and separation of powers. They're a model for those that formed the foundation of the United States Constitution.

The Founding Fathers based the provision of the Constitution on the unique system of democracy of the six nations of the Iroquois Confederacy. The Iroquois divided powers amongst the branches of government and provided for a system of checks and balances.

Native Americans have made a distinct and significant contribution to the United States and to the rest of the world in many fields, including agriculture, medicine, music, language, art, among other things. And Native Americans have distinguished themselves, as my friend Mr. BACA has noted, as inventors, as entrepreneurs, as spiritual leaders and scholars, among a few.

Their unique spiritual, artistic and literary contributions, together with their vibrant customs and celebrations, enliven and enrich our land today. As we move into the 21st century, Native Americans will play a vital role in maintaining our Nation's strength and prosperity.

Almost half of America's Native American tribal leaders have served in the United States Armed Forces, following in the footsteps of their forebears, who distinguished themselves during the world wars and the conflicts in Korea, Vietnam, and the Persian Gulf.

Native Americans should be recognized for the contributions they have made to the fabric of our American society. This recognition will afford an opportunity for all Americans to demonstrate their respect and admiration of Native Americans for their important contributions to the political, the cultural, and the economic life of the United States.

The designation of Native American Heritage Day will encourage public elementary and secondary schools in the United States to enhance Americans by providing curricula and classroom instruction focusing on the achievements and contributions of Native Americans to the Nation, and the designation of the Friday following Thanksgiving of each year as Native American Heritage Day will underscore the government-to-government relationship between the United States of America and Native American governments.

On this day we should call on all Americans to learn more about the history and the heritage of the native peoples of this great land. Such actions reaffirm our appreciation and most certainly our respect for their traditions and their way of life, and can help to preserve an important part of our culture for generations yet to come.

Mr. Speaker, I join my friend and colleague, Representative BACA, in supporting the resolution and ask my colleagues to do the same.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of H.J. Res. 62, the Native American Heritage Day Act of 2007. I commend my colleague Representative BACA for introducing this resolution and am honored to be an original cosponsor of the legislation. This is a much needed resolution that recognizes the vital contributions of Native Americans to the history of our Nation.

I only need to acknowledge my own heritage to know that the steps to build the bridge of understanding and diplomacy with the Native Americans and other minorities have been inadequate in this country. This legislation proves that we live in a nation that is great for being able to reflect accurately and recognize the history of its own oppressed people.

This bill considers the Friday after Thanksgiving as the appropriate day for the Native American Heritage Day. The timing for this day could not be more appropriate than during a weekend of celebration and giving thanks. It is only right that the original inhabitants of our nation be duly recognized in conjunction with this important celebration.

Mr. Speaker, a specific day of recognition will allow future generations to appropriately recognize and admire Native Americans for their important contributions to all aspects of the American life. For too long, this assistance in the development of our nation has been overlooked.

This day of heritage does not only exhibit proper respect for the indigenous people of our Nation, but paves the way for tremendous educational opportunities. The implementation of this bill would greatly increase awareness and respect for Native Americans through culturally competent incorporation of their historic contributions into our educational institutions. Taking such action is absolutely essential for our educational curriculum in order to develop progressive young people who can propel our society above intolerance.

Mr. Speaker, there are numerous Congressional findings about the contributions and achievements that the Native Americans have made to the United States that have not been fully realized by the general public. Many aspects of our government, culture, and society have ultimately been derived from Native Americans. Their ideals of checks and balances, freedom of speech, and separation of governmental powers were essential to the foundation of our nation's policies. Native Americans have, and continue to contribute revolutionary advancements in many fields such as agriculture, medicine, and music just to name a few.

Mr. Speaker, this formal recognition is long overdue. Native Americans of this country deserve such recognition without delay. It is absolutely necessary to set at least a moment in our way of life to acknowledge the roots of our democracy.

I urge my colleagues to wholeheartedly support this resolution and other initiatives for the proper recognition of Native Americans.

Mr. BISHOP of New York. Mr. Speaker, may I inquire of my colleague from New York if he has any additional speakers.

Mr. KUHL of New York. We have no further speakers. I yield back the balance of my time.

Mr. BISHOP of New York. I also yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and pass the joint resolution, H.J. Res. 62.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

## COLLEGE COST REDUCTION AND ACCESS ACT TECHNICAL AMENDMENTS OF 2007

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4153) to make certain technical corrections and transition amendments to the College Cost Reduction and Access Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4153

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "College Cost Reduction and Access Act Technical Amendments of 2007".

**SEC. 2. FEDERAL PELL GRANTS.**

(a) CORRECTION OF DESIGNATION.—

(1) CCRAA AMENDMENT.—Section 101(a)(2) of the College Cost Reduction and Access Act (Public Law 110–84) is amended by striking "paragraphs (4) through (9) as paragraphs (3) through (8)" and inserting "paragraphs (4) through (8) as paragraphs (3) through (7)".

(2) REDESIGNATION.—Paragraph (9) of section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(9)), as added by section 102(b) of the College Cost Reduction and Access Act (Public Law 110–84), is redesignated as paragraph (8).

(b) REVISION OF AVAILABILITY RULE.—Paragraph (8) of section 401(b) of the Higher Education Act of 1965 (as redesignated by subsection (a)(2) of this section) is amended by striking subparagraph (F) and inserting the following:

"(F) USE OF FISCAL YEAR FUNDS FOR AWARD YEARS.—The amounts made available by subparagraph (A) for any fiscal year shall remain available for the fiscal year succeeding the fiscal year for which such amounts are made available.".

**SEC. 3. DEFINITION OF UNTAXED INCOME AND BENEFITS.**

(a) AMENDMENT.—Section 480(b) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(b)) is amended by striking paragraph (2) and inserting the following:

"(2) The term 'untaxed income and benefits' shall not include—

"(A) the amount of additional child tax credit claimed for Federal income tax purposes;

"(B) welfare benefits, including assistance under a State program funded under part A of title IV of the Social Security Act and aid to dependent children;

"(C) the amount of earned income credit claimed for Federal income tax purposes;

"(D) the amount of credit for Federal tax on special fuels claimed for Federal income tax purposes;

"(E) the amount of foreign income excluded for purposes of Federal income taxes; or

"(F) untaxed social security benefits.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on July 1, 2009.

### SEC. 4. DEFINITION OF INDEPENDENT STUDENT.

(a) AMENDMENT.—Section 480(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;".

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on July 1, 2009.

### SEC. 5. INCOME-BASED REPAYMENT FOR MARRIED BORROWERS FILING SEPARATELY.

Section 493C of the Higher Education Act of 1965 (20 U.S.C. 1098e) is amended by adding at the end the following:

"(d) SPECIAL RULE FOR MARRIED BORROWERS FILING SEPARATELY.—In the case of a married borrower who files a separate Federal income tax return, the Secretary shall calculate the amount of the borrower's income-based repayment under this section solely on the basis of the borrower's student loan debt and adjusted gross income.".

### SEC. 6. DEFERRAL OF LOAN REPAYMENT FOLLOWING ACTIVE DUTY.

Section 493D(a) of the Higher Education Act of 1965 (20 U.S.C. 1098f(a)) is amended by inserting "or full-time National Guard duty" after "is called or ordered to active duty".

### SEC. 7. TEACH GRANTS.

Subpart 9 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070g et seq.) is amended—

(1) in section 420L(1)(B), by striking "sound" and inserting "responsible";

(2) in section 420M—

(A) by striking "academic year" each place it appears in subsections (a)(1) and (c)(1) and inserting "year"; and

(B) in subsection (c)(2)—

(i) by striking "other student assistance" and inserting "other assistance the student may receive"; and

(ii) by striking the second sentence.

### SEC. 8. REDESIGNATION AND RELOCATION.

The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is further amended—

(1) by redesignating part J of title IV (as added by section 802 of the College Cost Reduction and Access Act (Public Law 110-84)) as part G of title III of the Higher Education Act of 1965, and moving such part from the end of title IV to the end of title III of such Act; and

(2) by redesignating section 499A (as added by such section 802) as section 399A.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

### GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H.R. 4153 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4153, the College Cost Reduction and Access Act Technical Amendments, makes a number of technical changes to the College Cost Reduction and Access Act in order to ensure that the Department of Education and other relevant stakeholders reflect congressional intent when implementing the law.

Mr. Speaker, during this Congress we have made significant commitments to our Nation's students and families by putting resources in the hands of those who need them most. The College Cost Reduction and Access Act, as passed and signed by the President, does more to help Americans pay for college than any effort since the GI Bill, at no new cost to taxpayers.

Specifically, the legislation provided a landmark investment of $20 billion in additional funding for Pell Grants, reductions in the interest rate on student loans, and the creation of programs to help students manage debt, as well as encourage individuals to pursue public service. Providing this critical funding is a large part of our efforts to increase access and affordability to higher education.

Our work on reforming and strengthening higher education is not finished for this Congress. I look forward to working with Chairman MILLER and the rest of the Education and Labor Committee on the reauthorization of the Higher Education Act, which we are set to mark up in committee tomorrow.

The technical amendments contained in this bill include: ensuring that the mandatory Pell funding is available for the full award year, which is the current fiscal year and the following fiscal year, to match the availability of discretionary Pell funding.

It clarifies the definition of untaxed income and benefits to ensure that it does not include those items in the calculations that were removed from the list under the College Cost Reduction Act.

It clarifies that students who were in foster care anytime after age 13 are independent for purposes of calculating eligibility for Federal student aid.

It clarifies that married borrowers' income-based repayment payments shall be determined solely on the individual borrower's loan information and the individual's income without considering spouse's income or any loan debt they may have if the married borrower files taxes separately.

It ensures that members of the National Guard who are serving full-time are considered active duty for purposes of student loan deferment benefits.

It conforms language in the TEACH grant program to ensure appropriate implementation.

And it moves the funds provided to HBCUs and MSIs to title III of the Higher Education Act.

Mr. Speaker, swift passage of H.R. 4153 will ensure that students and families will fully benefit from the program's funding and intent provided in the College Cost Reduction and Access Act.

I urge my colleagues to support this provision.

I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, as the former chairman of the Higher Education Subcommittee, and now the ranking member, I rise in support of H.R. 4153, a bill which provides for technical changes to the College Cost Reduction and Access Act of 2007.

I was honored to be with President Bush on September 27, 2007, at the White House when he signed this important legislation into law. Joining me at that time was Chairman GEORGE MILLER of the Education Committee, and the budget chairman, JOHN SPRATT. It was a special time to be there as the only Republican in Congress at that time seeing this historic legislation signed into law. It has been referred to by my colleagues as the most important piece of higher education legislation since the GI Bill in 1944.

That legislation dramatically increased Pell Grant funding and cut student loan interest rates in half. For example, Pell Grant funding went from $4,310 up to $5,400 over a period of years. And the student loan interest rate for undergraduates was cut from 6.8 percent to 3.4 percent.

Well, what are we doing here today? As a follow-up to that important legislation, today we are making some necessary technical clarifications and corrections to ensure that the act is implemented just as Congress intended. For example, this piece of technical legislation will clarify that members of the Armed Forces reserves are eligible for student loan deferments when they return home after serving abroad.

This legislation will ensure that students whose loan applications were submitted prior to the law's effective date are not unnecessarily subjected to higher rates or deprived of important student loan benefits.

This package of technical corrections will improve our financial aid programs by clarifying the intent of the recently enacted College Cost Reduction and Access Act. I urge my colleagues on both sides of the aisle to join us today in supporting this important measure and voting "yes" on H.R. 4153.

Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 4153, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1830

## RECOGNIZING AND HONORING THE 50TH ANNIVERSARY OF THE SAM RAYBURN LIBRARY AND MUSEUM

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 709) recognizing and honoring the 50th anniversary of the dedication of the Sam Rayburn Library and Museum on October 9, 2007, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 709

Whereas Samuel Taliaferro Rayburn, affectionately known as "Mr. Sam", held the position of Speaker of the House of Representatives for a record seventeen and a half years; and

Whereas the legendary former Speaker of the House served twenty-four consecutive terms as United States Representative of the Fourth District of Texas, until his death in 1961: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes and honors the 50th anniversary of the dedication of the Sam Rayburn Library and Museum on October 9, 2007, as well as completion of phase one of the museum restoration program, and also recognizes the many supporters and contributors whose efforts have helped maintain and improve the Library and Museum.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

### GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 709 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 709, a resolution to recognize and honor the 50th anniversary of the dedication of the Sam Rayburn Library and Museum on October 9, 2007.

Sam Rayburn is a legend to many of us in this House, having served as Speaker of the House for a record 17½ years. Born Samuel Taliaferro Rayburn, he served the people of Texas as an elected official for 55 consecutive years. Sam Rayburn spent 48 years here as a Member of Congress from the Fourth District of Texas and also served in the Texas House of Representatives. He was perhaps destined to become the Speaker of the House because he certainly had the experience for it. Prior to coming here, he was also the Speaker of the Texas House of Representatives and he served as Speaker of this House on three different occasions: from 1940 to 1947, from 1948 to 1953, and then again from 1955 until his death in 1961.

During Speaker Rayburn's time of service to this great Nation, he presided over the enactment of the Marshall Plan, expansion of Social Security, and passage of the first pieces of major civil rights legislation since Reconstruction.

Throughout the House campus, we have an array of memorials to the Speaker. The largest House office building which houses Members and committee offices is the Rayburn House Office Building built in 1965. His likeness stands in the entrance to that building, and there is also the Rayburn Room, which has hosted many negotiations and meetings across from the House floor.

Texas has also honored its native son with the Sam Rayburn Library and Museum, located in Speaker Rayburn's hometown of Bonham, Texas. It recently had its 50th anniversary and is celebrating the completion of phase one of the museum's restoration program. This restoration program will help protect the valuable collections stored at the library.

This anniversary year has been a busy one for the Sam Rayburn Library and Museum. In January, it hosted the annual celebration of Speaker Rayburn's birthday and has featured three new exhibits. The Sam Rayburn Foundation also honors high school seniors from the Speaker's home of Bonham and Fannin County.

Speaker Rayburn, despite his busy congressional schedule, was actively involved in every step of his library's planning, construction, and dedication. The library and museum was his way of paying tribute to the people of Fannin County. This resolution also honors the supporters and contributors who have helped make this library such a success.

I am pleased to join my colleagues in supporting this resolution, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 709, recognizing and honoring the 50th anniversary of the dedication of the Sam Rayburn Library and Museum on October 9, 2007, and for such other purposes.

Congressman Samuel Rayburn was born on January 6, 1882, in a rural area of Roane County, Tennessee. His interest in government coincided with his family's move to Texas, and it has been suggested that his curiosity intensified through the "great golden age of Texas politics."

As he worked his family's cotton fields, Congressman Rayburn imagined himself making numerous political speeches and engaging in debates with current political leaders. Later in his life, Congressman Rayburn recalled that it was during one of these flights of imagination that he decided he would pursue a career in law and politics.

By 1937, Congressman Rayburn was elected majority leader of the 75th Congress, and in 1940 he was selected to replace the deceased William Bankhead as Speaker of the House, a position he held for a record number 17½ years.

During the 80th and 83rd Congresses, the two periods of Republican majorities in the House of Representatives, he served as minority leader. During his time in Congress, Congressman Rayburn served with eight different Presidents and helped to pass several pieces of key legislation. He served as Speaker of the House throughout World War II and was instrumental in garnering support to fund the Manhattan Project.

Known by most as "Mr. Democrat," Mr. Rayburn was permanent chairman of the National Democratic Convention in 1948, 1952, and 1956, and was named honorary chairman in 1960. Throughout his political career, the congressman was known for his ability to balance his strong Democratic partisanship with his unwavering sense of dedication to meeting the needs of the American people through working in bipartisan ways with Republicans.

Despite the status he was able to achieve in Washington as Speaker, he was still known as "informal" and a "down home kind of guy" who returned to his home in Bonham as soon as Congress adjourned for the session. When home, Congressman Rayburn would meet with his constituents concerning their needs, maintaining that his obligation was to the people and it wasn't finished.

Congressman Rayburn accomplished much during his lifetime by the fulfillment of his dream to become a politician. And he is a source of pride for those all over northeast Texas.

Sam Rayburn passed away in Bonham, Texas, on November 16, 1961, and was buried at the Willow Wild Cemetery, a few blocks from the Rayburn Library and Museum. His remains laid in state for 24 hours in the library he had established in October 1957 as a tribute to the people of his cherished

Fannin County, Texas. Thousands of mourners from schoolchildren to national officials filed silently past his bronze coffin in tribute to his service and dedication. The Texas Department of Public Safety estimated that 15,000 people filled the streets on the day of Rayburn's funeral. President John Kennedy, former Presidents Dwight Eisenhower and Harry Truman and future President Lyndon Johnson attended the funeral services. The entire Texas congressional delegation and 105 Members of Congress attended the services, many of whom came to the library.

Today, the Sam Rayburn Library and Museum exhibits photographs and original letters, political artifacts, and personal memorabilia relating to important events of the life and times of Congressman Rayburn. In addition to a research library, the museum centerpiece is a replica of the formal office of the Speaker of the House of Representatives.

I thank the gentleman who sits behind me for whom I will yield in just a moment, Mr. HALL, for introducing this resolution and I ask my colleagues' support.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I, of course, rise in support of H. Res. 709, recognizing and honoring the 50th anniversary of the dedication of the Sam Rayburn Library and Museum.

Samuel "Sam" Taliaferro Rayburn was born in Roane County, Tennessee, on January 6, 1882, the eighth of 11 children, and moved west with his family to a 40-acre cotton farm in Fannin County in Texas near the little community of Flag Springs, Texas, in 1887. Many Tennesseeans like Sam Rayburn and Sam Houston were great leaders and builders of the State of Texas.

From those humble beginnings, "Mr. Sam," as he became known, rose to become one of Texas' and the United States' greatest statesmen. He held elected office for 55 consecutive years beginning in 1906 with his election to the Texas House. He was elected 24 times to the U.S. House of Representatives, representing Texas's Fourth District, and spent 17 of those years as Speaker of the House, a position that put him third in line for the United States Presidency. At the time of his death in 1961, Rayburn's 48 consecutive years in the U.S. House set a congressional record for continuous service.

Sam Rayburn was selected to replace the deceased William Bankhead as Speaker of the House, a position he held for a record number 17½ years. He also served as minority leader during the 80th and 83rd Congresses, the two periods of Republican majority in the House of Representatives. Rayburn served with eight different Presidents and helped to pass several pieces of key legislation throughout his career:

One was the Selective Service Act in 1941. He cast the deciding vote to pass that act; the Civil Rights Act of 1957 and 1960; establishment of NASA; the National Defense Education Act of 1958; the Hospital Survey and Construction Act of 1958.

The Office of Speaker lacked great formal powers when he first took office, but Rayburn quickly expanded the power and influence of the office. Rayburn relied heavily on his personal prestige, persuasive skills, and personal friendships built up over decades in the House. His leadership style usually resulted in congenial relations between not only the northern and southern wings of the Democratic Party but also between Rayburn and the Republican leadership of the House. Rayburn's actions during his long tenure as Speaker increased the power of the House of Representatives in its relations with the Senate and with the executive branch.

Following his election as Speaker, Rayburn wanted to build a library to house his books, his personal papers, and memoirs. He also wanted the facility to be a reservoir center of political history available to the people of Fannin County in his congressional district. With the advice of Secretary of the Treasury John Snyder, Rayburn requested that Judge H.A. Cunningham,, a good friend of Rayburn's and a great man from Bonham, Texas, arrange to have a charitable trust established for the purposes of receiving and managing funds donated to assist in building the library. The Speaker also contacted Buster Cole, a young lawyer from Bonham, to assist in the process of setting up the trust. An earlier $10,000 award from Collier's magazine served as a financial base for the foundation.

Sam Rayburn, representatives of the Sam Rayburn Foundation, and hundreds of admirers gathered to break ground for the library in December 1955. The library construction was completed in July 1957, and the Sam Rayburn Library officially opened to the public October 9, 1957, in a ceremony that garnered national attention and media coverage. Businesses were closed for the day, and downtown Bonham was decorated with banners and bunting.

□ 1845

Many distinguished political leaders attended the dedication, including President Harry S. Truman and his wife, Bess Truman; Secretary of Treasury Robert Anderson; Congressman Hale Boggs of Louisiana; Congressman Richard Bolling of Missouri; Governor of Arizona, Ernest McFarland; former Governor and current Congressman Earle C. Clements of Kentucky; and the majority of the congressional delegations from Texas and Oklahoma, among them Lyndon B. Johnson, Jim Wright, Carl Albert and Tom Steed. There were approximately 11 television and radio stations on hand to report all the activities.

In honor of the 50th anniversary of the dedication of the library and in recognition of the completion of phase one of the Museum Restoration Program, the Sam Rayburn Library and Museum hosted an open house and reception on Tuesday, October 9. An exhibit featuring historic images of the dedication as well as items pertaining to the recent renovation project were on display. The open house and reception honored Speaker Rayburn and recognized the many supporters and contributors who helped fund the recent renovation project.

The renovation included a new look, an improved drainage system for the building, a more efficient heating and cooling system, upgraded accessibility to the museum, and a thorough cleaning and resealing of the building exterior. These improvements will not only preserve the historic structure but also provide added protection for the valuable collections and artifacts housed in the Sam Rayburn Library and Museum.

I am pleased to offer this resolution today honoring the Sam Rayburn Library and Museum, and I urge my colleagues' support in recognition of this great facility that chronicles an important era in the history of our Nation.

I am also proud to represent Mr. Rayburn's Fourth District of Texas. My mother attended Mayo College at Commerce, Texas, with Mr. Rayburn. He was a great friend, my friend, and my family's friend. He truly was one of a kind. And this resolution will go into the CONGRESSIONAL RECORD, adding more light to this man's great history.

Mr. KUHL of New York. Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 709.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3315, by the yeas and nays;
H.R. 1593, by the yeas and nays;
H.R. 3403, by the yeas and nays;
H.R. 3461, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes. Postponed votes on other motions to suspend the rules will be taken later in the week.

## PROVIDING THAT THE GREAT HALL OF THE CAPITOL VISITOR CENTER SHALL BE KNOWN AS EMANCIPATION HALL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3315, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 3315.

The vote was taken by electronic device, and there were—yeas 398, nays 6, not voting 28, as follows:

[Roll No. 1082]

YEAS—398

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—6

Broun (GA)
Campbell (CA)
King (IA)
Marchant
Mica
Westmoreland

NOT VOTING—28

Abercrombie
Bishop (GA)
Bishop (UT)
Carson
Cubin
Davis (AL)
Davis, Tom
Doolittle
Doyle
Emerson
Higgins
Hinchey
Jefferson
Johnson (IL)
LaHood
McKeon
Moran (VA)
Oberstar
Paul
Pryce (OH)
Saxton
Smith (WA)
Solis
Taylor
Waters
Wexler
Wolf
Woolsey

☐ 1909

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SECOND CHANCE ACT OF 2007

The SPEAKER pro tempore (Mr. CUELLAR). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1593, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1593, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 347, nays 62, not voting 23, as follows:

[Roll No. 1083]

YEAS—347

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller

Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Whitfield
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

### NAYS—62

Akin
Barrett (SC)
Blackburn
Boehner
Broun (GA)
Carter
Conaway
Culberson
Davis, David
Deal (GA)
Duncan
Ehlers
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Hall (TX)
Hastert
Hastings (WA)
Hensarling
Hunter
Johnson, Sam
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Manzullo
Marchant
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Neugebauer
Poe
Price (GA)
Putnam
Regula
Rohrabacher
Royce
Ryan (WI)
Shadegg
Sullivan
Thornberry
Tiahrt
Wamp
Weller
Westmoreland
Wicker
Wilson (SC)
Young (AK)
Young (FL)

### NOT VOTING—23

Abercrombie
Bishop (GA)
Carson
Cubin
Davis (AL)
Davis, Tom
Doolittle
Doyle
Hinchey
Jefferson
Johnson (IL)
LaHood
Moran (VA)
Oberstar
Paul
Pryce (OH)
Sanchez, Loretta
Saxton
Smith (WA)
Taylor
Waters
Wexler
Wolf

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1916

Mr. FOSSELLA changed his vote from "yea" to "nay."

Mr. KIRK changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## 911 MODERNIZATION AND PUBLIC SAFETY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3403, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. MARKEY) that the House suspend the rules and pass the bill, H.R. 3403, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 1, not voting 25, as follows:

[Roll No. 1084]

### YEAS—406

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Broun (GA)

NOT VOTING—25

Abercrombie
Bishop (GA)
Carson
Cubin
Davis (AL)
Davis, Tom
Doolittle
Doyle
Hinchey
Jefferson
Johnson (IL)
LaHood
Lowey
Moran (VA)
Oberstar
Paul
Pryce (OH)
Rush
Sanchez, Loretta
Saxton
Smith (WA)
Taylor
Waters
Wexler
Wolf

☐ 1923

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities.".

A motion to reconsider was laid on the table.

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## SAFEGUARDING AMERICA'S FAMILIES BY ENHANCING AND REORGANIZING NEW AND EFFICIENT TECHNOLOGIES ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3461, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the bill, H.R. 3461, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 6, not voting 28, as follows:

[Roll No. 1085]

YEAS—398

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—6

Broun (GA)
Culberson
Flake
Johnson, Sam
McHenry
Poe

NOT VOTING—28

Abercrombie
Bishop (GA)
Carson
Cubin
Davis (AL)
Davis, Tom
Doolittle
Doyle
Hinchey
Jefferson
Johnson (IL)
Kind
LaHood
Lowey
Marshall
Moran (VA)
Nadler
Oberstar
Paul
Pryce (OH)
Sanchez, Loretta
Saxton
Smith (TX)
Smith (WA)
Taylor
Waters
Wexler
Wolf

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1930

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, November 8, 2007.*

Hon. NANCY PELOSI,
*Speaker of the House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: This letter is to inform you that I have sent a letter to Louisiana Governor Kathleen Babineaux Blanco informing her that I am resigning my position as the United States Representative for the 1st Congressional District of Louisiana, effective January 14, 2008.

In October, I was elected by the citizens of Louisiana to be their next Governor. I am truly honored that the citizens of Louisiana have given me the opportunity to help lead our state forward, and I remain humbled by their support.

It has been a great privilege to serve the residents of Louisiana in the House of Representatives for the past three years. I have served during some of the most trying times in Louisiana's history, and have worked to help build a better future for our state.

I also want to thank you, Madam Speaker, all of my colleagues in the House, and in particular Louisiana's Congressional delegation, as I have enjoyed working with them during my time in Congress. I am looking forward to continuing to work with you and my colleagues, as well as those serving our state in Baton Rouge, in order to build a better Louisiana.

Thank you and God bless,

BOBBY JINDAL,
*Member of Congress.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, November 8, 2007.*
Hon. KATHLEEN BABINEAUX BLANCO,
*Governor of Louisiana,*
*Baton Rouge, LA.*

DEAR GOVERNOR BLANCO: In October, I was elected by the citizens of Louisiana to be their next Governor. I am hereby resigning my position as the United States Representative for the 1st Congressional District of Louisiana, effective January 14, 2008.

It has been a great privilege to serve the residents of Louisiana in the House of Representatives for the past three years. I have served during some of the most trying times in our state's history, and have worked to help build a better future for our state. I am truly honored that the citizens of Louisiana have given me the opportunity to help lead our state forward, and I remain humbled by their support.

I also want to thank you and your administration, as well as my colleagues in Louisiana's Congressional delegation, as I have enjoyed working with you and them during my time in Congress. I am looking forward to continuing this important work in order to build a better Louisiana.

Thank you and God bless,
BOBBY JINDAL,
*Member of Congress.*

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–76)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

*To the House of Representatives:*

I am returning herewith without my approval H.R. 3043, the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008."

This bill spends too much. It exceeds the reasonable and responsible levels for discretionary spending that I proposed to balance the budget by 2012. The Congress is on a path to spend $205 billion more over the next 5 years than I requested. This puts a balanced budget in jeopardy and risks future tax increases. This year, the Congress plans to overspend my budget by $22 billion, of which $10 billion is for increases in this bill. Health care, education, job training, and other goals can be achieved without this excessive spending if the Congress sets priorities.

This bill continues to fund programs that are duplicative or ineffective. The Congress continues to fund 56 programs totaling more than $3.2 billion that I proposed to terminate because they are duplicative, narrowly focused, or not producing results.

This bill does not sufficiently fund programs that are delivering positive outcomes. For example, Reading First, a critical initiative that is demonstrating results, receives a 61 percent cut, even though low-income students enrolled in Reading First schools posted a more than 10-point improvement in reading proficiency from 2004 to 2006.

This bill has too many earmarks. I set out clear goals for the Congress to reform the earmarking process. The Congress chose not to put earmarks in bill text, instead including nearly all in report language, and they did not reach the goal of cutting the cost and number of earmarks by at least half. This bill contains more than 2,200 earmarks totaling nearly $1 billion. Congressional earmarks divert Federal taxpayer funds to localities without the benefit of a merit-based process, resulting in fewer resources for national priorities or unnecessary spending above the requested level.

I urge the Congress to send me a fiscally responsible bill that sets priorities. Americans sent us to Washington to achieve results and be good stewards of their hard-earned tax dollars. Because the legislation violates that commitment, I must veto this bill.

GEORGE W. BUSH.
THE WHITE HOUSE, *November 13, 2007.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

Mr. OBEY. Mr. Speaker, I ask unanimous consent that further consideration of the veto message and the bill, H.R. 3043, be postponed until November 15, 2007.

The SPEAKER pro tempore. Without objection, further consideration of the veto message and the bill will be postponed until Thursday, November 15, 2007.

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later in the week.

## HBCU CAPITAL FINANCING IMPROVEMENT ACT OF 2007

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4154) to increase the insurance limitations on Federal insurance for bonds issued by the designated bonding authority for Historically Black Colleges and Universities capital financing.

The Clerk read the title of the bill.

The text of the bill is as follows:

### H.R. 4154

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LIMITATIONS ON FEDERAL INSURANCE FOR BONDS ISSUED BY THE DESIGNATED BONDING AUTHORITY.**

Section 344(a) of the Higher Education Act of 1965 (20 U.S.C. 1066c(a)) is amended—

(1) by striking "$375,000,000" and inserting "$1,100,000,000";

(2) by striking "$250,000,000" and inserting "$733,333,333"; and

(3) by striking "$125,000,000" and inserting "$366,666,666".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

### GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H.R. 4154 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. CLYBURN), the majority whip of the House, who has worked and moved all might here to get this legislation to the floor.

Mr. CLYBURN. I want to thank Chairman MILLER for yielding the time to me, and I want to thank Speaker PELOSI, Majority Leader HOYER, Chairman MILLER, Messrs. MCKEON and KELLER, Leader BOEHNER, Minority Whip BLUNT and all the other committee members on both sides of the aisle for bringing the Historically Black Colleges and Universities Capital Financing Improvement Act to the floor, and I rise in strong support of this legislation.

As a proud graduate of an HBCU, South Carolina State University, I understand the important role that HBCUs play in the development of our country. It is essential that this congressional body do all that we can to support these institutions and the students they serve.

Our Nation's historically black colleges and universities have produced some of America's brightest stars and most principled leaders, many of whom serve in this body.

I requested the introduction of this bill because many of the builders and buildings and facilities at some of these fine colleges and universities are deteriorating as we speak. This bill goes a long way toward making it possible for many of these schools to refurbish their infrastructure and to better serve the needs of their faculties and student bodies.

This legislation provides increased lending authority for bonds issued to support capital financing projects at HBCUs. Funds authorized through this bill will be used for the repair, renovation and the construction of facilities used for instruction, research and housing.

Mr. Speaker, institutions of higher learning are only as good as what they produce, and, in my opinion, no other set of institutions has a more impressive alumni role than our Nation's HBCUs. I encourage my colleagues to support this legislation.

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4154, a bill to increase the limit placed on the Historically Black Colleges and Universities Capital Financing Program. This worthy program provides Federal insurance for bonds issued to support capital financing projects at HBCUs. Generally, the funds are used for repair and renovation.

This program includes important safeguards to protect taxpayers while making funds available to HBCUs. Under current law, the total outstanding principal and interest payments on loans made under this program cannot exceed $375 million. During fiscal year 2006, the Department of Education made 24 loans from this program. Since the last Congress, at least four institutions have submitted applications to the Department of Education to obtain funds from this program. Another seven schools have expressed an interest in the program, according to the Department. Without expanding this cap, none of these schools would have access to these critical funds.

Historically black colleges and universities are integral to the fabric of our Nation's higher education system. HBCUs serve many low-income and first-generation college students that would not otherwise have the opportunity to attend college. Students attending these institutions should have access to safe, up-to-date facilities.

With so many institutions in need of assistance, this bill will increase the overall limit on this program from $375 million to $1.1 billion. With this new cap, the Department of Education will be able to make over $400 million in loans to deserving public and private institutions. Through the HBCU Capital Financing Program, we can help these institutions to help themselves.

Mr. Speaker, I urge my colleagues to support this bill and vote "yes" on H.R. 4154.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the committee.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, historically black colleges and universities play a pivotal role in America's higher education system and continue to educate many black American students as well as students of other races every year.

Today, we have over 100 historically black colleges and universities in the Nation, 5 percent of our colleges and universities; yet these institutions award almost 30 percent of all college degrees obtained by African Americans. In some areas of science, math and engineering, these colleges account for almost half or more of such degrees awarded to African Americans. HBCUs are also responsible for a large number of graduate and professional degrees earned by African Americans.

This bill will provide the necessary capital that will ensure that HBCUs have all of the options available to them in order to maintain their excellent standard of education.

This bill is supported by the Department of Education and three historically black college and university advocacy groups; the National Association for Equal Opportunity in Higher Education, or NAFEO; Thurgood Marshall College Fund; and the United Negro College Fund.

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I would like to thank the majority whip, Mr. CLYBURN, and particularly thank the chairman of the Education and Labor Committee, Mr. MILLER, as well as their staffs who worked so hard to address this issue in a timely manner. I urge my colleagues to support the bill.

Mr. KELLER of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. I thank the gentleman from California, my friend from Virginia, and the gentleman from South Carolina for the prompt consideration of this vitally important measure.

I have the privilege of representing not only Fisk University in Nashville, Tennessee, but also Meharry Medical College, as well as Tennessee State University and American Baptist College. But Fisk and Meharry are two private institutions that are in urgent need of funds such as these.

People should be more aware of the historic role these institutions have played in American history. At one point Meharry Medical College alone had supplied literally half of the African American physicians practicing medicine in the United States of America. This country would be completely different without the legacy and the bright, bright future of Meharry Medical College.

Equally prominent is Fisk University, what some people have called the Harvard of the historically black colleges and universities world. Currently led by Hazel O'Leary, many have heard of the Fisk Jubilee Singers, a group that is literally famous worldwide. But they should also know about the science, the liberal arts, and the incredible education that is going on at Fisk University every day.

These are vitally important institutions, and I am thankful that even the administration has seen that we need to increase this loan fund. We need to offer help to these vitally important institutions so they can continue their historic mission of educating not only African American youth, but people of all colors and persuasions to live up to their full God-given potential.

Fisk and Meharry are two vital institutions in my district. But as the gentleman noted, there are hundreds of other institutions spread nationwide. These are very important institutions to support, and I am grateful that the House leadership, with Republican cooperation, has brought this bill forward. We must pass this important legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I want to thank the gentleman for yielding.

Mr. Speaker, as a graduate of Howard University and first-generation graduate of college, to see my daughter graduate from Howard University, too, and then to sit on the board of Morgan State University, this bill is very, very important.

I have had an opportunity to visit a lot of historically black colleges and universities. I have often said if they did not exist, we would have to invent them because they have touched so many people. But so often when we go to campuses, we see buildings that are in very bad shape. Sometimes it almost brings tears to your eyes to think that students will come from far away and so often when they get there, so often they are disappointed. But the fact is that they still learn.

But it is nice to know that extending this bonding authority will be helpful to them in getting these buildings built and renovated. It is so very, very important. So I want to congratulate Mr. MILLER and the committee, and certainly Mr. CLYBURN.

I have often said that our children are the living messages we send to a future we will never see. I think if we are going to send a powerful message, our children must be educated and they must be educated in the best facilities. They must be educated with the best faculties. So as one who also represents Morgan State and Coppin, as well as Sojourner-Douglass in my district, I think this bill is so very, very important; and I think it says a lot about this body that we would even be doing this.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank Mr.

CUMMINGS, Mr. CLYBURN, Mr. SCOTT and Mr. COOPER who have worked diligently to get this legislation to the floor. And I want to thank Mr. KELLER and Mr. MCKEON on the Republican side, and our House leadership and the Republican leadership for facilitating this.

The Historically Black Colleges and Universities Capital Financing Program was established by Congress in 1992 to help these schools fund capital projects to construct, rehabilitate, or renovate existing and new campus facilities.

Under current law, the HBCU Capital Financing Program has a legislative cap or limit to the total amount of bonds that the Secretary of Education may guarantee to provide loans to these schools to undertake their capital projects.

In dealing with the aftermath of Hurricane Katrina, the Secretary exceeded, with congressional approval, the original cap that Congress imposed on the amount of bonds the Secretary could guarantee. Given the cap on such bonds was reached during the tragic events caused by Hurricane Katrina, the program is now unable to provide any loans to other schools.

The bill we are considering under suspension today will simply increase the lending authority of the Secretary and establish a new cap to ensure other HBCUs in the pipeline for consideration of such loans will receive those loans. This is a short-term solution to the capital needs of these schools, and we will continue to address the reauthorization in the Higher Education Act the Education and Labor Committee is currently considering.

So I want to thank all of those who participated in this legislation.

I also want to take a moment, as we are talking about historically black colleges, to remember a pioneer that we lost this last weekend, former Congressman Gus Hawkins, who is a former Chair of the Education and Labor Committee and a member of the California delegation.

He was a wonderful politician who had a great vision for this country on behalf of its students and workers. He fought every day of his public life to make their lives better in this country. He was a trailblazer in so many aspects, including advancing legislation that barred employment discrimination and increasing the minimum wage and access to colleges.

I had the honor of serving on the committee while Gus was the Chair and can attest to his passion and dedication to the issues that affect America's students and workers.

As a founding member of the Congressional Black Caucus and the first African American to represent California in the Congress, he led the way for many legislators who are here today.

Gus was also the author of legislation which established the Equal Employment Opportunity Commission, which continues to combat employment discrimination. Throughout his career, Gus Hawkins authored more than 300 pieces of State and Federal legislation, a feat that few can claim.

After retiring, he served as director of the Hawkins Family Memorial Foundation for Education, Research and Development, where Gus continued helping many young people find a path to college.

His voice is going to be missed, and I know my thoughts and thoughts of all of our colleagues are with the Hawkins family today.

I also want to say that Gus Hawkins was a wonderful friend of my mother and father when Gus and my father served together in the California legislature where they fought many of these same fights on the State level. They were a remarkable group of people who blazed these trails for justice, economic and social justice, in this country. Gus Hawkins set the bar and the standard very high for all of us, and I think it is fitting that we are also addressing the needs of the historically black colleges here on the day we choose to remember him and the delegation will have an hour of remembrance and testimony to Gus and his great accomplishments tomorrow.

Mr. Speaker, I yield back the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I urge my colleagues to vote "yes" on H.R. 4154. This is going to help many worthy historically black colleges to rebuild and renovate after the tragedy of Hurricane Katrina, and it is worthy of support of colleagues on both sides of the aisle. I urge them to vote "yes" on this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 4154.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## HONORING ADRIANNE KARANUSIC

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. I rise today to honor Adrianne Karanusic, a registered nurse at Broward General Medical Center, for receiving the Florida Hospital Association's 2007 Hospital Hero of the Year Award.

A nurse of 18 years, Adrianne showed amazing compassion and dedication to a Croatian patient who spoke no English and fell critically ill from cancer while working on a cruise ship. Adrianne, who speaks Croatian, made herself available as an interpreter and would even call the patient's family in Croatia from her personal cell phone to keep them up to date.

But Adrianne's support and overwhelming compassion for her patient did not end there. Concerned with his mounting bills, she contacted Croatian churches in New York and California, ultimately raising over $10,000 for his medical expenses. She even took a week off to accompany them back so she could explain his clinical ailments.

Adrianne's incredible kindness and dedication is the epitome of a "Hospital Hero," and I am proud to honor her today on the floor of the United States Congress.

## CORPORAL STEVEN SHULZ, TEXAS MARINE

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Steven Shulz joined the United States Marine Corps after 9/11 and wanted, as he said, "to strengthen the United States military."

He did two tours of duty in Iraq, and in 2005 he was wounded by an IED in Fallujah. He had traumatic brain injury and was given up for dead.

Mr. Speaker, last rites were actually given for him. But Corporal Shulz refused to die, even though he has permanent brain injury, a weak left side, and is blind in one eye. No one ever expected Steven to even walk; but he continues to go through rehab, and his recovery is remarkable due to awesome medical personnel.

At a ceremony at the Baylor College of Medicine on Veterans Day, Corporal Shulz was presented with keys to a new home, especially designed and built for him, thanks to Houston area Rotary Clubs and benefactors in the Houston area.

It was a thrill for me and other Members of Congress to be present to see this young American hero. I was so impressed by his positive attitude and his love for America. He told me he would go back to Iraq and do it all over again if necessary.

Amazing men, these young guns of the United States Marine Corps.

And that's just the way it is.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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## SECOND CHANCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to congratulate the House on the passage of H.R. 1593, the Second Chance Act. I congratulate my colleague from Illinois, Mr. Danny Davis, who has worked so long and so hard on this legislation.

I am also proud to be a cosponsor of this legislation because so many of our citizens who have been led off course deserve a second chance.

While the Nation's crime rates have fallen over the last decade, there has been an unprecedented explosion in prison and jail populations, of which 650,000 men and women are released from State and Federal prisons each year, and an even larger number of people are being released from our local jails.

These individuals are arriving on the doorsteps of my neighborhood in Baltimore and in neighborhoods across this great country. Unfortunately, we are failing to integrate far too many of these returning neighbors into the economic and social life of our communities. And, as a result, they are returning to crime and, before long, returning to prison.

Nearly two-thirds of released prisoners are expected to be rearrested for felony or serious misdemeanor within 3 years of release. Such high recidivism rates translate into thousands of new crimes each year, at least half of which can be averted through improved prisoner reentry efforts.

For me, these statistics are not nameless and faceless people. They are very real. I live in the inner city of Baltimore, where approximately 700 to 800 former prisoners are reentering our neighborhoods from prison every month.

A lot of good work is being done in the City of Baltimore to move these individuals on the path to productive citizenship; however, we can do much more and we can do better.

The Second Chance Act will do just that by addressing critical breakdowns in the services provided. The legislation will strengthen overall efforts to reduce recidivism, increase public safety, and help States and cities to better address the growing population of ex-offenders returning to our communities.

The bill focuses on development and support of programs that provide alternatives to incarceration, expand the availability of substance abuse treatment, strengthen families, and expand comprehensive reentry services.

We must end the vicious cycle of recidivism for the benefit of our communities and, indeed, our country. This is an issue that touches many of the problems that our society faces every day. Take, for example, the scourge of illicit drugs; 70 to 80 percent of offenders reentering the community have histories of substance abuse. And if the treatment they need is not sought or available upon release, relapse is likely.

Prison reentry programs are on the front lines of our national war on drugs, and they are desperately needed in communities like Baltimore City where this war has become increasingly violent. Ex-offenders need help to make a smooth transition into civilian life. Once they make that transition, they have the potential to serve as critical resources to our communities, acting as mentors to our young people and working to unravel the same criminal network to which they once belonged.

Reentry programs produce successful outcomes for our communities and our citizens, but they are also cost effective. Taxpayer dollars that could go to providing education, health care, or other vitally important services are instead going to support the costly criminal justice system. According to the Bureau of Justice statistics, expenditures on corrections alone increased from $9 billion in 1992 to $44 billion in 1997. Those numbers have continued to rise over the past decade. We stand to save billions of taxpayer dollars by reducing recidivism rates by steering our ex-offenders away from a life of crime and into a productive society.

Every human being deserves a second chance to turn his or her life around. That is why I am so glad that we have passed H.R. 1593, the Second Chance Act. And again, I thank Congressman DANNY DAVIS for his leadership in introducing and spearheading this legislation. I applaud all of my colleagues who voted in favor of it, and I urge the Senate to move swiftly.

## MR. AUGUSTUS HAWKINS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, we mourn the passing of a great Congressman whose public service was emulated by leaders present and past. Gus Hawkins has left us with a sterling legacy that was built on the politics of inclusion.

While in office, he authored over 100 laws in the area of adult education, apprenticeship training, slum clearance, low-cost housing, workmen's compensation for domestics, disability insurance, pensions for senior citizens, and child care centers. He was also responsible for the Fair Employment Practice Act of 1959, the Manpower Development and Training Act of 1962, and the Fair Housing Act of 1963. More importantly, he authored the Elementary and Secondary School Act of 1965, which was an extensive statute funding primary and secondary education.

As a founding member of the Congressional Black Caucus, he chaired various committees and continued in his effort to enhance educational opportunities for children. He was instrumental in forming the National Council on Educating Black Children.

Augustus Hawkins' philosophy of service and leadership to the State of California and the Nation is perhaps best said in his own words, and I quote, "The leadership belongs not to the loudest, not to those who beat the drums or blow the trumpets, but to those who day in and day out in all seasons work for the practical realization of a better world, those who have the stamina to persist and to remain dedicated. To those belong the leadership."

## ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise today to address one of the darkest events of the 20th century, an event that we must not let be forgotten.

During the First World War and in the final days of the Ottoman Empire, one of the worst atrocities in human history occurred. Even among the chaos and violence of World War I, this atrocity stood out, horrifying foreign witnesses, and prompting Theodore Roosevelt to call it, "the greatest crime of the war." This crime against humanity was the Armenian genocide.

Although large-scale violence against Armenians had previously occurred, the events from 1915 to 1918 were truly unprecedented. During this period, approximately 1.5 million Armenians were systematically killed by the Ottoman Government, while the surviving Armenians were left without homes, jobs, possessions, and, most importantly, their loved ones.

Yet, despite overwhelming evidence that the Ottoman Government actively sought to destroy the Armenian population, this genocide, the first of the 20th century, has been overlooked by the United States. This is simply wrong. Because, to end genocide, we must stand up to it whenever and wherever it occurs. If we do not, we only embolden those who would commit genocide elsewhere.

In 1939, while explaining his plan to destroy the Polish population, Adolph Hitler stated, "Who, after all, today speaks of the annihilation of the Armenians?" And many of my Polish brothers and sisters died.

Mr. Speaker, today we have the opportunity to speak of the annihilation of the Armenians. We can finally characterize the systematic murder of 1.5

million Ottoman Armenians as genocide, and rightfully condemn those atrocious killings that occurred 90 years ago. The prevention of future genocides may depend on it.

## AMERICA'S ENERGY PROBLEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. CONAWAY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CONAWAY. Mr. Speaker, we have an hour's worth of comments today about an issue that there is little debate, and that is that we have got an energy problem in this country. How do we continue to power the factories and the plants and the office buildings, hospitals, our homes, our cars? How do we continue to use energy? Where do we get that energy from? And at what cost?

There is not a lot of debate these days that we are in fact too dependent on imported foreign oil and natural gas, and that is a national security issue that I suspect the folks at the Pentagon chew on every single day. It is an issue for factory owners and businessmen and women all over this country as they look at ways to reduce their energy usage, as they look at ways to reduce their costs, their input costs on the product that they are trying to manufacture and sell to others. That is an issue to every family in this country as they decide how to pay for gasoline for their automobiles and home heating oil and natural gas to heat their homes or electricity to heat their homes. Energy should have a central front in our debate, in our actions, particularly in this body.

Mr. Speaker, there is a story about a fellow who went to visit a neighbor. And when he got there, the neighbor was on the front porch. So they are sitting there visiting about things, and the neighbor's dog is in the front yard, and the dog is just howling to beat the band. He is making all kinds of racket. He is just howling. So finally the visitor says to the owner of the house, he says, "What is the matter with your dog?" And the owner looks out there and says, "Well, he is sitting on a cactus." And the visitor says, "Why doesn't he get up and get off the cactus?" And the neighbor says, "Well, I guess he would just rather howl."

Well, we are doing a lot of howling in this country today about energy. And rather than get up and get off the cactus and do some things about it, we continue to just howl and gripe about the price and the cost and solutions, and are unwilling to focus and study on this issue that is of terrific importance to every household, every business, every governmental entity, because they buy fuel as well, they buy electricity, they buy power.

Let me give you a couple statistics. The crude oil December contract, the good news, it fell for the fourth time in 5 days to close at $91.17 a barrel; but the bad news is, it closed above $80 a barrel for the 40th time in 44 days, 22 consecutive days above 85, and the 14th time ever above $90 a barrel. This will ultimately translate into much higher gasoline prices.

Let's talk about home heating oil, which is of grave concern to my colleagues in the northeast. The home heating oil for contract December did fall for the fifth time in 15 days, down 8 cents, to close at $2.50 a gallon. However, home heating oil has closed above $2 a gallon for the 53rd consecutive day. Home heating oil prices are above a year ago prices for the 57th consecutive day, up almost 81 cents. This does not bode well for this year's coming winter. We can all hope and pray for a mild winter, but that doesn't make for very good public policy. We ought to be doing some things today. We should have been doing things yesterday, and tomorrow is open to us to do some things. I don't hold out a lot of hope for tomorrow, but maybe a few days from now the colleagues and I on both sides of the aisle can come to some rational conclusions about how do we power plants? How do we heat homes and hospitals? How do we drive our cars, and on what fuels? What costs are we going to live with as we transition from carbon-based fuels to some other based fuels? That has to be a part of the equation. We cannot simply just immediately wean ourselves off of crude oil and natural gas, because the replacement for that product is not in hand, nor is it in hand for the foreseeable future.

Later on this evening we will talk about some reports that have recently been issued by some groups who should get some respect from us that the makeup of the energy usage in America 25 years from now, carbon-based products of crude oil, natural gas, and coal, will make up about the same percentage of that total demand that it does today.

□ 2015

These projections are done by reputable people and ones that we should look at in terms of relying on those as we begin to craft public policy.

So with that, Mr. Speaker, I'd like to yield to my good colleague from Illinois, JOHN SHIMKUS, a member of the Energy and Commerce Committee, for some comments that he may have.

Mr. SHIMKUS. I thank my colleague, and it's great to be here tonight. We did a press conference last week addressing some of these concerns, and it's good to follow up with a Special Order tonight.

At the press conference, we really highlighted the issue of when our friends on the Democratic side took over the majority, crude oil prices were at $58.31 per barrel of crude oil. And when we did the press conference of last week, the crude oil price was at $96.65, the price of a barrel of crude oil.

Our issue was that when you have no energy plan, you have, when you can't plan, you have, this is the default energy policy of this country. The price escalations, as my friend from Texas, the difference about the price escalations now is that many times when we saw the run-up of these, the costs for a barrel of crude oil in the past, it was based upon some national emergency, Katrina, pipeline disruptions, maybe a refinery fire. What's different about the price escalations today is that it's all demand related. So if you, as many of us have, have taken Economics 101 in college, maybe in an MBA program, the simple law of supply and demand. If you have high prices, and we'd say we have high crude oil prices and we're quoted today at $91 a barrel, you would think that that would then encourage people to go into the business to explore new means of recovery of crude oil so that they would bring more supply into the market so that you would lower the prices.

But the policies here in Washington not only prohibit that, but they discourage any investment, because when people bring capital to the market, they assume risk. And when you assume risk, you assume the opportunity of losing it all. And most people in the investor community and the business community, all they want to do is if they're going to assume risk, they want to try to get a return on that investment.

So last week we had close to $100 a barrel of crude oil, in California $5 a gallon of gas. Now, this is before we even talk about a global warming debate and a 50 cent per-gallon tax.

And as I said last week, so what you now have is we have European prices for liquid fuel, but we don't have European distances. I always remind my friends, those that want to, well, why shouldn't we have as high gas prices as they have in Europe? Well, that's because you can put all of Europe on the eastern seaboard. We don't have the distances that our European friends do where they can drive across their country in 2½ hours. I can't drive across my district in 2½ hours from one point to another from the far west to the far east. So that's a problem that we have in this debate.

So what we would like to see, we've already moved some energy bills on the floor. They're mostly efficiency oriented, the light bulb and the light car tires. But what we need to do is we need to focus on bringing on more supply, and that should be an energy policy.

When you have no energy policy, the energy policy of this country is $96 a barrel crude oil. That's the default energy policy of this country if you do not bring on significant amounts of increased supply.

So what kinds of supplies? All my friends here on the Republican side, one thing we have in common, although we will talk about different types of supply, is that we're all supply people. We all know that you if want to lower costs, you've got to bring more supply on board. And so that's kind of the commonality of the focus, because when you have more supply, you have lower cost. When you have lower cost, that's lower out-of-pocket cost to the individual consumer.

And the consumers are going to start complaining when they're at $3 a gallon of gas, $3.50, especially around Christmastime because they're going to be spending that extra money at the pump versus going to the store. Then you have an oversupply of toys at the store. We all know about the focus on, you know, the Christmas shopping period. High energy costs will diminish and dampen the ability of our consumers to have a good Christmas shopping season. So that affects the manufacturers of all the things that we would like to buy for our loved ones at Christmas.

So how do we address the supply concerns? And again, all of us are going to be involved with that. One thing that I've always pushed for and always encouraged us to take, look after, is an alternative fuel standard.

When the President was here for the State of the Union address he said he would sign an alternative fuel standard. An alternative fuel standard would talk about things like corn-based ethanol. It also would address stuff like soy diesel, soybeans crushed and mixed with petroleum diesel, which is obviously the soybean portion, or the beef tallow or the reformulated cooking oil or all things that are renewable.

And then, obviously, we have coal. And now in Illinois alone and in parts all over this country, we have a 250-year supply of coal in the Illinois coal basin.

Now, coal can be used for a lot of things. Coal can be used to generate electricity. When we have this energy debate, we focus, sometimes we all lump it together, and sometimes I like to split it apart: part of it would be electricity generation; the other would be liquid fuel.

It would surprise people if they knew that 50 percent of the electricity generated in this country comes from coal. In fact, the lights in this building and the lights at the Pentagon and all the electricity that we use here in the Capitol complex we can point to not only our own power plant, which uses coal, but one right across the river that also provides electricity.

Now in this country, we're pretty much independent on electricity generation. Fifty percent coal, 20 percent hydro, 20 percent nuclear, 10 percent the other one. The concern we have is the liquid fuel debate where we are highly dependent on imported crude oil. And hence, because demand goes up, we have $96.65 a barrel crude oil.

A no energy plan is a plan to fail and a plan to increase crude oil prices. So while we're trying to work with our friends across the aisle and the leadership of this House, I mean, there's a lot of my friends who I call fossil fuel Democrats who understand the importance of fossil fuels in this country and understand the importance of making sure that we bring more supply in the fossil fuel arena to this debate. They have been tampered down by the leadership.

But we hope in this Special Order, we hope from the press conference of last week, and we hope from the anger and angst that the driving public's going to see by escalating prices, that we'll start at least start making the point of you can't always say no if you want to have an energy policy. You can't always close up supply. You've got to make sure that where you know you have available resources, you then take the opportunity to go in those arenas. Like we want to exploit the Illinois coal basin for electricity generation and for liquid fuel. We do not want to shut off areas by which we can bring in more natural gas reserves or other type of fossil fuel research.

So for my colleague from Texas, for planning to execute this Special Order, I appreciate the time that he has allotted me and want to let him know that I'm going to continue to be on the watch trying to drive home to the American public the importance and the need for a sound energy policy that, yes, talks about some efficiency issues, but as important, in fact, I think more important, talks about really bringing more supply to the debate so that we can at least maybe hold prices steady.

I'd like to see us move to start lowering prices so that the consumers of this country have more spending power, the manufacturers in this country will have that as a net plus in their competitive advantage, which is low-cost power. And I feel that the inability of the Democrat leadership of this House to move effectively on the supply end will cause great distrust, dissatisfaction, and danger for the energy security position of this country.

Mr. CONAWAY. I thank my colleague for his comments tonight. They are spot on. It really is about the supply of energy and where we're going to get it, what form it's going to take, how we should transition from where we are today to where we want to get to and what that will cost.

Much of the debate to date has ignored the cost to the consumers, the cost to businesses. And should we do that, we do so at our own peril because if we artificially or arbitrarily raise costs to American manufacturers, American producers, and ultimately American families and homes, that makes us less competitive around the world as we try to compete. We've got 5 percent of the world's population, and so 95 percent of the world is our market. And if we're going to make things in America that we can sell to somebody else, we need every single competitive advantage that we can have.

Clearly, we've been coming out of a period where energy was relatively cheap. We've enjoyed very cheap gasoline prices almost as if a right of being an American. That right and those low prices has come as the result of some incredibly efficient and risk-taking people who've been willing to risk fortunes and make a lot of money and lose a lot of money trying to provide crude oil for our refineries that have allowed us to drive on cheap gasoline when the rest of the world isn't.

Before I turn to my colleague from Pennsylvania, my colleague did make some rather benign comments about the legislation, energy legislation that's already come across the floor. And I'd like to call his attention to a study that's just been released by API, which was prepared by the Charles River Associates International. This study looks at the legislation that's pending or has passed so far. It looks at the oil savings provisions, the increased CAFE standards, the increased taxes on the industry, the renewable portfolio standards, expanded renewable fuel standards.

All of the bills that are passed or talked about passed were reviewed by this group. And there's some pretty startling impacts that this legislation will have. Every vote has a consequence, and to the extent that we do things to reduce supply and to harm our own country, here's what some of the impacts could be.

This study, and I hope my colleagues across the aisle will get the study and study it, try to poke some holes in it, try to show where it's wrong. But to the extent that this is a reasonable analysis of what those bills do, I hope that they also take that into consideration as they continue to formulate the energy bill that we may see this week which has no Republican input. I don't know that it's got a lot of Democrat input in it. It seems to be a leadership, Speaker/leader of Senate kind of a bill.

But these bills so far will cost, 5 million jobs will be lost by the year 2030. The average American household's purchasing power could drop by $1,700 by 2030. Aggregate business investments in the United States could drop by as much as $220 billion by 2030. Our national GDP could decline by more than $1 trillion by 2030, relative to the baseline. And cost of petroleum products could more than double by 2030, just on the bills that have been threatened and some that have already passed so far in this House.

So the energy bills that have passed this House and have been introduced on this floor have a consequence, and these consequences appear very dire.

What I don't see is what the benefits are from the bills that have passed. It is clearly not a supply-based concept that's being worked on from the other side.

So now it's my great pleasure to turn to JOHN PETERSON, a Member from Pennsylvania who's on the Interior Committee. And JOHN has studied this issue quite at length, and is one of our go-to guys when it comes to particularly natural gas. So, JOHN, let's hear what you have to say.

□ 2030

Mr. PETERSON of Pennsylvania. I thank the gentleman from Texas and my friend from Illinois. It's a pleasure to work with both of you. And I just wish the majority of Congress had a deeper interest in energy.

I guess I find it confounding that this is a chart I have been using all year and it doesn't work anymore. This was the rise. This is annualized by year. It doesn't have the spikes that happened in those years, but this is the annualized figure. And I just find it confounding that last week we were bouncing all over 98, almost 100 one day, and not a word spoken in here about energy. It wasn't a priority. It was not even a discussion on this floor, except for a few of us, in 5-minute speeches or hour speeches, like tonight, talking about it. But the committee is not meeting. The conference committee is not meeting. And I guess the question is how difficult does it have to get. Because here we are approaching the winter season. People have to heat their homes. And 58 percent of them use gas, I think 30 percent use electricity, and 9 percent use home heating oil, and then there are a few other mixtures in there. But nobody seems to be concerned.

I was a retailer for many years, supermarket operator, and I remember back in the 1970s and 1980s when we had the energy spikes that were really severe back then. And as a person in the food industry, you would think people would always have money for food. 1979 and 1980 were very difficult years in my business because people didn't have money to spend.

What we forget about is 50 percent or maybe 60 percent of Americans spend every dollar they make every week. They don't have any money in the drawer. They don't have any extra cash in the bank. They spend. And when energy prices spike like this, and especially in rural America where I come from, transportation costs are high in big rural areas. People have to travel to work, travel to church, travel to school, travel for everything. And then when you pay your transportation bill and then your home heating bill, in rural America, again, bigger old farmhouses, not a lot of new housing, not as energy efficient as the new modern housing, so they have high home heating bills. And when they spend an inordinate amount for home heating and for transportation, then they have less money. And my friend from Illinois was talking about it. I had tough springs. Usually in my business, I was lucky to break even through March. You had to make your profits the rest of the year. But in those years it was into May before I cracked into a profit because people didn't have money to buy basic fundamentals, food. I was in the food business. And that's what is going to happen in America this year. It could challenge the holiday season because it came this early.

I didn't expect $95 oil, and I'm going to tell you why. Everybody has told me that if we had a major storm in the gulf, and we have been very fortunate in America, we haven't had a major storm in the gulf in 2 years. The first time ever that we've gone that length of time. Everybody has told me this summer, when it was 75 or 80 and I asked what a major storm in the gulf would bring us, $100 oil. A couple weeks ago, I asked a gentleman what would a storm in the gulf bring us. He said $120 oil. Could we handle $120 oil? I'm not sure. I don't think we could handle $95 oil for a long period of time and keep the economy moving, because a great amount of our economy is you and I shopping, buying goods and services, and when we have so much money being consumed by energy, it has to come out of our budgets. And those who don't have any extra cash, credit cards will only give them so much, and then they are going to start cutting their spending.

I think the thing that's interesting is the prediction for America. We have finally gotten this on a chart that anybody could figure out. Usually you see charts and you have lines going up and down. This is energy usage in America up to now. This line in the middle to my left is the projection by the Energy Department of what energy we are going to consume in this country. It doesn't change much.

Now, I wish this nonhydro renewable line up here was just exploding, this red. That's what we are pinning our future on. Now, I'm for it. We are subsidizing. The people are saying we are holding it back. We're not holding it back. This is the projection of the Department of Energy of what renewables are going to grow. That's wind and solar. That's the mix.

Look at hydro. Because we are not building dams and because dams are still being removed, hydro decreases. Now, there is a little bit of growth in nuclear here, very little, if we build the 35 plants that are under permit process tonight. We need to build those new 35 nuclear plants just to keep electric generation at this percentage that it is. I think it's 8 percent, if my memory is correct.

Coal, now I happen to disagree with the Energy Department. They have coal growing. With the $CO_2$ debate, coal is going to diminish. And I think their projections were made before $CO_2$ and carbon became the issue, because I see coal plants being refused by States all over the country. There are permits being denied. And they don't show gas growing, and I disagree with the Department of Energy on this estimate, and they may be a little bit wrong on renewables. But if you double this line, that's a lot wrong. It still isn't very much, is it? Now, I look for gas, because every country that started dealing with carbon as a pollutant and started charging carbon taxes or penalties, natural gas is the big winner because it has a third of the carbon of the other fossil fuels and has no $NO_X$ or no $SO_X$, nitric oxides or sulfur oxides; so I predict that it will come up here and coal will decrease. That's my opinion because, as my friend from Illinois has talked about, we ought to be building. I'm going to give the White House credit. They are pushing six cellulosic ethanol plants. I think that's good. That's pretty new technology. That's using woody waste or biomass of any kind to make ethanol, and I think that's good. But I think we ought to be building 10 coal to liquid plants and some coal to gas plants.

Then we look down here at oil. Oil is going to be a major part of America. Now, we have heard lots of speeches on this floor that we are going to replace oil. I wish that were true. I wish that was possible. But what we have decided in America is we are not going to produce oil. We're going to restrict it. The government owns a lot of the oil in America. They have control of all offshore, and 80 percent of that has been locked up by three Presidents, and all the Congresses in the last 26 years have voted to literally not produce energy. In Brazil, who is energy independent and everybody says it's ethanol, well, ethanol is a piece of it. It's a nice piece of it. But they've opened up their Outer Continental Shelf, and I think they just found one of the biggest finds ever off South America just in the last week, and Brazil is producing offshore like we ought to be producing.

But oil is what scares me. Number one, we are not producing it, so we are part of causing the shortage in the world. Number two, we are gaining dependency on foreign, unstable governments, 2 percent a year. And I think if we pass the energy bill that I hear rumored about, it will probably be 3 percent a year. And I hear people say we are going to be energy dependent. Well, there is no way in our lifetime, probably my lifetime anyway, and some of you may be younger, that we can be energy independent. We can be less dependent. I would like us to be energy independent, but we can only be less dependent. But this one just keeps marching on.

And why is it $95? Well, we have countries like China who are producing energy all over the world. They are locking up oil and gas reserves in every part of the world. Every part of the world. They're going to be producing less than 50 miles off of Florida with Cuba, as are five or six other countries. In our waters, actually, they are going to be producing oil that we should be producing. But we have locked up those 200 miles offshore and cannot produce there.

So my biggest fear, and I will just ask the question, what if one unstable administering country topples? What does that do to the price of oil? What if we have a storm like Katrina? What does that do to the price of oil? What if terrorists struck a couple of refineries, some pipelines, some loading stations in foreign countries where we get a lot of our energy? What happens to the price of oil? Will China stop anytime soon purchasing and outbidding us? I predict in the near future you are going to see China announcing a major oil coup with a major supplier that has been part of our supply system. That's what they are doing. They are out there locking it up.

It's interesting in the summertime we get 20 percent of our gasoline from Europe. This spring we had $3.09 gasoline in my market, which we have $3.09 now, at $63 oil. We now have 90-some-dollar oil, and we still only have $3.09 gasoline because gasoline has not yet caught up with the oil price, plus at the end of the summer there was a surplus of gasoline. This spring when the driving season started, Europe was short of gas themselves, so they couldn't supply us with the gasoline they normally did. So there was a shortage in the market, and, of course, that runs the marketplace up. So $3.09 gasoline was abnormal, just as abnormal as $3.09 gasoline is in America today with $95 oil. We are probably looking at $3.49, $3.50 gasoline would sort of be the price if it was being used out of today's oil and with not a surplus of supply.

Here is a chart that tells what we use: 40 percent petroleum, 23 percent natural gas. Now, this figure has grown a lot because 13 years ago we took away the prohibition of using natural gas to make electricity, and we went from 8 or 9 percent of our electricity made with natural gas. We only allowed it to be used for peak power in the morning and evening when we have to turn them on and off. And a gas generator is cheaper to build, doesn't take very long in comparison to other generators. But now we produce 23 percent, and that number is growing every day, and it will really grow. Coal, 23 percent; nuclear, 8 percent; hydroelectric, 2.7; biomass, 2.4; geothermal, .36; wind, .12; solar, .06.

Now, here is where our future lies, and the only one that is really growing is biomass. How is that growing? Well, we are using it to heat factories. Wood waste has now become a commodity. I'm from Pennsylvania, the hardwood capital of the world. We are now drying most of our wood with wood waste instead of using fuel oil or natural gas because it's cheaper. A million Americans will heat their homes this year with wood pellets. A lot of people don't know about a pellet stove, but a pellet stove is a new, modern, beautiful stove that you can heat your home and it's wood waste. That is a new consumer in the market. And also power plants that are burning coal will top them with wood waste so they can just slide under the air standards where the coal they are burning might just have a little too much emission in it. So they'll use 20, 30 percent wood waste, and they will be able to meet the EPA air quality standards. So woody biomass is the growing one. And now when we go into cellulosic ethanol, we are going to use wood waste again to make ethanol, cellulosic ethanol.

But let's say we really put our effort behind, and we are, solar. So let's say we double solar. Now, it is hard to double something in 10 years. But let's say we double it in 5 years. So we would be at .12. And if we double it again in another 5 years, we would be at .24, if my math is still good. And we take wind and we do the same. We could do that for a number of years, a couple decades. We'd still be struggling to get a percent of our energy from wind and solar.

□ 2045

And yet people seem to think, and I don't know why, but they seem to think it's ready to take over, it's ready to be helpful. But it's not ready to replace that big wide band I had on oil, it's not ready to replace that big wide band on coal. Nothing is. And hydroelectric is decreasing because we're taking dams out and it's becoming a smaller percentage. And nuclear will decrease to 7 percent if we don't open the new plants because, as electric use goes up, if nuclear doesn't go up with it, it will become a smaller figure.

So when you look at this chart, now I'm going to switch gears on you for just a minute, what do we hear? Here's what we hear is coming now: this is, I believe, the "no energy bill." It locks up 9 trillion cubic feet in the Roan Plateau. The Roan Plateau is a huge, clean natural gas field in Colorado that was set aside as a naval oil shale reserve in 1912 because of its rich energy resources. This means that 9 trillion cubic feet of natural gas, more than all the natural gas in the OCS bill that was passed in Congress last year, that little piece in the gulf, will be put off limits. It has already been through NEPA, it's all ready to lease, it's ready to produce. Legislation that's coming before us is going to take it away. What makes sense about clean green natural gas?

Next, it locks up 18 percent of the Federal onshore production, America's natural gas. And that's because of policy changes and further NEPA studies, and making it more difficult to permit is going to slow down the production of both oil and gas production in America.

I was responsible for a small amendment, but a good amendment, in the energy bill in 2005. It took away redundant NEPA studies because NEPA studies take a year. I talked to people who had leased land and in 7 years have not drilled yet because they were still doing NEPA studies because they had to do one for every piece of the process, not a NEPA study, and then produce it with a NEPA study to delay. Locks up 2 trillion barrels of oil shale from the West oil shale.

Now, everybody talked about the tar sands as oil that we couldn't get. Canada has been persistent. They're now producing 1.5 million barrels a day. Much of that is coming into our States to be refined. In fact, they're trying to enlarge refineries in the northern tier, having a lot of problems. Lots of resistance about enlarging those refineries, but that's necessary to produce. But the tar sands are one of the fields that's growing in Canada that's available, and they tell me that shale oil has even greater reserves.

It's going to lock up 10 billion barrels in Alaska, the national petroleum reserve, breaches legitimate legal contracts that are out there that companies have signed to produce oil by trying to make them null and void with legislation.

And then the one that really is bad, $15 billion tax increase. I have two oil refineries in my district, one in Warren, Pennsylvania, American Refineries, and in Bradford, Pennsylvania the original Kendall refinery. They're going to pay, if this bill passes, a higher tax than any other business in Pennsylvania or in America. Does that make sense, that we're going to tax people who produce energy with a greater tax than those who produce steel or food or other products for a profit? I don't think it does. I know what it's about; it's about the hatred of oil companies. Well, Big Oil does not produce.

The other fact I want to share with you, 90 percent of the oil in the world today is not owned by an oil company. The 14th largest oil company in America today is Exxon. The other 13 are countries like Mexico, Iran, Iraq, Saudi Arabia, Venezuela, Nigeria, Russia, all our good friends. Dictatorships, unstable governments, unfriendly governments, and they own about 90 percent of the oil.

And now what's worrisome, from what I'm told, is they're using this huge cash revenue for social purposes, and they're not putting the money back. So it could happen in the very near future that those countries could not produce enough oil to supply America. And that's why we have $95 oil, because we're not doing coal-to-liquid; we're not doing all the other things we ought to be doing. We're hoping that renewables can replace oil. I wish they could.

I think America, I think this Congress, I think this administration needs to take a very serious look at the economic viability of this country if we continue, if all we have coming at us is a bill that has, it shouldn't be no energy, it's less energy and more taxes.

I thank the gentleman for allowing me to share.

Mr. CONAWAY. I thank my colleague from Pennsylvania for sharing those facts with us. And pesky though they may be and inconvenient though they may be, they're nevertheless facts; and I appreciate you sharing those with us.

I again would like to turn to my colleague from Illinois for other comments that he might have.

Mr. SHIMKUS. I want to ask my friend from Pennsylvania a couple of aspects on the chart. The first one, when we talked about the tax, under this current Congress, how many times have the Democrats gone to that same pot of money for PAYGO issues of other bills that have come to this floor?

Mr. PETERSON of Pennsylvania. I can think of 5 or 6.

Mr. SHIMKUS. I know there is at least 3 times, and I'm being told 4, using this same pot of money to justify the PAYGO, the new spending that they brought on.

The other thing that we really need to have here and talk to the American public about is that the Energy Information Service, what we don't have depicted is, what is going to be the future demand? And the future demand is going to double. So with your great chart of all the portfolio there, it's kind of confusing because the public might think, well, as we look at that, that everything is going to stay pretty much the same. But the reality is demand is going to go up exponentially. And if you have the same amount of supply and the demand goes up, then you see $100 a barrel crude oil, $120 barrel crude oil. And that's why, as we have come here to talk about supply, we want to bring more supply to the table. And we know we have friends on the other side of the aisle that believe the same thing.

I'm working with RICK BOUCHER. And you mentioned coal-to-liquid. Just imagine this, we have 250 years' worth of coal in the only coal basin. So you have the coal underneath the ground, you build a coal mine, right on top of it you build a coal-to-liquid refinery somewhere in the Midwest or somewhere in Pennsylvania where there is a coal field, and then you connect it to pipelines that we have today. Then you limit the risk. The risk we have now is, if we're not going to build new refineries, we're going to build refineries and expand existing refineries, and we have so many down on the gulf coast, we have them in Louisiana, we have them in Corpus Christi, we have them in Houston, we have them in all these areas where they are really at risk, and we dodged a bullet this year, of major storms that take these refineries offline, depending upon the severity of the storm. So for national security sake, to have a diversified energy portfolio, JOHN, you said it numerous times, diversification. When you have an investment portfolio, you want diversity for security.

We've got to have a diversified energy portfolio. And for our friends on the other side to say no to coal, no to oil, no to nuclear, yes to solar, yes to wind, and it's such a small portion of what can really affect the cost, it's really sending a terrible signal to our constituents that the salvation is in renewables when we all agree we want a diversified portfolio. We want to bring them on. But if you do it at the risk of the other major sources of supply, you do great harm to this country.

Mr. PETERSON of Pennsylvania. Would the gentleman yield?

Mr. CONAWAY. Yes.

Mr. PETERSON of Pennsylvania. I disagreed with the IAs. I look for gas to get bigger and coal to get smaller because of the $CO_2$ issues.

Now, let's say they're wrong here, because I'm sure lots of people will disagree with them. Let's say they're 100 percent wrong. Right now, when you see hydro and nonhydro, you see hydro decreasing as much or more than nonhydro increases, so there is really no growth in renewables. Let's say they're 100 percent wrong. So instead of having 5 percent, we're 10 percent. It wouldn't even take up the growth need of America. So let's say they're wrong, and we're going to be twice that effective at renewables. I hope they're wrong, but it won't take care of the growth. We will still need this oil, we will still need this gas, we will still need this coal.

Mr. CONAWAY. Will the gentleman help us understand, as we talk about these supplies, a variety of energy resources, we assume, for the lack of this conversation, that it's all equal and that it all costs the same amount of money to produce, and that's the fallacy. One of the problems with a renewable portfolio standard of 15 percent, now, that our chart does not depict just electricity, but if we had a chart that did just electricity, the big players are going to be the same.

Mr. PETERSON of Pennsylvania. I don't have a big chart, but I have a little chart.

Mr. CONAWAY. And it's very close to the same. And if we demand or mandate 15 percent total electricity produced from renewables, what does that do to the cost of that electricity to the consumer?

Mr. PETERSON of Pennsylvania. It's going to be much higher.

Mr. CONAWAY. And, in effect, that is a tax on families in this country. Now, we all want to get to a, I would refer to it as an energy security, not only American energy security, but we ought to be talking about global energy security in this context. Right now we're focused just on the U.S. And so as we look at this energy security, not understanding that a global portfolio standard increased to an unworkable 15 percent is a heavy tax on consumers, it's a tax on businesses, it's a tax on anybody who turns on a light, anybody who gets in a car, anybody who uses electricity, that's a tax that they're not currently paying; and those increased taxes go to a narrow margin of the energy supply. And our real goal should be energy security at a cost that we can afford.

And I yield back.

Mr. PETERSON of Pennsylvania. That's the electric map, and it shows, it's the same as this. But it does prove my point, that coal goes down and gas goes up; it gets bigger. But up here at the top, you have the same thing. There is almost no change because the growth in volume needed more than absorbs all these new renewables.

Mr. CONAWAY. Texas Utilities announced that they were going to build, I think the number was 12, 300-megawatt coal fire plants in Texas. And the reason for that was that over in that time frame of construction, the demand in Texas was expected to increase, electricity demand was expected to increase to the point that our grid, ERCOT, which is separate from the rest of the United States, the differential between demand and supply would narrow to a margin that is unacceptable from a safety standpoint. And these 12 plants were going to help keep that margin at the 9 or 10 or 12 percent excess capacity to allow for spurts in daily demand or to allow for continued growth in demand without getting to a point where you turned the light on and it didn't work, the experience in California where they had brown-outs because supply outstripped demand.

You mentioned earlier about the opponents to coal fire plants. They went to work, Texas Utilities, to demand that they not build those plants. And as a result of that, and a takeover by a private entity, eight or nine of those plants have now been scrapped and they're only going to build three. Now, what got lost in that conversation was, where is the extra electricity production going to come from in order to keep ERCOT at a margin of safety for the differential between supply and demand that it has had over these years and should have in the going-forward future.

So as we look at how we produce electricity, and all of us who have always turned lights on with the assumption that they would come on, left unchecked and left to our own devices, the growth in demand will get us to a point in the not-too-distant future where we will turn light switches on and nothing happens because the electricity is just not there to be used.

Mr. SHIMKUS. I mean, you bring up a good point. And I would like to focus on that for a minute. Because now you're going from 12 coal fire plants or electricity generation plants to three. And one of the reasons why the building trade and many in organized labor are in support of a new supply provision, because look at what you've done, look at all the jobs to build these plants, and then look at all the good-paying jobs to operate these plants.

I don't know what Texas plans are, but I can see them very well, governments south of the great State of Texas citing a power plant and selling power across the border into Texas. And then who gets the jobs? It's like the same, my friend from Pennsylvania, we talk about natural gas all the time; if we're not willing to have a liquefied natural gas port built inside this country, where are they going to go?

□ 2100

Where are they going to go? To the Bahamas. Or they are going to go to other places where when they build the port facility, they build the liquefied natural gas, and then they pipe it in to this country. Who loses the jobs? We lose the jobs. So that is one of the frustrating things of this debate.

There are two main issues. We always talk about energy security because we address it in the national security component of how do we keep our Nation safe, how do we stop from being extorted by foreign rogue countries, and how do we keep our economy from falling in disruption should there be a strike in the sea lanes.

But there is also another security debate that we have talked about, and that is financial security, financial security for this country, and what really strikes individual families is financial security for the families. When you have these types of price escalations, when you don't bring new major supply to the economy and you put all your promises on a small portion of renewables that won't even meet the future demand increase, then what you are doing is, you are going back to $96 a barrel of crude oil. And that is the no energy plan that we are talking about. And all we are saying to our friends, and again, I have many of them. I work with them on the committee all the time. My fossil fuel Democrats, now is the time to make sure that fossil fuel is a huge, is a part of this debate. And my friend from Pennsylvania is right. We are not saying it has to be the whole thing. We are all comers here. I have got my corn here. I have got my soybeans. I have my coal. I have got marginal oil wells in southern Illinois, marginal oil that we can use and recover, and we are still recovering oil from southern Illinois. Bring on the wind, bring on the solar, but we want to bring everything in. The more supply we have, the lower the cost, the Nation will be better off

Mr. CONAWAY. Before we get away from the coal comments, I want to make sure that, I know my colleagues agree with this, as we look at coal usage, it ought to be clean-burning coal. None of us argue in support of continued $CO_2$ emissions from coal-fired electricity plants. There is in the works right now a future gen project which is going to be about a billion eight research project. There are four sites that are in the hopper still competing for that one final selection: two in Illinois, two in Texas, one in my district.

Mr. PETERSON of Pennsylvania. None in Pennsylvania.

Mr. CONAWAY. That will do the research to be able to learn how to burn all forms of coal from the lignite that we have in Texas to the hard coals in Pennsylvania and Illinois, learn how to burn that coal to generate electricity but yet capture the $CO_2$, and then take that $CO_2$ and either sell it back to the oil and gas business to sweep oil reservoirs to enhance the oil recovery, or in many places we will have to learn how to put it underground, deeply buried, permanently buried in the ground so it is not in our atmosphere. That is essential that we get that done, and the sooner the better, because all of us believe coal is a long-time solution to electricity production, but it ought to be clean-burning coal, zero-emission coal-fired plant. That is important not only for the coal plants that we ought to be building in the United States, but India and China are also part of this consortium that is going to develop this technology. China is bringing on a 500-megawatt power plant every 2 weeks or so. India is in a similar mode. They are going to burn coal however they need to in order to generate electricity because electricity and an increased electricity supply drives growth and economies. The availability of the electricity helps drive the growth in these economies. China and India are going to continue to burn coal and spew $CO_2$ into the atmosphere no matter what we do. So it is in all of our best interests to learn how to burn coal cleanly and take advantage of that 250-year supply that my colleague from Illinois was talking about.

Mr. SHIMKUS. I know that the public, sometimes they don't understand that carbon dioxide is a commodity that is bought and sold, that people want, and we want it in the soda business to give the fizz in your Coke or your Pepsi, or as my friend from Texas knows, advanced oil recovery. You shove that $CO_2$ back in the ground, it helps recover that margin of oil that has been harder to recover in the past.

Mr. PETERSON of Pennsylvania. One thing I want to mention, what has happened to these high energy prices? Dow Chemical paid $8 billion for natural gas in 2002, $22 billion in 2006, and they are now building plants all over the world because we can't afford America's energy. That is the message we need to realize. Many companies are doing that, and we need to prevent that.

Mr. CONAWAY. I want to thank both my colleagues tonight for coming in and sharing this hour and hopefully shedding a little bit of light on an issue that is of interest to every single American. We all use electricity in some form or fashion. It is all important to us.

In the couple of minutes we have left, I want to bring both my colleagues' attention to a study that came out this summer called "Facing the Hard Truths About Energy." This is a study that was done by the National Petroleum Council. It involves some 350 contributors. It was not a new study in the sense that it went out and did the research, but it gathered the research from these 350 participants that cover a very broad spectrum. It included of course energy producers. It included environmentalists. It included everybody who might have something intelligent to say about the issues and problems that we face. It was transparent. Everybody got to see what was going on. There weren't any hidden agendas. There weren't any preconceived ideas.

I want to quickly run through the things that this study shows that we must do in the United States. Some I agree with wholeheartedly, and others I am still questioning and understanding the impact. But this study, which I hope over the next several months we are able to show to the American people and have them look at it and understand the issue as you and I do, but this study would say that we need to moderate the growing demand for energy by increasing efficiency of transportation, residential, commercial and other industrial uses. That is one we can all agree with. Expand and diversify production from clean coal, nuclear, biomass, other renewables and unconventional oil and gas; moderate the decline of conventional domestic oil and gas production, which means lifting those restrictions and going after domestic crude oil and increased access for development of new resources; integrated energy policy into trade, economic, environmental, security, foreign policies; strengthen global energy trade and investment; and broaden dialogue with both producing and consuming nations to improve global energy security. Not just energy security of the United States, but global energy security, because a world that has global energy security will be much more peaceful than a world that is fighting for the energy.

Enhanced science and engineering capabilities and create long-term opportunities for research and development in all phases of the energy supply and demand system. And finally develop the legal and regulatory framework to enable carbon capture and sequestration. In addition, as policymakers consider options to reduce carbon dioxide emissions, provide an effective global framework for carbon management, including establishment of a transparent, predictable economywide cost for carbon dioxide emissions.

A couple of their findings unrelated directly to their recommendations were that the majority of the U.S. energy sector workforce, including skilled scientists and engineers, is eligible to retire within the next decade. The workforce must be replenished and trained. These are millions of jobs across a broad spectrum, from roughnecks all the way to the smartest scientists, that we have got in this country.

So I want to thank both my colleagues for coming to us tonight. We have 1 minute to close. JOHN, anything? JOHN, anything?

Mr. PETERSON of Pennsylvania. Well, I guess I think the thing we need is we need an energy policy. We need to get serious about energy. Energy, in my view, is the number one challenge of America. I've said this in many speeches; I think it equals terrorism and the security of America. But if energy prices continue to skyrocket and we cannot compete in the global economy and the average American can't get a workingman's job, we are going to be a country in trouble. We are going to be a country that is not first rate. We are not going to be the leader of the world.

Energy availability and affordability should be the number one issue in the Congress. It is unlocking the OCS. It is unlocking the Midwest. It is wiser use of energy. It is using less for transportation, more efficiency. In fact, conserving in the next 5 years is probably all we can do, because everything we have talked about takes 5 to 10 years to produce fruit to bring it to market. So I think America's, I think that the real terror threat of this country is available, affordable energy.

Mr. CONAWAY. I want to thank both my colleagues for joining me tonight. As we opened the conversation tonight, I think it is time we quit howling and begin to do something that is important to all Americans.

With that I yield back.

### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. HASTINGS of Florida (during the Special Order of Mr. CONAWAY), from the Committee on Rules, submitted a privileged report (Rept. No. 110–447) on the resolution (H. Res. 817) providing for consideration of the conference report to accompany the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4156, ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008

Mr. HASTINGS of Florida (during the Special Order of Mr. CONAWAY), from the Committee on Rules, submitted a privileged report (Rept. No. 110–448) on the resolution (H. Res. 818) providing for consideration of the bill (H.R. 4156) making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

### THE NAMING OF EMANCIPATION HALL

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, the gentleman from Illinois (Mr. JACKSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. JACKSON of Illinois. Mr. Speaker, let me first begin by expressing my support of a suspension bill that was offered to this body by Mr. CLYBURN, Mr. MILLER and the ranking minority member on education to help provide emergency funding for Historically Black Colleges and Universities that are seeking some bridge loans for construction projects.

I think that my remarks today in the 60 minutes that I have been allotted under the Speaker's announced policy are very consistent with the historical concept and circumstances for which that bill will be passed into law and hopefully signed by the President of the United States.

Today, Mr. Speaker, we have come to this temple of democracy on this momentous occasion to write a new chapter in the unfolding story of human freedom. Today this body passed H.R. 3315, a bill to name the Visitor Center great hall Emancipation Hall, offered by the gentleman from Tennessee (Mr. WAMP), and the gentleman from Illinois, myself, Mr. JACKSON.

The event of emancipation marks one of the most, if not the most significant event in American history, and so too, at least from my perspective, was the passage of this bill. Unfortunately under the rule, it did not afford Members of Congress the opportunity to have a broader discussion about the significance and the importance of this bill. But I do want to take this time to remind the Nation of the importance of this period and to reflect upon it during this Thanksgiving season.

Emancipation was more than an act; it was a process. Emancipation was not a date but a period. Emancipation was not an event but the fulfillment of providence that the Arc of history may be long, but it bends towards justice and human freedom. When the American Civil War erupted, both North and South defended their cause as morally just, legally right and constitutionally sound. Northerners and southerners saw themselves as true Americans following in the tradition of the footsteps of the Founding Fathers. North and South used the Constitution as the source of their moral and their legal authority for conducting a war against the other. Both sides saw themselves as standing in the tradition of the American Revolution. Each side contended that it was fighting for freedom and liberty, though certain facts contradicted the beliefs of both. The South said it was fighting to preserve freedom while protecting the institution of slavery. The North said it was fighting for liberty while not initially fighting to grant liberty to the slaves.

President Abraham Lincoln, our 16th President's address to the Sanitary Fair in Baltimore on April 18, 1864, summed up the quandary. He said, and I quote, "We all declare for liberty; but in using the same word we do not all mean the same thing. With some the word 'liberty' may mean for each man to do as he pleases with himself and the product of his labor, while with others, the same word may mean for some men to do as they please with other men and the product of other men's labor. Here are two not only different but incompatible things, called by the same name, 'liberty.' And it follows that each of these things is, by their respective parties," President Lincoln goes on to say, "called by two different and incompatible names, 'liberty' and 'tyranny.'"

He then went on to say, "The shepherd drives the wolf from the sheep's throat, for which the sheep thanks the shepherd as a liberator, while the wolf denounces him for the same act as the destroyer of liberty, especially as the sheep was a black one. Plainly the sheep and the wolf are not agreed upon the definition of the word 'liberty'; and precisely the same difference prevails today among us human creatures, even in the North, and all profess to love liberty."

Today, women, lesbians, gays, bisexual and transgendered Americans, African Americans, Latinos, Native Americans and students see in the word "liberty" one thing. Today for the Titans of Industry, it still means quite another. For the dispossessed, it means for each person to do with himself as they please. For the Titans it means for them to do as they please with other men and the product of their labor anywhere in the world.

As Lincoln said, "And it follows that each of the things is, by the respective parties, called by two different and incompatible names, 'liberty' and 'tyranny.'"

That is why efforts to name the great hall Liberty Hall will settle for some but still not settle for others the fundamental question of human freedom in the American historical context. For millions of Americans to pass through Emancipation Hall and not Liberty Hall is an important acknowledgment about the process for attaining human freedom in our context as Americans.

Lincoln understood for his time and ours that we must not be confused about the language and the process of human freedom.

□ 2115

Much has been said about Lincoln and his ambivalence about emancipation. I believe when placed in the greater context, clarity emerges in Lincoln's calculation of emancipation. In 1862, Lincoln's announced support of colonization, along with his lack of public support for emancipation, was generating sometimes vicious attacks from militant abolitionists, including a "Prayer for 20 Millions" editorial urging emancipation that appeared in Horace Greeley's New York Tribune. On August 22, a month after the private announcement to his Cabinet on July 22 that he intended to issue an Emancipation Proclamation, Lincoln replied to Greeley's editorial with a masterfully written open letter. Here's what our 16th President had to say:

"If there be those who would not save the Union, unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount objective in this struggle is to save the Union, and it is either to save or to destroy slavery. If I could save the Union without freeing a single slave, I would do it, and if I could save it by freeing all of the slaves, I would do it; and if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery, and colored race, I do because I believe it helps to save the Union; and what I forebear, I forebear because I do not believe it would help to save the Union. I shall do less whenever I shall believe what I am doing hurts the cause, and I shall do more whenever I shall believe doing more will help the cause."

Lincoln was reiterating his central thesis, that the purpose of the war was preservation of the Union, but in light of the intransigence of the border States, he was publicly hinting that he might have to do something more, including emancipation to save the Union. In this open letter, Lincoln was saying "if," but he had already concluded in his mind "that" the only way to save the Union was to free the slaves.

After the emancipation proposal became public, President Lincoln sometimes was ridiculed in public political oratory and newspaper editorials about his Emancipation Proclamation, which would free the slaves only where the President had no power to do so, those States in rebellion, but he preserved the institution of slavery everywhere he did have the power, those border States that chose to stay in the Union.

But Lincoln's enemies either misunderstood the President, lacked the understanding of the Constitution, or ignored his politics. On saving the Union, Lincoln had additional flexibility under the Constitution. Politically, he could sometimes get away with violating it by engaging in arbitrary arrests and suspending the writ of habeas corpus. On the question of ending slavery, however, Lincoln saw no such flexibility. His understanding of the Constitution committed him to acting within both it and the law, for neither had yet been changed. Under the Constitution, slavery was still legal in the United States.

On the first question, Lincoln and all Republicans of that era agreed that a 13th amendment outlawing slavery must be added to the Constitution. The Senate quickly passed such an amendment; but the House, which had gained 34 Democrats in the 1862 mid-term elections, was opposed. Lincoln understood, if others didn't, that issuing the Emancipation Proclamation would convert a struggling Union Army, trying to hold a Nation together, into an army of liberation to free the slaves. The newly freed slaves could help win the struggle by fighting along the Union forces and soldiers.

Of course, the liberation of the slaves would only happen, and only happen if the North won the war. Militant abolitionists still thought the proclamation weak; Southerners thought it an outrage, but most antislavery advocates, both black and white, understood its revolutionary implications. It was the one act that changed the entire character of the war. It gave the war a moral purpose, human freedom, to bolster the political goal of saving the Union, and a purpose with such deep emotional power condemned the Confederacy to sure defeat.

The question now was, having transformed the conflict into a war of liberation, would the Northern soldiers still fight? Some said no. "An Ohio Democrat amended the party's slogan to proclaim, 'the Constitution as it is, the Union as it was, the N-I-G-G-E-R-S where they are.'" But most said yes. "A Democratic private in the Army of the Potomac whose previous letters railed against abolitionists and blacks now expressed support for putting away any institution if by doing so it will put down the rebellion, for I hold that nothing should stand in the way of the Union, the N-I-G-G-E-R-S, nor anything else."

With the July 4, 1863, victory at Gettysburg and Vicksburg, Northern hopes rose and Southern spirits sank. The burial at Gettysburg nearly 144 years ago this month was originally planned for October 23, but rescheduled to November 19 because the principal orator, Edward Everett of Massachusetts, could not be ready before then. Lincoln, by comparison was casually invited to attend and make a few remarks. "No insult was intended. Federal responsibility or participation was not assumed then in State activities. Lincoln took no offense. Though specifically invited to deliver only 'a few appropriate remarks' to open the cemetery, he meant to use this opportunity. The partly mythical victory at Gettysburg was important to his administration's war propaganda."

There are mythical accounts that Lincoln wrote his Gettysburg Address on the back of an envelope. Even though the 272-word speech probably took less than 3 minutes to deliver, interrupted with applause five times by 20,000 in attendance, such cavalier preparation would have been totally uncharacteristic of President Lincoln, who took such opportunities seriously and chose his words very carefully.

Lincoln intended to use this occasion and this speech to lift the Nation's eyes above the death and the carnage of Gettysburg "to a level of abstraction that purges it of grosser matter." Lincoln did for the whole Civil War what he accomplished for the single battlefield." He transformed its meaning and, in doing so, transformed what it meant to be an American.

Lincoln mentioned neither slavery nor Gettysburg in the Gettysburg address. He drained his speech of all of the particulars in order to lift up an ideal. Lincoln intended to create something good and new out of this tragic and bloody episode. Both North and South strove to interpret Gettysburg to further their own war interests. Lincoln was after an even bigger victory, winning the ideological as well as the military war, and I believe he succeeded. The Civil War today is, to most Americans, what Lincoln wanted it to mean. Words had to complete the work of the guns.

What is it that President Lincoln had to say on that occasion? He said: "Four score and seven years ago," and this is a 3½ minute speech. In fact, Martin Luther King delivered the "I have a dream speech" in about 13½ minutes. So my thinking is anytime someone speaks, they should speak between 3½ minutes and 13 minutes. If they give a speech longer than that, well, they are really giving history a fit. Also, if you can't say it between Gettysburg and "I have a dream," it probably shouldn't be said at all.

So let's see what Lincoln had to say at Gettysburg, 3½ minutes: "Four score and seven years ago our fathers brought forth on this continent," November 19, 1863, right around the time we are trying to break for Thanksgiving, 144th anniversary, and let's reflect, 144 years ago. "Four score and seven years ago our fathers brought forth on this continent a new Nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great Civil War testing whether that Nation, or any Nation so conceived and so dedicated can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting place for those here who gave their lives that the Nation might live. It is altogether fitting and proper that we should do this." I love this part: "But, in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here have consecrated it, far above our power to add or detract. The world will little note, nor long remember, what we say here but it can never forget what they did here." That is his message to the future, that we should not forget what happened there.

"It is for us the living, rather, to be here dedicated to the unfinished work which they who fought here have thus so far nobly advanced.

"It is rather for us to be here dedicated to the great task remaining before us . . . that we here highly resolve that these dead shall not have died in vain . . . that this Nation, under God, shall have a new birth of freedom and that government of the people, by the people, for the people shall not perish from the earth."

When we wave the flag and celebrate on July 4, Independence Day, we are not so much celebrating our Americanness in terms of our independence from England. We are celebrating the meaning of the flag and America as Lincoln interpreted them in his Gettysburg Address, because July 4, 1776, only white males could vote, and then they had to be landowners.

On July 4, 1863, with the Northern victory at Gettysburg and the Northern victory at Vicksburg, Abraham Lincoln saw an opportunity to reinterpret what July 4 would mean for the future. So when we barbecue on July 4, and when we celebrate our Independence Day, when we look at Hillary Clinton running for President; Barack Obama; Mitt Romney, a Mormon running for President, none of this was possible on July 4, 1776. An African American running for President on July 4, 1776, was a different America. A woman running for President on July 4, 1776, was a different America. Barack Obama running for President, Mitt Romney, a Mormon running for President on July 4, 1776, a different America.

Abraham Lincoln says this July 4, 1863, is going to yield a new birth of freedom for all Americans and we will never look at July 4 again because July 4 will never be the July 4 that it used to be because we are en route to being a different America.

At Gettysburg, Lincoln reinterpreted the Constitution. Looking past slavery in the Constitution, he appealed to the Declaration of Independence and its claim that all men are created equal. Conservative political heirs to this outrage still attack Lincoln for subverting the Constitution at Gettysburg.

Let's see what Garry Wills had to say about this. He said that Lincoln is here not only to sweeten the air at Gettysburg but to clear the infected atmosphere of American history itself, tainted with official sins and inherited guilt. He would cleanse the Constitution, not as William Lloyd Garrison had, by burning an instrument that countenanced slavery. He altered the document from within, by an appeal from its letter to the spirit, subtly changing the recalcitrant stuff that legal compromise, bringing it to its own indictment. By implicitly doing this, he performed one of the most daring acts of open-air sleight-of-hand ever witnessed by the unsuspecting. Everyone in that vast throng of 20,000 people who heard Abraham Lincoln on that day had their intellectual pocket picked. The crowd departed with a new thing in its ideological luggage, that new Constitution Lincoln has substituted for the one they brought there with them. They walked off from those curving graves on that hillside at Gettysburg, under a changed sky, and into a different America. Lincoln has revolutionized the revolution, giving people a new past to live with what would change their future and our future indefinitely.

Lincoln's Gettysburg Address was transforming the United States of America from a plural to a singular noun, from the United States "are" into the United States "is" a free government.

□ 2130

According to Gary Wills, Lincoln, by his words and his actions, converted the Union from a mystical hope into a constitutional reality.

Looking out over the extraordinary events of 1863, on October 3, 1863, realizing that the North had made substantial progress in Gettysburg and substantial progress in Vicksburg, and Robert E. Lee, the Democrats, troops were on the retreat throughout the South, and he saw an opportunity to make an extraordinary period for which all of us are grateful even to this day.

On October 3, 1863, Abraham Lincoln issued the following, Mr. Speaker, proclamation:

"By the President of the United States.

"A proclamation.

"The year that is drawing towards its close," and I quote, "has been filled with the blessings of fruitful fields and healthful skies. To these bounties, which are so constantly enjoyed that we are prone to forget the source from which they come, others have been added, which are of so extraordinary a nature that they cannot fail to penetrate and soften even the heart which is habitually insensible to the ever watchful providence of Almighty God. In the midst of a civil war of unequaled magnitude and severity, which has sometimes seemed to foreign states to invite and promote their aggression, peace has been preserved with all nations, order has been maintained, the laws have been respected and obeyed, and harmony has prevailed everywhere except the theater of military conflict; while that theater has been greatly contracted by the advancing armies and navies of the Union. Needful diversions of wealth and strength from the fields of peaceful industry to the national defense have not arrested the plow, the shuttle or the ship. The ax has enlarged the boarders of our settlements, and the mines, as well of iron and coal as of the precious metals have yielded," this is in spite of a civil war, they have "yielded even more abundantly than heretofore. Population has steadily increased, notwithstanding the waste that has been made in the camps, the siege and the battlefield; and the country, rejoicing in the consciousness of augmented strength and vigor, is permitted to expect continuance of years with large increase of freedom. No human counsel hath devised nor hath any mortal hand worked out these great things. They are the gracious gifts of the Most High God, who, while dealing with us in anger for our sins has nevertheless remembered mercy. It has seemed to me fit and proper that they should be solemnly, reverently and gratefully acknowledged as with one heart and with one voice by the whole American people. I do therefore invite my fellow citizens in every part of the United States, and those who are at sea and those who are sojourning in foreign lands, to set apart and observe the last Thursday of November next as a day of Thanksgiving and praise to our beneficent Father who dwelleth in the Heavens. And I recommend to them that while offering up the ascriptions justly due to Him for such singular deliverance and blessings, they do also, with humble penitence for our national perverseness and disobedience, commend to His tender care all those who have become," because of the Civil War, "widows, orphans, mourners or sufferers in the lamentable civil strife which we are unavoidably engaged, and fervently implore the intervention of the Almighty Hand to heal the wounds of our Nation and to restore it as soon as may be consistent with the Divine purposes to the full enjoyment of peace, harmony, tranquility and Union.

"In testimony whereof, I have heretofore set my hand and caused the Seal of the United States of America to be affixed.

"Done at the City of Washington, this Third day of October, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the Eighty-eighth.

"By the President: Abraham Lincoln."

Thanksgiving has nothing to do with the Pilgrims and the Native Americans. Thanksgiving is looking out over a national disaster, a war over Federalism between the big government in Washington and the States and the fact that the slaves had been freed and the Northern armies were in pursuit through Vicksburg and Gettysburg, and Abraham Lincoln said the Nation is going to be preserved. And we deserve to give the person who is responsible for its preservation the greatest thanks, God, and therefore every third Thursday in November is set aside as a national day of thanks to remember the path that we took to save the Union. That is what Abraham Lincoln was after.

I haven't quite figured out yet why national memory has bypassed this event and decided to somehow ascribe it to events that have absolutely nothing to do with Abraham Lincoln's proclamation. The very first Thanksgiving was about the Civil War and about emancipation.

The same can be said for the story of our Capitol. From the moment a visitor enters this building, the unfolding process of emancipation, the players in the drama, the actors, the people, the heroes. The "sheroes" have been hidden. They have been denied a fair and accurate account of these unfolding events.

When you enter the Capitol Rotunda, we look up at the ceiling and we see the story of America, from Columbus all the way around the Rotunda to the Wright Brothers, from Columbus to the Wright Brothers, and not a single African American in the Rotunda's mural of the story of America. From Columbus to the Wright Brothers.

In Statuary Hall, the Old House Chamber, emancipation is ignored in Statuary Hall, where there today are status of the honored dead of the Confederacy. President Jefferson Davis is there, the greatest traitor in American history. Confederate Vice President Alexander Hamilton Stephens has his statue there. Confederate General Robert E. Lee is there, in uniform. Confederate Commander Joseph Wheeler is there, in uniform.

In that room, Old Statuary Hall, is where States were admitted to the Union, one free and one slave, to keep the balance between the North and the South, so that the House of Representatives and the Senate would never have more Members than any regional faction of the country.

Yet for the millions of visitors, Mr. Speaker, who come through our Statuary Hall, we never tell them that story. We would rather talk to the floor and show them that the Chamber has acoustic capabilities that allow us to talk to the floor and watch our voices bounce off the ceiling and arrive somehow on the other side of the room.

In the Old Senate Chamber, Charles Sumner got beaten half to death by Preston Brooks, and a book still sits on Charles Sumner's desk, the central story in the Old Senate Chamber.

The Old Senate Chamber doubled as the Supreme Court Chamber while the Supreme Court was under construction. It was in the Old Senate Chamber that Plessy v. Ferguson was decided, the Old Supreme Court Chamber. Of all of the decisions made in that room, it is known for two decisions under Justice Taney's leadership: Dred Scott and the Amistad Africans.

So whether it is the Rotunda, from Columbus to the Wright Brothers; whether it is Old Statuary Hall where people visit our Capitol and are taught about the acoustics of the building and not about how States were admitted to the Union to keep the balance between North and South or why all the Confederate generals have their statues in Statuary Hall; whether it is the Old Senate Chamber, Charles Sumner getting beaten, caned half to death by Preston Brooks and the Plessy v. Ferguson decision; or whether it is the Old Supreme Court Chamber, where Dred Scott and the Amistad Africans, Joseph Cinque and the others, were told they could go back home, only parts of the story are told, when they are told.

Mr. Speaker, it is the emancipation process, process, process, not an event, not a date, not a time, it is the emancipation process that led to the 13th, the 14th, and the 15th Amendments to the Constitution.

And as descendants of slaves, we believe that as Americans are better educated on this history, that that process, that American process, that process that we cannot change, it is part of our history, as more Americans are educated about that process, that it will lead to our 28th Amendment, our 29th Amendment, our 30th Amendment: health care for all, education of equal high quality for all, a cleaner environment for all, fixing our Nation's voting system for all, providing equality for all people, especially women. It is our Nation's historical process, and only that process that can provide emancipation for all. Not liberty. Emancipation.

Mr. Speaker, interpreting Lincoln's work and his life is extremely important. Recently there have been questions raised as to whether Lincoln should be credited with freeing the slaves. The argument goes, given some of Lincoln's history, his racial attitudes and statements, his moderate views on the subject, his noninterference with slavery where it already existed, his one proposed solution of colonization, his gradualist approach to ending the institution, his hesitancy with respect to issuing the emancipation and using colored troops in the war, his late conversion to voting rights for blacks and more, why should he be given credit for freeing the slaves?

Some have even argued that it was the various actions taken by the slaves themselves, including the power given to the Union causes as a result of the moral calls for overturning slavery, plus the actual military role of working and fighting in Union campaigns that actually freed them. By forcing the emancipation issue on to the agenda, first of military officers, then of Congress, and finally of Lincoln, it was their actions that led to freedom.

Clearly, just as Congress and Lyndon Johnson would not have been able to sign the civil rights legislation of the 1960s apart from a modern civil rights and human rights movement, so too the military commanders, the Congress and Lincoln, would not have been able to achieve what they did without agitation and movement from the slaves and their allies. On the other hand, the slaves would not have become freed men, apart from what these leaders did.

Because historical interpretation has played up the role of white male leaders, while playing down the role of mass movement and leaders of color and women, our understanding of history has been skewed.

Some of the current putdown of traditional historical interpretation is legitimate rejection and reaction to this past limited and distorted understanding and interpretation of our history. The search now, it seems to me, should be for more balanced interpretation, which includes striving to put many forces and multiple players into proper balance and perspective. That, I think, is what is at issue with regard to the question that did Lincoln free the slaves.

Mr. Speaker, but for Abraham Lincoln and the answers for which he so nobly fought and advanced, we today would be without the capacity of building a more perfect Union for all Americans. The naming of Emancipation Hall is an extraordinary event on behalf of all Americans. We begin the process now of broadening the education of all Americans to make the Union more perfect for all.

I would close, Mr. Speaker, by just saying this: I shall never forget the movie "Roots." There was a great scene in the movie "Roots" when Kunta Kinte was being told by a slave master that his name was Toby. And he kept saying no, my name is Kunta Kinte. And he said, no, your name is Toby. He said Kunta Kinte. Toby.

Mr. Speaker, Mr. Kinte made an extraordinary contribution to saving this Union, to preserving it, and his descendants are making a contribution and making it more perfect. Congratulations to all Members of Congress today who voted to name the great hall Emancipation.

□ 2145

## HONORING OUR FALLEN HEROES

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, the gentleman from Indiana (Mr. DONNELLY) is recognized for 27 minutes as the designee of the majority leader.

Mr. DONNELLY. Mr. Speaker, I rise today to honor all those men and women whose service and sacrifice preserve and protect the foundation of liberty that has made this Nation great. They come from all walks of life, and yet they are unified by their willingness to risk their very lives in service to America. They are America's veterans.

It is often said that we owe a great debt to our veterans, which is true; but that debt can never be fully repaid. What is the value of our freedom and how can the sacrifice of a person's life be measured out and counted? It is altogether fitting and proper that we thank veterans and that we honor them with their own holiday. But such honor and gratitude toward our veterans should be a permanent part of our everyday lives.

Mr. Speaker, I cannot speak of every veteran in every war to whom great thanks and honor are owed, but I can speak of those nearest to me and to my home of Indiana.

Since the commencement of the wars in Iraq and Afghanistan, 23 soldiers, marines, and airmen from Indiana's Second Congressional District have fallen in service to their country. The names of the first 15 will remain with us forever: Specialist Brian Clemens; Private Robert McKinley; Sergeant Craig Boling; Staff Sergeant Mark Lawton; Specialist Michael Wiesemann; Sergeant David M. Heath; Lance Corporal James Swain; Staff Sergeant Marvin Lee Trost, III; Sergeant Paul M. Heltzel; Specialist Jeffrey Corban; Sergeant Rickey E. Jones; Corporal Aaron L. Seal; Private Nathan J. Frigo; Sergeant Kraig Foyteck; Sergeant Major Jeff A. McLochlin.

Each of these patriots is missed. Their families and hometowns will never forget them, and our country will be forever in their debt.

While 15 young men and women have died in the service of their country from 2003 through 2006, I have had the tragic duty of comforting the families of eight more fine young men in just this past year.

In memory of those eight heroic individuals and in honor of their sacrifice, I would like to share with this body and with the American people just a little bit about each of these great Hoosiers.

On February 18, Private Kelly Youngblood was killed by a sniper's bullet in Ramadi, Iraq. Although he lived in Mesa, Arizona, at the time, I believe Kelly's early years growing up in Westville, Indiana, and his grandparents continued residence there, made him a son of our beloved State.

After graduating from high school, Kelly set his sights on military service. His lifelong dream was to serve his country in the military; and shortly after his 18th birthday, Kelly achieved that dream by enlisting in the Army. Following basic training, Kelly was sent to Iraq as a member of the 3rd Battalion, 69th Armor Regiment, 1st Brigade Combat Team, 3rd Infantry Division. He is survived by his mother Kristen and sister Melaney, and his grandparents, my good friends, Charlie and Jean Herrold of Westville, Indiana, and many, many friends all around the country.

Kelly was known as a loving and kind young man with an excellent sense of humor. His grandmother told the local paper: "That young man was so much fun. He made a joke out of everything." His grandparents will always remember his last Christmas when he worshipped at the Westville United Methodist Church with them. As a soldier about to enter combat, we can be assured that Kelly prayed for peace in Iraq, for his fellow soldiers, and for his country. His loss will long, long be felt among the many people who loved him.

Less than 2 months later on April 8, Army Private David Neil Simmons of Kokomo was killed when his convoy was ambushed and his Bradley Fighting Vehicle was hit by an improvised explosive device. This loss hit home because Neil was the kind of young man that everybody in Kokomo loved. With his big smile and his enthusiasm, he made life enjoyable for everyone around him. As one who deeply loved his family and knew what it meant to be a great friend, he made life better for everyone.

He was a grateful man, returning to his high school often to visit friends and to thank teachers and other mentors for their impact on his life. During one of those visits just a couple of weeks before he was set to deploy to Iraq, he ran into Ms. Lovelace, a secretary at Northwestern High School where David went to school. When Janet gave David Neil a hug and thanked him for his service, he became teary-eyed.

Upon hearing about his son's death, Neil's dad David said, "Freedom is very expensive. You don't know how expensive until something like this happens. My heart goes out to all the families that have to go through this."

In the midst of so much sorrow, Neil's dad David remembered all of the other families and that is truly remarkable and it serves as an example to all of us who might become self-absorbed in times of trouble.

I was privileged to speak many times with Neil's mom, Teri Tenbrook. Her courage and resolve during so tragic a time impressed me considerably. She is a wonderful mom and a wonderful example for all of us.

Only 4 days after the loss of Neil, Corporal Jason Beadles of La Porte died on behalf of his country while fortifying a base in Baghdad. Jason loved Johnny Cash, and he loved country music. He loved taking his nieces and nephews swimming. He loved fooling around with them and playing games with his brothers and cousins in the backyard. Like many Hoosiers, he loved motorcycles and he hoped to eventually turn this passion into a career. In many, many ways Jason always was, as his parents said, a big child at heart.

But Jason also loved his country. Moved by the events of 9/11 and inspired by his dad and grandfather who had served before him, his brothers and uncles, Jason joined the Army. This lovable big guy became an honorable young man. He became one of America's soldiers. And as one of his friends in the Army said, one of the finest things you could say about Jason, he smiled, laughed and said, "Jason was just Beadles." What a wonderful young guy.

Hoosiers lost another honorable young man when Air Force Technical Sergeant Ryan Balmer, native son of Mishawaka, was killed on June 5 in Kirkuk, Iraq, when his Humvee, leading a three-vehicle convoy, was hit by an improvised explosive device.

Ryan was stationed at Hill Air Force Base in Utah where he lived with his wife, Danielle, and their two children, Anthony and Gabby. His family, including his mom, Patricia, was anticipating his scheduled arrival home five days later when they were informed of his death.

Danielle had made posters, buttons and banners to welcome Ryan home. He was this close to his last day in Iraq. They had planned to line the road to the house with American flags. She had made a shirt for Gabby that read, "My daddy is finally home." Sadly, Danielle saw the Air Force uniformed officers come to her house first. They included Ryan's saddened commanding officer. She learned that her beloved husband was not coming home. According to Danielle, "Ryan died doing what he loved," serving the country he was so devoted to.

Shortly after graduation from Mishawaka High School, Ryan joined the Air Force where he became part of the Office of Special Investigations. His mission was to help identify, investigate and neutralize criminal terrorists and espionage threats. It is one of the most dangerous assignments in the United States Air Force. At the time of his death, he was serving as a liaison between the Iraqi police and the U.S. military officials in Kirkuk. His commander, General Dana Simmons, called him a warrior who made the ultimate sacrifice in his brave performance of duty.

In honor of Ryan, American Legion Post 161 in Mishawaka just this past Sunday rededicated itself on Veterans Day as Ryan A. Balmer Post 161. I was privileged to attend this wonderful tribute to such a fine young man with Danielle and Pat and the rest of the Balmer family.

On June 18 of this year, the wonderful city of Elkhart lost one of their native sons when Specialist David Wilkey, Jr., died of wounds suffered while he patrolled the streets of Baghdad. David grew up in the wilderness of Michigan's Upper Peninsula. He loved the outdoors, and as his step-mom, Margaret, put it, "His passion was nature. If he had to pick where he was going to live, he would have picked a cabin in the middle of the woods with a pond nearby." The pond was for fishing, for David loved to both hunt and to fish.

As much as he loved the woods, though, he loved his family even more. From his niece whose eyes got big whenever he arrived, to his aunt who misses his smile and wink most of all, family was at the heart of David's life.

According to his wife, Melinda, he wanted a big family and he was a wonderful family man. He married Melinda in December 2005. His dream of a big family took root. That love showed immediately. It showed in the way that he treated his stepson Christian as his own. It showed in the birth of his son Blayke, and it shows today in the brand new baby girl Melinda had on October 7. Some months after his death, little Alexea was born.

David was a truly remarkable man, a remarkable American. In his love of nature and family, he displayed this every day. And he also displayed it in his sense of duty.

David was laid off from work just as he married Melinda, and he wanted to make sure his family was taken care of. He wanted a secure future, so David chose service in the Army. Where so many are content to let others provide for them, that was unacceptable to David. His determination, his courage, his sense of duty to his family, those are the qualities, the simple and small touches of everyday nobility that make this country great and made David such a fine, outstanding young man.

Just a few months later Army Corporal Shawn Hensel of Logansport died on August 14 from wounds sustained during an enemy attack in Baghdad. Shortly after learning about his death, Shawn's dad, David, spoke of the love for Shawn among his family, "Shawn had two sisters that really loved him."

Observing the crowd at a memorial service for Shawn just one week later, Shawn's sister Autumn noted, "It's nice to know that one person could be loved so much." He was loved by his family and by his community.

Shawn had been married to his wife, Laci just 8 months before his death. Laci noted of Shawn, "The love he had for his country and his family was unbelievable." This observation was reinforced by Pastor Strite, the preacher at the Church of Christ in Logansport, "He was privileged to wear his uniform, and he wore it wherever he could."

☐ 2200

This love of country, this pride of service played on another quality of Shawn. His friend, Chuck Porter, remarked, "Shawn just had a way to get into your heart." His life and service now leaves him in all our hearts.

I was there on the day of Shawn's funeral for one of the most remarkable sites you could ever see in this country. As he was being escorted to the cemetery, we drove through the City of Logansport, and from one end to the other, five deep on either side of the road, people standing there with one hand over their hearts, the other hand holding an American flag, and tears being shed at every corner. It was a remarkable tribute from a remarkable city to a remarkable young man.

Sergeant Nicholas Patterson of Rochester was killed on September 10 in an accident while his team was returning from a raid in western Baghdad. Like many people in the Army, Nick was a spectacular athlete. A 2001 graduate of Rochester High School, he led his basketball team in scoring his senior year, and in Indiana that is quite an accomplishment. He played second base for the baseball team, proudly wearing number 10 in both sports. His former teacher, Rob Malchow, said, "Nick had such an outgoing personality. He had so much energy, you couldn't help but get to know him." When he joined the Army, shortly after graduation from high school, he set his sights on becoming a paratrooper. He was thrilled to become a member of the storied 82nd Airborne Division, and treasured the camaraderie of his men and his brothers. His widow, Jayme, said Nick was "very, very proud to be part of the unit he was in." Nick described it as a high-speed team. Fellow soldier Sergeant Blake Bagbay noted, "Nick could always be counted on to pick you up and make you smile. His concern for his fellow soldiers and his friends will be missed by all."

Nick and Jayme shared their loved with their 4-year-old son, Reilly, and he valued the daily contact with his family by phone, e-mail, and even Web cam from Iraq. He made sure to e-mail Jayme every day, and the last thing he said in every e-mail he sent to her were the three words, "I love you."

He was close to his dad, Jim, whom he affectionately called Pops. Father and son shared a love of the Chicago Cubs, a difficult passion under any circumstances, the Indianapolis Colts, IU basketball, and fishing in Nyona Lake.

Everyone in Nick's family continues to mourn his loss; his mom and stepdad Jane and Scott Holmes, his stepmom Virginia Patterson, sister Tai Johnson, and stepbrother Kyle McLochlin, as well as the entire close-knit community of Rochester.

Mr. Speaker, our most recent loss in Indiana's Second Congressional District occurred less than 2 weeks ago when Army Captain Tim McGovern of Idaville, Indiana was killed October 31 while serving in Mosul, Iraq. Tim was leading his troops in a mission clearing the roads of IEDs when his group came under fire and his truck was hit by a roadside bomb.

After moving to Idaville as a teen, Tim graduated from Twin Lakes High in 1997, where he excelled in honors classes and was a star in both football and track. Even at that point, it was clear what Tim was going to do with his life, as his former football coach commented: This young man was made for the Army. "It didn't surprise me at all when he joined the Armed Forces and also when he became an officer. That was just the kind of guy he was, born to lead."

It probably didn't surprise anyone, for a career in the Army was in Tim's blood. Just a year before he graduated from high school, his dad, Bill, retired from the Army having achieved the rank of lieutenant colonel.

Tim started on that path immediately following high school when he joined ROTC while attending Purdue University. Less than 2 years after his graduation from Purdue in 2001, Tim set off to serve the first of his two tours of duty in Iraq. He was on his very first tour when the war in Iraq started, and when he came home he did not hesitate to do another, according to his Uncle Mike.

Although Tim was in the process of buying a home in El Paso, Texas, his heart remained with his family in Idaville and with the Chicago Bears. During his second duty in Iraq, Tim was given a 2-week pass to return home to the United States. He made sure to return home for the Super Bowl, and Tim's parents will never forget the very last moments they spent at home with their beloved son. "Tim was a Bears fan from the word go," his mom Jonell said. "In Indiana, he was one of the very few rooting for the Bears. He and his grandfather together. That is going to stay in our minds forever."

But if his heart was with his family, his passion and purpose was with the Army. As captain of a 90-member company, Tim showed exemplary dedication to his duties and to the safety and well-being of his men. His mom noted, "Tim said the thing he was most proud of was that he had never sent anybody home injured, and that nobody had been killed from his group. To him, that meant he was doing his job and taking care of his men." Safety did not mean staying away from where the action was in his area.

He assumed command of Company E from Captain Tim Hudson, who observed, "We both chose to go to El Paso and Fort Bliss, and we both came here for the same reason; and that was to come out here and command soldiers, keep an eye out for them and protect them and bring them home safely."

Having commanded Company E for 20 months, Captain Hudson could only praise Tim's work upon assuming command in June. "I put my heart and soul into this company," Hudson said, "and after Tim took over, Echo Company only got better."

What was Tim's secret to being such an excellent commander? He may well have shared it with First Lieutenant Michael Holbrook. "He told me there was no greater honor than leading American soldiers. I am going to remember that until the day I hang up my uniform."

The button Shawn Hensel's mother, Beth, wore after his death said, "Our hero, 1987 to 2007." Our hero. This is most certainly what Shawn was and is now. This is what all of these men are to all of us in this country.

We are used to speaking of young men as having lives full of promise and possibility, but all of these young men put their promise and possibility on the line in service to their country. For that, we honor them as heroes.

But we are also left with their absence. Nicholas Patterson's dad, Jim, expressed the paradox well. "I am so proud. He is my hero. But it hurts so much." This is the truth for those families, for all of those that love these young men and so many more in our country. By their sacrifice, these men and the women who share duty with them are all heroes. But that does not erase the pain of all of us who mourn their loss.

When President Dwight D. Eisenhower called upon all the citizens of the United States to observe the first Veterans Day in 1954, he gave the following instruction, "On that day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain."

Mr. Speaker, today I have done my duty to remember those who have fought so valiantly this past year, and those from northern Indiana who made the ultimate sacrifice for our great Nation. Having honored America's veterans, having honored those who gave their lives, may we all remember our duty as national leaders to promote a peace both enduring and just.

At this time, I would like to conclude by saying how grateful we are to have had them with us during their brief lives, and we will never forget them. God bless America.

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## AMERICA'S ENERGY CRISIS

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise once again on this House floor to talk about an issue that I think is the most important issue that this Congress should be dealing with and that this administration should be dealing with.

Six short years ago, we had $2 natural gas and $16 oil. Most of our lifetime we have had gas that was less than $2 per thousand and oil that was around $8, $9, or $10 a barrel. That is how America grew, cheap, affordable energy. Now, we have lots of other sources of energy, coal, hydro, wind, solar, renewables of all kinds, but the majority of our transportation fuel has always been oil. Four weeks ago, I rose to speak on this House floor. Oil was $82, and most of us were panicked. Can our economy handle $82 oil?

Just a few months ago, I met with an Assistant Secretary of State whose role is to deal with energy. He shared with me that he and many of his colleagues felt that $70 to $75 oil would really put us in recession because the economy could not absorb those costs. It didn't. Then, we were at $82. Two weeks ago, we were at $90.92. Last week we were at $94.53. And, at one point it was 98-something. Today it is $91.92. Can America's economy continue to afford $90 to $100 oil? I think there are many who are very concerned.

I know that the poorest among us, the average American who spends every dollar they earn every week, and sometimes with the use of a credit card maybe a couple dollars they didn't earn that week hoping to catch up later. And with the winter heating season coming on, you would think this body and someone would be debating energy. Four weeks ago, there was no energy debate on this floor; three weeks ago, there was no energy debate on this floor; last week, there was no energy debate on this floor. And there is a little rumble that there could be an energy debate on this floor, but most people don't think so.

Record high heating oil prices; winter is coming. Record high diesel prices for our truckers who move our goods across this country; winter is coming. Gas prices are on the rise. We have a mortgage crisis, everybody is talking about it. Is the mortgage crisis equal on the impact on America that high energy prices will have? No. Is it important? Yes. No discussion about energy for America.

We passed a House bill some time ago. They passed a Senate bill some time ago. No conference committee has met. We have heard rumblings that a few staffs have met, but no sense of urgency.

I cannot understand for one minute why energy isn't the number one issue facing this Congress, available, affordable energy to maintain our economic base, people to heat their homes, people to drive to work, and to have a few dollars left for food.

□ 2215

Now, we've done a few things. The Speaker sometime a few months back made a declaration that we would stop heating a portion of the complex here with coal and we would use natural gas. And that was because of the concern of the carbon, the $CO_2$, the carbon footprint.

Now, we didn't do anything to put double pane glass in any of the windows in the Capitol or all the surrounding office buildings. They're all single pane. I'm not saying it was right or wrong to switch to natural gas. It costs the taxpayers another $3 to $4 million. But it didn't do anything to conserve energy. We could have put double pane glass on all the buildings in the complex and saved millions of dollars in energy for America.

Oh, we also mandated with recent legislation that all bulbs in the Capitol complex will be the new fluorescent bulb that screws in. I have some of those at home. My wife doesn't like them. I don't like them in a place where I read a lot. They're not quite as clear, bright, and some of them buzz, vibrate a little.

But the unfortunate part is we mandated them here; those are all made in China. No American jobs. And I have the largest incandescent light bulb plant left in my district in St. Mary's, Pennsylvania.

What are others doing about energy? Well, the one that's leading the world in the fight for energy is China. They're building a coal electric plant every 5 days. They're building a nuclear plant every month. They're building the largest hydro-dams in the world as we speak. They're buying up rights to oil and gas and other forms of energy all over the world. In fact, they've just developed a pact with Cuba. Less than 50 miles off the Florida coast, with Norway and Canada and a number of other partners, they're going to be producing oil and gas right off our coast, while we prohibit offshore drilling.

China and India, the two new giants that are our competition, are increasing their energy use between 15 and 20 percent annually, and they're out securing it. In fact, that's the real reason for the price run-up.

I have a chart here that shows, that I've been using for the last 6 to 8 months and no longer does it work. It doesn't go high enough; 90's up in here. So I'm going to take it down because really it's no longer applicable.

Now, here's what's happened in just a year. In 11 months we've gone from $58.31 to a high of $96.65 on the day this was used in a press conference last week. It actually hit 90-some later that day. But no energy around here about doing something about energy. I find it unbelievable.

What does America want Congress to do? They want available, affordable energy to heat their homes, to run their vehicles, and to power the places they work. Companies who make steel use a lot of energy. Companies who make aluminum use a lot of energy. Petrochemicals, polymers and plastics, 45 to 55 percent of the cost of all of them is energy. Fertilizer that we grow our corn and our wheat and our crops with, 70 percent of the cost is natural gas, energy.

And while we have these skyrocketing prices that have Americans afraid because this $90 oil is not $3.09 gasoline, which is the price at the pump where I buy, it will soon be $3.39, $3.49, $3.59. In some parts of the country it already is.

This spring we had $3.09 gasoline with $63 oil. How did that happen?

Well, oil companies don't set the price. We like to blame them, but they don't set the price. Wall Street sets the price. And there was a shortage of gasoline because Americans don't realize it, but we don't produce enough gasoline in America for Americans.

Twenty percent of our gasoline now comes from Europe. Europe has an excess of gasoline because they switched to diesel in their cars. Many of their cars and trucks are diesel so they have an excess capacity of gasoline, so they ship it over here in ships.

This spring they used more than usual, for some reason, and they didn't have enough to supply us, so we had a gasoline shortage in Europe and America, and the prices were extremely high. And so with $63 oil we had $3.09 gasoline. So you don't have to be a very good mathematician to know that $92, $95, $96 oil doesn't equate to $3.09 again. It'll be much higher. It's just a matter of a few days and weeks until that little extra gasoline that's in the marketplace from the summer gets utilized.

Well, what is Congress doing?

Let's take a look at not what should we be doing, but what are we doing. And we're not even meeting on this for some reason. Maybe that's good. Many of us stood on this House floor a few months back and debated this energy bill and tried to get amendments into this bill, but it was pretty well locked up. There were very few chances for amendment in the energy debate in Congress. But here's what it does. It locks up 9 trillion cubic feet of American natural gas. That's the Roan Plateau, a huge clean natural gas fill in Colorado that was set aside as the oil shale reserves in 1912, because of its rich energy resources.

And this legislation means that 9 trillion cubic feet of natural gas will not be available to us. It's already went through the NEPA. That's the environmental assessments. It's passed all those. It's ready for lease.

This provision was not in the original bill, but it was stuck in at the last minute, in the dark of the night. Suddenly when the bill came to the floor, not from committee, but somewhere down the line, in Rules or somewhere else, they slipped this in and removed the best potential onshore gas for America from being able to be produced.

The next part here is, I was responsible in the 2005 energy act for taking away redundant NEPA studies. NEPA studies are an important part of our environmental assessment for everything we do. It's about a year-long process. But abuse of the NEPA studies was to the point of where people would lease oil and gas in America and 5, 6, 7 years later we're still not able to produce it because of NEPA study after NEPA study. They do a NEPA study for the project, then they do a NEPA study for the roads, then they do a NEPA study for the well layout, and then a NEPA study for every well. And this process is a year-long process, a paperwork process that wasn't about the environment. It's about stopping the production of energy successfully. So we took away the redundant waste, and they want to put them back.

The next one's probably the worst. There's huge reserves in the West called western oil shale. It's even greater than in Canada's tar sands. This oil shale has up to 2 trillion barrels. Now, we need to figure out how to produce it environmentally in a sound fashion. There are companies preparing to do that. But this legislation would say no to shale oil.

When we have $100 oil and we're dependent on foreign unstable countries for 66 percent of our oil, increasing 2 percent a year, and if this bill passes here, it'll be 3 percent a year or 4, why would we lock up the shale oil in the West? It makes no sense to me.

National reserve in Alaska. Locking up another 10 billion barrels of oil. Making sense? No, it doesn't make sense. Alaska's a huge place. The Alaskans want to produce energy. We know how to produce energy cleanly today. But this bill that's been proposed in both the House and the Senate will remove.

It also breaches contracts, which I think will lose in the courts.

But the one down here that really makes no sense, and it's talking about taxing Big Oil. Big Oil produces a small percentage of our energy; 60, 70, 80 percent of our energy is produced by little companies. I have two refineries in my district, United Refinery in Warren, American Refiners in Bradford. This bill will force them to pay higher taxes than any other business in America. That will increase the price of energy, and when you make American production of energy more costly than offshore production of energy, you're going to get more foreign dependent. Does that make sense? I don't think so.

Now, we were talking earlier tonight about how many times they've spent that in the appropriations process. I thought it was four or five. Someone said three or four. But many, many bills have been funded with this tax.

Now, the next one does nothing for coal to liquids or coal to gas. Everybody knows I'm the big proponent of offshore, and I'm going to talk about it a little later. But there's huge potential in America of using coal in the traditional way, but also using coal to make liquids, jet fuel, gasoline, fuel oil, and coal to make gas. And some of the new processes, they want to make gas out of coal and then burn the cast to make electricity in a clean way. But to make that work, we've got to fund some of those and get them online, get the bugs out, help industry make this a productive way to use coal in a cleaner way for the environment. But there's great resistance in this Congress to do anything with coal because we're now in the carbon debate.

Now, I guess, the carbon argument is still out there. Many Americans believe $CO_2$ is a poisonous gas and it's causing global warming and it's a crisis. I think the crisis is available, affordable energy. And as we go coal to liquid or coal to gas, we can do it in a manner that deals with developing the process to make coal to liquids and coal to gas affordable and in a way that we capture the carbon and then use it in another form. That should all be part of the original projects. But, no, we're finding coal plants not permitted all over this country. They're closing the door on coal. And we are the Saudi Arabia of coal. In my view, they're really trying to eliminate coal as one of our energies. And as I'll show you later, that won't work.

And then at the bottom down here, there's a mandate that's part of this legislation in the House version. And it sounds good. And I wish it was doable. And later on some charts I'll show you why it's not, that electricity, 15 percent of electricity being produced by renewables, but not allowed to count hydro. And as I show my charts later, I'll come back to that.

But it doesn't appear in the next 30 years there's any way to do that yet. Twenty States have passed laws and Congress is wanting to pass one that will severely limit what can be counted, but forcing States to produce companies in the whole country to produce 15 percent of electricity from renewables, and if they don't accomplish that then they're going to be fined. And who's the fine going to be paid for? By the electric users. We're going to pay as we pay for more expensive electricity. But it'll still be generated the same old way.

Now, if it was doable, I would say let's take the carrot-stick approach. Let's put some inducements, some incentives for producing electricity with renewables.

Here's our current use of energy. And of course, petroleum, 40 percent; natural gas, 23 percent; coal, 23 percent. Now, natural gas has had the fastest growth because about 12 years ago we took away the prohibition of using natural gas to make electricity. We didn't used to allow them to do that, only in the morning and the evening when you have that extra surge, when we're cooking and washing and doing the home duties and the factories are running too. We need more electricity than we do any other time of the day, so we had gas peaking plants because you can turn them off and you can turn them on.

Seven or 8 percent of our electricity was natural gas. Now in a short period of time we're up to 23 percent, and that's why we have the highest natural gas prices in the world, which are driving major industries out of this country, and I'll talk about that a little more later.

Nuclear, 8 percent. We need all 35 plants that have asked for a permit to expand or build a new nuclear plant to be permitted and built in the next 20 years or this 8 percent figure will continue to shrink, because as electric use goes up, everything on here has to go up or that percentage will go down. We know hydro's going to go down because we sure aren't going to build another dam. In fact, they keep taking dams out. Biomass is the only one that's really shown some growth.

□ 2230

Biomass is woody waste, any kind of fiber, and what's really growing there is that wood waste used to be a throwaway item. Sawdust was something you just got rid of. Now it burns in factories to heat the factories. I come from a heavily wooded area, the best hardwood forest in America. We dry most of our wood now in the dry kilns with wood waste. And a million Americans are heating their homes with pellet stoves made out of dry sawdust. And they are trying to now the expand of the use of them into biomass stoves where any kind of waste material that can burn cleanly could be made into a pellet and can be burned like corn stoves. There are a lot of corn stoves now, but with the surge of ethanol, corn has become quite expensive and is no longer as viable a fuel as it was but it is still being used in biomass stoves and in corn stoves.

Geothermal, not really much growth. A good, efficient way to heat a home. It's costly in the beginning. I know people who have used geothermal, and when they build a new home, they go with geothermal because they are familiar with it. And it is a less costly way to heat your home, especially in milder climates, than traditional fuels.

Then we come to the hope of the future: wind and solar. Unfortunately for many, people think that the renewables here can trickle. They bring petroleum down, coal down, nuclear down. I wish that were true. But I will show you now the chart of what the Energy Department says about the future, and that's this chart in a different way because this chart is about history; this chart is about history and the future. The left half of this chart is history. There is a line here in the middle. This is use in the past; this is use in the future, projected.

Now, I don't totally agree with the Energy Department. I think natural gas will grow and I think coal will decrease for the reasons I just mentioned. The carbon issue is going to decrease coal until we find clean ways to use coal, and we are working on those. But there is great resistance for coal. I don't agree with it. And there is a lot of reluctance in nuclear. I don't agree with that either because we need it too. But I look for natural gas to grow and oil probably to just chug along. Now, $95, $100, $120 oil may decrease oil, but I don't know what we are going to replace it with because we are not doing coal to liquids, which could replace oil. We are not going to run our cars with nuclear. We are not going to run them with hydro. We could run a lot of them with natural gas.

Natural gas, in my view, is the fuel, the clean, green fuel, that's underestimated in this country. And we cannot ever be in control of our oil needs. We don't have enough. But natural gas we have lots of. And we will talk now about how we have locked it up.

First, I want to talk about what natural gas prices have done to manufacturing, manufacturing employment. As gas prices have risen, manufacturing has decreased. Natural gas is the fuel that we use to run this country. And for the last number of years, we have had the highest natural gas prices in the world.

Here is how fast they have risen. And now we are back up between $7 and $8. During the winter, we will be back to $8 and $9. Now, that's from the well head; that's not the price people pay. So these figures are costs from out of the ground. But America's natural gas prices, historically we were down here under $2, and we were very competitive in the world. But in these years since this rise, we have not been competitive. And in China and India natural gas prices are half of ours. And South America, a buck something; Russia, less than a dollar. Our competition in the global marketplace have much cheaper natural gas prices. And that's a problem for America. Here's the reason why:

Now, there is also a chart I have. I don't have it with me, with some big circles in here, and these are areas where there are lots of gas and oil. But they are locked up. Why? We are the only country in the world that has chosen to lock up our gas and oil. The only country in the world, offshore and onshore. Even with $95 oil and $8 and $9 gas, we're locking it up.

Twenty-seven years ago, Congress, in its wisdom, prohibited the production of energy offshore in these areas. Canada produces, Great Britain produces, Norway, Sweden, Finland, Australia, New Zealand, all environmentally sensitive countries, they produce offshore. We talk about Brazil being energy independent because of ethanol. Ethanol was just a piece of it. They also went out offshore and produced oil and gas and became energy independent, and they don't have to buy this expensive energy from anybody. They have their own.

America could be self-sufficient on natural gas. We could fuel a third of our auto fleet, all short-haul vehicles, all short-haul trucks, all construction vehicles if it was affordable, more affordable than oil and gasoline. It is cleaner burning, no $SO_2$, no $NO_X$, a third of the $CO_2$, if that's giving you gray hair. But for some reason, here's what natural gas is used for. People just have no idea. And ladies, natural gas is the derivative of the skin softeners we all love. I have dry skin. I use skin softeners on my hands every day. I inherited that from my father. All of these products, natural gas is not only used to make them; it's an ingredient: polymers, plastics, tires, carpet. Look at these products. Insulation in our houses. Huge amounts of natural gas. Feedstocks, ethane, propane, butane to make steam, to make power. All of these are feedstocks. And if we go to our hydrogen society, which we are all hopeful in hydrogen, how do we make hydrogen? The only way we have portable to make it is from natural gas.

Natural gas should be the bridge to America's renewable future. Natural gas is the clean fuel. And for us to lock our supply of natural gas in this country up makes no public policy sense. Natural gas has never washed up on a shore. We had an oil spill in San Francisco. It wasn't an oil well; it was a ship. There are ships everywhere that could spill oil. Every moving ship in the waterways, on a lake, a river, a dam, or the ocean spill oil from their engines every day. But we won't drill for it and we won't drill for clean natural gas that doesn't have oil, that isn't oil. I think we should be producing both. But natural gas is the vital part of our future.

We have a bill that we now have 170-some sponsors for but have not been able to get it considered yet. Now, our bill is a bill that gives a lot of States rights. Our bill will say the first 25 miles, and I don't theoretically agree with it, but I have agreed with it to try to get it passed, the first 25 miles is closed, period. You only can see 11 or 12, so nobody is ever going to see a gas well. The next 25 miles it is up to the States. They choose whether they want to produce energy. Their legislature decides. If they want out under the moratorium, they can choose to be out. The second 50 mile is automatically open, but, again, States have a right to pass a bill and have it signed by their Governor to keep it locked up. So Congress could open it, but they can close it back up with just a State-passed legislation. Then the second 100 miles, the OCS, Outer Continental Shelf, is from 3 miles, which is now controlled by the States, to 200 miles. I'm giving the States total control of the first 25 and saying you can't drill. The second 25, you can drill if you have the wisdom to. And the second 50, you can drill unless you have the foolish attitude that you don't want to produce natural gas.

This bill would bring in billions to producing States because of the royalties, $100 billion for the Treasury. Now, we have set-aside funds. We talk about renewable energy. This bill, the NEED Act, would put $32 billion in the coffers for energy research, clean, green energy research; $32 billion for carbon capture and sequestration research to teach us how to burn coal and other fuels and capture the carbon. This isn't talk. This is real money that would put $32 billion to research that.

And we have some spoils of the past that we need to clean up. They have been trying for a long time to get $20 billion to clean up Chesapeake Bay. This bill would provide it. There is $20 billion for Great Lakes restoration because when we first started this country, we used the Great Lakes as a depository for our waste of all kinds. Wrong. We don't do that anymore. This would give them the money they have been looking for for the Great Lakes group to clean up. And $12 billion for Everglades restoration. I saw a complaint the other day that this year's bill didn't give the Everglades as much as usual. This would give them mandatory spending right out of the energy bill. Also, $12 billion for the Colorado basin restoration, $12 billion for the San Francisco Bay cleanup, and $10 billion for LIHEAP and weatherization. You haven't heard any energy debates on this floor, but I'm going to tell you in a few weeks when people start paying high energy bills to heat their homes, you're going to hear a lot of LIHEAP debates on this bill where people are going to say $2 billion isn't enough, $3 billion isn't enough, $4 billion isn't enough. We need more money because people can't heat their homes. They can't heat their homes because Congress has locked up energy and caused energy prices to be unaffordable not only for homeowners but for the businesses that provide the jobs for the people. If America doesn't get a handle on energy prices, we won't have working people's jobs in this country. We won't have a petrochemical industry. We won't have a polymers and plastics industry. We won't do anything like making steel or aluminum or bending it or shaping it. It will all be done offshore where energy is much cheaper and labor is much cheaper and environmental standards don't exist. America cannot be the strong country that we grew up in if we don't have available, affordable energy.

I plead with this Congress, energy needs to be the number one issue facing this country. Affordable, available energy so we can run this country, so people can live their lives in a normal fashion and have jobs and we can compete.

I think America faces a challenge that it has never faced before. We have always been the big dog. We have always been the giant. We have always been able to handle competition. But we have people today that are building economic bases and they are building the energy support systems to run them. America is going to starve itself of affordable energy by choice because we locked up onshore, offshore major supplies of energy and we didn't allow the adequate trial on coal to liquids and coal to gas and we've had great resistance to nuclear and the undue hope that renewables are the answer.

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I wish they were, but let's go back to that chart.

The first half is history. The second half is projection. I don't totally agree with it. Let's say renewable estimates are wrong. Let's say they're 100 percent wrong, and they're going to be twice as much. They still won't hardly be 10 or 11 percent of the energy needed for this country. And our energy growth is going up percentages every year. If we doubled this for renewables, if we tripled it, we would be lucky to keep up with the energy growth. We would still need all of this. And we have people in this Congress thinking we don't need oil; they won't support gas, they won't support coal, they won't support nuclear because we want this.

Yes, we want this, but how do we get this? How do we get that? When wind and solar are just fractions, and geothermal are just fractions. They're good, they're good sources, they're clean, they're green, they're pure.

You know, we have a lot of groups in this country, I can just think of a few, Greenpeace, Sierra Club, and the PIRGs and the League of Conservation Voters and the Environmental Defense Fund, and more. These organizations are opposed to all of these. They grade legislators badly if you support the use of them and the production of them. They would all rate me badly because I know we need this to run this country. If we could run it on these, I would be for it, but we can't. We need to try to grow these, we need to try to get into a hydrogen society, we need to try to do every kind of renewable there is; but at the same time, we must produce oil, natural gas, coal and nuclear to run this country because that's what has run it, and it's what will run it for the next 30 years, according to the Energy Department.

Let's say they're wrong. I think they're off on natural gas. I think the use of gas is going to explode because of the carbon debate, because the carbon debate is going to cause us to shut down coal, not permit new coal plants, not allow us to do coal-to-liquid or coal-to-gas, which would be a clean way to use coal; but they're not even going to let us experiment.

The administration is pushing cellulosic ethanol. That's good and fine, but I keep arguing with them, we need to be experimenting with clean coal technologies and liquids and gas from coals because we have it. Other countries have done it. We just need to know how to do it in a cost-effective way and then try to, if carbon is the big issue, secure the carbon. And if we passed the NEED Act, we would have the money to do it.

Energy availability and affordability will depend on whether America is a competitive Nation. If this Congress doesn't wake up out of its slumber, if it doesn't wake up and realize that affordable and available energy, and I understand why they're asleep. All of our lifetime there has been lots of energy, and it's been cheap, cheap, cheap. It's not cheap anymore, it's expensive and going to get more expensive.

Available, affordable energy will slowly shut this country's economic base down. And the working people of America that don't have white collar jobs, that go to work and make things, as we try to get back into the growth of nuclear, the new plants that are being designed, the bases of them, the big, huge cast bases will be shipped here in a ship from Japan because we no longer have a casting plant big enough to make them.

Much of the high-tech parts of our nuclear plants will be built in Germany because we haven't built them in a long time and we've lost our capacity. I say down the road, how do we defend our country? How do we build the jets and the planes, the tanks and the equipment, the sophisticated equipment? We're going to be buying the parts from foreign countries, who may not even be our friends, built by foreign people who aren't even in this country and Americans will not have the jobs.

Energy is one of the biggest job creators. When you produce energy, a lot of people make a living. When you buy it from Saudi Arabia, when you buy it from foreign countries, when you buy it from the Mideast, the only Americans who get a job are those who sell it, a retail job. I was a retailer, and I'm not saying that in any way to cast aspersions; but right now here in Washington, DC you can buy gasoline made in Russia. Not only produce the oil in Russia, but the gasoline was made in Russia, came here in a ship. Not many Americans get a job from that. But when you buy gasoline made from an American refiner and produced from American oil, a lot of people have made a living.

I hope the next time I rise on this floor there will have been some action from this body, there will have been some voice from the White House. I haven't heard much from the Secretary of Energy about the energy crisis. Every time I talk to any of the people in the Cabinet that advise the President, I talk to them about my views and they listen intently, but not much action; and no action from this Congress, zero action.

Available, affordable energy has the ability to shut the economic base of this country and take us down and make us a second-rate Nation. And the number of poor people in America will continue to grow. Working-men jobs for the people who work with their hands, who have made this country, they're the heart and soul of this country. I was the son of a seventh grade-educated steelworker. He was a darn good dad. He taught me to be honest, work hard, always do my best, and never quit and give up. And those principles he taught me I have lived with all my life. And I thank him today and my mother for teaching me to be honest and upright. But they were working people. Neither of them had graduated from high school. They worked with their hands. They were ambitious.

There are lots of Americans that need jobs to work with their hands, to make things, build things. And this country will no longer be a country that makes things and builds things and creates things. We're just becoming consumers as we export our jobs. And energy, available, affordable energy has exported more jobs from America than any other issue. I will debate that with anybody. And it will continue to export the good jobs we have.

Dow Chemical, the biggest employer and manufacturer of chemicals in the world, used to pay $8 billion a year for natural gas in 2002. In 2006, they paid $22 billion, and they came to Congress and begged. I had them at hearings, and they begged us. The President of Dow Chemical begged this Congress to take action on opening up energy supply for this country so he didn't have to go across the ponds in other countries to build his plants so he could compete. They make products for the whole world, and they can go to countries where energy is a third, a fourth, a fifth of what it costs here and labor is cheaper. And that's why they're going. They don't want to go. He said, I don't want to go. I'm loyal to America. And many companies are loyal. I talk to company CEOs that say they spend millions every year trying to cut energy use, but the energy costs just go up faster than their energy use.

Americans need to conserve. We all need to use less. We need to learn how to use less. We need to figure out how to quit wasting energy, and more fuel-efficient cars, more efficient homes. But folks, we need to have a Congress and an administration that puts energy at the front door of our future and says that we're going to do whatever it takes to compete in this global economy. We're going to provide energy for Americans. We're going to open up our reserves. We're going to produce the oil we need, the gas we need. And we're going to use coal the clean way.

And, yes, we're going to expand nuclear. And, yes, we're going to even maybe build some dams and do some hydro. And, yes, we're going to do everything we can to promote renewables, all of those. And we're going to try to get into hydrogen. It will be decades, but hydrogen society, where we can make hydrogen. If we learn to make it out of water, we've got it made. But then we still have to learn how to transport it safely and how to utilize it, how to sell it, how to process it and distribute it. It takes years and decades to do that. In the meantime, we've got to continue with what we have, and it's nuclear, coal, natural gas and oil, and renewables.

We need to make energy one of the top issues in this Congress, not tomorrow, not the next day, but now. Not next year or two years from now; it may be too late. When we open up a new oil field, if we open up the Outer Continental Shelf, it's 10 years before you have any real production out there. If we start coal-to-liquid, coal-to-gas, it will be a decade before we would have real production. We need to be starting it now. We need to be figuring out how to speed up the process of nuclear to run this country. America needs a Congress committed to available, affordable energy.

And I'm going to conclude, you know who owns the oil in the world? You know who the biggest oil companies are? It's not Exxon. Exxon is the 14th largest oil company in the world. They're pretty big. But 13, unstable, nondemocratic governments are bigger oil companies. And they've kicked out Big Oil in the recent years, taken over their investments, captured their monies. And they're running the oil production in most parts of the world. Ninety percent of the oil is owned by unstable governments. And any one of them that tips over, along with a Katrina-type storm in the gulf, can give us unaffordable energy overnight. We're vulnerable to a storm; we're vulnerable to unstable nondemocratic governments that don't even like us.

How can America go to sleep? How can this Congress go to sleep at night knowing that we are vulnerable to those we don't even trust with our energy future?

This Congress must have an energy policy soon, and it can't be the one I talked about first that takes energy off the table. It has to be one that puts energy on the table, yes, does conservation, does all of the things to conserve and use wiser, but produces the energy this country needs to compete.

We're in a global climate, we're in a global economy today, and America must figure out soon that everything we do in Congress must enable our companies to compete in the world; and affordable energy is one of the first things we ought to be doing.

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## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today and until noon on November 14.

Mr. BISHOP of Georgia (at the request of Mr. HOYER) for today.

Mr. DOYLE (at the request of Mr. HOYER) for today and the balance of the week on account of a death in the family.

Mr. WOLF (at the request of Mr. BOEHNER) for today on account of a medical appointment.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. FLAKE, for 5 minutes, November 14.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and November 14, 15, and 16.

## ADJOURNMENT

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 14, 2007, at 10 a.m.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the second and third quarters of 2007, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 19 AND OCT. 22, 2007

| Name of Member or employee | Date |  | Country | Per diem [1] |  | Transportation |  | Other purposes |  | Total |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Arrival | Departure |  | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Lois Capps | 10/19 | 10/22 | United Kingdom |  | 2,439.00 |  | (3) |  |  |  | 2,439.00 |
| Hon. Hilda Solis | 10/19 | 10/22 | United Kingdom |  | 2,439.00 |  | (3) |  |  |  | 2,439.00 |
| Hon. Gwen Moore | 10/19 | 10/22 | United Kingdom |  | 2,439.00 |  | (3) |  |  |  | 2,439.00 |
| Hon. Louise Slaughter | 10/19 | 10/22 | United Kingdom |  | 2,439.00 |  | (3) |  |  |  | 2,439.00 |
| Amy Fisher | 10/19 | 10/22 | United Kingdom |  | 2,439.00 |  | (3) |  |  |  | 2,439.00 |
| Melissa Shannon | 10/19 | 10/22 | United Kingdom |  | 2,439.00 |  | (3) |  |  |  | 2,439.00 |
| Hon. Donna Christensen | 10/19 | 10/21 | United Kingdom |  | 1,854.00 |  | 4,182.28 |  |  |  | 6,036.28 |
| Committee total |  |  |  |  | 16,488.00 |  | 4,182.28 |  |  |  | 20,670.28 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

LOIS CAPPS, Chairman, Oct. 30, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30 2007

| Name of Member or employee | Date |  | Country | Per diem [1] |  | Transportation |  | Other purposes |  | Total |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Arrival | Departure |  | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Janice Helwig |  | 7/1 | United States |  |  |  | 148.00 |  |  |  | 148.00 |
|  | 7/2 | 9/30 | Austria |  | 13,748.00 |  |  |  |  |  | 13,748.00 |
| Hon. Benjamin L. Cardin |  | 7/4 | United States |  |  |  | (3) |  |  |  |  |
|  | 7/5 | 7/9 | Ukraine |  | 1,575.00 |  |  |  |  |  | 1,575.00 |
| Ronald McNamara |  | 7/9 | Ukraine |  |  |  |  |  |  |  |  |
|  | 7/9 | 7/14 | Austria |  | 1,636.00 |  |  |  |  |  | 1,636.00 |
| Mischa Thompson |  | 7/9 | Ukraine |  |  |  |  |  |  |  |  |
|  | 7/9 | 7/14 | Austria |  | 1,284.00 |  |  |  |  |  | 1,284.32 |
| Janice Helwig |  | 7/15 | Austria |  |  |  | 960.00 |  |  |  | 960.00 |
|  | 7/15 | 7/19 | Bosnia & Herzegovnia |  | 796.00 |  |  |  |  |  | 796.00 |
| Shelly Han |  | 8/12 | United States |  |  |  | 10,832.97 |  |  |  | 10,832.97 |
|  | 8/13 | 8/15 | Turkmenistan |  | 399.00 |  |  |  |  |  | 399.00 |
|  | 8/15 | 8/21 | Kazakhstan |  | 536.00 |  |  |  |  |  | 536.00 |
| Kyle Parker |  | 8/12 | United States |  |  |  | 10,938.24 |  |  |  | 10,938.24 |
|  | 8/13 | 8/15 | Turkmenistan |  | 432.00 |  |  |  |  |  | 432.00 |
|  | 8/15 | 8/20 | Kazakhstan |  | 425.00 |  |  |  |  |  | 425.00 |
| Winsome Packer |  | 9/8 | United States |  |  |  | 6,267.43 |  |  |  | 6,267.43 |
|  | 9/9 | 9/15 | Austria |  | 1,937.44 |  |  |  |  |  | 1,937.44 |
| Erika Schlager |  | 9/22 | United States |  |  |  | 6,754.54 |  |  |  | 6,754.54 |
|  | 9/23 | 10/6 | Poland |  | 3,616.30 |  |  |  |  |  | 3,616.30 |
| Janice Helwig |  | 9/23 | United States |  |  |  | 1,199.80 |  |  |  | 1,199.80 |
|  | 9/23 | 10/5 | Poland |  | 3,507.30 |  |  |  |  |  | 3,507.30 |
| Mischa Thompson |  | 9/23 | United States |  |  |  | 7,763.93 |  |  |  | 7,763.93 |
|  | 9/24 | 9/30 | Poland |  | 1,573.95 |  |  |  |  |  | 1,573.95 |
| Orest Deychakiwsky |  | 9/26 | United States |  |  |  | 7,254.59 |  |  |  | 7,254.59 |
|  | 9/27 | 10/1 | Ukraine |  | 895.00 |  |  |  |  |  | 895.00 |
|  | 10/1 | 10/4 | Poland |  | 808.17 |  |  |  |  |  | 808.17 |
| Ronald McNamara |  | 9/27 | United States |  |  |  | 7,632.19 |  |  |  | 7,632.19 |
|  | 9/28 | 10/1 | Ukraine |  | 885.00 |  |  |  | 114.00 |  | 999.00 |
|  | 10/1 | 10/6 | Poland |  | 1,346.95 |  |  |  |  |  | 1,346.95 |
| Hon. Alcee L. Hastings |  | 9/28 | United States |  |  |  | 7,213.49 |  |  |  | 7,213.49 |
|  | 9/29 | 10/1 | Slovenia |  | 686.00 |  |  |  |  |  | 686.00 |
|  | 10/1 | 10/2 | Italy |  | 843.00 |  |  |  |  |  | 843.00 |
| Fred Turner |  | 9/28 | United States |  |  |  | 7,213.49 |  |  |  | 7,213.49 |
|  | 9/29 | 10/1 | Slovenia |  | 686.00 |  |  |  |  |  | 686.00 |
|  | 10/1 | 10/3 | Italy |  | 1,224.00 |  |  |  |  |  | 1,224.00 |
| Committee total |  |  |  |  | 38,840.43 |  | 74,178.67 |  | 114.00 |  | 113,133.10 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

ALCEE L. HASTINGS, Chairman, Oct. 31, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Steve Israel | 7/2 | 7/6 | Israel | | 1,233.00 | | | | | | 1,233.00 |
| Misc. Embassy Costs | | | | | | | | | 5,105.60 | | 5,105.60 |
| Commercial Air | | | | | | | 8,361.74 | | | | 8,361.74 |
| Steve Marchese | 7/15 | 7/19 | Colombia | | 1,170.00 | | | | | | 1,170.00 |
| Commercial Air | | | | | | | 2,497.20 | | | | 2,497.20 |
| Christine Kojac | 7/15 | 7/19 | Colombia | | 1,512.00 | | | | | | 1,512.00 |
| Commercial Air | | | | | | | 1,934.70 | | | | 1,934.70 |
| Elizabeth Dawson | 7/15 | 7/19 | Colombia | | 1,512.00 | | | | | | 1,512.00 |
| Commercial Air | | | | | | | 1,934.70 | | | | 1,934.70 |
| Hon. Ben Chandler | 7/19 | 7/22 | Serbia | | 685.50 | | | | | | 685.50 |
| | 7/22 | 7/23 | Croatia | | 228.50 | | | | | | 228.50 |
| Hon. Ed Pastor | 8/19 | 8/21 | Iceland | | 1,128.00 | | | | | | 1,128.00 |
| | 8/21 | 8/23 | Ukraine | | 692.00 | | | | | | 692.00 |
| | 8/23 | 8/26 | Netherlands | | 1,251.00 | | | | | | 1,251.00 |
| Hon. David Hobson | 8/19 | 8/21 | Iceland | | 1,128.00 | | | | | | 1,128.00 |
| | 8/21 | 8/23 | Ukraine | | 692.00 | | | | | | 692.00 |
| | 8/23 | 8/26 | Netherlands | | 1,251.00 | | | | | | 1,251.00 |
| Hon. Marion Berry | 8/19 | 8/21 | Iceland | | 1,128.00 | | | | | | 1,128.00 |
| | 8/21 | 8/23 | Ukraine | | 692.00 | | | | | | 692.00 |
| | 8/23 | 8/26 | Netherlands | | 1,251.00 | | | | | | 1,251.00 |
| Hon. Steve Israel | 8/19 | 8/21 | Iceland | | 1,128.00 | | | | | | 1,128.00 |
| | 8/21 | 8/23 | Ukraine | | 692.00 | | | | | | 692.00 |
| | 8/23 | 8/26 | Netherlands | | 1,251.00 | | | | | | 1,251.00 |
| Hon. Tim Ryan | 8/19 | 8/21 | Iceland | | 1,128.00 | | | | | | 1,128.00 |
| | 8/21 | 8/23 | Ukraine | | 692.00 | | | | | | 692.00 |
| | 8/23 | 8/26 | Netherlands | | 1,251.00 | | | | | | 1,251.00 |
| Part Commercial Air | | | | | | | 3,242.70 | | | | 3,242.70 |
| Dixon Butler | 8/19 | 8/21 | Iceland | | 1,128.00 | | | | | | 1,128.00 |
| | 8/21 | 8/23 | Ukraine | | 692.00 | | | | | | 692.00 |
| | 8/23 | 8/26 | Netherlands | | 1,251.00 | | | | | | 1,251.00 |
| Taunja Berquam | 8/19 | 8/21 | Iceland | | 1,128.00 | | | | | | 1,128.00 |
| | 8/21 | 8/23 | Ukraine | | 692.00 | | | | | | 692.00 |
| | 8/23 | 8/26 | Netherlands | | 1,251.00 | | | | | | 1,251.00 |
| Kevin Cook | 8/19 | 8/21 | Iceland | | 1,128.00 | | | | | | 1,128.00 |
| | 8/21 | 8/23 | Ukraine | | 692.00 | | | | | | 692.00 |
| | 8/23 | 8/26 | Netherlands | | 1,251.00 | | | | | | 1,251.00 |
| Hon. Kay Granger | 8/19 | 8/21 | Iceland | | 1,128.00 | | | | | | 1,128.00 |
| | 8/21 | 8/23 | Ukraine | | 692.00 | | | | | | 692.00 |
| | 8/23 | 8/26 | Netherlands | | 1,251.00 | | | | | | 1,251.00 |
| Hon. Nita Lowey | 8/12 | 8/14 | Morocco | | 722.74 | | | | | | 722.74 |
| | 8/14 | 8/16 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/16 | 8/16 | Liberia | | | | | | | | |
| | 8/16 | 8/18 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/18 | 8/21 | Uganda | | 1,029.00 | | | | | | 1,029.00 |
| | 8/21 | 8/22 | Kenya | | 318.00 | | | | | | 318.00 |
| | 8/22 | 8/23 | Spain | | 482.14 | | | | | | 482.14 |
| Misc. Embassy Costs | | | | | | | | | | 2,293.35 | 2,293.35 |
| Hon. Jesse Jackson, Jr. | 8/12 | 8/14 | Morocco | | 722.74 | | | | | | 722.74 |
| | 8/14 | 8/16 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/16 | 8/16 | Liberia | | | | | | | | |
| | 8/16 | 8/18 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/18 | 8/21 | Uganda | | 1,029.00 | | | | | | 1,029.00 |
| | 8/21 | 8/22 | Kenya | | 318.00 | | | | | | 318.00 |
| | 8/22 | 8/23 | Spain | | 465.64 | | | | | | 465.64 |
| Misc. Embassy Costs | | | | | | | | | | 2,293.35 | 2,293.35 |
| Hon. Barbara Lee | 8/12 | 8/14 | Morocco | | 722.74 | | | | | | 722.74 |
| | 8/14 | 8/16 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/16 | 8/16 | Liberia | | | | | | | | |
| | 8/16 | 8/18 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/18 | 8/21 | Uganda | | 1,029.00 | | | | | | 1,029.00 |
| | 8/21 | 8/22 | Kenya | | 318.00 | | | | | | 318.00 |
| | 8/22 | 8/23 | Spain | | 465.64 | | | | | | 465.64 |
| Misc. Embassy Costs | | | | | | | | | | 2,293.35 | 2,293.35 |
| Hon. Maurice Hinchey | 8/12 | 8/14 | Morocco | | 722.74 | | | | | | 722.74 |
| | 8/14 | 8/16 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/16 | 8/16 | Liberia | | | | | | | | |
| | 8/16 | 8/18 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/18 | 8/21 | Uganda | | 1,029.00 | | | | | | 1,029.00 |
| | 8/21 | 8/22 | Kenya | | 318.00 | | | | | | 318.00 |
| | 8/22 | 8/23 | Spain | | 482.14 | | | | | | 428.14 |
| Misc. Embassy Costs | | | | | | | | | 2,293.35 | | 2,293.35 |
| Craig Higgins | 8/12 | 8/14 | Morocco | | 722.74 | | | | | | 722.74 |
| | 8/14 | 8/16 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/16 | 8/16 | Liberia | | | | | | | | |
| | 8/16 | 8/18 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/18 | 8/21 | Uganda | | 1,029.00 | | | | | | 1,029.00 |
| | 8/21 | 8/22 | Kenya | | 318.00 | | | | | | 318.00 |
| | 8/22 | 8/23 | Spain | | 465.64 | | | | | | 465.64 |
| Misc. Embassy Costs | | | | | | | | | 2,293.35 | | 2,293.35 |
| Michelle Sumilas | 8/12 | 8/14 | Morocco | | 722.74 | | | | | | 722.74 |
| | 8/14 | 8/16 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/16 | 8/16 | Liberia | | | | | | | | |
| | 8/16 | 8/18 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/18 | 8/21 | Uganda | | 1,029.00 | | | | | | 1,029.00 |
| | 8/21 | 8/22 | Kenya | | 318.00 | | | | | | 318.00 |
| | 8/22 | 8/23 | Spain | | 465.64 | | | | | | 465.64 |
| Misc. Embassy Costs | | | | | | | | | 2,293.35 | | 2,293.35 |
| Rob Blair | 8/14 | 8/16 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/16 | 8/16 | Liberia | | | | | | | | |
| | 8/16 | 8/18 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/18 | 8/21 | Uganda | | 1,029.00 | | | | | | 1,029.00 |
| | 8/21 | 8/22 | Kenya | | 318.00 | | | | | | 318.00 |
| | 8/22 | 8/23 | Spain | | 465.64 | | | | | | 465.64 |
| Misc. Embassy Costs | | | | | | | | | 2,293.35 | | 2,293.35 |
| Hon. David Obey | 8/7 | 8/10 | France | | 1,367.00 | | | | | | 1,367.00 |
| Hon. John Murtha | 8/7 | 8/10 | France | | 1,367.00 | | | | | | 1,367.00 |
| Hon. David Hobson | 8/7 | 8/10 | France | | 1,367.00 | | | | | | 1,367.00 |
| Rob Nabors | 8/7 | 8/10 | France | | 1,367.00 | | | | | | 1,367.00 |
| David Morrison | 8/7 | 8/10 | France | | 1,367.00 | | | | | | 1,367.00 |
| Carol Murphy | 8/7 | 8/10 | France | | 1,367.00 | | | | | | 1,367.00 |
| Hon. Dennis Rehberg | 8/7 | 8/10 | France | | 1,367.00 | | | | | | 1,367.00 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| John Blazey | 8/6 | 8/8 | Kazakhstan | | 714.00 | | | | | | 714.00 |
| | 8/8 | 8/10 | Azerbaijan | | 732.00 | | | | | | 732.00 |
| | 8/10 | 8/11 | Georgia | | 350.00 | | | | | | 350.00 |
| | 8/11 | 8/14 | Russia | | 1,638.00 | | | | | | 1,638.00 |
| Commercial Air/Misc. Travel | | | | | | | 12,687.20 | | | | 12,687.20 |
| Kris Mallard | 8/6 | 8/8 | Kazakhstan | | 714.00 | | | | | | 714.00 |
| | 8/8 | 8/10 | Azerbaijan | | 732.00 | | | | | | 732.00 |
| | 8/10 | 8/11 | Georgia | | 350.00 | | | | | | 350.00 |
| | 8/11 | 8/14 | Russia | | 1638.00 | | | | | | 1,638.00 |
| | 8/14 | 8/16 | United Kingdom | | 1,632.00 | | | | | | 1,632.00 |
| Commercial Air/Misc. Travel | | | | | | | 12,687.20 | | | | 12,687.20 |
| Joshua Hartman | 8/6 | 8/8 | Kazakhstan | | 714.00 | | | | | | 714.00 |
| | 8/8 | 8/10 | Azerbaijan | | 732.00 | | | | | | 732.00 |
| | 8/10 | 8/11 | Georgia | | 350.00 | | | | | | 350.00 |
| | 8/11 | 8/13 | Russia | | 1,638.00 | | | | | | 1,638.00 |
| | 8/14 | 8/16 | United Kingdom | | 1,632.00 | | | | | | 1,632.00 |
| Commercial Air/Misc. Travel | | | | | | | 12,687.20 | | | | 12,687.20 |
| Linda Pagelson | 8/19 | 8/22 | Japan | | 995.00 | | | | | | 995.00 |
| | 8/22 | 8/31 | China | | 2,389.00 | | | | | | 2,389.00 |
| Commercial Air | | | | | | | 11,551.13 | | | | 11,551.13 |
| Jennifer Miller | 8/18 | 8/22 | Germany | | 1,020.00 | | | | | | 1,020.00 |
| | 8/22 | 8/24 | Italy | | 1,192.00 | | | | | | 1,192.00 |
| Commercial Air | | | | | | | 7,515.63 | | | | 7,515.63 |
| Dena Baron | 8/18 | 8/22 | Germany | | 1,020.00 | | | | | | 1,020.00 |
| Commercial Air | | | | | | | 6,323.82 | | | | 6,323.82 |
| Hon. Roger Wicker | 8/25 | 8/26 | United Kingdom | | 46.00 | | | | | | 46.00 |
| Commercial Rail | | | | | | | 415.00 | | | | 415.00 |
| Hon. James Moran | 8/24 | 8/25 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 8/25 | 8/26 | Baghdad | | | | | | | | |
| | 8/26 | 8/27 | Kuwait | | 105.00 | | | | | | 105.00 |
| Commercial Air | | | | | | | 9,379.21 | | | | 9,379.21 |
| Terry Tyborowski | 9/8 | 9/14 | Japan | | 2,368.55 | | | | | | 2,368.55 |
| Commercial Air | | | | | | | 11,118.95 | | | | 11,118.95 |
| Kevin Cook | 9/8 | 9/14 | Japan | | 2,368.55 | | | | | | 2,368.55 |
| Commercial Air | | | | | | | 11,118.95 | | | | 11,118.95 |
| Rob Blair | 9/8 | 9/14 | Japan | | 2,368.55 | | | | | | 2,368.55 |
| Commercial Air | | | | | | | 11,118.95 | | | | 11,118.95 |
| Hon. James T. Walsh | 9/7 | 9/8 | Kuwait | | 310.00 | | | | | | 310.00 |
| | 9/8 | 9/9 | Iraq | | 310.00 | | | | | | 310.00 |
| | 9/9 | 9/9 | Kuwait | | 310.00 | | | | | | 310.00 |
| Commercial Air | | | | | | | 9,013.12 | | | | 9,013.12 |
| Committee total | | | | | 96,612.57 | | 133,587.40 | | 21,159.05 | | 251,359.02 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID R. OBEY, Chairman, Oct. 30, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Visit to Ireland, Iraq, Kuwait, Pakistan, Germany, June 30–July 7, 2007: | | | | | | | | | | | |
| Hon. Susan Davis | 6/30 | 7/1 | Ireland | | 116.00 | | | | | | 116.00 |
| | 7/1 | 7/3 | Germany | | 98.00 | | | | | | 98.00 |
| | 7/3 | 7/5 | Pakistan | | 578.00 | | | | | | 578.00 |
| | 7/5 | 7/6 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 7/6 | 7/6 | Iraq | | | | | | | | |
| Hon. Kirsten Gillibrand | 7/1 | 7/2 | Ireland | | 116.00 | | | | | | 116.00 |
| | 7/2 | 7/3 | Germany | | 98.50 | | | | | | 98.50 |
| | 7/3 | 7/5 | Pakistan | | 578.00 | | | | | | 578.00 |
| | 7/5 | 7/6 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 7/6 | 7/6 | Iraq | | | | | | | | |
| Hon. Geoff Davis | 7/1 | 7/2 | Ireland | | 116.00 | | | | | | 116.00 |
| | 7/2 | 7/3 | Germany | | 105.50 | | | | | | 105.50 |
| | 7/3 | 7/5 | Pakistan | | 578.00 | | | | | | 578.00 |
| | 7/5 | 7/6 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 7/6 | 7/6 | Iraq | | | | | | | | |
| Hon. Bill Shuster | 7/1 | 7/2 | Ireland | | 116.00 | | | | | | 116.00 |
| | 7/2 | 7/3 | Germany | | 98.00 | | | | | | 98.00 |
| | 7/3 | 7/5 | Pakistan | | 578.00 | | | | | | 578.00 |
| | 7/5 | 7/6 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 7/6 | 7/6 | Iraq | | | | | | | | |
| Debra Wada | 7/1 | 7/2 | Ireland | | 116.00 | | | | | | 116.00 |
| | 7/2 | 7/3 | Germany | | 98.00 | | | | | | 98.00 |
| | 7/3 | 7/5 | Pakistan | | 578.00 | | | | | | 578.00 |
| | 7/5 | 7/6 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 7/6 | 7/6 | Iraq | | | | | | | | |
| Stephanie Sanok | 7/1 | 7/2 | Ireland | | 116.00 | | | | | | 116.00 |
| | 7/2 | 7/3 | Germany | | 98.00 | | | | | | 98.00 |
| | 7/3 | 7/5 | Pakistan | | 578.00 | | | | | | 578.00 |
| | 7/5 | 7/6 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 7/6 | 7/6 | Iraq | | | | | | | | |
| Delegation Expenses | 7/5 | 7/6 | Kuwait | | | | 397.28 | | 3,747.84 | | 4,145.12 |
| Visit to Cuba, July 2–3, 2007: | | | | | | | | | | | |
| Paul Oostburg | 7/2 | 7/3 | Cuba | | | | | | | | |
| Roger Zakheim | 7/2 | 7/3 | Cuba | | | | | | | | |
| Visit to Pakistan, Afghanistan, July 19–25, 2007: | | | | | | | | | | | |
| Hon. Jim Marshall | 7/21 | 7/25 | Afghanistan | | | | | | | | |
| Commercial Transportation | | | | | | | 4,569.94 | | | | 4,569.94 |
| Visit to El Salvador, Panama, Peru, Chile, Paraguay, Argentina, July 25–31, 2007: | | | | | | | | | | | |
| David Kildee | 7/25 | 7/26 | El Salvador | | 181.00 | | | | | | 181.00 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| | 7/26 | 7/27 | Panama | | 304.00 | | | | | | 304.00 |
| | 7/27 | 7/28 | Peru | | 130.00 | | | | | | 130.00 |
| Commercial Transportation | | | | | | | 4,289.70 | | | | 4,289.70 |
| Jeanette James | 7/25 | 7/26 | El Salvador | | 181.00 | | | | | | 181.00 |
| | 7/26 | 7/27 | Panama | | 304.00 | | | | | | 304.00 |
| | 7/27 | 7/28 | Peru | | 130.00 | | | | | | 130.00 |
| | 7/28 | 7/30 | Paraguay | | 358.50 | | | | | | 358.50 |
| | 7/30 | 7/31 | Argentina | | 270.00 | | | | | | 270.00 |
| Commercial Transportation | | | | | | | 4,813.20 | | | | 4,813.20 |
| Alexander Kugajevsky | 7/27 | 7/27 | Panama | | | | | | | | |
| | 7/27 | 7/28 | Peru | | 130.00 | | | | | | 130.00 |
| | 7/28 | 7/30 | Paraguay | | 496.00 | | | | | | 496.00 |
| | 7/30 | 7/31 | Argentina | | 270.00 | | | | | | 270.00 |
| Commercial Transportation | | | | | | | 5,087.20 | | | | 5,087.20 |
| Jenness Simler | 7/25 | 7/26 | El Salvador | | 100.00 | | | | | | 100.00 |
| | 7/26 | 7/27 | Panama | | 220.00 | | | | | | 220.00 |
| | 7/27 | 7/28 | Peru | | 50.00 | | | | | | 50.00 |
| | 7/28 | 7/30 | Paraguay | | 416.00 | | | | | | 416.00 |
| | 7/30 | 7/31 | Argentina | | 180.00 | | | | | | 180.00 |
| Commercial Transportation | | | | | | | 4,813.20 | | | | 4,813.20 |
| Visit to Iraq, Kuwait, Afghanistan, Germany, with CODEL Schakowsky, August 4-11, 2007: | | | | | | | | | | | |
| Hon. Jeff Miller | 8/6 | 8/7 | Kuwait | | 155.00 | | | | | | 155.00 |
| | 8/7 | 8/10 | Pakistan | | 678.00 | | | | | | 678.00 |
| | 8/8 | 8/9 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 8/10 | 8/11 | Germany | | 340.00 | | | | | | 340.00 |
| Hon. Phil Gingrey | 8/6 | 8/7 | Kuwait | | 155.00 | | | | | | 155.00 |
| | 8/7 | 8/10 | Pakistan | | 678.00 | | | | | | 678.00 |
| | 8/8 | 8/9 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 8/10 | 8/11 | Germany | | 340.00 | | | | | | 340.00 |
| Hon. Thelma Drake | 8/6 | 8/7 | Kuwait | | 155.00 | | | | | | 155.00 |
| | 8/7 | 8/10 | Pakistan | | 678.00 | | | | | | 678.00 |
| | 8/8 | 8/9 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 8/10 | 8/11 | Germany | | 340.00 | | | | | | 340.00 |
| John Wason | 8/6 | 8/7 | Kuwait | | 155.00 | | | | | | 155.00 |
| | 8/7 | 8/10 | Pakistan | | 678.00 | | | | | | 678.00 |
| | 8/8 | 8/9 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 8/10 | 8/11 | Germany | | 340 | | | | | | 340.00 |
| Delegation Expenses | 8/8 | 8/9 | Afghanistan | | | | | | 2,852.50 | | 2,852.00 |
| Visit to Pakistan with STAFFDEL Farkus, August 4-13, 2007: | | | | | | | | | | | |
| William H. Natter, III | 8/10 | 8/13 | Pakistan | | 1,017.00 | | | | | | 1,017.00 |
| Commercial Transportation | | | | | | | 8,717.73 | | | | 8,717.73 |
| Visit to Germany, Italy, Spain, August 11-23, 2007: | | | | | | | | | | | |
| Debra Wada | 8/12 | 8/15 | Germany | | 938.00 | | | | | | 938.00 |
| | 8/15 | 8/21 | Italy | | 1,301.00 | | | | | | 1,301.00 |
| | 8/21 | 8/23 | Spain | | 510.00 | | | | | | 510.00 |
| Commercial Transportation | | | | | | | 8,831.30 | | | | 8,831.30 |
| David Kildee | 8/12 | 8/15 | Germany | | 938.00 | | | | | | 938.00 |
| | 8/15 | 8/21 | Italy | | 1,301.00 | | | | | | 1,301.00 |
| | 8/21 | 8/23 | Spain | | 510.00 | | | | | | 510.00 |
| Commercial Transportation | | | | | | | 8,831.30 | | | | 8,831.30 |
| Jeanette James | 8/12 | 8/15 | Germany | | 938.00 | | | | | | 938.00 |
| | 8/15 | 8/21 | Italy | | 1,301.00 | | | | | | 1,301.00 |
| | 8/21 | 8/23 | Spain | | 510.00 | | | | | | 510.00 |
| Commercial Transportation | | | | | | | 8,831.30 | | | | 8,831.30 |
| Visit to Switzerland, Morocco, Liberia, Ghana, Uganda, Spain with CODEL Lowy, August 12-23, 2007: | | | | | | | | | | | |
| Hon. Susan Davis | 8/12 | 8/14 | Morocco | | 722.74 | | | | | | 722.74 |
| | 8/14 | 8/18 | Ghana | | 1,076.00 | | | | | | 1,076.00 |
| | 8/16 | 8/16 | Liberia | | | | | | | | |
| | 8/18 | 8/21 | Uganda | | 1,029.00 | | | | | | 1,029.00 |
| | 8/21 | 8/22 | Kenya | | 318.00 | | | | | | 318.00 |
| | 8/22 | 8/23 | Spain | | 482.14 | | | | | | 482.14 |
| Visit to Chad, Germany, Mall, August 15-23, 2007: | | | | | | | | | | | |
| William H. Natter, III | 8/16 | 8/17 | Germany | | 308.00 | | | | | | 308.00 |
| | 8/17 | 8/19 | Mali | | 200.00 | | | | | | 200.00 |
| | 8/20 | 8/22 | Chad | | 646.00 | | | | | | 646.00 |
| Commercial Transportation | | | | | | | 16,642.60 | | | | 16,642.60 |
| Stephanie Sanok | 8/16 | 8/17 | Germany | | 308.00 | | | | | | 308.00 |
| | 8/17 | 8/21 | Mali | | 409.00 | | | | | | 409.00 |
| Commercial Transportation | | | | | | | 16,896.00 | | | | 16,896.00 |
| Mark Lewis | 8/16 | 8/17 | Germany | | 308.00 | | | | | | 308.00 |
| | 8/17 | 8/19 | Mali | | 200.00 | | | | | | 200.00 |
| | 8/20 | 8/22 | Chad | | 546.00 | | | | | | 546.00 |
| Commercial Transportation | | | | | | | 14,840.60 | | | | 14,840.60 |
| Alexander Kugajevsky | 8/16 | 8/17 | Germany | | 308.00 | | | | | | 308.00 |
| | 8/17 | 8/19 | Mali | | 200.00 | | | | | | 200.00 |
| | 8/20 | 8/22 | Chad | | 546.00 | | | | | | 546.00 |
| Commercial Transportation | | | | | | | 15,327.60 | | | | 15,327.60 |
| Visit to Tunisia, Italy, Turkey, Croatia, with CODEL Costello, August 17-27, 2007: | | | | | | | | | | | |
| Hon. Solomon Ortiz | 8/18 | 8/20 | Tunisia | | 212.00 | | | | | | 212.00 |
| | 8/20 | 8/22 | Turkey | | 301.00 | | | | | | 301.00 |
| | 8/22 | 8/24 | Croatia | | 516.00 | | | | | | 516.00 |
| | 8/24 | 8/24 | Italy | | 324.00 | | | | | | 324.00 |
| | 8/24 | 8/27 | Germany | | 359.00 | | | | | | 359.00 |
| Visit to Iraq, Kuwait, Germany, August 24-29, 2007: | | | | | | | | | | | |
| Hon. Ellen Tauscher | 8/24 | 8/25 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 8/25 | 8/26 | Iraq | | | | | | | | |
| | 8/26 | 8/27 | Kuwait | | 105.00 | | | | | | 105.00 |
| Commercial Transportation | | | | | | | 9,399.43 | | | | 9,399.43 |
| Michael Casey | 8/24 | 8/25 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 8/25 | 8/26 | Iraq | | | | | | | | |
| | 8/26 | 8/27 | Kuwait | | 105.00 | | | | | | 105.00 |
| Commercial Transportation | | | | | | | 10,877.21 | | | | 10,877.21 |

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Stephanie Sanok | 8/24 | 8/25 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 8/25 | 8/26 | Iraq | | | | | | | | |
| | 8/26 | 8/27 | Kuwait | | 105.00 | | | | | | 105.00 |
| | 8/27 | 8/28 | Germany | | | | | | | | |
| Commercial Transportation | | | | | | | 10,096.90 | | | | 10,096.90 |
| Visit to Iraq, Kuwait, August 27–31, 2007: | | | | | | | | | | | |
| Hon. Kendrick Meek | 8/27 | 8/29 | Kuwait | | 210.00 | | | | | | 210.00 |
| | 8/28 | 8/28 | Iraq | | | | | | | | |
| Commercial Transportation | | | | | | | 9,029.05 | | | | 9,029.05 |
| Douglas Bush | 8/27 | 8/29 | Kuwait | | 210.00 | | | | | | 210.00 |
| | 8/28 | 8/28 | Iraq | | | | | | | | |
| Commercial Transportation | | | | | | | 9,029.05 | | | | 9,029.05 |
| Alexander Kugajevsky | 8/27 | 8/29 | Kuwait | | 210.00 | | | | | | 210.00 |
| | 8/28 | 8/28 | Iraq | | | | | | | | |
| Commercial Transportation | | | | | | | 9,029.05 | | | | 9,029.05 |
| Visit to China, Japan, August 21–31, 2007: | | | | | | | | | | | |
| Hon. Ike Skelton | 8/24 | 8/28 | China | | 727.00 | | | | | | 727.00 |
| Erin C. Conaton | 8/24 | 8/28 | China | | 727.00 | | | | | | 727.00 |
| Kari Bingen Tytler | 8/24 | 8/28 | China | | 727.00 | | | | | | 727.00 |
| Visit to Brussels, Poland, the Czech Republic, the Netherlands, August 28–September 4, 2007: | | | | | | | | | | | |
| Hon. Trent Franks | 8/29 | 8/30 | The Czech Republic | | 206.00 | | | | | | 206.00 |
| | 8/30 | 9/1 | Poland | | 218.00 | | | | | | 218.00 |
| | 9/1 | 9/2 | Belgium | | 376.00 | | | | | | 376.00 |
| | 9/2 | 9/3 | The Netherlands | | | | | | | | |
| | 9/3 | 9/4 | Belgium | | 376.00 | | | | | | 376.00 |
| Commercial Transportation | | | | | | | 6,865.41 | | | | 6,865.41 |
| Kari Bingen Tytler | 8/29 | 8/30 | The Czech Republic | | 206.00 | | | | | | 206.00 |
| | 8/30 | 9/1 | Poland | | 218.00 | | | | | | 218.00 |
| | 9/1 | 9/2 | Belgium | | 376.00 | | | | | | 376.00 |
| | 9/2 | 9/3 | The Netherlands | | | | | | | | |
| | 9/3 | 9/4 | Belgium | | 376.00 | | | | | | 376.00 |
| Commercial Transportation | | | | | | | 1,575.94 | | | | 1,575.94 |
| Visit to Iraq, Kuwait, September 6, 2007: | | | | | | | | | | | |
| Hon. Brad Ellsworth | 9/7 | 9/10 | Kuwait | | 210.00 | | | | | | 210.00 |
| | 9/8 | 9/9 | Iraq | | | | | | | | |
| Commercial Transportation | | | | | | | 9,374.12 | | | | 9,374.12 |
| John Kruse | 9/7 | 9/10 | Kuwait | | 210.00 | | | | | | 210.00 |
| | 9/8 | 9/9 | Iraq | | | | | | | | |
| Commercial Transportation | | | | | | | 9,374.12 | | | | 9,374.12 |
| Lynn Williams | 9/7 | 9/10 | Kuwait | | 210.00 | | | | | | 210.00 |
| | 9/8 | 9/9 | Iraq | | | | | | | | |
| Commercial Transportation | | | | | | | 9,374.12 | | | | 9,374.12 |
| Visit to Brussels, Poland, the Czech Republic, September 11–15, 2007: | | | | | | | | | | | |
| Hon. Ellen Tauscher | 9/12 | 9/13 | Belgium | | 160.00 | | | | | | 160.00 |
| | 9/13 | 9/14 | Poland | | 109.00 | | | | | | 109.00 |
| | 9/14 | 9/15 | The Czech Republic | | 103.00 | | | | | | 103.00 |
| Hon. Jim Cooper | 9/12 | 9/13 | Belgium | | 160.00 | | | | | | 160.00 |
| | 9/13 | 9/14 | Poland | | 109.00 | | | | | | 109.00 |
| | 9/14 | 9/15 | The Czech Republic | | 103.00 | | | | | | 103.00 |
| Hon. Michael Turner | 9/12 | 9/13 | Belgium | | 160.00 | | | | | | 160.00 |
| | 9/13 | 9/14 | Poland | | 109.00 | | | | | | 109.00 |
| | 9/14 | 9/15 | The Czech Republic | | 103.00 | | | | | | 103.00 |
| Robert W. DeGrasse | 9/12 | 9/13 | Belgium | | 160.00 | | | | | | 160.00 |
| | 9/13 | 9/14 | Poland | | 109.00 | | | | | | 109.00 |
| | 9/14 | 9/15 | The Czech Republic | | 103.00 | | | | | | 103.00 |
| Frank Rose | 9/12 | 9/13 | Belgium | | 160.00 | | | | | | 160.00 |
| | 9/13 | 9/14 | Poland | | 109.00 | | | | | | 109.00 |
| | 9/14 | 9/15 | The Czech Republic | | 103.00 | | | | | | 103.00 |
| Kari Bingen Tytler | 9/12 | 9/13 | Belgium | | 160.00 | | | | | | 160.00 |
| | 9/13 | 9/14 | Poland | | 109.00 | | | | | | 109.00 |
| | 9/14 | 9/15 | The Czech Republic | | 103.00 | | | | | | 103.00 |
| Visit to Iraq, Kuwait, Afghanistan, Germany, September 19–25, 2007: | | | | | | | | | | | |
| Hon. Neil Abercrombie | 9/21 | 9/21 | Kuwait | | | | | | | | |
| | 9/21 | 9/22 | Iraq | | | | | | | | |
| | 9/22 | 9/23 | Afghanistan | | 25.00 | | | | | | 25.00 |
| | 9/23 | 9/24 | Germany | | 298.00 | | | | | | 298.00 |
| Hon. Madeleine Z. Bordallo | 9/21 | 9/21 | Kuwait | | | | | | | | |
| | 9/21 | 9/22 | Iraq | | | | | | | | |
| | 9/22 | 9/23 | Afghanistan | | 25.00 | | | | | | 25.00 |
| | 9/23 | 9/24 | Germany | | 298.00 | | | | | | 298.00 |
| Hon. Rick Larsen | 9/21 | 9/21 | Kuwait | | | | | | | | |
| | 9/21 | 9/22 | Iraq | | | | | | | | |
| | 9/22 | 9/23 | Afghanistan | | 25.00 | | | | | | 25.00 |
| | 9/23 | 9/24 | Germany | | 298.00 | | | | | | 298.00 |
| Hon. Joe Wilson | 9/21 | 9/21 | Kuwait | | | | | | | | |
| | 9/21 | 9/22 | Iraq | | | | | | | | |
| | 9/22 | 9/23 | Afghanistan | | 25.00 | | | | | | 25.00 |
| | 9/23 | 9/24 | Germany | | 298.00 | | | | | | 298.00 |
| Hon. K. Michael Conaway | 9/21 | 9/21 | Kuwait | | | | | | | | |
| | 9/21 | 9/22 | Iraq | | | | | | | | |
| | 9/22 | 9/23 | Afghanistan | | 25.00 | | | | | | 25.00 |
| | 9/20 | 9/21 | Germany | | 53.94 | | | | | | 53.94 |
| Hon. John Kline | 9/21 | 9/21 | Kuwait | | | | | | | | |
| | 9/21 | 9/22 | Iraq | | | | | | | | |
| | 9/22 | 9/23 | Afghanistan | | 25.00 | | | | | | 25.00 |
| | 9/23 | 9/24 | Germany | | 298.00 | | | | | | 298.00 |
| Douglas Roach | 9/21 | 9/21 | Kuwait | | | | | | | | |
| | 9/21 | 9/22 | Iraq | | | | | | | | |
| | 9/22 | 9/23 | Afghanistan | | 25.00 | | | | | | 25.00 |
| | 9/23 | 9/24 | Germany | | 298.00 | | | | | | 298.00 |
| Aileen Alexander | 9/21 | 9/21 | Kuwait | | | | | | | | |
| | 9/21 | 9/22 | Iraq | | | | | | | | |
| | 9/22 | 9/23 | Afghanistan | | 25.00 | | | | | | 25.00 |
| | 9/23 | 9/24 | Germany | | 298.00 | | | | | | 298.00 |
| Committee total | | | | | 43,680.32 | | 216,913.95 | | 6,600.34 | | 267,194.61 |

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

IKE SKELTON, Chairman, Oct. 29, 2007.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Candace Abbey | 8/4 | 8/12 | Israel | | 3,384.00 | | | | | | 3,384.00 |
| | 8/12 | 8/14 | Hungary | | 568.00 | | | | | | 568.00 |
| | 8/4 | 8/14 | | | | | [4] 6,237.28 | | | | 6,237.28 |
| | 8/19 | 8/20 | Singapore | | 272.00 | | | | | | 272.00 |
| | 8/20 | 8/23 | Malaysia | | 402.00 | | | | | | 402.00 |
| | 8/23 | 8/27 | Indonesia | | 863.00 | | | | | | 863.00 |
| | 8/19 | 8/27 | | | | | [4] 7,725.41 | | | | 7,725.41 |
| Hon. Neil Ackerman | 8/23 | 8/31 | Israel | | 3,384.00 | | 7,754.70 | | | | 11,138.70 |
| David Adams | 7/1 | 7/3 | India | | 1,953.62 | | | | | | 1,953.62 |
| | 7/4 | 7/8 | Pakistan | | 1,112.00 | | 166.17 | | | | 1,278.17 |
| | 7/1 | 7/8 | | | | | [4] 10,111.32 | | | | 10,111.32 |
| Melissa Adamson | 8/19 | 8/22 | Kazakhstan | | 1,057.00 | | | | | | 1,057.00 |
| | 8/22 | 8/25 | Turkmenistan | | 324.00 | | | | | | 324.00 |
| | 8/25 | 8/29 | Russian Federation | | 2,345.00 | | | | | | 2,345.00 |
| | 8/29 | 9/1 | Georgia | | 900.00 | | | | | | 900.00 |
| | 8/19 | 9/1 | | | | | [4] 12,974.98 | | | | 12,974.98 |
| Aaron Adkins | 8/20 | 8/23 | Zambia | | 279.00 | | | | | | 279.00 |
| | 8/23 | 8/26 | South Africa | | 778.00 | | | | | | 778.00 |
| | 8/26 | 8/29 | Nambia | | 469.00 | | | | | | 469.00 |
| | 8/20 | 8/29 | | | | | [4] 12,533.23 | | | | 12,533.23 |
| Manpreet Anand | 8/19 | 8/22 | Kazakhstan | | 1,057.00 | | | | | | 1,057.00 |
| | 8/22 | 8/25 | Turkmenistan | | 324.00 | | | | | | 324.00 |
| | 8/25 | 8/29 | Russian Federation | | 2,345.00 | | | | | | 2,345.00 |
| | 8/29 | 9/1 | Georgia | | 900.00 | | | | | | 900.00 |
| | 8/19 | 9/1 | | | | | [4] 11,750.98 | | | | 11,750.98 |
| Doug Anderson | 8/15 | 8/18 | Kenya | | 804.00 | | | | | | 804.00 |
| | 8/18 | 8/22 | Italy | | 2,043.05 | | | | | | 2,043.05 |
| | 8/15 | 8/22 | | | | | [4] 10,345.40 | | | | 10,345.40 |
| Michael Beard | 8/5 | 8/12 | Israel | | 2,961.00 | | | | | | 2,961.00 |
| | 8/12 | 8/20 | Hungary | | 2,272.00 | | | | | | 2,272.00 |
| | 8/5 | 8/20 | | | | | [4] 7,280.00 | | | | 7,280.00 |
| Genell Brown | 8/27 | 8/29 | Sudan | | 274.00 | | | | | | 274.00 |
| | 8/29 | 8/30 | Jordan | | 289.00 | | | | | | 289.00 |
| | 8/30 | 8/31 | Algeria | | 149.00 | | | | | | 149.00 |
| | 8/31 | 9/1 | Ethiopia | | 300.00 | | | | | | 300.00 |
| | 9/1 | 9/3 | U.A.E. | | 342.00 | | | | | | 342.00 |
| | 8/27 | 9/3 | | | | | [4] 13,250.00 | | | | 13,250.00 |
| Richard Butcher | 8/26 | 8/31 | South Korea | | 1,955.00 | | 4,943.73 | | | | 6,898.73 |
| Hon. Russ Carnahan | 7/20 | 7/22 | Serbia | | 780.00 | | (3) | | | | 780.00 |
| | 7/22 | 7/22 | BiH | | 41.00 | | (3) | | | | 41.00 |
| | 7/22 | 7/23 | Croatia | | 134.00 | | (3) | | | | 134.00 |
| Hon. Steve Chabot | 8/27 | 8/29 | Sudan | | 224.00 | | | | | | 224.00 |
| | 8/29 | 8/30 | Tunisia | | 124.00 | | | | | | 124.00 |
| | 8/30 | 8/31 | Algeria | | 149.00 | | | | | | 149.00 |
| | 8/31 | 9/1 | Ethiopia | | 250.00 | | | | | | 250.00 |
| | 8/27 | 9/1 | | | | | [4] 17,555.46 | | | | 17,555.46 |
| Natalie Coburn | 8/13 | 8/15 | Colombia | | 650.00 | | 2,070.70 | | | | 2,720.70 |
| Theodore Dagne | 8/14 | 8/16 | Rwanda | | 600.00 | | | | | | 600.00 |
| | 8/16 | 8/17 | Kenya | | 318.00 | | | | | | 318.00 |
| | 8/17 | 8/19 | Uganda | | 830.00 | | | | | | 830.00 |
| | 8/19 | 8/21 | Nigeria | | 767.00 | | | | | | 767.00 |
| | 8/21 | 8/22 | Benin | | 223.00 | | | | | | 223.00 |
| | 8/22 | 8/24 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/14 | 8/24 | | | | | [4] 11,623.96 | | | | 11,623.96 |
| Erin Diamond | 8/7 | 8/12 | Brazil | | 735.00 | | 9,412.93 | | | | 10,147.93 |
| Howard Diamond | 7/1 | 7/3 | India | | 1,953.62 | | | | | | 1,953.62 |
| | 7/4 | 7/8 | Pakistan | | 1,112.00 | | 166.17 | | | | 1,278.17 |
| | 7/1 | 7/8 | | | | | [4] 10,111.32 | | | | 10,111.32 |
| | 8/23 | 8/31 | Israel | | 3,384.00 | | 5,876.01 | | | | 9,260.01 |
| Phaedra Dugan | 8/13 | 8/15 | Columbia | | 650.00 | | 1,930.70 | | | | 2,580.70 |
| Hon. Eni F. H. Faleomavaega | 6/30 | 7/3 | Thailand | | 804.00 | | | | [5] 414.13 | | 1,218.13 |
| | 7/3 | 7/6 | Indonesia | | 849.00 | | | | | | 849.00 |
| | 6/30 | 7/6 | | | | | [4] 8,324.86 | | | | 8,324.86 |
| | 8/11 | 8/14 | Taiwan | | 1,014.00 | | 8,749.24 | | | | 9,763.24 |
| | 8/27 | 9/2 | Kazakhstan | | 2,556.00 | | 11,826.33 | | | | 14,382.33 |
| David Fite | 8/5 | 8/8 | China | | 867.00 | | 6,916.60 | | | | 7,783.60 |
| | 8/13 | 8/15 | Austria | | 638.00 | | 5,202.80 | | | | 5,840.80 |
| Hon. Jeff Flake | 8/24 | 8/28 | China | | 727.00 | | (3) | | | | 727.00 |
| Heather Flynn | 8/14 | 8/16 | Rwanda | | 566.00 | | | | | | 566.00 |
| | 8/16 | 8/17 | Kenya | | 288.00 | | | | | | 288.00 |
| | 8/17 | 8/19 | Uganda | | 686.00 | | | | | | 686.00 |
| | 8/14 | 8/19 | | | | | [4] 11,103.03 | | | | 11,103.03 |
| Yevgeny Gurevich | 7/4 | 7/8 | Turkey | | 1,104.00 | | 5,624.71 | | | | 6,728.71 |
| | 8/22 | 8/25 | Turkmenistan | | 304.00 | | | | | | 304.00 |
| | 8/25 | 8/29 | Russian Federation | | 2,339.00 | | | | | | 2,399.00 |
| | 8/29 | 9/1 | Georgia | | 870.00 | | | | | | 870.00 |
| | 8/22 | 9/1 | | | | | [4] 12,439.87 | | | | 12,439.87 |
| Dennis Halpin | 8/19 | 8/20 | Singapore | | 600.00 | | | | | | 600.00 |
| | 8/20 | 8/23 | Malaysia | | 400.00 | | | | | | 400.00 |
| | 8/23 | 8/27 | Indonesia | | 958.00 | | | | | | 958.00 |
| | 8/19 | 8/27 | | | | | [4] 10,099.30 | | | | 10,099.30 |
| Hon. Rubén Hinojosa | 8/18 | 8/20 | Tunisia | | 524.00 | | (3) | | | | 524.00 |
| | 8/20 | 8/22 | Turkey | | 702.00 | | (3) | | | | 702.00 |
| | 8/22 | 8/24 | Croatia | | 734.00 | | (3) | | | | 734.00 |
| | 8/24 | 8/27 | Germany | | 1,227.00 | | Air | | | | 1,227.00 |
| Hon. Bob Inglis | 8/9 | 8/11 | U.A.E. | | 322.00 | | | | | | 322.00 |
| | 8/11 | 8/12 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 8/12 | 8/13 | U.A.E. | | 161.00 | | | | | | 161.00 |
| | 8/9 | 8/13 | | | | | [4] 8,049.45 | | | | 8,049.45 |
| Hon. Sheila Jackson-Lee | 8/27 | 8/29 | Sudan | | 274.00 | | | | | | 274.00 |
| | 8/29 | 8/30 | Tunisia | | 149.00 | | | | | | 149.00 |
| | 8/30 | 8/31 | Algeria | | 149.00 | | | | | | 149.00 |
| | 8/31 | 9/1 | Ethiopia | | 300.00 | | | | | | 300.00 |
| | 9/1 | 9/3 | U.A.E. | | 342.00 | | | | | | 342.00 |
| | 8/27 | 9/3 | | | | | [4] 13,041.00 | | | | 13,041.00 |
| Eric Jacobstein | 8/7 | 8/10 | Brazil | | 735.00 | | 9,819.93 | | | | 10,554.93 |
| Eric Johnson | 7/1 | 7/4 | France | | 1,806.00 | | 7,092.01 | | | | 8,898.01 |
| Jonathan Katz | 7/1 | 7/4 | France | | 1,806.00 | | 7,092.01 | | | | 8,898.01 |
| David Killion | 8/5 | 8/7 | China | | 690.00 | | | | | | 690.00 |
| | 8/8 | 8/11 | India | | 1,838.51 | | | | | | 1,838.51 |
| | 8/11 | 8/16 | United Kingdom | | 2,590.00 | | | | | | 2,590.00 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| | 8/5 | 8/16 | Round Trip Airfare | | | | 9,712.27 | | | | 9,712.27 |
| Young Kim | 8/26 | 8/31 | South Korea | | 1,955.00 | | 5,653.73 | | | | 7,608.73 |
| Robert King | 8/5 | 8/9 | Israel | | 1,692.00 | | 6,145.34 | | | | 7,837.34 |
| Hon. Tom Lantos | 8/5 | 8/12 | Israel | | 2,961.00 | | | | | | 2,961.00 |
| | 8/12 | 8/20 | Hungary | | 1,048.00 | | | | | | 1,048.00 |
| | 8/5 | 8/20 | | | | | [4]7,280.00 | | | | 7,280.00 |
| Vili Lei | 6/30 | 7/3 | Thailand | | 804.00 | | | | | | 804.00 |
| | 7/3 | 7/6 | Indonesia | | 849.00 | | | | | | 849.00 |
| | 6/30 | 7/6 | | | | | [4]8,205.44 | | | | 8,205.44 |
| | 8/18 | 8/22 | Greece | | 2,116.00 | | | | | | 2,116.00 |
| | 8/22 | 8/27 | Italy | | 1,625.00 | | | | | | 1,625.00 |
| | 8/27 | 9/2 | Kazakhstan | | 2,172.00 | | | | | | 2,172.00 |
| | 8/18 | 9/2 | | | | | [4]18,281.26 | | | | 18,281.26 |
| Alan Makovsky | 7/1 | 7/8 | Turkey | | 1,990.00 | | 7,666.80 | | | | 9,656.80 |
| | 8/5 | 8/15 | Israel | | 4,105.00 | | | | | | 4,105.00 |
| | 8/15 | 8/18 | Lebanon | | 231.00 | | | | | | 231.00 |
| | 8/5 | 8/18 | Round Trip Airfare | | | | 7,617.26 | | | | 7,617.26 |
| Pearl-Alice Marsh | 8/20 | 8/23 | Zambia | | 279.00 | | | | | | 279.00 |
| | 8/23 | 8/26 | South Africa | | 778.00 | | | | | | 778.00 |
| | 8/26 | 8/29 | Namibia | | 469.00 | | | | | | 469.00 |
| | 8/20 | 8/29 | | | | | [4]12,533.23 | | | | 12,533.23 |
| Greg McCarthy | 7/1 | 7/3 | India | | 1,953.62 | | | | | | 1,953.62 |
| | 7/4 | 7/8 | Pakistan | | 1,112.00 | | 166.17 | | | | 1,278.17 |
| | 7/1 | 7/8 | | | | | [4]10,131.32 | | | | 10,131.32 |
| | 8/12 | 8/15 | Israel | | 1,269.00 | | | | | | 1,269.00 |
| | 8/15 | 8/18 | Lebanon | | 231.00 | | | | | | 231.00 |
| | 8/12 | 8/18 | | | | | [4]7,606.06 | | | | 7,606.06 |
| James McCormick | 8/5 | 8/8 | China | | 867.00 | | 6,916.60 | | | | 7,783.60 |
| Hon. Gregory W. Meeks | 6/29 | 7/1 | Colombia | | 564.00 | | 2,739.29 | | | | 3,303.29 |
| Hon. Brad Miller | 8/12 | 8/14 | Morocco | | 722.74 | | (3) | | | | 722.74 |
| | 8/14 | 8/17 | Ghana | | 1,076.00 | | (3) | | | | 1,076.00 |
| | 8/18 | 8/20 | Uganda | | 1,029.00 | | (3) | | | | 1,029.00 |
| | 8/20 | 8/21 | Kenya | | 318.00 | | (3) | | | | 318.00 |
| | 8/22 | 8/23 | Spain | | 483.12 | | (3) | | | | 483.12 |
| Mark Milosch | 7/4 | 7/6 | Russian Federation | | 1,062.00 | | | | | | 1,062.00 |
| | 7/6 | 7/10 | Bosnia | | 968.00 | | | | | | 968.00 |
| | 7/4 | 7/10 | | | | | [4]7,091.91 | | | | 7,091.91 |
| Jonathan Cobb Moxter | 4/1 | 4/4 | Thailand | | 654.00 | | | | [5]450.54 | | 1,104.54 |
| | 4/4 | 4/7 | Vietnam | | 632.00 | | | | | | 632.00 |
| | 4/1 | 4/7 | | | | | [4]10,976.44 | | | | 10,976.44 |
| | 8/19 | 8/20 | Singapore | | 630.00 | | | | | | 630.00 |
| | 8/20 | 8/23 | Malaysia | | 473.00 | | | | [5]300.33 | | 773.33 |
| | 8/23 | 8/25 | Indonesia | | 566.00 | | | | | | 566.00 |
| | 8/26 | 8/31 | South Korea | | 1,955.00 | | | | | | 1,955.00 |
| | 8/19 | 8/31 | | | | | [4]10,594.51 | | | | 10,594.51 |
| Hon. Donald M. Payne | 8/14 | 8/16 | Rwanda | | 600.00 | | | | | | 600.00 |
| | 8/16 | 8/17 | Kenya | | 318.00 | | | | | | 318.00 |
| | 8/17 | 8/19 | Uganda | | 830.00 | | | | | | 830.00 |
| | 8/19 | 8/21 | Nigeria | | 767.00 | | | | | | 767.00 |
| | 8/21 | 8/22 | Benin | | 223.00 | | | | | | 223.00 |
| | 8/22 | 8/24 | Ghana | | 538.00 | | | | | | 538.00 |
| | 8/14 | 8/24 | | | | | [4]10,581.03 | | | | 10,581.03 |
| Don Phan | 7/1 | 7/4 | Thailand | | 654.00 | | | | | | 654.00 |
| | 7/4 | 7/7 | Vietnam | | 632.00 | | | | | | 632.00 |
| | 7/1 | 7/7 | | | | | [4]10,996.44 | | | | 10,996.44 |
| Peter Quilter | 8/16 | 8/21 | Argentina | | 772.00 | | | | | | 772.00 |
| | 8/21 | 8/27 | Guatemala | | 724.00 | | | | | | 724.00 |
| | 8/16 | 8/27 | | | | | [4]7,418.20 | | | | 7,418.20 |
| Beverly Razon | 7/1 | 7/4 | France | | 1,806.00 | | 7,092.01 | | | | 8,898.01 |
| David Richmond | 6/30 | 7/3 | Thailand | | 804.00 | | | | | | 804.00 |
| | 7/3 | 7/6 | Indonesia | | 849.00 | | | | | | 849.00 |
| | 6/30 | 7/6 | | | | | [4]8,304.86 | | | | 8,304.86 |
| | 8/18 | 8/22 | Greece | | 2,116.00 | | | | | | 2,116.00 |
| | 8/22 | 8/27 | Italy | | 1,625.00 | | | | | | 1,625.00 |
| | 8/27 | 9/2 | Kazakhstan | | 2,172.00 | | | | | | 2,172.00 |
| | 8/18 | 9/2 | | | | | [4]18,286.26 | | | | 18,286.26 |
| Sheri Rickert | 8/21 | 8/23 | Zambia | | 279.00 | | | | | | 279.00 |
| | 8/23 | 8/26 | South Africa | | 778.00 | | | | | | 778.00 |
| | 8/21 | 8/26 | Round Trip Airfare | | | | [4]12,164.83 | | | | 12,164.83 |
| Robin Roizman | 8/20 | 8/23 | Zambia | | 247.00 | | | | | | 247.00 |
| | 8/23 | 8/26 | South Africa | | 730.00 | | | | | | 730.00 |
| | 8/20 | 8/26 | Round Trip Airfare | | | | [4]10,997.23 | | | | 10,997.23 |
| Hon. Ileana Ros-Lehtinen | 8/13 | 8/14 | Qatar | | 387.40 | | | | | | 387.40 |
| | 8/14 | 8/15 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 8/15 | 8/16 | Qatar | | 387.40 | | | | | | 387.40 |
| | 8/13 | 8/16 | Round Trip Airfare | | | | [4]9,016.61 | | | | 9,016.61 |
| Hon. Edward R. Royce | 8/26 | 8/31 | South Korea | | 1,955.00 | | 5,151.73 | | | | 7,106.73 |
| Thomas Sheehy | 8/26 | 8/31 | South Korea | | 1,955.00 | | 4,927.73 | | | | 6,882.73 |
| Daniel Silverberg | 8/27 | 8/31 | Philippines | | 673.00 | | 7,006.70 | | | | 7,679.70 |
| Hon. Albio Sires | 8/27 | 8/29 | Czech Republic | | 740.00 | | | | | | 740.00 |
| | 8/29 | 8/30 | Hungary | | 284.00 | | | | | | 284.00 |
| | 8/30 | 9/1 | Poland | | 710.00 | | | | | | 710.00 |
| | 8/27 | 9/1 | Round Trip Airfare | | | | 7,905.08 | | | | 7,905.08 |
| Amanda Sloat | 8/19 | 8/22 | Kazakhstan | | 1,057.00 | | | | | | 1,057.00 |
| | 8/22 | 8/25 | Turkmenistan | | 324.00 | | | | | | 324.00 |
| | 8/25 | 8/29 | Russian Federation | | 2,345.00 | | | | | | 2,345.00 |
| | 8/29 | 9/1 | Georgia | | 900.00 | | | | | | 900.00 |
| | 8/19 | 9/1 | | | | | [4]13,121.98 | | | | 13,121.98 |
| Hon. Christopher H. Smith | 7/4 | 7/6 | Russian Federation | | 1,062.00 | | | | | | 1,062.00 |
| | 7/6 | 7/8 | Ukraine | | 310.00 | | | | | | 310.00 |
| | 7/8 | 7/10 | Bosnia | | 484.00 | | | | | | 484.00 |
| | 7/4 | 7/10 | | | | | [4]8,744.71 | | | | 8,744.71 |
| Cliff Stammerman | 8/13 | 8/15 | Colombia | | 650.00 | | 1,675.70 | | | | 2,325.70 |
| Marin Stein | 8/26 | 8/31 | South Korea | | 1,955.00 | | 4,845.73 | | | | 6,800.73 |
| Jason Steinbaum | 8/7 | 8/10 | Brazil | | 735.00 | | 9,819.93 | | | | 10,554.93 |
| Hon. Diane Watson | 8/26 | 8/31 | South Korea | | 1,955.00 | | 5,151.73 | | | | 7,106.73 |
| Lynne Weil | 8/19 | 8/20 | Singapore | | 630.00 | | | | | | 630.00 |
| | 8/20 | 8/23 | Malaysia | | 398.00 | | | | | | 398.00 |
| | 8/23 | 8/27 | Indonesia | | 893.00 | | | | | | 893.00 |
| | 8/19 | 8/27 | | | | | [4]9,893.30 | | | | 9,893.30 |
| Hon. Robert Wexler | 7/1 | 7/3 | France | | 1,006.00 | | 7,961.05 | | [5]668.37 | | 9,635.42 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| | 8/6 | 8/10 | China | | 1,144.00 | | 6,916.60 | | | | 8,060.60 |
| Lisa Williams | 6/30 | 7/3 | Thailand | | 804.00 | | | | | | 804.00 |
| | 7/3 | 7/6 | Indonesia | | 849.00 | | | | | | 849.00 |
| | 6/30 | 7/6 | | | | | [4] 8,205.44 | | | | 8,205.44 |
| | 8/18 | 8/22 | Italy | | 2,116.00 | | | | | | 2,116.00 |
| | 8/22 | 8/27 | Greece | | 1,625.00 | | | | | | 1,625.00 |
| | 8/27 | 9/2 | Kazakhstan | | 2,172.00 | | | | | | 2,172.00 |
| | 8/18 | 9/2 | | | | | [4] 18,266.26 | | | | 18,266.26 |
| Peter Yoo | 8/20 | 8/23 | Zambia | | 279.00 | | | | | | 279.00 |
| | 8/23 | 8/25 | South Africa | | 518.00 | | | | | | 518.00 |
| | 8/20 | 8/25 | | | | | [4] 11,401.30 | | | | 11,401.30 |
| Guido Zucconi | 8/5 | 8/7 | China | | 690.00 | | | | | | 690.00 |
| | 8/8 | 8/11 | India | | 1,838.51 | | | | | | 1,858.51 |
| | 8/11 | 8/16 | United Kingdom | | 2,590.00 | | | | | | 2,590.00 |
| | 8/5 | 8/16 | | | | | [4] 9,712.27 | | | | 9,712.27 |
| Matthew Zweig | 8/13 | 8/14 | Qatar | | 387.40 | | | | | | 387.40 |
| | 8/14 | 8/15 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 8/15 | 8/16 | Qatar | | 387.40 | | | | | | 387.40 |
| | 8/13 | 8/16 | | | | | [4] 8,219.61 | | | | 8,219.61 |
| Committee total | | | | | 172,012.39 | | 672,303.54 | | 1,833.37 | | 846,149.30 |

[1] Per diem constitutes lodging and meals.
[2] If foreign curency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Roundtrip airfare.
[5] Indicates delegation costs.

TOM LANTOS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Chris Cannon | 8/26 | 9/03 | Kazakhstan | | 2,556.00 | | 11,226.87 | | | | 13,782.87 |
| Bobby Vassar | 8/04 | 8/11 | England, Switzerland | | 2,291.77 | | 9,151.55 | | | | 11,443.32 |
| Greg Barnes | 8/04 | 8/11 | England, Switzerland | | 2,291.77 | | 9,151.55 | | | | 11,443.32 |
| Teressa Vest | 8/04 | 8/11 | England, Switzerland | | 2,291.77 | | 9,151.55 | | | | 11,443.32 |
| Sean McLaughlin | 8/04 | 8/11 | England, Switzerland | | 2,291.77 | | 9,151.55 | | | | 11,443.32 |
| Allison Beach | 8/04 | 8/11 | England, Switzerland | | 2,291.77 | | 9,151.55 | | | | 11,443.32 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| R.N. Palarino | 8/6 | 8/7 | Lebanon | | 127.00 | | 8,943.45 | | | | 9.070.45 |
| | 8/7 | 8/9 | Turkey | | 702.00 | | | | | | 702.00 |
| | 8/9 | 8/10 | Israel | | | | | | | | |
| | 8/10 | 8/11 | Jordan | | 289.00 | | | | | | 289.00 |
| | 8/11 | 8/12 | Bagdad | | | | (3) | | | | |
| | 8/12 | 8/13 | Jordan | | 289.00 | | | | | | 289.00 |
| | 8/13 | 8/14 | Egypt | | 266.00 | | | | | | 266.00 |
| Stephen Lynch | 9/11 | 9/12 | Pakistan | | 549.79 | | (3) | | 847.58 | | 1,397.37 |
| | 9/12 | 9/13 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 9/13 | 9/14 | Bahrain | | 162.00 | | | | | | 162.00 |
| | 9/14 | 9/15 | Chad | | 320.00 | | | | | | 320.00 |
| | 9/15 | 9/16 | Spain | | 141.00 | | | | | | 141.00 |
| Brian Higgins | 9/11 | 9/12 | Pakistan | | 549.79 | | (3) | | | | 549.79 |
| | 9/12 | 9/13 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 9/13 | 9/14 | Bahrain | | 162.00 | | | | | | 162.00 |
| | 9/14 | 9/15 | Chad | | 320.00 | | | | | | 320.00 |
| | 9/15 | 9/16 | Spain | | 141.00 | | | | | | 141.00 |
| Dave Turk | 9/11 | 9/12 | Pakistan | | 549.79 | | (3) | | | | 549.79 |
| | 9/12 | 9/13 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 9/13 | 9/14 | Bahrain | | 162.00 | | | | | | 162.00 |
| | 9/14 | 9/15 | Chad | | 320.00 | | | | | | 320.00 |
| | 9/15 | 9/16 | Spain | | 141.00 | | | | | | 141.00 |
| John Cuaderes | 9/11 | 9/12 | Pakistan | | 549.79 | | (3) | | | | 549.79 |
| | 9/12 | 9/13 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 9/13 | 9/14 | Bahrain | | 162.00 | | | | | | 162.00 |
| | 9/14 | 9/15 | Chad | | 320.00 | | | | | | 320.00 |
| | 9/15 | 9/16 | Spain | | 141.00 | | | | | | 141.00 |
| Andrew Wright | 9/11 | 9/12 | Pakistan | | 549.79 | | (3) | | | | 549.79 |
| | 9/12 | 9/13 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 9/13 | 9/14 | Bahrain | | 162.00 | | | | | | 162.00 |
| | 9/14 | 9/15 | Chad | | 320.00 | | | | | | 320.00 |
| | 9/15 | 9/16 | Spain | | 141.00 | | | | | | 141.00 |
| Naomi Seiler | 7/20 | 7/27 | Australia | | 394.69 | | 9,517.57 | | 690.00 | | 10,602.26 |
| Jesseca Boyer | 7/20 | 7/27 | Australia | | 380.00 | | 9,517.57 | | 785.00 | | 10,682.57 |
| Margaret Daum | 8/6 | 8/7 | Lebanon | | 127.00 | | 6,715.10 | | | | 6,842.10 |
| | 8/7 | 8/9 | Turkey | | 702.00 | | | | | | 702.00 |
| Christopher Shays | 8/6 | 8/7 | Lebanon | | 127.00 | | 5,865.93 | | | | 5,992.93 |
| | 8/7 | 8/9 | Turkey | | 702.00 | | | | | | 702.00 |
| | 8/9 | 8/10 | Israel | | | | | | | | |

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| | 8/10 | 8/11 | Jordan | | 289.00 | | | | | | 289.00 |
| | 8/11 | 8/12 | Iraq | | | | (3) | | | | |
| | 8/12 | 8/13 | Jordan | | 238.05 | | | | | | 238.05 |
| Todd Russell Platts | 9/11 | 9/12 | Pakistan | | 465.79 | | | | | | 465.79 |
| | 9/12 | 9/13 | Afghanistan | | 7.00 | | | | | | 7.00 |
| | 9/13 | 9/14 | Bahrain | | | | | | | | |
| | 9/14 | 9/15 | Chad | | 53.00 | | | | | | 53.00 |
| | 9/15 | 9/16 | Spain | | 70.00 | | | | | | 70.00 |
| Jeffery Baran | 9/17 | 9/19 | Canada | | 540.00 | | 435.54 | | | | 975.54 |
| Gregory Dotson | 9/17 | 9/18 | Canada | | 281.94 | | 435.54 | | | | 717.48 |
| Committee total | | | | | | | | | | | 56,042.70 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HENRY A. WAXMAN, Chairman, Oct. 29, 2007.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Brian Baird | 8/6 | 8/10 | Israel | | 757.00 | | | | 1,432.33 | | 2,189.33 |
| | 8/10 | 8/11 | Jordan | | 289.00 | | | | | | 289.00 |
| | 8/13 | 8/14 | Egypt | | 266.00 | | | | | | 266.00 |
| | 8/12 | 8/13 | Jordan | | 289.00 | | | | | | 289.00 |
| Commercial Transportation | | | | | | | 7,054.90 | | | | 7,054.90 |
| | 8/11 | 8/12 | Iraq | | | | (3) | | | | |
| Committee total | | | | | 1,601.00 | | 7,054.90 | | 1,432.33 | | 10,088.23 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BART GORDON, Chairman, Oct. 29, 2007.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ONSTANDARDS OF OFFICIAL CONDUCT,HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. current is used enter amount expended.

STEPHANIE TUBBS JONES, Chairman, October 25, 2007.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Jerry Costello | 8/18 | 8/20 | Tunisia | | 482.00 | | (3) | | | | 482.00 |
| Hon. John Duncan | 8/18 | 8/20 | Tunisia | | 482.00 | | (3) | | | | 482.00 |
| Hon. Tim Holden | 8/18 | 8/20 | Tunisia | | 482.00 | | (3) | | | | 482.00 |
| Hon. Eddie Bernice Johnson | 8/18 | 8/20 | Tunisia | | 482.00 | | (3) | | | | 482.00 |
| Hon. Leonard Boswell | 8/18 | 8/20 | Tunisia | | 482.00 | | (3) | | | | 482.00 |
| Hon. Michael Capuano | 8/18 | 8/20 | Tunisia | | 482.00 | | (3) | | | | 482.00 |
| Hon. Henry Brown | 8/18 | 8/20 | Tunisia | | 482.00 | | (3) | | | | 482.00 |
| Jimmy Miller | 8/18 | 8/20 | Tunisia | | 482.00 | | (3) | | | | 482.00 |
| John Cullather | 8/18 | 8/20 | Tunisia | | 482.00 | | (3) | | | | 482.00 |
| Christa Fornarotta | 8/18 | 8/20 | Tunisia | | 482.00 | | (3) | | | | 482.00 |
| Jana Denning | 8/18 | 8/20 | Tunisia | | 482.00 | | (3) | | | | 482.00 |
| Amy Steinmann | 8/18 | 8/20 | Tunisia | | 482.00 | | (3) | | | | 482.00 |
| Hon. Jerry Costello | 8/20 | 8/22 | Turkey | | 1,242.00 | | (3) | | | | 1,242.00 |
| Hon. John Duncan | 8/20 | 8/22 | Turkey | | 1,242.00 | | (3) | | | | 1,242.00 |
| Hon. Tim Holden | 8/20 | 8/22 | Turkey | | 1,242.00 | | (3) | | | | 1,242.00 |
| Hon. Eddie Bernice Johnson | 8/20 | 8/22 | Turkey | | 1,242.00 | | (3) | | | | 1,242.00 |
| Hon. Leonard Boswell | 8/20 | 8/22 | Turkey | | 1,242.00 | | (3) | | | | 1,242.00 |
| Hon. Michael Capuano | 8/20 | 8/22 | Turkey | | 1,242.00 | | (3) | | | | 1,242.00 |
| Hon. Henry Brown | 8/20 | 8/22 | Turkey | | 1,242.00 | | (3) | | | | 1,242.00 |
| Jimmy Miller | 8/20 | 8/22 | Turkey | | 1,242.00 | | (3) | | | | 1,242.00 |
| John Cullather | 8/20 | 8/22 | Turkey | | 1,242.00 | | (3) | | | | 1,242.00 |
| Christa Fornarotta | 8/20 | 8/22 | Turkey | | 1,242.00 | | (3) | | | | 1,242.00 |
| Jana Denning | 8/20 | 8/22 | Turkey | | 1,242.00 | | (3) | | | | 1,242.00 |
| Amy Steinmann | 8/20 | 8/22 | Turkey | | 1,242.00 | | (3) | | | | 1,242.00 |
| Hon. Jerry Costello | 8/22 | 8/24 | Croatia | | 1,064.00 | | (3) | | | | 1,064.00 |
| Hon. John Duncan | 8/22 | 8/24 | Croatia | | 1,064.00 | | (3) | | | | 1,064.00 |
| Hon. Tim Holden | 8/22 | 8/24 | Croatia | | 1,064.00 | | (3) | | | | 1,064.00 |

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007—Continued

| Name of Member or employee | Date |  | Country | Per diem [1] |  | Transportation |  | Other purposes |  | Total |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Arrival | Departure |  | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Eddie Bernice Johnson | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Hon. Leonard Boswell | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Hon. Michael Capuano | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Hon. Henry Brown | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Jimmy Miller | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| John Cullather | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Christa Fornarotta | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Jana Denning | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Amy Steinmann | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Hon. Jerry Costello | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Hon. John Duncan | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Hon. Tim Holden | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Hon. Eddie Bernice Johnson | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Hon. Leonard Boswell | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Hon. Michael Capuano | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Hon. Henry Brown | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Jimmy Miller | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| John Cullather | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Christa Fornarotta | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Jana Denning | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Amy Steinmann | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Hon. Corrine Brown | 8/13 | 8/15 | Spain |  | 454.00 |  | 6,649.52 |  |  |  | 7,103.52 |
| Hon. Grace F. Napolitano | 8/13 | 8/15 | Spain |  | 454.00 |  | 6,838.52 |  |  |  | 7,292.52 |
| Nick Martinelli | 8/13 | 8/15 | Spain |  | 454.00 |  | 6,838.52 |  |  |  | 7,292.52 |
| John Drake | 8/13 | 8/15 | Spain |  | 454.00 |  | 6,838.52 |  |  |  | 7,292.52 |
| Hon. Corrine Brown | 8/15 | 8/17 | England |  | 568.00 |  |  |  |  |  | 568.00 |
| Hon. Grace F. Napolitano | 8/15 | 8/17 | England |  | 568.00 |  |  |  |  |  | 568.00 |
| Nick Martinelli | 8/15 | 8/17 | England |  | 568.00 |  |  |  |  |  | 568.00 |
| John Drake | 8/15 | 8/17 | England |  | 568.00 |  |  |  |  |  | 568.00 |
| Hon. Corrine Brown | 8/17 | 8/22 | France |  | 523.00 |  |  |  |  |  | 523.00 |
| Nick Martinelli | 8/17 | 8/22 | France |  | 523.00 |  |  |  |  |  | 523.00 |
| John Drake | 8/17 | 8/22 | France |  | 523.00 |  |  |  |  |  | 523.00 |
| Hon. Wayne T. Gilchrest | 10/6 | 10/6 | Qatar |  | 458.00 |  | (3) |  |  |  | 458.00 |
|  | 10/7 | 10/7 | Jordan |  | 279.00 |  | (3) |  |  |  | 279.00 |
|  | 10/8 | 10/8 | Germany |  | 223.00 |  | (3) |  |  |  | 223.00 |
| Hon. Jason Altmire | 8/27 | 8/28 | Kuwait |  | 210.00 |  | (3) |  |  |  | 210.00 |
| Committee total |  |  |  |  | 59,831.00 |  | 27,165.00 |  |  |  | 86,996.08 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JAMES L. OBERSTAR, Oct. 29, 2007.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date |  | Country | Per diem [1] |  | Transportation |  | Other purposes |  | Total |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Arrival | Departure |  | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Jerry Costello | 8/18 | 8/20 | Tunisia |  | 482.00 |  | (3) |  |  |  | 482.00 |
| Hon. John Duncan | 8/18 | 8/20 | Tunisia |  | 482.00 |  | (3) |  |  |  | 482.00 |
| Hon. Tim Holden | 8/18 | 8/20 | Tunisia |  | 482.00 |  | (3) |  |  |  | 482.00 |
| Hon. Eddie Bernice Johnson | 8/18 | 8/20 | Tunisia |  | 482.00 |  | (3) |  |  |  | 482.00 |
| Hon. Leonard Boswell | 8/18 | 8/20 | Tunisia |  | 482.00 |  | (3) |  |  |  | 482.00 |
| Hon. Michael Capuano | 8/18 | 8/20 | Tunisia |  | 482.00 |  | (3) |  |  |  | 482.00 |
| Hon. Henry Brown | 8/18 | 8/20 | Tunisia |  | 482.00 |  | (3) |  |  |  | 482.00 |
| Jimmy Miller | 8/18 | 8/20 | Tunisia |  | 482.00 |  | (3) |  |  |  | 482.00 |
| John Cullather | 8/18 | 8/20 | Tunisia |  | 482.00 |  | (3) |  |  |  | 482.00 |
| Christa Fornarotta | 8/18 | 8/20 | Tunisia |  | 482.00 |  | (3) |  |  |  | 482.00 |
| Jana Denning | 8/18 | 8/20 | Tunisia |  | 482.00 |  | (3) |  |  |  | 482.00 |
| Amy Steinmann | 8/18 | 8/20 | Tunisia |  | 482.00 |  | (3) |  |  |  | 482.00 |
| Hon. Jerry Costello | 8/20 | 8/22 | Turkey |  | 1,242.00 |  | (3) |  |  |  | 1,242.00 |
| Hon. John Duncan | 8/20 | 8/22 | Turkey |  | 1,242.00 |  | (3) |  |  |  | 1,242.00 |
| Hon. Tim Holden | 8/20 | 8/22 | Turkey |  | 1,242.00 |  | (3) |  |  |  | 1,242.00 |
| Hon. Eddie Bernice Johnson | 8/20 | 8/22 | Turkey |  | 1,242.00 |  | (3) |  |  |  | 1,242.00 |
| Hon. Leonard Boswell | 8/20 | 8/22 | Turkey |  | 1,242.00 |  | (3) |  |  |  | 1,242.00 |
| Hon. Michael Capuano | 8/20 | 8/22 | Turkey |  | '242.00 |  | (3) |  |  |  | 1,242.00 |
| Hon. Henry Brown | 8/20 | 8/22 | Turkey |  | 1,242.00 |  | (3) |  |  |  | 1,242.00 |
| Jimmy Miller | 8/20 | 8/22 | Turkey |  | 1,242.00 |  | (3) |  |  |  | 1,242.00 |
| John Cullather | 8/20 | 8/22 | Turkey |  | 1,242.00 |  | (3) |  |  |  | 1,242.00 |
| Christa Fornarotta | 8/20 | 8/22 | Turkey |  | 1,242.00 |  | (3) |  |  |  | 1,242.00 |
| Jana Denning | 8/20 | 8/22 | Turkey |  | 1,242.00 |  | (3) |  |  |  | 1,242.00 |
| Amy Steinmann | 8/20 | 8/22 | Turkey |  | 1,242.00 |  | (3) |  |  |  | 1,242.00 |
| Hon. Jerry Costello | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Hon. John Duncan | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Hon. Tim Holden | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Hon. Eddie Bernice Johnson | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Hon. Leonard Boswell | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Michael Capuano | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Hon. Henry Brown | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Jimmy Miller | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| John Cullather | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Christa Fornarotta | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Jana Denning | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Amy Steinmann | 8/22 | 8/24 | Croatia |  | 1,064.00 |  | (3) |  |  |  | 1,064.00 |
| Hon. Jerry Costello | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Hon. John Duncan | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Hon. Tim Holden | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Hon. Eddie Bernice Johnson | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Hon. Leonard Boswell | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Hon. Michael Capuano | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Hon. Henry Brown | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| Jimmy Miller | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |
| John Cullather | 8/24 | 8/27 | Germany |  | 1,629.00 |  | (3) |  |  |  | 1,629.00 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Christa Fornarotta | 8/24 | 8/27 | Germany | | 1,629.00 | | (3) | | | | 1,629.00 |
| Jana Denning | 8/24 | 8/27 | Germany | | 1,629.00 | | (3) | | | | 1,629.00 |
| Amy Steinmann | 8/24 | 8/27 | Germany | | 1,629.00 | | (3) | | | | 1,629.00 |
| Hon. Corrine Brown | 8/13 | 8/15 | Spain | | 454.00 | | 6,649.53 | | | | 7,103.52 |
| Hon. Grace F. Napolitano | 8/13 | 8/15 | Spain | | 454.00 | | 6,838.52 | | | | 7,292.52 |
| Nick Martinelli | 8/13 | 8/15 | Spain | | 454.00 | | 6,838.52 | | | | 7,292.52 |
| Hon. John Drake | 8/13 | 8/15 | Spain | | 454.00 | | 6,838.52 | | | | 7,292.52 |
| Hon. Corrine Brown | 8/15 | 8/17 | England | | 568.00 | | | | | | 568.00 |
| Hon. Grace F. Napolitana | 8/15 | 8/17 | England | | 568.00 | | | | | | 568.00 |
| Nick Martinelli | 8/15 | 8/17 | England | | 568.00 | | | | | | 568.00 |
| John Drake | 8/15 | 8/17 | England | | 568.00 | | | | | | 568.00 |
| Hon. Corrine Brown | 8/17 | 8/22 | France | | 523.00 | | | | | | 523.00 |
| Nick Martinelli | 8/17 | 8/22 | France | | 523.00 | | | | | | 523.00 |
| John Drake | 8/17 | 8/22 | France | | 523.00 | | | | | | 523.00 |
| Hon. Wayne T. Gilchrest | 10/6 | 10/6 | Qatar | | 458.00 | | (3) | | | | 458.00 |
| | 10/7 | 10/7 | Jordan | | 279.00 | | (3) | | | | 279.00 |
| | 10/7 | 10/7 | Jordan | | 279.00 | | (3) | | | | 279.00 |
| | 10/8 | 10/8 | Germany | | 223.00 | | (3) | | | | 223.00 |
| Hon. Jason Altmire | 8/27 | 8/28 | Kuwait | | 210.00 | | 9,029.05 | | | | 9,239.05 |
| Commitee total | | | | | 59,831.00 | | 36,194.13 | | | | 96,025.13 |

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JAMES L. OBERSTAR, Chairman, Oct. 30, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Bob Filner | 8/23 | 8/25 | Pakistan | | 289.00 | | | | | | 289.00 |
| Hon. John Boozman | 8/23 | 8/25 | Pakistan | | 289.00 | | | | | | 289.00 |
| Tony Buckles | 8/23 | 8/25 | Pakistan | | 289.00 | | | | | | 289.00 |
| Hon. Bob Filner | 8/20 | 8/26 | Germany | | 290.00 | | | | | | 290.00 |
| Hon. John Boozman | 8/20 | 8/26 | Germany | | 290.00 | | | | | | 290.00 |
| Tony Buckles | 8/20 | 8/26 | Germany | | 290.00 | | | | | | 290.00 |
| Committee total | | | | | 1,737.00 | | | | | | 1,737.00 |

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

BOB FILNER, Chairman, Oct. 30, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. John F. Tierney | 7/2 | 7/4 | Azerbaijan | | 732.00 | | | | | | |
| | 7/4 | 7/6 | Turkey | | 889.00 | | | | | | |
| Commercial transportation | | | | | | | 8,514.19 | | | | 12,537.19 |
| Larauence Hanauers | 7/2 | 7/4 | Azerbaijan | | 732.00 | | | | | | |
| | 7/4 | 7/6 | Turkey | | 889.00 | | | | | | |
| Commercial transportation | | | | | | | 8,491.98 | | | | 10,112.98 |
| Iram Ali | 7/2 | 7/4 | Azerbaijan | | 732.00 | | | | | | |
| | 7/4 | 7/6 | Turkey | | 889.00 | | | | | | |
| Commercial transportation | | | | | | | 9,283.19 | | | | 10,904.19 |
| Jody Houck | 7/2 | 7/4 | Azerbaijan | | 732.00 | | | | | | |
| | 7/4 | 7/6 | Turkey | | 889.00 | | | | | | |
| Commercial transportation | | | | | | | 5,422.79 | | | | 7,043.79 |
| Hon. Silvestre Reyes | 7/6 | 7/8 | Panama | | 608.00 | | | | | | |
| | 7/8 | 7/9 | Colombia | | 1,974.90 | | (3) | | | | |
| | | | | | | | (3) | | | | 2,582.90 |
| Michael Delaney | 7/6 | 7/8 | Panama | | 608.00 | | | | | | |
| | 7/8 | 7/9 | Colombia | | 1,974.90 | | | | | | |
| | | | | | | | (3) | | | | 2,582.90 |
| George Pappas, Professional Staff Membe | 7/6 | 7/8 | Panama | | 608.00 | | | | | | |
| | 7/8 | 7/9 | Colombia | | 1,974.90 | | | | | | |
| | | | | | | | (3) | | | | 2,582.90 |
| Donald Campbell | 7/31 | 8/10 | United Kingdom | | 2,380.00 | | | | | | |
| Commercial transportation | | | | | | | 7,106.75 | | | | 9,486.75 |
| Frank Garcia | 7/31 | 8/10 | United Kingdom | | 2,380.00 | | | | | | |
| Commercial transportation | | | | | | | 7,106.75 | | | | |
| | | | | | | | | | | | 9,486.75 |
| Hon. Janice D. Schakowsky | 8/2 | 8/3 | Germany | | 340.00 | | | | | | |
| | 8/6 | 8/6 | Middle East | | 155.00 | | | | | | |
| | 8/7 | 8/9 | Middle East | | 678.00 | | | | | | |
| | 8/8 | 8/9 | Middle East | | 75.00 | | | | | | |
| | 8/10 | 8/11 | Middle East | | 46.00 | | | | | | |
| | | | | | | | (3) | | | | 1,294.00 |
| Linda Cohen | 8/2 | 8/3 | Germany | | 340.00 | | | | | | |
| | 8/6 | 8/6 | Middle East | | 155.00 | | | | | | |
| | 8/7 | 8/9 | Middle East | | 678.00 | | | | | | |
| | 8/8 | 8/9 | Middle East | | 75.00 | | | | | | |
| | 8/10 | 8/11 | Middle East | | 32.00 | | | | | | |
| | | | | | | | (3) | | | | 1,280.00 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Silvestre Reyes | 8/23 | 8/25 | Asia | | 268.00 | | | | | | |
| | 8/25 | 8/26 | Asia | | 216.00 | | | | | | |
| | 8/27 | 8/29 | Asia | | 804.00 | | | | | | |
| | 8/30 | 8/30 | Asia | | 162.00 | | | | | | |
| | | | | | | | (3) | | | | 1,450.00 |
| Hon. A. Dutch Ruppersberger | 8/23 | 8/25 | Asia | | 268.00 | | | | | | |
| | 8/25 | 8/26 | Asia | | 230.00 | | | | | | |
| | 8/27 | 8/29 | Asia | | 804.00 | | | | | | |
| | 8/30 | 8/30 | Asia | | 162.00 | | | | | | |
| | | | | | | | (3) | | | | 1,464.00 |
| Hon. Heather Wilson | 8/23 | 8/25 | Asia | | 268.00 | | | | | | |
| | 8/25 | 8/26 | Asia | | 216.00 | | | | | | |
| | 8/27 | 8/29 | Asia | | 804.00 | | | | | | |
| | 8/30 | 8/30 | Asia | | 162.00 | | | | | | |
| Michael Delaney | 8/23 | 8/25 | Asia | | 268.00 | | (3) | | | | 1,450.00 |
| | 8/25 | 8/26 | Asia | | 230.00 | | | | | | |
| | 8/27 | 8/29 | Asia | | 804.00 | | | | | | |
| | 8/30 | 8/30 | Asia | | 162.00 | | | | | | |
| | | | | | | | (3) | | | | 1,464.00 |
| Mieke Eoyang | 8/23 | 8/25 | Asia | | 268.00 | | | | | | |
| | 8/25 | 8/26 | Asia | | 230.00 | | | | | | |
| | 8/27 | 8/29 | Asia | | 804.00 | | | | | | |
| | 8/30 | 8/30 | Asia | | 162.00 | | | | | | |
| | | | | | | | (3) | | | | 1,464.00 |
| Robert Minehart | 8/23 | 8/25 | Asia | | 268.00 | | | | | | |
| | 8/25 | 8/26 | Asia | | 230.00 | | | | | | |
| | 8/27 | 8/29 | Asia | | 804.00 | | | | | | |
| | 8/30 | 8/30 | Asia | | 162.00 | | | | | | |
| | | | | | | | (3) | | | | 1,464.00 |
| Jeremy Bash | 8/23 | 8/25 | Asia | | 268.00 | | | | | | |
| | 8/25 | 8/26 | Asia | | 230.00 | | | | | | |
| | 8/27 | 8/30 | Asia | | 804.00 | | | | | | |
| | 8/30 | 8/30 | Asia | | 162.00 | | | | | | |
| | | | | | | | (3) | | | | 1,464.00 |
| Stacey Dixon | 8/23 | 8/25 | Asia | | 268.00 | | | | | | |
| | 8/25 | 8/26 | Asia | | 230.00 | | | | | | |
| | 8/27 | 8/29 | Asia | | 804.00 | | | | | | |
| | 8/30 | 8/30 | Asia | | 162.00 | | | | | | |
| | | | | | | | (3) | | | | 1,464.00 |
| Courtney Littig | 8/23 | 8/25 | Asia | | 268.00 | | | | | | |
| | 8/25 | 8/26 | Asia | | 230.00 | | | | | | |
| | 8/27 | 8/29 | Asia | | 804.00 | | | | | | |
| | 8/30 | 8/30 | Asia | | 162.00 | | | | | | |
| | | | | | | | (3) | | | | 1,464.00 |
| Jody Houck | 8/23 | 8/25 | Asia | | 268.00 | | | | | | |
| | 8/25 | 8/26 | Asia | | 230.00 | | | | | | |
| | 8/27 | 8/29 | Asia | | 804.00 | | | | | | |
| | 8/30 | 8/30 | Asia | | 162.00 | | | | | | |
| | | | | | | | (3) | | | | 1,464.00 |
| Jamal Ware | 8/23 | 8/25 | Asia | | 268.00 | | | | | | |
| | 8/25 | 8/26 | Asia | | 230.00 | | | | | | |
| | 8/27 | 8/29 | Asia | | 804.00 | | | | | | |
| | 8/30 | 8/30 | Asia | | 162.00 | | | | | | |
| | | | | | | | (3) | | | | 1,464.00 |
| Larry Hanauer | 8/21 | 8/22 | Asia | | 1,482.00 | | | | | | |
| | 8/23 | 8/26 | Asia | | 804.00 | | | | | | |
| | 8/26 | 8/27 | Asia | | 424.00 | | | | | | |
| | 8/28 | 8/30 | Asia | | 680.00 | | | | | | |
| Commercial transportation | | | | | | | 12,358.13 | | | | 15,748.13 |
| George Pappas | 8/21 | 8/22 | Asia | | 988.00 | | | | | | |
| | 8/23 | 8/26 | Asia | | 804.00 | | | | | | |
| | 8/26 | 8/27 | Asia | | 424.00 | | | | | | |
| | 8/28 | 8/30 | Asia | | 680.00 | | | | | | |
| Commercial transportation | | | | | | | 12,796.39 | | | | 15,692.39 |
| Hon. Robert E. Cramer | 8/18 | 8/19 | Africa | | 468.00 | | | | | | |
| | 8/17 | 8/24 | Europe | | 1,382.00 | | | | | | |
| | 8/24 | 8/29 | Europe | | 1,064.00 | | | | | | |
| | 8/24 | 8/29 | Europe | | 1,195.00 | | | | | | |
| Commercial transportation | 8/29 | 8/30 | Middle East | | 578.00 | | 5,075.78 | | | | 9,762.00 |
| Committee totals | | | | | | | | | | | 27,173.66 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

SILVESTRE REYES, Chairman, Oct. 30, 2007.

## EXECUTIVE COMMUNICATIONS, ETC.

**Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:**

4091. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Oxytetracycline; Pesticide Tolerance [EPA-HQ-OPP-2006-0524; FRL-8153-7] received November 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4092. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106-246, section 3204 (f); to the Committee on Armed Services.

4093. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Child Care and Development Fund Error Rate Reporting (RIN: 0970-AC29) received October 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4094. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Approval of 8-Hour Ozone Section 110(a) (1) Maintenance Plans for the Parishes of Beauregard, Grant, and St. Mary [EPA-R06-OAR-2006-0271; FRL-8491-4] received November 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4095. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Imperial County and Monterey Bay Unified Air Pollution Control Districts [EPA-R09-OAR-2007-1003; FRL-8492-3] received November 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4096. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Kern County Air Pollution Control District [EPA-R09-OAR-2005-CA-0013, FRL-8489-7] received November 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4097. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries [EPA-HQ-OAR-2006-0699; FRL-8492-4] (RIN: 2060-AN71) received November 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4098. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Update of Continuous Instrumental Test Methods: Technical Amendments [EPA-HQ-OAR-2002-0071; FRL-8490-9] (RIN: 2060-A009) received November 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4099. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the California State Implementation Plan; San Francisco Bay Area [EPA-R09-OAR-2007-0657; FRL-8479-4] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4100. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Ohio Particulate Matter [EPA-OAR-R05-2005-OH-0005; FRL-8464-6] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4101. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Implementation Plans of Illinois: Clean Air Interstate Rule [EPA-R05-OAR-2007-0376; FRL-8477-4] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4102. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products [EPA-HQ-OAR-2003-0048; FRL-8482-2] (RIN: 2060-AO68) received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4103. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Implementation Plans; Ohio; Clean Air Interstate Rule [EPA-R05-OAR-2007-0390; [FRL-8481-2]] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4104. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Implementation Plans; Wisconsin; Clean Air Interstate Rule [EPA-R05-OAR-2007-0405; FRL-8477-6] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4105. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Limited Approval of Implementation Plans of Indiana: Clean Air Interstate Rule [EPA-R05-OAR-2007-0140; FRL-8481-4] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4106. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, "OECA's Interim Significant Noncomplicance Policy of CWA Violations Associated with CSOs, SSos, CAFO, and Storm Water Point Sources"; to the Committee on Energy and Commerce.

4107. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting an Interim Feasibility Report and Integrated Evironmental Assessment for the Lower Colorado River Basin, Phase 1, Texas; to the Committee on Transportation and Infrastructure.

4108. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Alaskan Way Viaduct: Emergency Relief Eligibility," pursuant to Public Law 109-59, section 1924; to the Committee on Transportation and Infrastructure.

4109. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, "Newtown Creek/Greenpoint Oil Spill Study," as required by Section 410 of the Coast Guard and Maritime Transportation Action of 2006; to the Committee on Transportation and Infrastructure.

4110. A letter from the Acting Regulations Officer of Social Security, Social Security Administration, transmitting the Administration's "Major" final rule — Revised Medical Criteria for Evaluating Digestive Disorders [Docket No. SSA 2006-0094] (RIN: 0960-AF28) received November 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4111. A letter from the Secretaries, Department of Energy, Department of the Interior, transmitting a joint report on the cost of implementation of the Rocky Flats National Wildlife Refuge Act of 2001 during fiscal year 2006, in compliance with the requirements of Subtitle F, section 3182 of the National Defense Authorization Act for Fiscal Year 2002 (Pub. L. 107-107); jointly to the Committees on Natural Resources and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3403. A bill to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encouraging the nation's transition to a national IP-enabled emergency network and improve 911 and E-911 access to those with disabilities; with amendments (Rept. 110-442). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3919. A bill to provide for a comprehensive nationwide inventory of existing broadband service, and for other purposes; with an amendment (Rept. 110-443). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1534. A bill to prohibit the sale, distribution, or transfer of mercury, to prohibit the export of mercury, and for other purposes; with amendments (Rept. 110-444). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3013. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product (Rept. 110-445). Referred to the Committee of the Whole House on the State of the Union.

Mr. OLVER: Committee of Conference. Conference report on H.R. 3074. A bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110-446). Ordered to be printed.

Mr. ARCURI: Committee on Rules. House Resolution 817. Resolution providing for consideration of the conference report to accompany the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008; and for other purposes (Rept. 110-447). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 818. Resolution providing for consideration of the bill (H.R. 4156) making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110-448). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:**

By Mr. GEORGE MILLER of California:

H.R. 4153. A bill to make certain technical corrections and transition amendments to the College Cost Reduction and Access Act; to the Committee on Education and Labor; considered and passed.

By Mr. GEORGE MILLER of California (for himself, Mr. CLYBURN, Mr. SCOTT of Virginia, Ms. CLARKE, Mr. DAVIS of Illinois, Mr. PAYNE, Ms. KILPATRICK, Ms. LEE, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. LEWIS of Georgia, Mr. CUMMINGS, Mrs. JONES of Ohio, Mr. HASTINGS of Florida, Mr. BOYD of Florida, Mr. MEEK of Florida, Mr. SNYDER, Mr. BARROW, Mr. COOPER, and Mr. COHEN):

H.R. 4154. A bill to increase the insurance limitations on Federal insurance for bonds issued by the designated bonding authority for Historically Black Colleges and Universities capital financing; to the Committee on Education and Labor; considered and passed.

By Mr. SHULER (for himself and Mr. ETHERIDGE):

H.R. 4155. A bill to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina; to the Committee on Agriculture.

By Mr. OBEY (for himself and Mr. MURTHA):

H.R. 4156. A bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. AKIN, Mr. BURTON of Indiana, Mr. CONAWAY, Mr. DAVID DAVIS of Tennessee, Mr. DEAL of Georgia, Ms. FALLIN, Mr. FEENEY, Mr. FORTUÑO, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. HENSARLING, Mr. HERGER, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KINGSTON, Mr. LAMBORN, Mr. MANZULLO, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. SALI, Mr. SMITH of New Jersey, Mr. TANCREDO, Mr. WALBERG, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. ROSKAM, Mr. CHABOT, Mr. CARTER, Mr. McHENRY, Mr. FORBES, and Mr. RENZI):

H.R. 4157. A bill to provide that human life shall be deemed to begin with fertilization; to the Committee on the Judiciary.

By Mr. COHEN (for himself, Ms. NORTON, and Mr. GRAVES):

H.R. 4158. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify and codify the authority of the Administrator of the Federal Emergency Management Agency to administer the National Urban Search and Rescue Response System for Federal response to all hazards; to the Committee on Transportation and Infrastructure.

By Mr. ENGLISH of Pennsylvania:

H.R. 4159. A bill to amend the Internal Revenue Code of 1986 to restructure and replace the income tax system of the United States to meet national priorities, and for other purposes; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself, Mr. BOEHNER, Mr. KING of New York, Mr. KUHL of New York, Mr. BURTON of Indiana, Mr. WALSH of New York, Mrs. MYRICK, Mr. ISSA, Mr. TANCREDO, Mr. SHAYS, Mr. SESSIONS, Mr. McHUGH, Mr. ENGLISH of Pennsylvania, Mr. PITTS, Mr. TERRY, Mr. HUNTER, Mr. MICA, Mr. KELLER, Mr. CAMP of Michigan, Mr. REYNOLDS, Mr. BILBRAY, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. BURGESS, Mr. SHUSTER, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. KINGSTON, Mr. McHENRY, Mr. DAVID DAVIS of Tennessee, Mr. POE, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. GOODE, Mr. GOHMERT, Mr. BUYER, and Mr. BARRETT of South Carolina):

H.R. 4160. A bill to withhold certain highway funds if a State does not comply with certain requirements in issuing a driver's license or identification card, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas (for himself, Ms. WATERS, Mr. MICHAUD, and Mr. PATRICK MURPHY of Pennsylvania):

H.R. 4161. A bill to authorize the Secretary of Housing and Urban Development, in coordination with the Secretary of Veterans Affairs, to carry out a pilot program to prevent at-risk veterans and veteran families from falling into homelessness, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of California:

H.R. 4162. A bill to provide for an exchange of lands with San Bernardino County, California, to enhance management of lands within the San Bernardino National Forest, and for other purposes; to the Committee on Natural Resources.

By Mrs. LOWEY:

H.R. 4163. A bill to provide an enhanced penalty for threatening to kill, injure, or intimidate an individual, or to cause property damage, by means of fire or an explosive on school property; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Ms. CLARKE, Ms. VELÁZQUEZ, Mr. ELLISON, and Ms. HIRONO):

H.R. 4164. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenses paid for household and dependent care services necessary for gainful employment and to increase, and make refundable, the credit for such expenses; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia (for himself, Mr. FORBES, Mr. ORTIZ, Mrs. DRAKE, and Mr. KELLER):

H.R. 4165. A bill to provide grants to encourage and enhance the study of modeling and simulation at institutions of higher education; to the Committee on Education and Labor.

By Mr. SKELTON (for himself, Mr. CLAY, Mr. AKIN, Mr. CARNAHAN, Mr. CLEAVER, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, and Mr. HULSHOF):

H.R. 4166. A bill to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the "Steve W. Allee Carrier Annex"; to the Committee on Oversight and Government Reform.

By Mr. STEARNS:

H.R. 4167. A bill to amend the Communications Act of 1934 to reduce restrictions on media ownership, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUPAK:

H.R. 4168. A bill to authorize the Sault Ste. Marie Tribe of Chippewa Indians of the State of Michigan to convey land and interests in land owned by the Tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. TIAHRT (for himself, Mrs. BOYDA of Kansas, Mr. MORAN of Kansas, Mr. SMITH of New Jersey, Mr. FILNER, Mr. SESSIONS, Mr. GOHMERT, Mr. CARTER, Mr. BURTON of Indiana, Ms. BORDALLO, Mr. COHEN, Mr. BILIRAKIS, Mr. BRADY of Pennsylvania, Mr. CALVERT, and Mrs. MYRICK):

H.R. 4169. A bill to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans; to the Committee on Veterans' Affairs.

By Mr. WILSON of South Carolina:

H.R. 4170. A bill to revise the boundaries of the John H. Chafee Coastal Barrier Resources System with respect to Daufuskie Island, South Carolina; to the Committee on Natural Resources.

By Mr. WILSON of South Carolina (for himself, Mr. INGLIS of South Carolina, Mr. SPRATT, Mr. BARRETT of South Carolina, Mr. BROWN of South Carolina, Mr. CLYBURN, Mr. SKELTON, Mr. ORTIZ, Mr. TAYLOR, Mr. McKEON, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. HUNTER, Mr. SAXTON, Mr. JONES of North Carolina, Mr. HAYES, Mr. TURNER, Mr. EVERETT, Mr. THORNBERRY, Mr. KLINE of Minnesota, Mrs. DRAKE, Mr. AKIN, Mr. McHUGH, Mr. PASCRELL, Mrs. MYRICK, Mr. YOUNG of Florida, Mr. SNYDER, Ms. KAPTUR, Mr. SMITH of New Jersey, Mr. HASTERT, Mr. BURTON of Indiana, Mr. WAMP, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. LEWIS of Kentucky, Mr. KINGSTON, Ms. ROS-LEHTINEN, Mrs. CAPITO, Mr. ENGEL, Mr. WELLER, and Mr. GILCHREST):

H.R. 4171. A bill to name the national cemetery to be constructed in Columbia, South Carolina as the Floyd Spence National Cemetery at Fort Jackson, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BACA (for himself, Mr. KILDEE, Mr. RAHALL, Mr. GUTIERREZ, Mr. WU, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Mr. SPRATT, Mr. COSTA, Ms. McCOLLUM of Minnesota, Ms. JACKSON-LEE of Texas, Mr. RODRIGUEZ, Ms. VELÁZQUEZ, Mr. GONZALEZ, Mr. SALAZAR, Mr. VAN HOLLEN, Ms. ROYBAL-ALLARD, Mr. UDALL of New Mexico, Mr. HONDA, Mr. KLINE of Minnesota, Mr. CUELLAR, Ms. SOLIS, Mr. INSLEE, Mr. PETERSON of Minnesota, Mr. KIND, Mr. SIRES, Ms. BERKLEY, Ms. SUTTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BECERRA, Mr. MEEK of Florida, Mr. HINCHEY, Mr. GRIJALVA, Mr. FILNER, Mr. KENNEDY, Mr. JOHNSON of Georgia, Mr. BOREN, Ms. NORTON, Mrs. CAPPS, Mr. COHEN, Ms. WASSERMAN SCHULTZ, Mr. PEARCE, Mr. REYES, Mr. AL GREEN of Texas, Mr. COURTNEY, Mr. YOUNG of Alaska, Mr. SHULER, Mrs. NAPOLITANO, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. TOWNS, Mr. FARR, Ms. HERSETH SANDLIN, Mr. SARBANES, Mr. CLYBURN, Mr. SCHIFF, Ms. WATSON, Ms. LEE, Mr. FRANK of Massachusetts, Mr. LARSON of Connecticut, Ms. HIRONO, Mr. OBERSTAR, Mr. SERRANO, Mr. SMITH of Washington, Mr. POMEROY, Mr. CARDOZA, Mr. PALLONE, Mr. GENE GREEN of Texas, Mr. HARE, Mr. HASTINGS of Florida, Mr. ORTIZ, Mr. LARSEN of Washington, Mr. KUCINICH, Mr. HINOJOSA, Ms. LINDA T. SÁNCHEZ of California, Mr. BLUMENAUER, Mr. COLE of Oklahoma, Mr. MEEKS of New York, Mr. MITCHELL, Mr. MOORE of Kansas, Mr.

MORAN of Virginia, Ms. LORETTA SANCHEZ of California, and Mr. ISSA):

H.J. Res. 62. A joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes; to the Committee on Education and Labor; considered and passed.

By Mr. ENGLISH of Pennsylvania:

H.J. Res. 63. A joint resolution proposing an amendment to the Constitution of the United States authorizing the President to disapprove or reduce items of appropriation; to the Committee on the Judiciary.

By Ms. FALLIN (for herself, Mr. COLE of Oklahoma, Mr. BOREN, Mr. LUCAS, and Mr. SULLIVAN):

H. Con. Res. 254. Concurrent resolution recognizing and celebrating the centennial of Oklahoma statehood; to the Committee on Oversight and Government Reform.

By Mr. FERGUSON (for himself, Mr. CROWLEY, and Ms. ROS-LEHTINEN):

H. Con. Res. 255. Concurrent resolution expressing the sense of Congress regarding the United States commitment to preservation of religious and cultural sites and condemning instances where sites are desecrated; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. BURTON of Indiana, Ms. LINDA T. SÁNCHEZ of California, Mr. SMITH of New Jersey, Mr. GRIJALVA, Mr. LINDER, Mr. KIRK, Mr. MCGOVERN, Mr. GONZALEZ, and Mr. WEXLER):

H. Con. Res. 256. Concurrent resolution honoring Theodor Criveanu for being named by Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority, as Righteous Among the Nations for his heroic efforts to save Romanian Jews during the Holocaust; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. ENGEL, Mr. PENCE, Mr. WEXLER, and Mr. GALLEGLY):

H. Con. Res. 257. Concurrent resolution expressing concern regarding arms transfers to Iran and Syria by the Russian Federation and entities in the Russian Federation and urging the President of the United States to implement sanctions against such entities found to be in violation of United States law prohibiting arms transfers to Iran and Syria; to the Committee on Foreign Affairs.

By Ms. DELAURO (for herself, Ms. HOOLEY, Mr. DOGGETT, Mr. HARE, Mr. HOLT, Ms. SCHAKOWSKY, Mr. EMANUEL, Mr. RYAN of Ohio, Mr. CARDOZA, Ms. ESHOO, Ms. SUTTON, Mr. COURTNEY, Mrs. MALONEY of New York, Ms. WASSERMAN SCHULTZ, Ms. RICHARDSON, Mr. LARSON of Connecticut, Mr. WELCH of Vermont, Mr. ACKERMAN, Mr. FRANK of Massachusetts, Mr. CAPUANO, Mrs. BOYDA of Kansas, Ms. TSONGAS, Mr. WAXMAN, Mr. DICKS, Ms. MATSUI, Mr. THOMPSON of California, Mrs. JONES of Ohio, Mr. KAGEN, Mr. MOORE of Kansas, Mr. MURTHA, Mr. FATTAH, Mr. GENE GREEN of Texas, Mr. SCOTT of Georgia, Mr. KENNEDY, Ms. KAPTUR, Mr. SPACE, Mr. PETERSON of Minnesota, Ms. HIRONO, Mr. HALL of New York, Ms. SHEA-PORTER, Mr. PERLMUTTER, Mrs. LOWEY, Mr. KILDEE, Mr. CROWLEY, Mr. BUTTERFIELD, Mr. VISCLOSKY, Mr. BECERRA, Mr. WYNN, Mr. STUPAK, Mr. LEWIS of Georgia, Ms. LEE, Mr. VAN HOLLEN, Mr. BISHOP of Georgia, Ms. SCHWARTZ, Ms. KILPATRICK, Mr. BLUMENAUER, Mr. INSLEE, Mr. OLVER, Mr. LYNCH, Mr. LOEBSACK, Mr. WILSON of Ohio, Mr. COHEN, Ms. WATSON, Mrs. CHRISTENSEN, Mr. HINCHEY, Ms. CLARKE, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Ms. VELÁZQUEZ, Ms. BERKLEY, Mr. FILNER, Mr. STARK, Mr. JACKSON of Illinois, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. WU, Mr. ORTIZ, Mr. DEFAZIO, Mr. MCNERNEY, Mr. MEEK of Florida, Mr. DAVIS of Alabama, Mr. MORAN of Virginia, Ms. MOORE of Wisconsin, Mr. PALLONE, Mr. ROTHMAN, Mr. NADLER, Ms. SLAUGHTER, Mr. MURPHY of Connecticut, Mr. FARR, Mr. BERMAN, Mr. GEORGE MILLER of California, Ms. BORDALLO, Mr. DELAHUNT, Mr. LAMPSON, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. BACA, Mr. BISHOP of New York, Mrs. CAPPS, Mr. CHANDLER, Mr. CUMMINGS, Mr. ELLISON, Mr. GRIJALVA, Mr. ISRAEL, Mr. KANJORSKI, Mr. KIND, Ms. ZOE LOFGREN of California, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MEEKS of New York, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. REYES, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. WATERS, Mr. WEXLER, and Ms. WOOLSEY):

H. Res. 819. A resolution expressing the sense of the House of Representatives that the House has lost confidence in the performance of Consumer Product Safety Commission Chairwoman Nancy Nord, and urging the President to request her resignation; to the Committee on Energy and Commerce.

By Mr. KIND:

H. Res. 820. A resolution recognizing and celebrating the commitment of the Student Conservation Association to the United States national parks and public lands; to the Committee on Natural Resources.

By Mr. MCCOTTER (for himself, Mr. ROHRABACHER, Ms. BORDALLO, Mr. KUHL of New York, Mr. STEARNS, and Mr. LINCOLN DIAZ-BALART of Florida):

H. Res. 821. A resolution condemnming Communist China's discrimination, harassment, imprisonment, torture, and execution of its prisoners of conscience; to the Committee on Foreign Affairs.

By Ms. RICHARDSON (for herself, Mr. ROHRABACHER, Ms. HARMAN, Mr. SCHIFF, Ms. ROYBAL-ALLARD, Ms. WATSON, Ms. LINDA T. SÁNCHEZ of California, Mrs. TAUSCHER, Mrs. NAPOLITANO, Mr. BECERRA, Mr. WAXMAN, Ms. SOLIS, Ms. WATERS, Mr. GEORGE MILLER of California, Mr. GARY G. MILLER of California, Mr. THOMPSON of California, Mr. GALLEGLY, Mr. DREIER, Mr. MCCARTHY of California, Mr. CAMPBELL of California, Ms. MATSUI, Mrs. CAPPS, Mr. MCKEON, and Ms. ZOE LOFGREN of California):

H. Res. 822. A resolution recognizing the 100th anniversary year of the founding of the Port of Los Angeles; to the Committee on Transportation and Infrastructure.

## MEMORIALS

**Under clause 3 of rule XII, memorials were presented and referred as follows:**

214. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 96 memorializing the Congress of the United States to extend the H2B returning worker exemption permanently; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

**Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:**

H.R. 17: Mr. ALLEN, Mr. GORDON, Mr. AL GREEN of Texas, and Mr. PLATTS.

H.R. 178: Ms. DEGETTE.

H.R. 462: Mr. MCNULTY.

H.R. 543: Mr. CASTLE.

H.R. 627: Mr. HONDA.

H.R. 821: Mr. HONDA.

H.R. 840: Mr. BRADY of Pennsylvania.

H.R. 901: Mr. CLEAVER and Mr. FILNER.

H.R. 938: Mr. MCCOTTER.

H.R. 962: Ms. DELAURO.

H.R. 1032: Mr. BARROW.

H.R. 1074: Mr. LAMPSON and Mr. UDALL of Colorado.

H.R. 1110: Mr. ACKERMAN, Ms. DEGETTE, and Mr. MICA.

H.R. 1169: Mr. HONDA and Mr. TIM MURPHY of Pennsylvania.

H.R. 1225: Mr. MURPHY of Connecticut and Mr. LEWIS of Georgia.

H.R. 1237: Mr. MATHESON and Mr. THOMPSON of Mississippi.

H.R. 1256: Mr. PALLONE.

H.R. 1283: Mr. BRADY of Pennsylvania, Mr. PENCE, and Mr. SAXTON.

H.R. 1343: Ms. MATSUI.

H.R. 1420: Mr. SESTAK.

H.R. 1459: Mr. SKELTON.

H.R. 1537: Ms. BERKLEY.

H.R. 1553: Mr. SPRATT.

H.R. 1590: Mr. LIPINSKI.

H.R. 1647: Mr. AL GREEN of Texas and Ms. HARMAN.

H.R. 1683: Mr. DEAL of Georgia.

H.R. 1691: Ms. SCHAKOWSKY, ZOE LOFGREN of California, and Mr. SESTAK.

H.R. 1711: Mr. HONDA.

H.R. 1738: Mr. RYAN of Ohio.

H.R. 1845: Mr. HALL of Texas and Mr. CARTER.

H.R. 1884: Mr. INSLEE, Mr. ENGEL, Mr. TANCREDO, and Ms. WASSERMAN SCHULTZ.

H.R. 1921: Mr. JACKSON of Illinois.

H.R. 1927: Mr. ANDREWS.

H.R. 2040: Ms. CORRINE BROWN of Florida.

H.R. 2067: Mr. CANNON.

H.R. 2070: Mr. YOUNG of Alaska and Mr. HONDA.

H.R. 2160: Mr. KUHL of New York.

H.R. 2164: Mr. RYAN of Ohio.

H.R. 2266: Mr. MURPHY of Connecticut and Mr. RYAN of Ohio.

H.R. 2275: Mr. MCCOTTER.

H.R. 2287: Mr. THOMPSON of Mississippi, Mr. MORAN of Kansas, and Mr. HONDA.

H.R. 2329: Mr. UDALL of New Mexico.

H.R. 2385: Mr. PASCRELL.

H.R. 2405: Mr. SIRES.

H.R. 2526: Mr. DUNCAN.

H.R. 2634: Mr. ANDREWS and Mr. BOUCHER.

H.R. 2651: Mr. BERMAN.

H.R. 2668: Mr. HINOJOSA and Mr. TIM MURPHY of Pennsylvania.

H.R. 2762: Mr. LYNCH, Ms. BEAN, Mr. STARK, Mr. HOLDEN, Mr. PERLMUTTER, Mr. LIPINSKI, Mr. DONNELLY, Mr. OLVER, Ms. WATERS, and Mr. TOWNS.

H.R. 2846: Mr. HONDA, Ms. SCHAKOWSKY, and Mr. VAN HOLLEN.

H.R. 2894: Mr. ACKERMAN, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mr. ALLEN, Mr. ALTMIRE, Mr. ANDREWS, Mr. BAKER, Mr. FRANK of Massachusetts, Mr. BARRETT of South Carolina, Mr. BARROW, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mrs. BLACKBURN, Mr. BLUMENAUER, Mr. BONNER, Mr. BOREN, Mr. BOSWELL, Mr. BOUSTANY, Mr. BOYD of Florida, Mr. BURGESS, Mr. BUYER, Mr. CANTOR, Mr. CAPUANO, Mr. CARDOZA, Mr. CARNAHAN, Mr. CHABOT, Ms. CLARKE, Mr. CLYBURN, Mr. COLE of Oklahoma, Mr. CULBERSON, Mr. LINCOLN DAVIS of Tennessee, Mrs. DAVIS of California, Mr. TOM DAVIS of Virginia, Mr. DELAHUNT, Mr. DENT, Mr. DICKS, Mr. DINGELL, Mrs. DRAKE, Mr. DUNCAN, Mr. EDWARDS, Mr. ELLISON, Mr. ELLSWORTH, Mr. EMANUEL, Ms. ESHOO, Mr. EVERETT, Ms. FALLIN, Mr. FRELINGHUYSEN, MR. GERLACH, Ms. GIFFORDS, Mr. GOHMERT, Mr. GOODE, Ms. GRANGER, Mr. HALL of New York, Mr. HALL of Texas, Mr. HARE, Ms. HARMAN, Mr. HASTERT, Mr. HASTINGS of Florida, Mr. HAYES, Mr. HELLER, Ms. HERSETH SANDLIN, Mr. HILL, Mr. HODES, Mr. HOEKSTRA, Mr. HULSHOF, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Illinois, Mr. JORDAN, Mr. KILDEE, Mr. KLEIN of Florida, Mr. KUHL of New York, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIPINSKI, Mr. LOBIONDO, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mr. LUCAS, Mr. MAHONEY of Florida, Mr. MANZULLO, Mr. MATHESON, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCCRERY, Mr. MELANCON, Mr. MILLER of Florida, Mr. MOLLOHAN, Ms. MOORE of Wisconsin, Mr. MORAN of Kansas, Mr. MURPHY of Connecticut, Mr. TIM MURPHY of Pennsylvania, Mr. MURTHA, Mrs. MUSGRAVE, Mrs. MYRICK, Mrs. NAPOLITANO, Mr. NEUGEBAUER, Mr. OBEY, Mr. ORTIZ, Mr. PERLMUTTER, Mr. PLATTS, Mr. PORTER, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. RADANOVICH, Mr. RAHALL, Mr. RAMSTAD, Mr. RANGEL, Mr. REGULA, Mr. REHBERG, Mr. RENZI, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Kentucky, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Wisconsin, Mr. SALAZAR, Ms. SCHAKOWSKY, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAYS, Mr. SCHIFF, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SHULER, Mr. SIMPSON, Mr. SKELTON, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. SPRATT, Mr. TANNER, Mr. TAYLOR, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. THORNBERRY, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. UPTON, Mr. VISCLOSKY, Ms. WASSERMAN SCHULTZ, Mr. WATT, Mr. WEINER, Mr. WELCH of Vermont, Mr. WELLER, Mr. WICKER, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska.

H.R. 2932: Ms. DEGETTE.

H.R. 2943: Mr. MCNERNEY, Mrs. JONES of Ohio, Mr. WILSON of Ohio, Ms. HERSETH SANDLIN, Mr. COSTELLO, and Mr. MURPHY of Connecticut.

H.R. 2946: Mr. HASTINGS of Florida, Mr. MORAN of Kansas, and Mr. TIM MURPHY of Pennsylvania.

H.R. 3036: Mr. WYNN.

H.R. 3051: Mr. MCCOTTER.

H.R. 3058: Mr. BOYD of Florida, Mr. BOSWELL, Mr. BOOZMAN, Mr. MCKEON, Mr. HASTINGS of Florida, and Mr. HILL.

H.R. 3080: Mr. SOUDER.

H.R. 3085: Ms. SCHAKOWSKY.

H.R. 3114: Ms. KAPTUR, Mr. RANGEL, and Mr. CLEAVER.

H.R. 3115: Ms. SCHAKOWSKY.

H.R. 3191: Mr. HODES and Mrs. MCCARTHY of New York.

H.R. 3289: Mr. VAN HOLLEN.

H.R. 3298: Mr. SARBANES.

H.R. 3329: Ms. SCHAKOWSKY, Mr. PATRICK MURPHY of Pennsylvania, and Mr. BOUCHER.

H.R. 3337: Ms. DEGETTE and Mr. JACKSON of Illinois.

H.R. 3339: Ms. SCHAKOWSKY.

H.R. 3378: Mrs. NAPOLITANO.

H.R. 3442: Mr. FEENEY, Mr. BISHOP of Utah, Mr. LEWIS of Kentucky, and Mr. GOODLATTE.

H.R. 3461: Mrs. BOYDA of Kansas and Mr. SHULER.

H.R. 3464: Mr. WOLF, Ms. CORRINE BROWN of Florida, Mr. BLUMENAUER, and Ms. SCHAKOWSKY.

H.R. 3471: Mr. KAGEN, Mr. STUPAK, and Mr. ENGLISH of Pennsylvania.

H.R. 3484: Mr. MCGOVERN.

H.R. 3485: Mr. MCGOVERN.

H.R. 3498: Mr. WILSON of Ohio.

H.R. 3512: Mrs. DAVIS of California.

H.R. 3533: Mr. RYAN of Ohio, Mr. SNYDER, and Mr. SKELTON.

H.R. 3554: Mr. SALI.

H.R. 3561: Mr. AL GREEN of Texas.

H.R. 3622: Mr. MCINTYRE, Mr. COHEN, Mr. TERRY, Mr. CAMP of Michigan, and Mr. RUPPERSBERGER.

H.R. 3631: Mr. PICKERING and Mr. PRICE of North Carolina.

H.R. 3645: Mr. ENGLISH of Pennsylvania.

H.R. 3646: Mr. MCCOTTER, Ms. CORRINE BROWN of Florida, and Mrs. BOYDA of Kansas.

H.R. 3654: Mr. BLUNT and Mr. BARRETT of South Carolina.

H.R. 3659: Mr. TANCREDO.

H.R. 3674: Mr. CROWLEY.

H.R. 3700: Ms. LINDA T. SÁNCHEZ of California and Mr. FILNER.

H.R. 3738: Mr. HALL of Texas.

H.R. 3750: Mr. FILNER and Mr. MCINTYRE.

H.R. 3769: Ms. HOOLEY, Mr. COHEN, and Mr. MCNERNEY.

H.R. 3783: Ms. SCHAKOWSKY.

H.R. 3793: Mr. CONYERS, Mr. CARNAHAN, Ms. FALLIN, Ms. DEGETTE, Mr. THOMPSON of California, Mr. LAMPSON, Ms. KAPTUR, Mr. FARR, Mr. ETHERIDGE, Ms. DELAURO, Mr. PALLONE, Mr. PASCRELL, Mr. KANJORSKI, Mr. SNYDER, Mr.MURTHA, Ms. WATSON, Mr. MORAN of Virginia, Ms. MATSUI, and Mr. KILDEE.

H.R. 3797: Mr. WALSH of New York.

H.R. 3844: Mr. SESTAK.

H.R. 3846: Mr. HINCHEY.

H.R. 3865: Mr. BUTTERFIELD, Mr. FERGUSON, Mr. SPACE, Mr. PAUL, Mr. CARNEY, Mr. TOWNS, Ms. BERKLEY, and Mr. LYNCH.

H.R. 3890: Mr. LANGEVIN.

H.R. 3908: Mr. MCCAUL of Texas.

H.R. 3918: Mr. HASTINGS of Florida.

H.R. 3934: Mr. HULSHOF, Mr. SESSIONS, Mr. AKIN, and Mr. WALDEN of Oregon.

H.R. 3955: Mr. ETHERIDGE, Mr. HARE, and Mrs. DAVIS of California.

H.R. 3990: Mr. GEORGE MILLER of California and Mr. WEXLER.

H.R. 3995: Mr. PAUL and Mr. LARSON of Connecticut.

H.R. 4030: Mr. BUTTERFIELD and Ms. DELAURO.

H.R. 4040: Mr. MCNERNEY, Ms. MATSUI, Mr. BUTTERFIELD, Ms. BORDALLO, Ms. HERSETH SANDLIN, and Ms. WASSERMAN SCHULTZ.

H.R. 4053: Mr. SHULER.

H.R. 4054: Mr. MATHESON, Mr. GUTIERREZ, Mr. LANGEVIN, Mr. CAPUANO, Mr. DOGGETT, Ms. WOOLSEY, Mr. DICKS, Mr. KUCINICH, Ms. HARMAN, Mr. LEWIS of Georgia, and Mr. PRICE of North Carolina.

H.R. 4061: Mr. RAMSTAD, Ms. BERKLEY, and Mr. MCCOTTER.

H.R. 4087: Mr. FRANK of Massachusetts.

H.R. 4088: Mr. BARTLETT of Maryland, Mr. MANZULLO, Mr. ENGLISH of Pennsylvania, Mr. FRANKS of Arizona, and Mr. AKIN.

H.R. 4091: Ms. BEAN.

H.R. 4102: Mr. KUCINICH, Ms. HIRONO, Mr. BLUMENAUER, and Ms. WOOLSEY.

H.R. 4104: Mr. DANIEL E. LUNGREN of California.

H.R. 4114: Mr. HODES and Mr. SERRANO.

H.R. 4118: Mr. WOLF, Mr. GARRETT of New Jersey, and Mr. TOM DAVIS of Virginia.

H.R. 4130: Mr. WAMP.

H.R. 4134: Mr. KIND, Mr. LANGEVIN, and Mr. POMEROY.

H.R. 4149: Mr. EMANUEL.

H.J. Res. 53: Mr. BISHOP of New York.

H.J. Res. 54: Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. SAM JOHNSON of Texas, Mr. PAUL, Mr. PRICE of North Carolina, Mr. SAXTON, Mr. LAMPSON, and Mr. MURTHA.

H. Con. Res. 108: Mr. ELLISON, Mr. PAYNE, Mr. CLAY, and Mr. JOHNSON of Georgia.

H. Con. Res. 211: Ms. WATERS, Mr. MITCHELL, and Mr. BECERRA.

H. Con. Res. 214: Mr. JOHNSON of Georgia. Mr. BUTTERFIELD, and Ms. KILPATRICK.

H. Con. Res. 229: Mr. INSLEE, Mr. WAXMAN, Ms. BORDALLO, and Mr. DELAHUNT.

H. Con. Res. 237: Mr. ALLEN and Mr. HINCHEY.

H. Con. Res. 239: Mr. ENGLISH of Pennsylvania, Mr. RAMSTAD, Mr. BOOZMAN, Mr. TURNER, and Mr. FORBES.

H. Con. Res. 246: Mr. GINGREY, Mr. MEEK of Florida, Mr. WALZ of Minnesota, Mrs. GILLIBRAND, Mr. EDWARDS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MURTHA, Mr. LYNCH, Mr. SHULER, Mr. BRALEY of Iowa, Mr. ORTIZ, Mr. WELCH of Vermont, Mr. REYES, Mr. LAMBORN, Mrs. MCMORRIS RODGERS, Mr. TOWNS, Mr. YOUNG of Alaska, Mr. TURNER, Ms. GRANGER, Mr. CALVERT, Ms. FALLIN, Mr. FRELINGHUYSEN, Mr. MCCOTTER, Mr. SMITH of Washington, and Mr. ROHRABACHER.

H. Res. 111: Mr. WATT.

H. Res. 335: Mr. DOGGETT.

H. Res. 493: Mr. MCCARTHY of California, Mr. YOUNG of Alaska, and Ms. HARMAN.

H. Res. 543: Mr. SARBANES.

H. Res. 556: Mr. ENGLISH of Pennsylvania.

H. Res. 628: Mr. WOLF and Mr. MCCOTTER.

H. Res. 695: Ms. DEGETTE and Mr. ENGLISH of Pennsylvania.

H. Res. 700: Mr. WELLER and Mr. SIRES.

H. Res. 713: Mr. ROTHMAN, Mr. CROWLEY, and Mr. KLEIN of Florida.

H. Res. 753: Mr. SPRATT, Mr. TAYLOR, Mr. ABERCROMBIE, Mr. SNYDER, Mrs. TAUSCHER, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. PRICE of North Carolina, Mr. HUNTER, Mr. GALLEGLY, Mr. ISRAEL, Mr. RYAN of Ohio, Ms. KAPTUR, and Mr. ROTHMAN.

H. Res. 760: Mrs. DAVIS of California.

H. Res. 791: Mr. MCGOVERN.

H. Res. 803: Mr. GEORGE MILLER of California, Ms. BORDALLO, Mr. DELAHUNT, Mr. LAMPSON, and Mr. FALEOMAVAEGA.

H. Res. 805: Mr. FORBES.

H. Res. 808: Mr. HOYER.

H. Res. 811: Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. SCOTT of Georgia, Mr. HASTINGS of Florida, Mr. SHULER, Ms. MCCOLLUM of Minnesota, and Ms. JACKSON-LEE of Texas.

H. Res. 815: Mr. SMITH of Washington, Mr. WILSON of South Carolina, Mr. TOWNS, Mrs. CUBIN, Mr. ROSS, Mr. RUPPERSBERGER, Mr. FARR, Mr. MITCHELL, Mr. HASTINGS of Florida, and Mr. WICKER.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

**Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:**

OFFERED BY MR. DAVID R. OBEY

H.R 4156, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY MR. JOHN M. SPRATT, JR.

The emergency designations H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations Act, 2008, that warranted a referral to the Committee on the Budget do not contain congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

184. The SPEAKER presented a petition of Mr. Robert L. Bowser, Mayor of the City of East Orange, New Jersey, relative to concerning pending Energy legislation to improve the fuel efficiency of the new motor vehicle fleet; to the Committee on Energy and Commerce.

185. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-1006-07 urging the Legislature of the State of Florida to designate West Flagler Street from 13 Avenue to 14 Avenue as Father Emilio Vallina Avenue; to the Committee on Transportation and Infrastructure.

# EXTENSIONS OF REMARKS

## TRIBUTE TO CAROLE HAAS

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. PERLMUTTER. Madam Speaker, I rise today to honor Ms. Carole Haas for her service to our community.

When Carole Haas read a newspaper report about a young mother who left her baby in a dumpster, she vowed to make a difference. With four young children at home, she opened Bridgeway in 1986 to support young pregnant women.

The facility provides shelter, counseling, life skill classes and complete support for young women age 16 to 21 during and after pregnancy. The residents must either attend school or hold a job.

For the first 15 years, Ms. Haas managed all the residents herself. She now has the help of a staff. Carole Haas continues to dedicate herself to overseeing what has grown to be a thriving, sustainable non-profit that has assisted 525 young women.

As the founder and director of Bridgeway, Ms. Haas has devoted her life to providing compassion, love and support to young pregnant women during a highly vulnerable time in their lives.

## A PROCLAMATION HONORING LINDA MORROW AS THE 2007 OHIO PROFESSOR OF THE YEAR

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. SPACE. Madam Speaker:

Whereas, Linda Morrow challenges and inspires her students and colleagues; and

Whereas, Linda Morrow has been a dedicated faculty member of Muskingum College since 1988; and

Whereas, Linda Morrow has been an outstanding instructor of education; and

Whereas, Linda Morrow is recognized for her contribution to the today's students; be it

Resolved that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Linda Morrow for her service and dedication.

## TRIBUTE TO DAWN GIFFORD ENGLE

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. PERLMUTTER. Madam Speaker, I rise today to honor Ms. Dawn Gifford Engle for her service to our community.

Eleven years ago, Dawn Gifford Engle and her husband cofounded PeaceJam, which coordinates educational programs to inspire young people to provide peaceful solutions to the root causes of violence and suffering in the world. So far, half a million young people from the United States to East Timor have created and implemented 300,000 community projects. Dawn is committed to increase the number of young people inspired by PeaceJam to one billion by the year 2016.

In 2006, the Arvada resident brought the world to Denver when the PeaceJam Foundation celebrated its 10th anniversary here. The Dalai Lama, Archbishop Desmond Tutu and other Nobel Peace Prize Laureates attended the program.

## A PROCLAMATION HONORING JOHN DECKER FOR HIS SERVICE IN THE UNITED STATES NAVY

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. SPACE. Madam Speaker:

Whereas, John Decker served in the United States Navy from 1952–1954; and

Whereas, he has served as a member of the color guard for military funerals; and

Whereas, John Decker is saluted for his bravery and service; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank John Decker for his contributions to his community and country.

## TRIBUTE TO HANNAH HAYES

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. PERLMUTTER. Madam Speaker, I rise today to honor Ms. Hannah Hayes for her service to our community.

Hannah Hayes is deeply dedicated to helping people restore their lives to a healthy creative balance through oriental medicine. In 1993, she and her husband Donn started Oriental Herb Company, known as OHCO, in Evergreen. Cold Snap, Eye Ching, and all their other products are created by Donn, who is an acupuncturist with extensive training in Chinese herbology. Ms. Hayes runs all facets of operating the business, from manufacturing to marketing and shipping.

Hannah Hayes enthusiastically teaches others about the benefits of listening to their bodies, evaluating their lifestyles, and exploring ways to live healthy balanced lives.

Ms. Hayes remarks, "It's rewarding when a customer calls and has had some incredible insight about how to customize our general formulas into their own particular needs."

Hannah Hayes teaches creative balance through Chamber of Commerce gatherings, presentations at health food stores, and a column in the local weekly.

## TRIBUTE TO GERALDINE R. GENNET GENERAL COUNSEL TO THE HOUSE

### HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. HASTERT. Madam Speaker, I rise today to say thank you to Geraldine R. Gennet who is resigning as House Counsel, after serving in that office for more than 12 years.

When I was Speaker, it was my privilege to oversee the institutional offices which help make the U.S. House of Representatives function on a daily basis. The house counsel, like the Parliamentarian, legislative counsel, and other institutional offices, serve the House behind the scenes but are essential to its operations. All these offices are non-partisan, and that tradition is important to maintain, so that no matter which party controls the House, its operations are viewed as professional and non-partisan.

Geraldine Gennet certainly carried on that tradition. She and her office gave the Speaker's office and the Bipartisan Legal Advisory Group advice that reflected the precedents and practices of those that went before us, but also the appropriate legal advice to address today's issues and problems. It was not legal advice calculated to advance a political goal or agenda. Rather, Geraldine's advice reflected her unbiased reading of the law and her best legal judgment. When the House's institutional interests were at stake, her advice was designed to further those institutional interests and protect the legislative branch's central place in our constitutional structure as envisioned by the Founding Fathers.

Geraldine and her staff were particularly helpful in the aftermath of the FBI's unprecedented raid on a congressional office last year. She was instrumental in negotiating with the executive branch in an effort to resolve the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

constitutional stand-off amicably. When those negotiations ultimately failed, she then assisted the House leadership in charting its course through the litigation that followed. We particularly relied on Geraldine and her office for advice on significant institutional issues of this nature, and they always did an excellent job. This House owes Geraldine and her staff a debt of gratitude.

I wish Geraldine well in her future endeavors and thank her for her service to the U.S. House of Representatives.

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## A PROCLAMATION HONORING JACK EVERETT FOR HIS SERVICE IN THE UNITED STATES ARMY

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. SPACE. Madam Speaker:

Whereas, Jack Everett served in the United States Army from 1967–1969; and

Whereas, he was inducted into the Military Hall of Fame; and

Whereas, Jack Everett has received two Purple Hearts; and

Whereas, he is the recipient of the Bronze Star; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Jack Everett for his contributions to his community and country.

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## HONORING MS. SYLVIA BROCKNER

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. PERLMUTTER. Madam Speaker, I rise today to honor Ms. Sylvia Brockner for her service to our community.

Wildlife, nature, and open spaces are the focus of Sylvia Brockner's community leadership. "Anytime I help save land, I'm pleased," she states. "It's a legacy for future generations."

Sylvia Brockner brought with her the conservation and naturalist leadership expertise she honed as chairperson of the Western New York Chapter of The Nature Conservancy. She was instrumental in organizing the Mountain Area Land Trust, which she likens to a local Nature Conservancy. A lifelong bird watcher, she helped establish the annual Christmas Bird Count, and in 1978 she and her husband founded the local Audubon Society.

Sylvia successfully lobbied the Army Corps of Engineers to protect the wetlands at Evergreen Lake. She also helped convince JeffCo Open Space to preserve Lair O'The Bear Park in Bear Creek Canyon.

For 30 years, she has written and illustrated the Canyon Courier's weekly feature about nature, instilling her passion in her readers.

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## A PROCLAMATION HONORING THE DEDICATION OF CAMP SHERMAN GATE POST

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. SPACE. Madam Speaker:

Whereas, Camp Sherman became a military camp for local soldiers on June 8, 1917; and

Whereas, the camp would come to serve over 40,000 soldiers; and

Whereas, Camp Sherman trained soldiers, nursed them back to health and instructed them on agricultural issues; and

Whereas, the gates at Camp Sherman are dedicated for those that have passed through them, for those men that have borne the battle; now, therefore, be it

Resolved that along with friends, family, and the residents of the 18th Congressional District, I applaud Camp Sherman and honor the soldiers that have entered through the post.

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## TRIBUTE TO MS. DING-WEN HSU

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. PERLMUTTER. Madam Speaker, I rise today to honor Ms. Ding-Wen Hsu for her service to our community.

Ms. Ding-Wen Hsu enriches both the economic and cultural well-being of our community. She is cofounder and majority shareholder of Pacific Western Technologies Ltd., one of the fastest growing companies in Colorado. She is also a founder of the Colorado Dragon Boat Festival and actively involved in her family foundation, the International Multi-Cultural Institute.

As a national fellow of the Asian Pacific American Women's Leadership Institute, she attended a training program that focused on self-discovery. "I discovered that I need to lead and make a difference," Ding-Wen comments. "I feel very fortunate that I got to live in two very different cultures. I felt I should use my gift."

She does so primarily through her community endeavors. The Colorado Dragon Boat Festival, for example, offers a unique cultural experience that builds awareness, knowledge and understanding among the diverse Asian communities. The mission of the International Multi-Cultural Institute is to promote harmony, eliminate prejudice and discrimination, combat community deterioration, and defend human and civil rights.

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## HONORING COLUMBUS HOUSE, INCORPORATED AS IT CELEBRATES ITS 25TH ANNIVERSARY

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Ms. DELAURO. Madam Speaker, I rise today to join the New Haven community in celebrating the 25th anniversary of Columbus House, a shelter and service provider for the homeless of the greater New Haven region. Throughout their 25 years, Columbus House has given countless people the support they need to become self-reliant and productive members of the community, providing a path to recovery and the ability to attain their goals. The shelter was the brain child of Cynthia DeLouise, founding executive director, members of the Downtown Cooperative Ministry and the city of New Haven.

Columbus House opened in November 1982 and provided shelter for its first person in need—a 19-year-old woman who needed housing and food. In the first 2 years, Columbus House served more than 1,000 individuals. Most all of the beds were filled by men, but in the fall of 1984, Columbus House designated 16 beds specifically for women. It was New Haven's first shelter for homeless men and women. The original mission was to provide basic food and shelter services, however, the organization quickly learned it needed to understand and address the problems that lead to homelessness. Columbus House began to broaden its mission by providing case management services in the areas of mental health, substance abuse, HIV/AIDS, and trauma/abuse. Columbus House has also been nationally recognized for its innovative programs. One such program is the 90-day length of stay program, in which the residents set goals for themselves and develop a timetable in which to achieve them. This program proved to be a powerful incentive tool to enroll clients into counseling and treatment services. Columbus House also charges residents a nominal fee for their stay, a practice which promotes the ultimate goal of self-reliance.

The dual mission of Columbus House is what makes it so unique, remarkable and valuable to the New Haven community. Providing emergency shelter is a critical community service. Columbus House is not only emergency shelter beds; its wide array of shelter services is extraordinary. Its outreach services include a mobile crisis van and outreach workers who try to link the mentally ill with the treatment and services they require. Columbus House also launched the Citizens Project in 1996, which trains formerly homeless individuals to participate on boards and committees of social service agencies. In 2002, it implemented the mentor project which trains people in early recovery to become mentors in social service agencies throughout the community. Columbus House strives to help residents become self-sufficient and able to maintain permanent housing.

In addition to providing counseling job training and medical care Columbus House aims to cultivate a sense of self-worth, self-dignity and self-reliance in those who feel that their lives are beyond their control. It is rebuilding the client's sense of self that is the key to the program's success. Columbus House gives residents the tools to handle life on their own and to effectively seek resolutions to their problems.

In September 2002, Columbus House literally broke new ground with the opening of its new facility, three times the size of the former shelter. This new shelter building has increased the capacity to 101 beds, doubling the amount of clients it is able to serve. This new building is clean, safe and accessible and provides a sense of pride and accomplishment for the staff, volunteers, and all of the clients.

It is unconscionable to know that homelessness remains a crisis in our communities and across the Nation; people are still hungry, seeking refuge under bridges, and living on our streets. The sad truth is that approximately 33,000 people are homeless in Connecticut, and approximately 2,000 are living in New Haven. Without the caring and compassionate work of the staff and volunteers at Columbus House, these numbers would be even more devastating. I would be remiss if I did not mention the incredible work and creative vision of Alison Cunningham, the executive director of Columbus House since 1998. It is also important to note that volunteers provide some of the most essential services of medical care, dental care, legal counseling, and spiritual guidance. Volunteers over the years have also brought gifts for holidays and have organized various fund-raising events. Our communities would not be the same without the efforts of folks such as these, whose energy, compassion, and commitment touches people's lives every day. I have tremendous admiration for community service and those who provide it.

The work of caring for the homeless has become increasingly difficult. Many people no longer care about the plight of the homeless and are frustrated by the complex issues that contribute to homelessness. I commend Columbus House for facing all of the issues that surround homelessness and continuing to work every day to resolve them for the past 25 years. Congratulations on this remarkable milestone and for all the lives in need that you have quietly touched every day. I thank you, and I am grateful for over two decades of service to the greater New Haven region.

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## A PROCLAMATION HONORING CHARLES DEAN DAVIS FOR HIS SERVICE IN THE UNITED STATES ARMY, 40TH SIGNAL BATTALION

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2007*

Mr. SPACE. Madam Speaker:

Whereas, Charles Dean Davis served in the United States Army from 1966–1968; and

Whereas, he served in Vietnam from 1966–1967; and

Whereas, Charles Dean Davis is the recipient of the Vietnam Service Medal; and

Whereas, he is the recipient of the National Defense Service Medal; and

Whereas, Charles Dean Davis is the recipient of the Vietnam Campaign Medal; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Charles Dean Davis for his contributions to his community and country.

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## TRIBUTE TO IRMA WYHS

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. PERLMUTTER. Madam Speaker, I rise today to honor Irma Wyhs for her service to our community.

For half a century, as a writer, historian and citizen advocate Irma Wyhs has been showing how deeply she cares about her community. She is admired for her adeptness at advising, encouraging, cajoling, and publicizing community leaders and their organizations. Clear Creek Living History Museum, which Irma founded, exemplifies her tenacious spirit.

Ms. Wyhs has left her imprint on many other establishments in our community, such as the Foothills Art Center where she was the first director and the Golden Pioneer Museum.

Irma Wyhs has written for numerous publications, including the history page of the Golden Transcript. Currently she is writing articles for the Fence Post about Zebulon Pike and his descendents to mark the 200th anniversary of his exploration of the Southwest.

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## IN RECOGNITION OF DELAWARE COUNTY COMMUNITY COLLEGE'S AFGHAN-IRAQ VETERANS COMMEMORATIVE TREE

### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. SESTAK. Madam Speaker, I rise today to commemorate the planting and dedication of a memorial tree at Delaware County Community College in Media, Pennsylvania. This tree was given in grateful appreciation to Delaware County Community College students who have and will serve as members of the United States Armed Forces in Iraq and Afghanistan.

Since its founding in 1967, countless students from Delaware County Community College have answered the call to duty. These brave young men and women have proudly served our Nation in every conflict fought during the college's 40-year existence, including in the current conflicts in Afghanistan and Iraq. To date, over 100 members of the student body, and at least 300 people who are part of the DCCC community, have served in Afghanistan or Iraq. In addition, many students who are in Reserve or National Guard units expect to be called to active duty in the near future.

The tree planted today honors those who have served. This tree will speak to future generations. It will be a living tribute to those who pass through the College now and in the future that our students, when called upon, proudly responded. The accompanying plaque will be a permanent reminder of the courage and character these students have shown through the service given and sacrifices made for their country.

I would like to acknowledge Dr. Jerry Parker, president of Delaware County College, and Professor Labron K. Shuman for their commitment to the conception, development, and establishment of this remembrance. Their desire to honor the students who have fought for freedom embodies the spirit of true patriotism.

I ask my colleagues to join me in recognizing the students, faculty, staff, administrators, and alumni of Delaware County Community College who have contributed to the creation of this memorial, and in honoring the veterans to whom the memorial is admirably dedicated.

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## A PROCLAMATION HONORING THE OHIO ARMY NATIONAL GUARD McCONNELSVILLE-BASED 2ND BATTALION, 174TH AIR DEFENSE ARTILLERY REGIMENT'S HOMECOMING

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. SPACE. Madam Speaker:

Whereas, the Ohio Army National Guard McConnelsville-based 2nd Battalion, 174th Air Defense Artillery Regiment will return home with great pride; and

Whereas, the following members of the 2nd Battalion, 174th Air Defense Artillery Regiment are recognized: Abella, Timothy John Apperson, Cory Allen Armstrong, Adam Reed Babcock, Brian Ray Jr. Baker, Dustin Michael Barnhart, Christopher Lee Boney, Dennis Todd Brookover, Kyle Lee Callahan, Darrick Allen Carr, Matthew Gabriel Cavendish, Jeffrey Brian Collinsworth, Larry Preston Crane, Michael Alan Daniels, Trent Lee Day, Richard Lee Dozer, Zachary Adam Dusenberry, Joshua Robert Eberts, Kevin Shane Elick, Ronald Eugene Eltringham, Alan Lynn Jr. Forrest, Michael Steven J. Franklin, Daniel Johnson French, Ryan Lee Gandee, Eric Michael German, Brandon Alan Gottke, Terry Lynn Graves, Garry Brent Grear, David Thomas Grove, Michael Edward Harden, Wesley Curtis Hardesty, Bryan David Harry, Gayle Wayne Jr. Hebb, Randall Lee Hire, Michael Dean Horn, Derek Kennedy Hoskinson, John Mark Hughes, Todd Michael Ickes, Benjamin Joseph Janey, Robert Matthew– Johnson, Adam Ray Keiser, Robert Myron II Klass, Wayne Albert Kussmaul, Robert Glenn II Lambert, John Sherman Larrick, Bradley Ricky Lawrence, Luke Wendall Loader, Andrew Thomas Lytton, Robert Earl III McCarty, Jason Ryan McConnell, Matthew James McIntyre, Donald Gail Jr. McQuain, Joshua Ronald Meredith, Curtis David Meredith, Jeffrey Leonard Mettler, Kevin Lloyd Miles, Jason Allen Moore, Thomas Eugene II Nordine, Justin William Norman, Jason Thomas Payton, George William Pyle, Kathy Lynn Roe, Daren Will Russell, John David Schaad, Steven Paul Slifko, James Lewis III Smith, Adam Douglas Smith, April Dawn Spicer, Joseph Alan Stiltner, Aaron Scott Taylor, Michael Allen Taylor, Steven Russell Jr. Thomas, Joshua David Touvell, William Christopher Tracy, Adam Joshua Tracy, Dustin Jay– Waggy, Jason Eric Wagstaff, Christopher Frank Wells, Michael Dean Jr. Williams, Shane Casey Wilson, Joel Alan and Yinger, Steven Mark.

Whereas, they have done an extraordinary job supporting Operation Noble Eagle in the National Capital Region; and

Whereas, they will reflect with great pride on achieving the highest average during training on the Norwegian Advanced Surface to Air Missile System; be it

Resolved that along with friends, family, and the residents of the 18th Congressional District, I commend the Ohio Army National Guard McConnelsville-based 2nd Battalion, 174th Air Defense Artillery Regiment for their commitment, recognizing that all great achievements are a result of dedication. With great appreciation and respect, I wish you continued success.

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## TRIBUTE TO KATHERINE REDMOND

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. PERLMUTTER. Madam Speaker, I rise today to honor Ms. Katherine Redmond for her service to our community.

Kathy Redmond was the first person to use Title IX as a remedy for rape by an athlete in a higher education institution. Her Title IX case against the University of Nebraska and the rape perpetrators was settled in 1997.

Shortly afterwards, she formed the National Coalition Against Violent Athletes. Kathy has forged herself as a national expert in athlete violence and response, and counseled more than 250 women affected by athlete violence. Intent upon eradicating the problem, she has started INTERCEPT, a 3-day violence prevention and response program for athletes.

Kathy volunteers for the First Judicial District attorney's office diversion program teaching victim empathy to men in the program. She has also authored and lobbied rape shield legislation.

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## INTRODUCING LEGISLATION TO HONOR THEODOR CRIVEANU FOR SAVING ROMANIAN JEWS DURING THE HOLOCAUST

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. HASTINGS of Florida. Madam Speaker, I am pleased to rise today to introduce legislation with my colleagues and friends Representatives DAN BURTON, CHRIS SMITH, and LINDA SÁNCHEZ that will properly recognize the selfless efforts to save innocent lives during the Holocaust of Theodor Criveanu and all other righteous individuals.

Non-Jews who sacrificed their lives in an effort to save Jews from their fate at the Nazi's hands are known to the world as the "Righteous Persons." The most renowned among these righteous persons is probably Oscar Schindler. Oscar Schindler should rightly be recognized as the altruistic and extraordinarily courageous non-Jew who saved more Jewish lives from the gas chambers than any other.

But many other brave individuals risked their lives by rescuing Jews during the Holocaust that have still yet to be recognized.

Thousands of these hero's stories have remain untold because the Nazis mercilessly ended their lives. For those that survived the Holocaust and for those that did not, I rise today to honor their heroism and their memory.

In 1963, Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority in Israel, initiated a worldwide project to grant the title of Righteous Among the Nations to individuals who were not Jewish and who risked their lives to rescue and protect Jews and others during the Holocaust. To date, more than 21,000 heroic individuals have been honored as Righteous Among the Nations.

Theodor Criveanu was one of such courageous righteous individuals.

When serving as a reserve officer in the Romanian military, he was assigned the task of presenting military authorities with a list of Jews who would be given work permits to work in the ghetto instead of being deported to Transnistria. Risking his life to defy Nazi orders, Mr. Criveanu secretly issued work permits in numbers that exceeded the work permit quota and to Jews who were not essential to the workforce, saving countless of innocent Jewish lives.

The brave efforts of Mr. Criveanu have not gone unnoticed. On August 8, 2007, Yad Vashem named Theodore Criveanu as Righteous Among the Nations, posthumously honoring him for his courageous work to block the deportation of Romanian Jews to Nazi death camps.

Today I rise to honor these individuals for their bravery and humanity. Mr. Criveanu and other such individuals deserve to be remembered and revered by the United States Congress.

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## A PROCLAMATION HONORING THE 90TH ANNIVERSARY OF DOVER BAPTIST CHURCH

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of the Dover Baptist Church celebrates the 90th anniversary with great joy; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this work as a beacon for hope to the destitute and maintain your stand as a symbol to this generation that our strength lies in our gracious commitment in unity to each other in the bonds of brotherhood; now, therefore, be it

Resolved that along with friends, family, and the residents of the 18th Congressional District, I commend the congregation for your unwavering commitment, recognizing that all great achievements come from great dedication. With great appreciation and respect, we recognize the tremendous impact this congregation has had in the community and in the lives of those people you have touched.

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## TRIBUTE TO CLARENE SHELLEY

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. PERLMUTTER. Madam Speaker, I rise today to honor Ms. Clarene Shelley for her service to our community.

When Lakewood's first mayor swore Clarene Shelley into the Lakewood Department of Public Safety in 1972, she became the department's first female agent. When she retired, she held the position of division chief of the city of Lakewood Police Department.

Upon graduation from the Denver Police Academy, Clarene Shelley was assigned to the Investigations Division, where she made her mark by working cases of family abuse, child abuse and juvenile crime. As a sergeant, she developed investigative procedures for child abuse cases that were adopted by all of the agencies in Jefferson County. In 1989, the American Association of University Women named her "Police Woman of the Year," a title that she was awarded several times.

Ms. Shelley's leadership was instrumental in developing better methods of recruiting, hiring and training. She trained thousands of people in the academy, the FBI, hospitals and many other organizations. She also began Lakewood's first Youth Police Academy and headed the Jefferson County Officer Involved Shooting Investigations Team.

It's said Clarene Shelley was at her best when helping others: offering support, giving sound advice, and celebrating the successes of those she mentored.

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## A PROCLAMATION HONORING 186TH ANNIVERSARY OF THE QUINN CHAPEL A.M.E. CHURCH

### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of the Quinn Chapel A.M.E. Church of Chillicothe, Ohio celebrates the 186th anniversary of the Quinn Chapel A.M.E. Church with great joy; and

Whereas, this occasion is a time to look back at the origins of the church and appreciate how much it has grown from the first days; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this work as a beacon for hope to the destitute and maintain your stand as a symbol to this generation that our strength lies in our gracious commitment in unity to each other in the bonds of brotherhood; now, therefore, be it

Resolved that along with friends, family, and the residents of the 18th Congressional District, I commend the congregation for your unwavering commitment, recognizing that all great achievements come from great dedication. With great appreciation and respect, we recognize the tremendous impact this congregation has had in the community and in the lives of those people you have touched.

## IN REMEMBRANCE OF TROY LEE JAMES

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. KUCINICH. Madam Speaker, I rise today to honor the life of Troy Lee James, a former laborer and union member, and the longest serving Democrat in the Ohio House of Representatives.

Born in Texarkana, Texas, Troy was the youngest of 18 children. He joined relatives in Cleveland after serving in World War II, in which he earned a Purple Heart for the wounds he suffered while fighting with the U.S. Army in Belgium.

Troy represented Cleveland for 34 years in the Ohio House, leaving his seat only because term limits forced him to retire in 2000. He proudly served as chairman of the Economic Development and Small Business Committee as well as the Aging and Housing Committee. He served on the Rules Committee and was the Ranking Minority Member of the Housing and Urban Affairs Committee.

Troy was a beloved shopkeeper and champion of Cleveland's Central neighborhood, and he was a devoted member of Antioch Baptist Church for more than 50 years. In 2003, the Ohio General Assembly named interstate 490, the short highway running south of downtown Cleveland, the Troy Lee James Highway.

Troy is survived by his wife Alice, his Daughter Laura, 2 grandchildren and 1 great-grandchild.

Madam Speaker and colleagues, please join me in honoring Troy Lee James, an enthusiastic member of the Cleveland community and dedicated servant of the Ohio government. May his commitment to Cleveland serve as an example to all of us.

## PERSONAL EXPLANATION

### HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, on Friday, November 9, 2007, I was absent from the House in order to attend to an illness in my family.

## THE TOUGHEST BEAT IN AMERICA

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. POE. Madam Speaker, in September of this year, corrections officer Susan Canfield was murdered just outside of Huntsville, Texas by two inmates who had escaped a Huntsville prison facility..

In what some might call ironic timing, a report by the Dallas Morning News came out the following month that said assaults on prison guards have doubled over the last five years. Over 36 staff member were assaulted this year, up from 18 in 2003. To further compound this problem, turnover of staff is at a record high with one in four leaving the department last year alone.

Officials believe these problems have been caused by low wages, staff shortages, and a tougher breed of criminals entering the prison system. Salaries for prison guards in Texas begin at $23,040 and top out at $33,948. This is one of the lowest pay scales nationally for prison guards. As a result, people are leaving the field or not entering it at all. The Texas Department of Criminal Justice workforce was down almost 4,000 employees in August. This means facilities are more vulnerable and employees are at increased danger for attacks.

This is unacceptable. We need to make sure our prison system is secure so that our prison guards and staff can go to work without fear of being assaulted and we need to make working conditions better for these people who have some of the toughest jobs in society, to protect our communities from dangerous criminals.

The toughest beat in America is the one assigned to our prison guards who watch those who have committed crimes against our people. We owe these guards our greatest appreciation.

And that's just the way it is.

## TRIBUTE TO HIGHLANDS HIGH SCHOOL

### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to recognize the academic achievements of Highlands High School in Ft. Thomas, KY. Recently, Highlands High School was announced by the U.S. Department of Education as a recipient of the 2007 Blue Ribbon Award.

The Blue Ribbon Award was presented to 287 distinguished schools nationwide and I am pleased that Highlands High School was one of four from Kentucky's Fourth Congressional District.

Highlands has worked hard in advancing its curriculum and performance of its students to ensure that they are some of the best and brightest in our Nation. This is an accomplishment that deserves great praise for the students, parents and teachers. In a world where we are facing competition from abroad and we frequently hear that our students are lagging behind, Kentucky's Blue Ribbon schools are forging ahead.

I would also like to highlight the fact that Highlands is ranked in the Top 1000 High Schools by U.S. News & World Report. Furthermore, Highlands' commitment to educational excellence shines through in its "Cum Laude chapter" that stresses not only academic, but civic and community involvement. The awards and accomplishments received by the high school are tremendous reflections of the dedication and commitment of the entire Highlands High School community.

## INTRODUCTION OF AMERICAN BRAILLE FLAG MEMORIAL BILL

### HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. TIAHRT. Madam Speaker, our Nation has over 1,000,000 blind and low-vision veterans, and those numbers continue to rise. The Department of Defense estimates that 16 percent of those injured in Operation Iraqi Freedom and Operation Enduring Freedom suffer from severe vision loss. An additional 10–12 million Americans have blind and low vision.

Prior to the creation of the Braille American flag, the American flag was not accessible to the blind. This flag, created by the Kansas Braille Transcription Institute in Wichita, Kansas, has been specially designed in a way that informs the blind of the full color of the American flag, 13 stripes, and 50 stars on the blue field. Additionally, this tactile flag bears the Pledge of Allegiance in both raised print and grade one braille.

Today, I am introducing legislation that calls for the Army to place a Braille American flag at Arlington National Cemetery. Arlington National Cemetery is a national place of remembrance and honor for our Nation's veterans and is visited by an estimated 4 million people annually. Placing the Braille American flag there would bring honor to our Nation's blind community and allow our blind veterans to "see" the American flag again.

Madam Speaker, I am honored this legislation has been endorsed by the Blind Veterans of America, and I look forward to quick action by the Congress on the bill. We owe a huge debt of gratitude towards those who have served, and this simple action will mean much to our patriotic blind veterans. I encourage my colleagues to join me in supporting this effort in placing the Braille American flag at Arlington National Cemetery.

## FREEDOM FOR DR. JOSE LUIS GARCÍA PANEQUE

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to remind my colleagues about Dr. Jose Luis García Paneque, a political prisoner in totalitarian Cuba.

Dr. García Paneque is a surgeon by training, an independent journalist and a member of the Cuban Independent Medical Association. As a director of the independent news agency Libertad, and administrator of the Carlos J. Finlay independent library in Las Tunas, Cuba, Dr. García Paneque has devoted his life efforts to exposing the truth about the horrors inflicted upon the Cuban people by the dictatorship in Havana.

Dr. García Paneque was arrested on March 18, 2003 as part of the tyrant's island wide crackdown on peaceful pro-democracy activists. On April 4, 2003, in a sham trial, Dr. García Paneque was sentenced to 24 years in totalitarian squalor for no reason other than that he is a supporter of freedom and democracy who has worked to expose the depraved horror that is the Cuban tyranny.

Since his initial incarceration in the subhuman conditions of the tyranny's totalitarian dungeons, Dr. García Paneque's weight has dropped from a healthy 190 pounds to an emaciated 110 pounds. Dr. García Paneque has been thrown in the hellish dungeons to languish in conditions so abhorrent that he has had to be hospitalized multiple times while incarcerated. Currently, he suffers from chronic diarrhea, severe abdominal pain, and poor intestinal absorption, resulting from what can only be described as a chronic malnutrition.

While imprisoned in the totalitarian dungeon, Dr. García Paneque has endured constant physical and psychological torture at the hands of regime thugs. Although he has not committed a crime, he is forced to live with common prisoners who have gone as far as to have made threats against his life, threats that the regime's thugs refuse to acknowledge as part of their constant effort to avoid having to take action to ensure his safety. After months of writhing in pain it was discovered that Dr. García Paneque had developed a 36 to 38-mm cyst on one of his kidneys. The prison doctors, who had previously ignored his cries for medical attention, claimed that surgery to remove the cyst would be required. Although his condition is perilous and there exists a serious risk that Dr. García Paneque may not survive the abdominal surgery, regime authorities refuse to grant him a consultation with doctors not affiliated with the prison, and he has yet to receive proper medical treatment for his condition.

Members of Dr. García Paneque's family, including his four children, have been repeatedly harassed. In August 2006, a regime mob of more than 50 people armed with sticks and stones surrounded the family's home, chanting insults and threatening to burn it down. In March of 2007, fearing for the life of her children who had already endured innumerous acts of psychological torture, Dr. García Paneque's wife, Yamilé Llanes Labrada, an active member of the Ladies in White, was forced to flee Cuba with her children. This is another tragic example of life under the totalitarian regime in Cuba.

On October 24, 2007, Dr. García Paneque's wife, and his daughter Shirlen, were received and honored by President George W. Bush at the White House, where the President publicly called upon the regime to release Dr. García Paneque forthwith. The President informed me personally after his meeting with Dr. García Paneque's family that he was deeply impressed and moved by their heroic examples of courage and patriotism.

Despite the gangster tactics and heinous threats against him, Dr. García Paneque continues to demand human rights and dignity for the people of Cuba. He is languishing in the squalor of the infernal gulag, at the whim of a merciless tyrant, simply because he believes in freedom, truth, democracy, and human rights for the people of Cuba.

Madam Speaker, it is unconscionable that journalists and physicians like Dr. García Paneque are locked in dungeons for writing the truth. My colleagues, we must demand the immediate and unconditional release of Jose Luis García Paneque and every political prisoner in totalitarian Cuba.

## ST. JOSEPH CHRISTIAN SCHOOL

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize St. Joseph Christian School located in St. Joseph, MO. This school will be celebrating its 20th anniversary of service to the community on Thursday, November 15, 2007.

As a staple of the community throughout the years, the school has experienced growth and expansion with the community it serves. From humble beginnings, Mr. and Mrs. Joseph Gregory founded the school with 10 teachers and 135 students enrolled. Since then, St. Joseph Christian School has become accredited with the Association of Christian Schools International and the Committee for Accredited Schools Non-public, through the University of Missouri at Columbia.

Currently, St. Joseph Christian School serves over 340 students, coming from 60 different churches in the community, and offers classes starting from preschool to 12th grade. This school's curriculum incorporates biblical and scholarly learning, in order to help students both achieve academic success and further their spiritual development.

Madam Speaker, I proudly ask you to join me in recognizing the St. Joseph Christian School. The educational and spiritual services that they have provided over these 20 years have been fundamental to shaping student's lives. Let us use St. Joseph Christian School as a powerful example of the lasting commitment to education and faith.

## TRIBUTE TO COVINGTON CATHOLIC HIGH SCHOOL

### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to recognize the academic achievements of Covington Catholic High School in Covington, Kentucky. Recently, Covington Catholic was announced by the U.S. Department of Education as a recipient of the 2007 Blue Ribbon Award.

The Blue Ribbon Award was presented to 287 distinguished schools nationwide and I am pleased that Covington Catholic was one of four from Kentucky's Fourth Congressional District.

Covington Catholic has worked hard in advancing its curriculum and performance of its students to ensure that they are some of the best and brightest in our Nation. This is an accomplishment that deserves great praise for the students, parents and teachers. In a world where we are facing competition from abroad and we frequently hear that our students are lagging behind, Covington Catholic is forging ahead.

I would especially like to acknowledge Covington Catholic's commitment to improving its students' well-being both in and out of the classroom. Covington Catholic encourages the young men attending the school to get involved and help make their community a better place. Covington Catholic also encourages moral and spiritual development in its students to ensure their successful transition from childhood into adulthood. In providing a well-rounded education for Kentucky's young men, Covington Catholic is helping to ensure the continued success of our Commonwealth. I applaud their dedication and thank the students, teachers and parents of the Covington Catholic Community for all that they do.

## NBA GREAT ELVIN HAYES

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. POE. Madam Speaker, today I am proud to recognize NBA great Elvin Hayes. The basketball star known as the "Big E", from Rayville, Louisiana, was one of the most talented power forwards to play the game. His notorious turnaround jump shot, aggressive defense, and outspoken demeanor were legendary and earned him a place in the NBA record books.

He first picked up a basketball in the eighth grade when a teacher put him on the school basketball team. Although he initially showed no proclivity for sports, he was determined to improve. He spent his summers practicing and developing his skills. By the time he attended Eula Britton High School in Rayville; he averaged 35 points per game and led his team to 54 straight wins.

Basketball became an opportunity for a better life for Hayes. He was recruited by more than 100 colleges, and chose the University of Houston, where he became one of the first African-American athletes. In college, he debuted on the national basketball scene and was able to hone his game, and establish a style that would eventually make him a feared NBA player.

Hayes became a three-time All-American, leading the Houston Cougars to an 81–12 record and two Final Four appearances. Basketball fans across the country watched this nationally televised college game as he and his University of Houston teammates defeated UCLA and Lew Alcindor, later known as Kareem Abdul-Jabbar, in "the game of the century" at the Astrodome. I was 1 of the 50,00 plus fans at the Astrodome watching the University of Houston defeat the #1 ranked and undefeated UCLA Bruins. In his college career, Hayes scored 2,884 points, 31 points per game, 1,602 rebounds, with 17 rebounds per game, and was named the 1968 college player of the year. Before retiring in 1984, he returned to the Houston Rockets for 3 seasons. Hayes' NBA accomplishments include leading the league in scoring in '69; All-NBA first team in '75, '77 & '79; All-NBA Defensive Team in '74 & '75; and twelve-time NBA All-Star from '69–80. He scored 27,313 points, averaging 21 points per game in 1,303 professional games; he grabbed 16,279 rebounds; played more minutes than any player in history; and ranked third all-time in games played and blocked shots. In 1990, he was inducted to the Naismith Memorial Basketball Hall of Fame, and in 1996, he was named to the NBA 50th Anniversary All-Time Team, and was chosen as one of professional basketball's top five players during the NBA'S 50th anniversary celebration.

When I served on the bench as a Judge in Texas, I recruited Elvin Hayes to coach a team of probationers in a basketball match against a team from the Houston police department. He agreed to coach this goodwill game although the police department team won.

Life has definitely gone on after basketball for the "BIG E." After his all-star college and NBA career, Hayes returned to the University of Houston to complete his college education, and became a successful businessman. Today, at age 60, he has set his sights on yet another challenge, one that fulfills a childhood dream. On October 16, he completed a nine-month peace officer training program and joined the Liberty County Texas Sheriff's Department as a reserve deputy sheriff. He admits that years ago, when he sat on one of my grand juries, the law enforcement seed was watered.

Legendary coach Al McGuire taught Hayes that a successful person is one who can do something great, go on to something else, and be successful in the next field too. That philosophy was branded in the "Big E's" mind. All of his college, NBA, and business accomplishments shaped and changed his life. Basketball taught him discipline, teamwork, and hard work, making him one of the NBA's 50 greatest basketball players. He took the lessons learned on the court to the business world when he opened a car dealership. From the business world, he learned a very important formula; integrity, commitment and a caring heart. He now uses that formula in law enforcement, where he is once again part of a team, where each member compliments the abilities of fellow law enforcement officers.

Hayes will be patrolling Liberty County as a reserve deputy sheriff, for 20 hours each month. Like everything else in his life, he is very committed to it. Accomplishing his childhood dream of becoming a police officer is one of the most gratifying and rewarding feelings he has ever had, even topping an NBA championship! The training process was more challenging than he expected. he had to learn countless codes, laws, and cases. You see, Texas has the highest standards of law enforcement than any other state, requiring 809 class work and physical training hours. In basketball, you have physical challenges, but training to be a peace officer was mentally and physically challenging. The "Big E" is a goal setter, and his goal now is to become one of the top law enforcement officers.

His first few weeks as a reserve deputy sheriff have been very quiet so far, but Hayes would never call it routine, since "routine" traffic stops in law enforcement can be some of the most dangerous. His 6'9" frame usually helps deter people from making bad decisions, but he knows that some people will feel threatened by his height and want to prove themselves. Law enforcement officers prefer to use verbal means to communicate, instead of physical means, but Hayes has been trained and is prepared for whatever situations may unfold.

Hayes will deal with those who invite him into his life by breaking the law, but he will also work with kids to help them set and achieve positive goals, so they can be productive citizens. He is a law enforcer, but is definitely willing to be a mentor to today's youth. He will visit schools and talk to kids to counter the messages they hear in today's rap music. He hopes to convey that those who desire a family unit can obtain one through positive means. Since there is a shortage of police officers, he encourages young people to consider a career in law enforcement, which allows individuals to focus on making their communities a positive place to live. There are more prisons being built in our country than schools; and Hayes would like to do his part to see that change, by keeping kids out of the criminal justice system.

Hayes encourages young people to be themselves. "Don't try to be like someone else, don't try to emulate what you hear in rap music; don't try to do what you see basketball players doing. Pick a goal and each and everyday, do something to try to accomplish that goal. Hard work, dedication, and sacrifice are the formula for success!"

The extremely popular basketball star, businessman, and reserve deputy sheriff believes that in life you should "continuously look for challenges." The reserve deputy position is another way for him to set a positive example for young people. Not everyone can be a professional athlete, a rapper, or actor, but everyone can give back to the community.

I am proud to recognize my friend, Elvin Hayes for his accomplishments on and off of the basketball court. He is a role model for us all, and a shining example of hard work, determination, and service to the community.

That's just the way it is.

## TRIBUTE TO WESTCHESTER ELEMENTARY AND TO CONWAY ELEMENTARY

### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. AKIN. Madam Speaker, I rise today to congratulate Westchester Elementary in the Kirkwood School District and Conway Elementary in the Ladue School District of St. Louis, Missouri. These 2 schools were recently awarded the prestigious title of No Child Left Behind Blue Ribbon Schools.

As many of my colleagues know, the No Child Left Behind-Blue Ribbon Schools Program honors public and private K–12 schools that are either academically superior in their states or that demonstrate dramatic gains in student achievement.

In 2007, only 5 Missouri schools and 287 nationwide have earned the high honor of Blue Ribbon Schools.

It is the efforts and demand for excellence exemplified by Westchester and Conway Elementary that will pave the way for the successful futures of our Nation's children.

I applaud the dedication of teachers and staff at Westchester and Conway. I sincerely hope their high standards of teaching are emulated by other schools in Missouri.

I am pleased to be able to honor Westchester and Conway Elementary today. They are remarkable examples of the great teachers we have in Missouri and I ask my colleagues to join me in wishing them the best in their future endeavors as educators in Missouri.

## TRIBUTE TO THE BLESSED SACRAMENT SCHOOL

### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to recognize the academic achievements of Blessed Sacrament School in Ft. Mitchell, KY.

Recently, Blessed Sacrament was announced by the U.S. Department of Education as a recipient of the 2007 Blue Ribbon Award.

The Blue Ribbon Award was presented to 287 distinguished schools nationwide and I am pleased that Blessed Sacrament School was 1 of 4 from Kentucky's Fourth Congressional District.

Blessed Sacrament has worked hard in advancing its curriculum and performance of its students to ensure that they are some of the best and brightest in our Nation. This is an accomplishment that deserves great praise for the students, parents and teachers. In a world where we are facing competition from abroad and we frequently hear that our students are lagging behind, Kentucky's Blue Ribbon recipients are forging ahead.

I would like to acknowledge Blessed Sacrament's ardent dedication to developing a well-rounded learning environment for each of its students. There is no place more deserving of the motto "Where Kids Come First" than Blessed Sacrament School. Aside from an exceptional classroom learning experience, Blessed Sacrament also promotes spiritual growth in each of its students. Every day, the teachers and faculty at Blessed Sacrament strive to help its students achieve their goals in the hopes of giving them a bright future. The teachers, students and parents at Blessed Sacrament should be applauded for their hard work in becoming a Blue Ribbon recipient. In Blessed Sacrament, the Commonwealth of Kentucky has a fine educational institution that will serve our communities for years to come.

## ON THE OCCASION OF THE 50TH ANNIVERSARY OF NATIONAL KEY DEER REFUGE

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Ms. ROS-LEHTINEN. Madam Speaker, this year, members of the conservation community, Keys residents, and nature enthusiasts celebrate the 50th Anniversary of the National Key Deer Refuge. This federally protected area is home to the imperiled tropical hardwood hammock and 22 endangered and threatened species of plants and animals, 5 of which are found nowhere else on the planet.

As the Member of Congress representing all four of the Florida Keys National Wildlife Refuges, I am well aware of the vital role these refuges play in preserving our natural habitats, promoting scientific research and technology, and educating our communities as to the importance of conserving endangered and threatened fish, wildlife and plants.

Of the endangered and threatened species in the area, the Key Deer have tremendously benefited from the creation of the Refuge. Thanks largely to the incredible efforts of local leaders, volunteers, and the dedicated Refuge staff—especially Jack Watson and Anne Morkill—the Key Deer population has been rescued from almost certain extinction.

While much has been accomplished in the last 50 years, a great task still lies ahead. The call to protect our natural habitats should be a responsibility shared by all members of our community. The Refuge's new administration building a structure rebuilt following the devastating storms of 2005—will play an important role in further educating the public as to the importance of this area to our Keys ecosystem but our global ecology, as well.

I look forward to working with you all to accomplish yet another successful 50 years of wildlife conservation on the National Key Deer Refuge. By working together, we can ensure that our Refuge remains a staple of Keys conservation efforts and an area for future generations to explore and enjoy.

## OPPOSING THE PRESIDENT'S VETO OF THE LABOR-HHS-EDUCATION APPROPRIATIONS BILL

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. VAN HOLLEN. Madam Speaker, I am disappointed that the President chose today to veto important funding for our domestic priorities. After seven years of unrestrained spending and a ballooning deficit, the President has, under the guise of fiscal responsibility, rejected a $6.2 billion funding increase for education, health care, and workforce development, even as he requests nearly $200 billion in unbudgeted, no strings attached funding to continue the Iraq War for another year. That is no way to balance America's checkbook.

Under the budget passed by the new Democratic Congress, we can take care of America at home—increase funding for our schools, offer more student assistance for college, invest in biomedical research at NIH, expand health care access, and help Americans compete in the global economy—and balance the budget by 2012. These priorities are America's priorities. It is time for Congress to come together, stand up for the American people and override this veto.

## EDUCATION AND LABOR COMMITTEE STAFF DOES EXCELLENT JOB ON ENDA REPORT

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. FRANK of Massachusetts. Madam Speaker, during the debate on the Employment Non-Discrimination Act, critics of the bill—both those who objected that it did too little and those who claimed that it did too much—made a number of arguments about the bill that were flatly wrong. Fortunately, under the leadership of the chairman of the committee, the gentleman from California Mr. MILLER, and the Chairman of the subcommittee, the gentleman from New Jersey Mr. ANDREWS, the staff of that committee did a first-rate report rebutting those inaccurate criticisms. Often, reports of this sort, while reflecting a great deal of work, are ignored. In this case, Professor Dale Carpenter, a law professor who has been an excellent source of accurate information about the true meaning of the legislation, called attention to the committee staffs work in a recent internet posting.

Madam Speaker, as Professor Carpenter points out, "This sort of legislative history does not dispose of controversies over the meaning of ENDA. But it does offer a reasonable and persuasive interpretation of the bill that will likely play a role in future litigation. The committee legal counsel who worked on this report anticipated many of the objections to ENDA from President Bush's advisors and from transgender and gay activists . . . They did an extraordinary job walking the fine line between an interpretation of ENDA that is unduly crabbed and one that is objectionably expansive."

Madam Speaker, in the interest of disseminating in the widest possible way the accurate interpretation of ENDA that is reflected in this report, the importance of which is underlined by Professor Carpenter, I ask that the part of Professor Carpenter's posting dealing with the report be printed here.

Excerpt from Professor Dale Carpenter's internet posting:

> Little noticed in the run-up to the House vote was the Labor Committee report that accompanied the bill. The report was prepared by attorneys who work for the committee. Much of the report is devoted to recounting the history of the numerous attempts over the past 33 years—beginning with the first bill introduced by Bella Abzug in 1974—to get Congress to deal with anti-gay employment discrimination. That history tells a story of painfully slow political progress made in each session of Congress, with more co-sponsors backing an anti-discrimination bill in every session. Other parts of the report document the prevalence of anti-gay job discrimination, as well as the economic and psychological impact of such discrimination.
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> In the section-by-section analysis of the committee report, I noticed a couple of passages relevant to the recent controversy over adding "gender identity" to the bill. On p. 31, the report notes that ENDA forbids discrimination based on "actual or perceived sexual orientation." Thus, "ENDA creates a cause of action for any individual—whether actually homosexual or heterosexual—who is discriminated against because that individual is 'perceived' as homosexual due to the fact that the individual does not conform to the sex or gender stereotypes associated with the individual's sex." Obviously, this interpretation of ENDA offers some protection to those employees whose gender nonconformity leads others to assume they're gay or lesbian and then suffer discrimination on that basis. It doesn't protect transsexuals or crossdressers as fully as adding "gender identity" to the bill would have, but the bill moves in that direction.
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> Additionally, on p. 33, the report puts to rest any fears that stripping "gender identity" from the bill would lead federal courts to conclude that Congress meant to impliedly reverse Price Waterhouse v. Hopkins, a 1989 case in which the Supreme Court held that sex stereotyping violates Title VII. The report concludes that Section 15 of ENDA, entitled "Relationship to Other Laws":
>
>> Preserves provisions in other Federal, state, or local laws that currently provide protection from discrimination. For example, Congress does not intend to overrule, displace, or in any other way affect any U.S. Supreme Court or other federal court opinion that has interpreted Title VII in such a way that protects individuals who are discriminated against because they do not conform to sex or gender stereotypes. See, e.g., Price Waterhouse v. Hopkins, 490 U.S. 228 (1989) (female plaintiff brought successful Title VII claim after she was denied partnership in an accounting firm because she did not conform to female sex stereotype); Nichols v. Azteca Rest. Enters., 256 F.3d 864 (9th Cir. 2001) (male plaintiff brought successful Title VII claim after he was subjected to a hostile work environment because he failed to conform to a male stereotype)."
>
> This sort of legislative history does not dispose of controversies over the meaning of ENDA. But it does offer a reasonable and persuasive interpretation of the bill that will likely play a role in future litigation. The committee legal counsel who worked on this report anticipated many of the objections to ENDA from President Bush's advisors and from transgender and gay activists disappointed that the bill isn't more comprehensive. They did an extraordinary job walking the fine line between an interpretation of ENDA that is unduly crabbed and one that is objectionably expansive.
>
> ENDA is the product of decades of work by gay advocates whose efforts once seemed quixotic. In 1974, Abzug's bill had only four co-sponsors and was completely ignored by the House Judiciary Committee. Yesterday 235 members of the House backed the same basic idea.

## TRIBUTE TO VILLA MADONNA ACADEMY

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### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2007*

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to recognize the academic achievements of Villa Madonna Academy Elementary and Junior High School in Villa Hills, KY.

Recently, Villa Madonna was announced by the U.S. Department of Education as a recipient of the 2007 Blue Ribbon Award.

The Blue Ribbon Award was presented to 287 distinguished schools nationwide and I am pleased that Villa Madonna Academy was 1 of 4 from Kentucky's Fourth Congressional District.

Villa Madonna has worked hard in advancing its curriculum and performance of its students to ensure that they are some of the best and brightest in our Nation. This is an accomplishment that deserves great praise for the students, parents, and teachers. In a world where we are facing competition from abroad and we frequently hear that our students are lagging behind, Villa Madonna is forging ahead.

I would especially like to acknowledge Villa Madonna's commitment to its enrichment program, which works to ensure its students have a diversified experience in art, music, physical education, and world cultures. This program, coupled with its academic excellence, is why the Villa Madonna Academy continues to exemplify greatness in Kentucky's schools.